First, never sacrifice character to the spurious cult of popularity. It is far better to be respected than to be popular, whatever that loose word means. Have the courage of your convictions; speak out, not in anger or contentiously but from conviction, when you know you should; don't compromise and don't accommodate to what your heart tells you is wrong; if a friend was drowning, would you stop to think about getting your clothes soaked? Of course not. Your instinct would send you into the water in a second. Then let your instinct lead you in moral decisions; the inconvenience, the trouble, or the unpopularity your decision might bring you will be fleeting; the solid satisfaction of adhering to principle will remain and strengthen you. Do not fear to be a nonconformist; if all of us were conformists we would still be living in caves back in the dim, Jurassic dawn. If the boat needs rocking, rock it. Set yourself a goal and work toward it unswervingly; work without a goal is only pointless drudgery; with a goal it is a thrilling challenge. And above all, keep in mind the lesson learned by Abraham Lincoln in his encounter with the woman in the lane—you can always do something in any situation that faces you in life—so do it. To close, I should like to leave you with what, to me, is one of the most inspiring credos I have ever heard. It was written by Mr. Dean Alfange, who calls it, and I quote, "My Creed." It is also mine, and I hope it will be yours. I quote:

"I do not choose to be a common man. It is my right to be uncommon, if I can. I seek opportunity, not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the state calm of utopia. I will not trade freedom for beneficence, nor my dignity for a handout. I will never cower before any master, nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations, and to face the world boldly and to say, this I have done. All this is what it means to be an American."

Thank you.

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# SENATE

## Wednesday, June 19, 1963

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

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

Our Father, God, in whose merciful, yet just hands is the destiny of Thy children, and whose final appraisals we, who see but through a glass darkly, cannot discern clearly, help us to live and act as if each new day were to be the last with which we would be entrusted with the stewardship of life, knowing that—

The busy tribes of flesh and blood
With all their cares and fears,
Are carried downward by the flood
And lost in following years.

Yet, as life on this brief earth stage is granted us, save us from living on a small scale in a great day, and from toying with the tiny when we ought to be lured by the titanic.

In tempestuous days, in the midst of flaming national agitations, grant us the calm wisdom that will perpetuate for all the future the vision of unity in diversity, which is the pulsing heart of free government.

Even amid the fierce fires of national and global contention and division, may all barriers to brotherhood be burned away, as we—as citizens of one commonwealth—choose for the ruling passion of our hearts to do justly, to love mercy, and to walk humbly with Thee, our God.

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

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### THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 17, 1963, was dispensed with.

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### MESSAGES FROM THE PRESIDENT

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions:

S. Con. Res. 30. Concurrent resolution to reprint copies of the committee print, 87th Congress, entitled "Part 1 of Concentration Ratios in Manufacturing Industry, 1958";

S. Con. Res. 32. Concurrent resolution authorizing the printing for the use of the Senate Select Committee on Small Business of its hearing of the 87th Congress on "Space Satellite Communications";

S. Con. Res. 35. Concurrent resolution authorizing the printing of additional copies of part 1 of the hearings of the Joint Economic Committee on the January 1963 Economic Report of the President;

S. Con. Res. 37. Concurrent resolution authorizing the printing for the use of the Senate Committee on the Judiciary of additional copies of a report and hearings on "State Department Security" issued by its Internal Security Subcommittee during the 87th Congress; and

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."

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 75. An act to provide for exceptions to the rules of navigation in certain cases;

H.R. 3517. An act to amend the Retired Federal Employees Health Benefits Act with respect to Government contribution for expenses incurred in the administration of such act;

H.R. 4157. An act to enact part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia;

H.R. 5377. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act to the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes;

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers;

H.R. 7063. An act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes; and

H.J. Res. 467. Joint resolution amending section 221 of the National Housing Act to extend for 2 years the broadened eligibility presently provided for mortgage insurance thereunder.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 161. Concurrent resolution providing for additional copies of House Document No. 336, 86th Congress, 2d session, entitled "Facts on Communism—Volume I, the Communist Ideology"; and House Document No. 139, 87th Congress, 1st session, entitled "Facts on Communism—Volume II, the Soviet Union, From Lenin to Khrushchev";

H. Con. Res. 162. Concurrent resolution providing for additional copies of House Report No. 2559, 87th Congress, 2d session;

H. Con. Res. 163. Concurrent resolution providing for additional copies of the publications entitled "Communist Outlets for the Distribution of Soviet Propaganda in the United States, Parts 1 and 2"; and

H. Con. Res. 164. Concurrent resolution providing for additional copies of the publications entitled "U.S. Communist Party Assistance to Foreign Communist Governments (Medical Aid to Cuba Committee and Friends of British Guiana), Parts 1 and 2."

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### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 74. An act for the relief of certain aliens;

H.R. 2821. An act to authorize modification of the repayment contract with the Grand Valley Water Users' Association; and

H.R. 6441. An act to amend Public Law 86-272, as amended, with respect to the reporting date.

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### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 75. An act to provide for exceptions to the rules of navigation in certain cases; to the Committee on Commerce.

H.R. 3517. An act to amend the Retired Federal Employees Health Benefits Act with

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respect to Government contribution for expenses incurred in the administration of such act;

H.R. 5377. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act to the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes; and

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers; to the Committee on Post Office and Civil Service.

H.R. 4157. An act to enact part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia; to the Committee on the Judiciary.

H.R. 7063. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes; to the Committee on Appropriations.

H.J. Res. 467. Joint resolution amending section 221 of the National Housing Act to extend for 2 years the broadened eligibility presently provided for mortgage insurance thereunder; to the Committee on Banking and Currency.

## HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

### H. CON. RES. 161

Concurrent resolution providing for additional copies of House Document 336, 86th Congress, 2d session, entitled "Facts on Communism—Volume I, the Communist Idelogy"; and House Document 139, 87th Congress, 1st session, entitled "Facts on Communism—Volume II, the Soviet Union, From Lenin to Khrushchev"

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the Committee on Un-American Activities twenty thousand additional copies each of House Document Numbered 336, Eighty-sixth Congress, second session, entitled "Facts on Communism—Volume I, The Communist Ideology"; and House Document Numbered 139, Eighty-seventh Congress, first session, entitled "Facts on Communism—Volume II, The Soviet Union, From Lenin to Khrushchev".

### H. CON. RES. 162

Concurrent resolution providing for additional copies of House Report No. 2559, 87th Congress, 2d session

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies of House Report Numbered 2559, Eighty-seventh Congress, second session, entitled "Annual Report for the Year 1961."

### H. CON. RES. 163

Concurrent resolution providing for additional copies of the publications entitled "Communist Outlets for the Distribution of Soviet Propaganda in the United States, Parts 1 and 2"

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies each of the publications entitled "Communist Outlets for the Distribution of Soviet Propaganda in the United States, Parts 1 and 2", Eighty-seventh Congress, second session.

### H. CON. RES. 164

Concurrent resolution providing for additional copies of the publications entitled "U.S. Communist Party Assistance to Foreign Communist Governments (Medical Aid to Cuba Committee and Friends of British Guiana), Parts 1 and 2"

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the Committee on Un-American Activities six thousand additional copies each of the publications entitled "U.S. Communist Party Assistance to Foreign Communist Governments (Medical Aid to Cuba Committee and Friends of British Guiana), Parts 1 and 2," Eighty-seventh Congress, second session.

## LIMITATION OF STATEMENTS DURING MORNING HOUR

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

## COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Water and Air Pollution Subcommittee of the Public Works Committee was authorized to meet during the session of the Senate today.

## SUBCOMMITTEE MEETING DURING SESSION OF THE SENATE

On request of Mr. HUMPHREY, and by unanimous consent, the Security Subcommittee of the Committee on Banking and Currency was authorized to meet during the session of the Senate today.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

## EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of nominations was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Donald C. Greenman, and sundry other persons, for appointment in the U.S. Coast Guard.

The VICE PRESIDENT. If there be no further reports of committees, the new reports on the Executive Calendar will be stated.

## PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## CIVIL RIGHTS LEGISLATION

Mr. MANSFIELD, Mr. CURTIS, and Mr. JOHNSTON addressed the Chair.

Mr. MANSFIELD. Mr. President, I was seeking recognition.

The VICE PRESIDENT. The Chair did not hear the Senator from Montana.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I introduce, and send to the desk, a bill which has been proposed by the President of the United States, dealing with one of the most compelling questions now facing the United States. This is the question of whether all our citizens, regardless of the color they may have been born with, shall have an equal chance to participate in the responsibilities and opportunities of our Nation.

Mr. President, on behalf of the distinguished Senator from Washington [Mr. MAGNUSON], I introduce, for appropriate reference, a bill designed to eliminate discrimination in places of public accommodation. This is one aspect of the total legislative problem with which the President's message deals. The bill covers a particularly difficult problem in an area much in need of adjustment.

It is my hope that the bill will be referred to the committee of which the distinguished Senator from Washington is chairman. I am confident it will there receive the careful examination and consideration which this new and complex area requires.

It is my intention later this afternoon, together with the distinguished minority leader, to submit to the Senate an additional bill which will cover a great many of the legislative questions involved in the present issue, and on which we are in accord.

Our Nation was built on the ideal that each individual, if given the opportunity

to develop those gifts that God has given him to the fullest extent possible, would make the greatest contribution in return to both himself and his society as well. Upon this principle we have developed the greatest nation the world has ever seen. But we have not in all cases kept true to this ideal; and the time has come when those to whom we have denied it ask to be included. This is all they seek—elemental things, like a chance to go to school and vote, which the rest of us have enjoyed without a moment's thought. What they wish is only that which other Americans have always had.

In the last weeks, many people throughout the country have willingly begun what is always a painful process of change. They have recognized their obligation to resolve this question in those ways of which they are capable. Shortly, it will be our time here. We do not fool ourselves that it will be easy; but with the honest support of all those Members in this great body who truly believe that men are born free and that freedom was meant for all our people, we will pass a law which will advance this end.

Let me say that those men who agree on this end will have to bring their disagreement on means to a common point of view. Democrats, Republicans, liberal, moderate or conservative, we must respect the right of others to honestly defend their opinion. But if we are to bring this matter to a successful finish, we must be willing to exercise the most demanding qualities of the legislative process.

We will work and wrestle with each suggestion for improvement, in committee and on the floor. But if those who agree that something must be done do not, at the final moment, agree on something that can be done, there will be no bill. Those who then say the bill did not go far enough or went too far will do their cause and the Nation they serve and this institution in which they serve a great disservice.

It is in the attempt to approach this agreement on means that Senator DIRKSEN and I have worked together, in consultation with the President of the United States, on this bill.

We are not in accord on every point, such as the provisions dealing with public accommodations; but we are still constantly working toward agreement. Some approach—and we are greatly indebted to Senator AIKEN for his concise statement of the problem—will, I predict, eventually be reached.

These bills will now be referred to the appropriate committees. It is my hope—and I now appeal to the chairmen concerned and all Senators—to give these measures their immediate and closest attention, so that we may begin debate on the floor at the earliest possible time.

In the days ahead, two great questions will be decided. The first I have already mentioned: it is simply whether American freedom and ideals are meant to be for all our people. The second question will be whether our free and balanced Government is capable of bringing to conclusion this issue which so divides us. I am hopeful that the answer of the Senate to both of them will be "Yes."

Mr. President, I ask that the two bills now introduced and the one to be introduced later this afternoon be held at the desk until the conclusion of business on Monday next, for the purpose of giving an opportunity to all Senators who may desire to do so to join in sponsoring them.

Mr. JOHNSTON. Mr. President, on the same subject——

The VICE PRESIDENT. The Chair does not understand the request of the Senator from Montana. Will he rephrase his request, so the Chair can understand to which bill he refers?

Mr. MANSFIELD. Yes, Mr. President, the bill having to do with title II only—the public accommodations bill—and the administration's bill, both of which are at the desk. I ask that they and the bill which the distinguished minority leader, Mr. DIRKSEN, and I will introduce later this afternoon be held at the desk until the conclusion of business on Monday next, for the purpose of allowing other Senators who may desire to do so to join in sponsoring them.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSTON. Mr. President, I believe that the majority leader, at the beginning of his statement, asked that a bill be referred to a particular committee.

Mr. MANSFIELD. No; I asked that it be referred to the appropriate committee.

Mr. JOHNSTON. I thought the Senator made the statement that one of the bills should be referred to the committee headed by the Senator from Washington [Mr. MAGNUSON].

Mr. MANSFIELD. I expressed the hope that it would be so referred.

Mr. JOHNSTON. The question I raise refers to that statement. There is a statute which provides what committees shall handle certain proposed legislation.

Mr. MANSFIELD. The Senator is correct.

Mr. JOHNSTON. I am only asking that the law be carried out, and that no special or preferential treatment be started in the Senate in regard to the referral of bills. If it is, we shall have trouble in the future in regard to other subjects. I ask that the rules be strictly carried out in regard to the introduction of any bills.

Mr. MANSFIELD. Mr. President, I am in wholehearted accord with what the distinguished senior Senator from South Carolina has said. For the edification of the Senate, I repeat the particular paragraph of my statement to which the Senator has referred:

> It is my hope that it will be referred to the committee of which the distinguished Senator from Washington is chairman.

I did not ask that the bill be referred to that particular committee; I am hopeful that it will be so referred.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois wish the Senator from Montana to yield?

Mr. DIRKSEN. No; I seek recognition in my own right.

The VICE PRESIDENT. Has the Senator from Montana concluded?

Mr. MANSFIELD. I have.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, first I should like to express my appreciation for the restraint which the majority leader has exercised over a considerable period of time with respect to the highly emotional subject of civil rights. Numerous conferences have been held at the White House. There have been party conferences on both sides of the aisle. We are aware of the sharp diversity of opinion with respect to the whole subject matter. The approach now taken will give every Senator an opportunity to manifest not only his interest, but what he proposes to do about its disposition.

Mr. JOHNSTON. Mr. President——

Mr. DIRKSEN. I would appreciate it if the Senator would permit me to conclude my statement.

We refer to the administration bill as "the package bill." It contains eight titles.

The first title of the bill deals with voting. It includes a presumption of literacy on the basis of a sixth grade certificate.

The second title is the highly controversial title dealing with accommodations and public services. It has been modified somewhat from the original draft, which is the one that I could not accept—first, because I do not believe it would be enforcible; second, I think it would contravene the Constitution and would be an invasion of a private right.

The third title deals with desegregation of schools. It provides for loans and grants as well as special training.

The fourth title deals with the setup of a community relations service in the Office of the President.

The fifth title would extend the Civil Rights Commission until December 1967 and would spell out some of its procedure in the statute.

The sixth title is a negative approach with respect to facilities and projects in which Federal funds would be used. Of course, it deals with segregation, discrimination and the interpretation which is to be placed upon them.

The seventh title is the so-called equality-of-job-opportunity title, presently covered by the President's Commission, of which the distinguished Vice President is now the Chairman. It has no statutory authority. It was created by Executive order and, of course, it must get its funds by assessing the appropriate agencies and departments of Government.

The eighth title deals with appropriations.

What is now before the Senate and will be before the committees in due course is the entire package containing eight titles. There will be another bill which

will be introduced this afternoon, from which the highly controversial title II has been deleted.

Finally, there will be a separate bill which will deal entirely with title II and nothing more.

I believe everyone appreciates that the problem is a national one. As a party leader, I try to remember that I have some obligation to fulfill the pledges that my party made to the country in its platform of 1960. I have an obligation to my party members, and I try to see it as objectively as possible.

The bills will be at the desk until the end of business on Monday, and Senators who care to join in cosponsorship can do so. I do not believe a more extended statement is necessary at this time. Certainly there will be hearings, and those hearings will be thorough on every part of the program before it finally comes to the Senate for action.

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

The VICE PRESIDENT. Does the Senator from Illinois yield, and if so, to whom?

Mr. DIRKSEN. I yield to the Senator from New Jersey.

Mr. CASE. As a matter of information, will the Senator advise whether the so-called package of bills contains what is commonly called proposed FEPC legislation?

Mr. DIRKSEN. No.

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I believe that if the Senator will read the President's message with reference to such proposed legislation which has already been introduced, he will see that the President expressed his hope that it will be given serious consideration.

Mr. CASE. I have read the President's message. As the Senator said, the President indicates that he favors pending proposed legislation which a number of us have introduced, but it is not included in the package which he has presented.

Mr. JOHNSTON. Mr. President, I wonder if it would be in order at this time to ask that the bill lie on the desk and that Senators be notified, say, 1 day before the bill is referred to the committee to which it is to be referred. The reason I make that suggestion is that heretofore such measures have been referred to the Judiciary Committee.

The VICE PRESIDENT. Did the Senator from Montana ask unanimous consent that the bills remain at the desk and not be referred until next Monday?

Mr. MANSFIELD. No; I did not. I asked that the bills be referred to the appropriate committees.

At this time I ask unanimous consent that the bills be printed, and that they also be printed at this point in the RECORD.

Mr. JOHNSTON. I have no objection.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD, and will be held at the desk, as requested by the Senator from Montana.

The bill (S. 1731) to enforce the constitutional right of vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, introduced by Mr. MANSFIELD, was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Civil Rights Act of 1963."

SEC. 2. (a) Discrimination by reason of race, color, religion, or national origin is incompatible with the concepts of liberty and equality to which the Government of the United States is dedicated. In recent years substantial steps have been taken toward eliminating such discrimination throughout the Nation. Nevertheless, many citizens of the United States, solely because of their race, color, or national origin, are denied rights and privileges accorded to other citizens and thereby subjected to inconveniences, humiliations, and hardships. Such discrimination impairs the general welfare of the United States by preventing the fullest development of the capabilities of the whole citizenry and by limiting participation in the economic, political, and cultural life of the Nation.

(b) It is hereby declared to be the policy of this Act to promote the general welfare by eliminating discrimination based on race, color, religion, or national origin in voting, education, and public accommodations through the exercise by Congress of the powers conferred upon it to regulate the manner of holding Federal elections, to enforce the provisions of the fourteenth and fifteenth amendments, to regulate commerce among the several States, and to make laws necessary and proper to execute the powers conferred upon it by the Constitution.

(c) It is also desirable that disputes or disagreements arising in any community from the discriminatory treatment of individuals for reasons of race, color, or national origin shall be resolved on a voluntary basis, without hostility or litigation. Accordingly, it is the further purpose of this Act to promote this end by providing machinery for the voluntary settlement of such disputes and disagreements.

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law to vote in any Federal election apply any standard, practice, or procedure different from the standards, practices, or procedures applied to individuals similarly situated who have been found by State officials to be qualified to vote.

"(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his written request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the words 'Federal election' shall have the same meaning as in subsection (f) of this section; and

"(C) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact it shall be presumed that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory or the District of Columbia where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election as defined in subsection (f) of this section."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) Whenever in any proceeding instituted pursuant to subsection (c) the complaint requests a finding of a pattern or practice pursuant to subsection (e), and such complaint, or a motion filed within twenty days after the effective date of this Act in the case of any proceeding which is pending before a district court on such effective date, (1) is signed by the Attorney General (or in his absence the Acting Attorney General), and (2) alleges that in the affected area fewer than 15 per centum of the total number of voting age persons of the same race as the persons alleged in the complaint to have been discriminated against are registered (or otherwise recorded as qualified to vote), any person resident within the affected area who is of the same race as the persons alleged to have been discriminated against shall be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any Federal or State election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote: *Provided,* That in the event it is determined upon final disposition of the proceeding, including any review, that no pattern or practice of deprivation of any right secured by subsection (a) exists, the order shall thereafter no longer qualify the applicant to vote in any subsequent election.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote as provided herein. The Attorney General shall cause to be transmitted certified copies of any order declaring a person qualified to vote to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so qualified to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

'The court may appoint one or more persons, to be known as temporary voting referees, to receive applications pursuant to this subsection and to take evidence and report to the court findings as to whether at any election or elections (1) any applicant entitled under this subsection to apply for an order declaring him qualified to vote is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. The procedure for processing applications under this subsection and for the entry of orders shall be the same as that provided for in the fourth and fifth paragraphs of subsection (e).

"In appointing a temporary voting referee the court shall make its selection from a panel provided by the Judicial Conference of the circuit. Any temporary voting referee shall be a resident and a qualified voter of the State in which he is to serve. He shall subscribe to the oath of office required by section 1757 of the Revised Statutes (5 U.S.C. 16), and shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed any persons appointed by the district court pursuant to this subsection shall be fixed by the court and shall be payable by the United States. In the event that the district court shall appoint a retired officer or employee of the United States to serve as a temporary voting referee, such officer or employee shall continue to receive, in addition to any compensation for services rendered pursuant to this subsection, all retirement benefits to which he may otherwise be entitled.

"The court or temporary voting referee shall entertain applications and the court shall issue orders pursuant to this subsection until final disposition of the proceeding under subsection (c), including any review, or until the finding of a pattern or practice pursuant to subsection (e), whichever shall first occur. Applications pursuant to this subsection shall be determined expeditiously, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in this subsection, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives; the words 'State election' shall mean any other general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for public office; the words 'affected area' shall mean that county, parish, or similar subdivision of the State in which the laws of the State relating to voting are or have been administered by a person who is a defendant in the proceeding instituted under subsection (c) on the date the original complaint is filed; and the words 'voting age persons' shall mean those persons who meet the age requirements of State law for voting."

(d) Add the following subsection "(h)":

"(h) In any civil action brought in any district court of the United States under this section or title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88) wherein the United States or the Attorney General is plaintiff, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PUBLIC ACCOMMODATIONS

*Findings*

SEC. 201. (a) The American people have become increasingly mobile during the last generation, and millions of American citizens travel each year from State to State by rail, air, bus, automobile, and other means. A substantial number of such travelers are members of minority racial and religious groups. These citizens, particularly Negroes, are subjected in many places to discrimination and segregation, and they are frequently unable to obtain the goods and services available to other interstate travelers.

(b) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate lodging accommodations during their travels, with the result that they may be compelled to stay at hotels or motels of poor and inferior quality, travel great distances from their normal routes to find adequate accommodations, or make detailed arrangements for lodging far in advance of scheduled interstate travel.

(c) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate food service at convenient places along their routes, with the result that many are dissuaded from traveling interstate, while others must travel considerable distances from their intended routes in order to obtain adequate food service.

(d) Goods, services, and persons in the amusement and entertainment industries commonly move in interstate commerce, and the entire American people benefit from the increased cultural and recreational opportunities afforded thereby. Practices of audience discrimination and segregation artificially restrict the number of persons to whom the interstate amusement and entertainment industries may offer their goods and services. The burdens imposed on interstate commerce by such practices and the obstructions to the free flow of commerce which result therefrom are serious and substantial.

(e) Retail establishments in all States of the Union purchase a wide variety and a large volume of goods from business concerns located in other States and in foreign nations. Discriminatory practices in such establishments, which in some instances have led to the withholding of patronage by those affected by such practices, inhibit and restrict the normal distribution of goods in the interstate market.

(f) Fraternal, religious, scientific, and other organizations engaged in interstate operations are frequently dissuaded from holding conventions in cities which they would otherwise select because the public facilities in such cities are either not open to all members of racial or religious minority groups or are available only on a segregated basis.

(g) Business organizations are frequently hampered in obtaining the services of skilled workers and persons in the professions who are likely to encounter discrimination based on race, creed, color, or national origin in restaurants, retail stores, and places of amusement in the area where their services are needed. Business organizations which seek to avoid subjecting their employees to such discrimination and to avoid the strife resulting therefrom are restricted in the choice of location for their offices and plants. Such discrimination thus reduces the mobility of the national labor force and prevents the most effective allocation of national resources, including the interstate movement of industries, particularly in some of the areas of the Nation most in need of industrial and commercial expansion and development.

(h) The discriminatory practices described above are in all cases encouraged, fostered, or tolerated in some degree by the governmental authorities of the States in which they occur, which license or protect the businesses involved by means of laws and ordinances and the activities of their executive and judicial officers. Such discriminatory practices, particularly when their cumulative effect throughout the Nation is considered, take on the character of action by the States and therefore fall within the ambit of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

(i) The burdens on and obstructions to commerce which are described above can best be removed by invoking the powers of Congress under the Fourtheenth Amendment and the Commerce Clause of the Constitution of the United States to prohibit discrimination based on race, color, religion, or national origin in certain public establishments.

*Right to nondiscrimination in places of public accommodation*

SEC. 202. (a) All persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the following public establishments:

(1) any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce;

(2) any motion picture house, theater, sports arena, stadium, exhibition hall, or other public place of amusement or entertainment which customarily presents motion pictures, performing groups, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce; and

(3) any retail shop, department store, market, drug store, gasoline station, or other public place which keeps goods for sale, any restaurant, lunch room, lunch counter, soda fountain, or other public place engaged in selling food for consumption on the premises, and any other establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, use, rent, or hire, if

(i) the goods, services, facilities, privileges, advantages, or accommodations offered by any such place or establishment are provided to a substantial degree to interstate travelers,

(ii) a substantial portion of any goods held out to the public by any such place or establishment for sale, use, rent, or hire has moved in interstate commerce,

(iii) the activities or operations of such place or establishment otherwise substantially affect interstate travel or the interstate movement of goods in commerce, or

(iv) such place or establishment is an integral part of an establishment included under this subsection.

For the purpose of this subsection, the term "integral part" means physically located on the premises occupied by an establishment, or located contiguous to such premises and owned, operated, or controlled, directly or indirectly, by or for the benefit of, or leased from the persons or business entities which own, operate or control an establishment.

(b) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (a).

*Prohibition against denial of or interference with the right to nondiscrimination*

SEC. 203. No person, whether acting under color of law or otherwise, shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 202, or (b) interfere or attempt to interfere with any right or privilege secured by section 202, or (c) intimidate, threaten, or coerce any person with a purpose of interfering with any right or privilege secured by section 202, or (d) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 202, or (e) incite or aid or abet any person to do any of the foregoing.

*Civil action for preventive relief*

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he certifies that he has received a written complaint from the person aggrieved and that in his judgment (i) the person aggrieved is unable to initiate and maintain appropriate legal proceedings and (ii) the purposes of this title will be materially furthered by the filing of an action.

(b) In any action commenced pursuant to this title by the person aggrieved, he shall if he prevails be allowed a reasonable attorney's fee as part of the costs.

(c) A person shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person is unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation by him would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person, his family, or his property.

(d) In case of any complaint received by the Attorney General alleging a violation of section 203 in any jurisdiction where State or local laws or regulations appear to him to forbid the act or practice involved, the Attorney General shall notify the appropriate State and local officials and, upon request, afford them a reasonable time to act under such State or local laws or regulations before he institutes an action. In the case of any other complaint alleging a violation of section 203, the Attorney General shall, before instituting an action, refer the matter to the Community Relations Service established by title IV of this Act, which shall endeavor to secure compliance by voluntary procedures. No action shall be instituted by the Attorney General less than thirty days after such referral unless the Community Relations Service notifies him that its efforts have been unsuccessful. Compliance with the foregoing provisions of this subsection shall not be required if the Attorney General shall file with the court a certificate that the delay consequent upon compliance with such provisions in the particular case would adversely affect the interests of the United States, or that, in the particular case, compliance with such provisions would be fruitless.

*Jurisdiction*

SEC. 205. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) This title shall not preclude any individual or any State or local agency from pursuing any remedy that may be available under any Federal or State law, including any State statute or ordinance requiring nondiscrimination in public establishments or accommodations.

TITLE III—DESEGREGATION OF PUBLIC EDUCATION

*Definitions*

SEC. 301. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

*Assistance to facilitate desegregation*

SEC. 302. The Commissioner shall conduct investigations and make a report to the President and the Congress, within two years of the enactment of this title, upon the extent to which equal education opportunities are denied to individuals by reason of race, color, religion or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

SEC. 303. (a) The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit, to render technical assistance in the preparation, adoption, and implementation of plans for the desegregation of public schools or other plans designed to deal with problems arising from racial imbalance in public school systems. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation or racial imbalance, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

(b) The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation or measures to adjust racial imbalance in public school systems. Individuals who attend such an institute may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for dependents and including allowances for travel to attend such institute.

SEC. 304. (a) A school board which has failed to achieve desegregation in all public schools within its jurisdiction, or a school board which is confronted with problems arising from racial imbalance in the public schools within its jurisdiction, may apply to the Commissioner, either directly or through another governmental unit, for a grant or loan, as hereinafter provided, for the purpose of aiding such school board in carrying out desegregation or in dealing with problems of racial imbalance.

(b) The Commissioner may make a grant under this section, upon application therefor, for—

(1) the cost of giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation or racial imbalance in public schools; and

(2) the cost of employing specialists in problems incident to desegregation or racial imbalance and of providing other assistance to develop understanding of these problems by parents, schoolchildren, and the general public.

(c) Each application made for a grant under this section shall provide such detailed information and be in such form as the Commissioner may require. Each grant under this section shall be made in such amounts and on such terms and conditions as the Commissioner shall prescribe, which may include a condition that the applicant expend certain of its own funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation or racial imbalance, and such other factors as he finds relevant.

(d) The Commissioner may make a loan under this section, upon application, to any school board or to any local government within the jurisdiction of which any school board operates if the Commissioner finds that—

(1) part or all of the funds which would otherwise be available to any such school board, either directly or through the local government within whose jurisdiction it operates, have been withheld or withdrawn by State or local governmental action because of the actual or prospective desegregation, in whole or in part, of one or more schools under the jurisdiction of such school board;

(2) such school board has authority to receive and expend, or such local government has authority to receive and make available for the use of such board, the proceeds of such loan; and

(3) the proceeds of such loan will be used for the same purposes for which the funds withheld or withdrawn would otherwise have been used.

(e) Each application made for a loan under this section shall provide such detailed information and be in such form as the Commissioner may require. Any loan under this

section shall be made upon such terms and conditions as the Commissioner shall prescribe.

(f) The Commissioner may suspend or terminate assistance under this section to any school board which, in his judgment, is failing to comply in good faith with the terms and conditions upon which the assistance was extended.

SEC. 305. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, and on such conditions, as the Commissioner may determine.

SEC. 306. The Commissioner shall prescribe rules and regulations to carry out the provisions of sections 301 through 305 of this title.

*Suits by the Attorney General*

SEC. 307. (a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion or national origin, and the Attorney General certifies that in his judgment the signer or signers of such complaint are unable to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in a district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) A person or persons shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

(c) Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws by reason of the failure of a school board to achieve desegregation, or of a public college to admit or permit the continued attendance of an individual, the Attorney General for or in the name of the United States may intervene in such action if he certifies that, in his judgment, the plaintiffs are unable to maintain the action for any of the reasons set forth in subsection (b) of this section, and that such intervention will materially further the orderly progress of desegregation in public education. In such an action the United States shall be entitled to the same relief as if it had instituted the action under subsection (a) of this section.

(d) The term "parent" as used in this section includes other legal representatives.

SEC. 308. Nothing in this title shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States under existing law to institute or intervene in any action or proceeding.

SEC. 309. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 310. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

TITLE IV—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 401. There is hereby established a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint such additional officers and employees as he deems necessary to carry out the purposes of this title.

SEC. 402. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever in its judgment peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate local official or other interested person.

SEC. 403. (a) The Service shall whenever possible in performing its functions under this title seek and utilize the cooperation of the appropriate State or local agencies and may seek and utilize the cooperation of any nonpublic agency which it believes may be helpful.

(b) The activities of all officers and employees of the Service in providing assistance under this title shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions for any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

SEC. 404. Subject to the provisions of section 403(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year. Such report shall also contain information with respect to the internal administration of the Service and may contain recommendations for legislation necessary for improvements in such internal administration.

TITLE V—COMMISSION ON CIVIL RIGHTS

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"*Rules of procedure or the commission Hearings*

"SEC. 102. (a) The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

"(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. In the event the Commission determines that such evidence or testimony shall be given at a public session, it shall afford such person an opportunity voluntarily to appear as a witness and receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process."

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when

away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2; 60 Stat. 808)."

SEC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expense Act of 1949, as amended (5 U.S.C. 835-42; 63 Stat. 166)."

SEC. 504. Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c; 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and

"(4) serve as a national clearinghouse for information, and provide advice and technical assistance to Government agencies, communities, industries, organizations, or individuals in respect to equal protection of the laws, including, but not limited to, the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice?

The Commission may, for such periods as it deems necessary, concentrate the performance of its duties on those specified in either paragraph (1), (2), (3), or (4) and may further concentrate the performance of its duties under any of such paragraphs on one or more aspects of the duties imposed therein.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than September 30, 1967.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist."

SEC. 505. (a) Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975(d); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof "$75 per diem."

SEC. 506. Section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975 (g); 71 Stat. 636) is amended to read as follows:

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States Court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed as agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as it deems necessary to carry out the purposes of this Act."

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such conditions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin.

TITLE VII—COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY

SEC. 701. The President is authorized to establish a Commission to be known as the "Commission on Equal Employment Opportunity," hereinafter referred to as the Commission. It shall be the function of the Commission to prevent discrimination against employees or applicants for employment because of race, color, religion, or national origin by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the United States Government is provided by way of grant, contract, loan, conferred upon it by the President. The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President. The President may also confer upon the Commission such powers as he deems appropriate to prevent discrimination on the ground of race, color, religion, or national origin in Government employment.

SEC. 702. The Commission shall consist of the Vice President, who shall serve as Chairman, the Secretary of Labor, who shall serve as Vice Chairman, and not more than fifteen other members appointed by and serving at the pleasure of the President. Members of the Commission, while attending meetings or conferences of the Commission or otherwise serving at the request of the Commission, shall be entitled to receive compensation at a rate to be fixed by it but not exceeding $75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 73b-2 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 703. (a) There shall be an Executive Vice Chairman of the Commission who shall be appointed by the President and who shall be ex officio a member of the Commission. The Executive Vice Chairman shall assist the Chairman, the Vice Chairman, and the members of the Commission and shall be responsible for carrying out the orders and recommendations of the Commission and for performing such other functions as the Commission may direct.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Executive Vice-Chairman, Commission on Equal Employment Opportunity."

(c) The Commission is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable it to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, and is authorized to procure services as authorized by section 14 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $50 a day.

TITLE VIII—MISCELLANEOUS

SEC. 801. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 802. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

**The bill (S. 1732) to eliminate discrimination in public accommodations affecting interstate commerce; introduced by Mr. MANSFIELD (for himself and Mr. MAGNUSON), was 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 this Act may be cited as the "Interstate Public Accommodations Act of 1963."

FINDINGS

SEC. 2. (a) The American people have become increasingly mobile during the last generation, and millions of American citizens travel each year from State to State by rail, air, bus, automobile, and other means. A substantial number of such travelers are members of minority racial and religious groups. These citizens, particularly Negroes, are subjected in many places to discrimination and segregation, and they are frequently unable to obtain the goods and services available to other interstate travelers.

(b) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate lodging accommodations during their travels, with the result that they may be compelled to stay at hotels or motels of poor and inferior quality, travel great distances from their normal routes to find adequate accommodations, or make detailed arrangements for lodging far in advance of scheduled interstate travel.

(c) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate food service at convenient places along their routes, with the result that many are dissuaded from traveling interstate, while others must travel considerable distances from their intended routes in order to obtain adequate food service.

(d) Goods, services, and persons in the amusement and entertainment industries

commonly move in interstate commerce, and the entire American people benefit from the increased cultural and recreational opportunities afforded thereby. Practices of audience discrimination and segregation artificially restrict the number of persons to whom the interstate amusement and entertainment industries may offer their goods and services. The burdens imposed on interstate commerce by such practices and the obstructions to the free flow of commerce which result therefrom are serious and substantial.

(e) Retail establishments in all States of the Union purchase a wide variety and a large volume of goods from business concerns located in other States and in foreign nations. Discriminatory practices in such establishments, which in some instances have led to the withholding of patronage by those affected by such practices, inhibit and restrict the normal distribution of goods in the interstate market.

(f) Fraternal, religious, scientific, and other organizations engaged in interstate operations are frequently dissuaded from holding conventions in cities which they would otherwise select because the public facilities in such cities are either not open to all members of racial or religious minority groups or are available only on a segregated basis.

(g) Business organizations are frequently hampered in obtaining the services of skilled workers and persons in the professions who are likely to encounter discrimination based on race, creed, color, or national origin in restaurants, retail stores, and places of amusement in the area where their services are needed. Business organizations which seek to avoid subjecting their employees to such discrimination and to avoid the strife resulting therefrom are restricted in the choice of location for their offices and plants. Such discrimination thus reduces the mobility of the national labor force and prevents the most effective allocation of national resources, including the interstate movement of industries, particularly in some of the areas of the Nation most in need of industrial and commercial expansion and development.

(h) The discriminatory practices described above are in all cases encouraged, fostered, or tolerated in some degree by the governmental authorities of the States in which they occur, which license or protect the businesses involved by means of laws and ordinances and the activities of their executive and judicial officers. Such discriminatory practices, particularly when their cumulative effect throughout the Nation is considered, take on the character of action by the States and therefore fall within the ambit of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

(i) The burdens on and obstructions to commerce which are described above can best be removed by invoking the powers of Congress under the Fourteenth Amendment and the Commerce Clause of the Constitution of the United States to prohibit discrimination based on race, color, religion, or national origin in certain public establishments.

RIGHT TO NONDISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 3. (a) All persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the following public establishments:

(1) any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce;

(2) any motion picture house, theatre, sports arena, stadium, exhibition hall, or other public place of amusement or entertainment which customarily presents motion pictures, performing groups, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce; and

(3) any retail shop, department store, market, drug store, gasoline station, or other public place which keeps goods for sale, any restaurant, lunch room, lunch counter, soda fountain, or other public place engaged in selling food for consumption on the premises, and any other establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, use, rent, or hire, if

(i) the goods, services, facilities, privileges, advantages, or accommodations offered by any such place or establishment are provided to a substantial degree to interstate travelers,

(ii) a substantial portion of any goods held out to the public by any such place or establishment for sale, use, rent, or hire has moved in interstate commerce,

(iii) the activities or operations of such place or establishment otherwise substantially affect interstate travel or the interstate movement of goods in commerce, or

(iv) such place or establishment is an integral part of an establishment included under this subsection.

For the purpose of this subsection, the term "integral part" means physically located on the premises occupied by an establishment, or located contiguous to such premises and owned, operated, or controlled, directly or indirectly, by or for the benefit of, or leased from the persons or business entities which own, operate or control an establishment.

(b) The provisions of this Act shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (a).

PROHIBITION AGAINST DENIAL OF OR INTERFERENCE WITH THE RIGHT TO NONDISCRIMINATION

SEC. 4. No person, whether acting under color of law or otherwise, shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 3, or (b) interfere or attempt to interfere with any right or privilege secured by section 3, or (c) intimidate, threaten, or coerce any person with a purpose of interfering with any right or privilege secured by section 3, or (d) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 3, or (e) incite or aid or abet any person to do any of the foregoing.

CIVIL ACTION FOR PREVENTIVE RELIEF

SEC. 5. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 4, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he certifies that he has received a written complaint from the person aggrieved and that in his judgment (i) the person aggrieved is unable to initiate and maintain appropriate legal proceedings and (ii) the purposes of this Act will be materially furthered by the filing of an action.

(b) In any action commenced pursuant to this Act by the person aggrieved, he shall if he prevails be allowed a reasonable attorney's fees as part of the costs.

(c) A person shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person is unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation by him would jeoardize the employment or economic standing of, or might result in injury or economic damage to, such person, his family, or his property.

(d) In case of any complaint received by the Attorney General alleging a violation of section 4 in any jurisdiction where State or local laws or regulations appear to him to forbid the act or practice involved, the Attorney General shall notify the appropriate State and local officials and, upon request, afford them a reasonable time to act under such State or local laws or regulations before he institutes an action. Compliance with the foregoing sentence shall not be required if the Attorney General shall file with the court a certificate that the delay consequent upon such compliance in the particular case would adversely affect the interests of the United States, or that, in the particular case, compliance would be fruitless.

(e) In any case of a complaint received by the Attorney General, including a case within the scope of subsection (d), the Attorney General shall, before instituting an action, utilize the services of any Federal agency or instrumentality which may be available to attempt to secure compliance with section 4 by voluntary procedures, if in his judgment such procedures are likely to be effective in the circumstances.

JURISDICTION

SEC. 6. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) This Act shall not preclude any individual or any State or local agency from pursuing any remedy that may be available under any Federal or State law, including any State statute or ordinance requiring nondiscrimination in public establishments or accommodations.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1964, FOR LEGISLATIVE BRANCH (S. DOC. NO. 25)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1964, in the amount of $104,640, for the legislative branch (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

FACILITATION OF WORK OF DEPARTMENT OF AGRICULTURE

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to facilitate the work of the Department of Agriculture, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the state of the finances, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLARK, from the Committee on Banking and Currency, with an amendment:

H.R. 3872. An act to increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes (Rept. No. 262).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1032. A bill to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, 1916 (Rept. No. 261).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 535. A bill to extend the principles of equitable adjudication to sales under the Alaska Public Sale Act (Rept. No. 264).

By Mr. SIMPSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1122. A bill relating to the exchange of certain lands between the town of Powell, Wyo., and the Presbyterian Retirement Facilities Corp. (Rept. No. 265).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 17. Joint resolution to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in the States of Wyoming and Utah, as "O'Mahoney Lake and Recreation Area" (Rept. No. 279).

By Mr. McNAMARA, from the Committee on Public Works, without amendment:

S. 130. A bill to change the name of Fort Randall Reservoir in the State of South Dakota to Lake Francis Case (Rept. No. 266);

S. 131. A bill to change the name of the Big Bend Reservoir in the State of South Dakota to Lake Sharpe (Rept. No. 269);

S. 453. A bill to change the name of the Memphis lock and dam on the Tombigbee River near Aliceville, Ala. (Rept. No. 267);

S. 850. A bill to change the name of the Bruces Eddy Dam and Reservoir in the State of Idaho to the Dworshak Dam and Reservoir (Rept. No. 268);

H.R. 5367. An act to designate the Bear Creek Dam on the Lehigh River, Pa., as the Francis E. Walter Dam (Rept. No. 272); and

H.J. Res. 82. Joint resolution to change the name of Short Mountain Lock and Dam and Reservoir in the State of Oklahoma to Robert S. Kerr Lock and Dam and Reservoir (Rept. No. 273).

By Mr. McNAMARA, from the Committee on Public Works, with an amendment:

S. 530. A bill to provide for an investigation and study of means of making the Great Lakes and the Saint Lawrence Seaway available for navigation during the entire year (Rept. No. 270).

By Mr. McNAMARA, from the Committee on Public Works, with amendments:

S. 1523. A bill to make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes (Rept. No. 271).

By Mr. METCALF, from the Committee on Public Works, without amendment:

S. 142. A bill to designate the lake to be formed by the waters impounded by the Clark Canyon Dam in the State of Montana as Hap Hawkins Lake (Rept. No. 274).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 1416. A bill to amend section 104(b)(5) of title 23, United States Code, to provide for the submission of certain cost estimates for the completion of the National System of Interstate and Defense Highways, and for other purposes (Rept. No. 275).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 626. A bill to increase the limitation on payments for construction engineering for Federal-aid primary, secondary, and urban projects (Rept. No. 276).

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 254. A bill to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building (Rept. No. 277); and

S. 1139. A bill to repeal a portion of the Second Supplemental National Defense Appropriation Act, 1943, approved October 26, 1942 (56 Stat. 990, 999), as amended, and for other purposes (Rept. No. 278).

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

H.R. 5860. An act to amend section 407 of the Packers and Stockyards Act of 1921, as amended (Rept. No. 280).

## AMENDMENT OF SECTION 332 OF TITLE 28, UNITED STATES CODE—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (REPT. NO. 263)

Mr. JOHNSTON. Mr. President, from the Committee on the Judiciary I submit a report on S. 979 to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit, together with individual views of the Senator from New York [Mr. KEATING]. I ask unanimous consent that the report, together with the individual views, be printed.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from South Carolina.

## BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MANSFIELD:

S. 1731. A bill to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes; to the Committee on the Judiciary.

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

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

S. 1732. A bill to eliminate discrimination in public accomodations affecting interstate commerce; to the Committee on Commerce.

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

By Mr. BURDICK (for himself and Mr. YOUNG of North Dakota):

S. 1733. A bill for the relief of Gertrude Margitta McCannel; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1734. A bill to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use; and

S. 1735. A bill to amend section 308(a) of the Federal Aviation Act as it relates to the grant of exclusive rights at airports; to the Committee on Commerce.

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

By Mr. BENNETT:

S. 1736. A bill to establish Arches National Monument as Arches National Park; to the Committee on Interior and Insular Affairs.

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

By Mr. YARBOROUGH:

S. 1737. A bill for the relief of Arthur Wendell Bolta; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1738. A bill for the relief of Anita P. Daoang;

S. 1739. A bill for the relief of Angel Lagmay;

S. 1740. A bill for the relief of Mrs. Kiku Sakurai; and

S. 1741. A bill for the relief of Eusebio R. Balmilero; to the Committee on the Judiciary.

By Mr. FONG:

S. 1742. A bill for the relief of certain civilian employees of the Department of the Air Force; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 1743. A bill for the relief of Mary Collier Trotter; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 1744. A bill to facilitate the transmission in the mails of certain educational kits containing laboratory apparatus for the use of blind persons, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASTORE:

S. 1745. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. SMATHERS:

S. 1746. A bill to amend the Internal Revenue Code of 1954 to allow a deduction or credit against tax for contributions to National and State political committees; to the Committee on Finance.

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

By Mr. McINTYRE:

S. 1747. A bill to incorporate the Spacetown Drum and Bugle Corps of Derry, N.H.; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1748. A bill to authorize the Commissioners of the District of Columbia to reconstruct the substructure and to replace the superstructure of the existing 14th Street or highway bridge across the Potomac River, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. KEATING:

S. 1749. A bill to amend the Tariff Act of 1930 to provide for the free entry of synthetic pile velvet ribbons; to the Committee on Finance.

By Mr. MANSFIELD (for himself and Mr. DIRKSEN):

S. 1750. A bill to enforce the constitutional right to vote, to establish a Commission on Equal Employment Opportunity, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, and for other purposes; to the Committee on the Judiciary.

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

By Mr. WILLIAMS of Delaware (for himself, Mr. BEALL, Mr. CARLSON, Mr. BENNETT, Mr. ALLOTT, and Mr. GOLDWATER):

S.J. Res. 91. Joint resolution proposing an amendment to the Constitution of the United States to permit the offering of prayer in public schools; to the Committee on the Judiciary.

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

By Mr. BEALL:

S.J. Res. 92. Joint resolution proposing an amendment to the Constitution of the United States to permit the reading of the Bible and the offering of prayer in public schools; to the Committee on the Judiciary.

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

By Mr. JOHNSTON:

S.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; and

S.J. Res. 94. Joint resolution proposing an amendment to the Constitution of the United States to permit the reading of the Holy Bible and the offering of prayer in public schools; to the Committee on the Judiciary.

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

By Mr. THURMOND:

S.J. Res. 95. Joint resolution to amend the Constitution relative to Bible reading and prayers in educational institutions; to the Committee on the Judiciary.

## RESOLUTIONS

### TIME FOR PRAYERFUL MEDITATION IN PUBLIC SCHOOLS

Mr. HARTKE submitted a resolution (S. Res. 164) favoring a time for prayerful meditation in public schools, which was referred to the Committee on the Judiciary.

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

### DISCOUNT RATE TO BE USED IN ANALYZING BENEFIT-COST RATIO IN LAND AND WATER RESOURCES PROJECTS

Mr. PROXMIRE (for himself and Mr. LAUSCHE) submitted a resolution (S. Res. 165) relative to the discount rate to be used in analyzing the benefit-cost ratio in land and water resources projects, which was referred to the Committee on Interior and Insular Affairs.

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

### JURISDICTION OF FEDERAL POWER COMMISSION OVER CERTAIN INTERSTATE SALES OF NATURAL GAS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use. I ask unanimous consent that a letter from the Chairman of the Federal Power Commission, requesting the proposed legislation, be printed in the RECORD.

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

The bill (S. 1734) to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL POWER COMMISSION,
*Washington, D.C., June 12, 1963.*

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

DEAR MR. PRESIDENT: I am submitting herewith as part of the Commission's 1963 legislative program a proposed amendment to section 1 of the Natural Gas Act to give the Federal Power Commission jurisdiction over direct interstate sales of natural gas by producers and by pipelines to industrial consumers. Most industrial consumers purchase natural gas from local distribution companies which, in turn, purchase it from interstate pipelines for distribution to residential, commercial, and industrial customers. Not infrequently, however, industrial customers buy from the pipeline directly or in some instances directly from a producer with a pipeline providing merely a transportation function.

Under existing law the Commission's authority is limited to sales for resale in interstate commerce; hence, the price and other terms of a direct sale by a pipeline to an industrial consumer are outside the sphere of this Commission's regulatory authority. Similarly, existing law can be construed to permit a natural gas producer to escape the Commission's rate jurisdiction by contracting directly with industrial consumers and having a new or existing pipeline transport gas for the producer's account.[1] As explained more fully below, this gap in the Commission's jurisdiction has not been closed by adequate State regulation. As a result, the pipeline companies have set industrial gas prices to some industrial customers at levels exceeding costs plus reasonable profits, and are free to discriminate between industrial customers. And natural gas producers seeking to escape the Commission's jurisdiction have attempted to make direct industrial sales of gas which would be transported over pipelines serving only industrial customers, even though this may lead to uneconomic transportation and may divert natural gas resources from consumer markets where its use is most in the public interest.[2]

The Natural Gas Act has been construed to leave the States free to regulate direct industrial sales, but many simply do not do so. In several States, attempts by regulatory commissions to assert jurisdiction over these sales have been thwarted by the pipelines in the State courts which have held that interstate pipelines selling to individual consumers on a contract basis are not "public utilities"[3] or that such sales are not "intrastate".[4] Consequently, these courts have held, the transactions are beyond the reach of the State commissions. Even the States which do regulate direct pipeline industrial sales frequently only require that the pipelines file rates negotiated between them and industrial customers, but, at least in the absence of complaint, do not examine the contracts to see if they are fair, reasonable, and nondiscriminatory.[5] The absence of effective State regulation of these sales may reflect the difficulty a State commission would face in determining the portion of an interstate pipeline's total cost of service applicable solely to direct industrial sales made within the particular State. That determination would be extremely complex and time consuming.

This system invites discrimination between customers on the basis of bargaining power—one of the principal evils public utility rate regulation is designed to cure.

Since State regulation of these sales, in most cases, is either nonexistent or ineffective, industrial rates charged by interstate pipelines are often much higher than could be justified by cost considerations. The attached schedule shows just how far out of line some pipelines' industrial sale prices are. Based on cost of service studies in connection with relatively recent rate cases, the figures show that seven out of eight major pipelines' revenues from industrial sales exceeded costs—including a reasonable return on investment—by amounts ranging downward from 57 percent. Only one company's revenues from such sales approximated costs (revenues were about 1½ percent greater) and one company's prices to its direct industrial customers yielded less than an adequate rate of return. The extent to which some industrial customers may have been

[1] See, e.g., *FPC* v. *Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961) (dictum); Southern California Edison Co., CP61-172, application filed Dec. 23, 1960, Order Permitting Withdrawal of Application and Terminating Proceeding issued Jan. 3, 1963; Gulf Pacific Pipeline Co., CP63-223, applications filed Feb. 12, 1963.

[2] Southern California Edison Co., supra, note 1; Gulf Pacific Pipeline Co., supra, note 1.

[3] *Mississippi River Fuel Corp.* v. *Illinois Commerce Commission*, 1 Ill. 2d 509, 116 N.E. 2d 394 (1953); *Public Utilities Commission* v. *Colorado Interstate Gas Co.*, 142 Colo. 361, 351 P. 2d 241 (1960). See *Mississippi River Fuel Corp.* v. *Hoffman*, 4 Ill. 2d 468, 123 N.E. 2d 503 (1955); *City of St. Louis* v. *Mississippi River Fuel Corp.*, 97 F. 2d 726 (8th Cir., 1938). Contra: *Re Panhandle Eastern Pipeline Co.*, 21 P.U.R. 3d 267 (1957) (Illinois Pub. Service Commission); *Re: Cities Service Gas Co.*, 1931 E. P.U.R. 11 (Mo. Public Service Commission).

[4] *Texas Gas Transmission Corp.* v. *Mississippi Public Serv. Comm'n.*, 241 Miss. 826, 133 So. 2d 526 (1961); *United Gas Pipe Line Co.* v. *Mississippi Public Service Commission*, 241 Miss. 762, 133 So. 2d 521 (1961).

[5] Minutes of the third meeting of the Federal Power Commission Natural Gas Advisory Council, Oct. 31, 1962, p. 5. A thorough search of reported State public utility commission decisions turned up only one case in which a State commission altered a rate an interstate pipeline charged an industrial customer.

required to pay prices higher than might have been the case had the Commission exercised jurisdiction over the rate is suggested by one case where the company's rate for a sale subject to the jurisdiction of this Commission to a local distributor was 23.2 cents per thousand cubic feet while its rate for an unregulated direct sale to an industrial consumer was 45 cents per thousand cubic feet.[6]

In addition, very large percentage increases are sometimes forced upon industrial consumers: in one instance an industrial rate was raised almost 50 percent in 1 year.[7]

These facts strongly suggest that competition alone is often inadequate to prevent rates for industrial gas sales from rising beyond cost-justified levels. This is not surprising, since in some regions and for some purposes, gas is the only available or practical fuel[8] and a particular pipeline the only available supplier.

Not only is Commission jurisdiction over direct industrial sales necessary to protect industrial gas consumers, but it would also materially assist the Commission in better discharging its existing regulatory responsibilities.

One such responsibility is to make sure that wellhead prices for gas flowing in interstate commerce are "just and reasonable." Where producers make direct industrial sales outside the Commission's jurisdiction, the prices they receive are apt to exceed the Commission's area rate ceiling.[9] It is easy to understand that this gap in the statutory scheme for producer rate regulation provides an artificial incentive to producers to sell gas directly for industrial use rather than to pipelines for sale ultimately to domestic as well as industrial consumers. These above-ceiling sales also exert an inflationary pressure on jurisdictional sales by producers and may lead to widespread price increases under existing contracts for gas already flowing subject to the Commission's jurisdiction. This is because many existing contracts provide for price increases in the event a producer in the area receives a higher price than the seller is currently receiving from an interstate, jurisdictional pipeline.[10] As a result, unregulated direct industrial sales by producers may lead to increases in the prices of gas paid by pipelines and, ultimately by residential, commercial, and industrial customers whom the Natural Gas Act seeks to protect.

Another problem which would disappear if the Commission had jurisdiction over direct sales to industrial customers is the practice of some pipelines to refuse to deliver additional gas to local distributors for resale in order to sell it directly to industrial consumers.[11] Since the unregulated direct sale can frequently be made at higher rates, the reason for the pipeline's preference is obvious. But this practice often may not be in the public interest. In the first place, it means that less gas is available for resale to consumers for home heating—a use which the Commission, with court approval,[12] has found may frequently be the best use for natural gas.

Finally, direct industrial sales by pipelines or producers may, on occasion, prevent local distributors from making industrial sales within their service areas. These sales benefit home-heating customers by enabling local distributors to make sales during off-peak periods (i.e., when warm weather reduces demand for space heating), and thus to spread the cost of their distribution facilities and those purchased gas costs which do not vary with the amount taken[13] over a greater volume of sales. The cost per unit of gas that the residential and commercial space-heating customers must pay is, in turn, decreased. Thus, Commission jurisdiction to regulate direct industrial sales by pipelines could put an end to the pipelines' preference for such sales over sales to local distribtuors for resale, thereby benefiting the natural gas consumers for whose protection the Natural Gas Act was passed.

For these reasons—protection of industrial consumers, prevention of widespread field price increases under existing contracts, and removal of present incentives to withhold gas from local distributors in order to make it available for direct industrial sales—the Commission strongly recommends that it be given jurisdiction over direct industrial sales by natural gas companies. This authority will enable the Commission to require that interstate industrial gas sales will be made at such prices and on such terms as to realize the potential benefits of such sales to both industrial and domestic consumers.

Commissioner O'Connor has asked me to note his opposition to this proposal.

Sincerely,

JOSEPH C. SWIDLER,
*Chairman.*

[6] *Panhandle Eastern Pipe Line Co.*, 21 P.U.R. 3d 267, 276 (1957). The rate to the distributor should be somewhat lower to reflect certain economies. However, the magnitude of the difference is probably out of proportion to that which could be justified by cost considerations.

[7] *Public Utilities Commission* v. *Colorado Interstate Gas Co.*, supra, note 3.

[8] See, e.g., *Public Utilities Commission* v. *Colorado Interstate Gas Co.*, supra, note 3, at 255.

[9] See authorities cited at note 1, supra.

[10] See, e.g., *Shell Oil Co.*, Docket No. RI61-515, Opinion No. 382 (decided Mar. 15, 1963), where new purchases from producers in west Texas were alleged to have triggered price increases under El Paso Natural Gas Co.'s contracts with other producers. The increases to which these producers were alleged to have become entitled, in turn, allegedly triggered price escalation clauses in a contract between El Paso and still another producer. See also *Pure Oil Co.*, 25 FPC 383, 387-91 (1961).

[11] The problem is illustrated by the proceedings in *Arkansas-Louisiana Gas Co.*, Opinion No. 355, Apr. 18, 1962, 27 FPC 697, reversed *sub nom Granite City Steel Co.* v. *F.P.C.*, C.A.D.C. Nos. 17150, 17151, May 23, 1963. Extension of the time in which to seek rehearing has been requested. There a group of Mississippi's distributor customers sought to compel the pipeline to sell them additional gas which it was making available to direct industrial customers at rates not subject to Commission jurisdiction and exceeding those the Commission permitted Mississippi to charge its distributor customers. The Commission's order allocating additional gas to the distributors was set aside on review.

[12] *F.P.C.* v. *Transcontinental Gas Pipe Line Corp.*, supra, note 1.

[13] Many pipeline rate schedules provide for both a commodity charge—so much for each unit of gas taken—and a demand charge—so much for each unit of gas that the pipeline stands ready to deliver. The latter charge does not vary with the volume of gas the distributor actually uses.

*Revenues from and cost of service to main-line direct industrial customers*

| Name of company | Revenues from direct industrial sales | Staff allocated cost of service (including return) | Excess of revenues over cost | | Period | Source |
|---|---|---|---|---|---|---|
| | | | Amount | Percent | | |
| United Gas Pipe Line Co | $156,782,000 | [1] $154,369,300 | $2,413,000 | 1.56 | 12 months to Mar. 31, 1962 [2] | RP-63-1. |
| Southern Natural Gas Co | 29,586,741 | 27,099,448 | 2,487,293 | 9.18 | 12 months to June 30, 1959 [2] | G-20509 and RP-60-15. |
| El Paso Natural Gas Co | 28,221,299 | 26,285,715 | 1,935,584 | 7.36 | 12 months to Mar. 31, 1962 | RP-60-3. |
| Cities Service Gas Co.[3] | 23,644,287 | 24,798,666 | (1,154,379) | (4.66) | 12 months to Mar. 31, 1961 | RP-62-1 and rate increase application. |
| Mississippi River Fuel Corp | 21,907,593 | 13,967,707 | 7,939,886 | 56.84 | 12 months to Nov. 30, 1962 | RP-63-2. |
| Panhandle Eastern Pipe Line Co | 16,753,476 | 13,977,153 | 2,776,323 | 19.86 | 12 months to Sept. 30, 1960 | G-14755 et al. |
| Houston Texas Gas & Oil Corp. (now Florida Gas Transmission Co.). | 11,858,667 | 10,799,894 | 1,058,773 | 9.80 | 12 months to Mar. 31, 1961 [2] | G-9262 and RP-61-3. |
| Alabama-Tennessee Natural Gas Co | 2,603,596 | 2,010,746 | 592,850 | 29.48 | Year 1959 | G-5471 et al. |
| Total | 292,009,422 | | | | | |

[1] Based on average cost of service for all nonjurisdictional business. Cost of service to main-line industrial customers only may be lower than shown but is not readily determinable.

[2] Adjusted.

[3] Revenues are primarily from industrial sales but also include revenues from sales to public authorities and other nonjurisdictional sales. Costs are total cost of nonjurisdictional service.

NOTE.—Data are for most recent period available. Total revenues are 61.6 percent of revenues from industrial sales made in 1961 by all natural gas companies included in FPC statistics of natural gas companies.

## AMENDMENT OF SECTION 308(a) OF FEDERAL AVIATION ACT, RELATING TO GRANT OF EXCLUSIVE RIGHTS AT AIRPORTS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 308(a) of the Federal Aviation Act as it relates to the grant of exclusive rights at airports. I ask unanimous consent to have a letter from the Administrator of the Federal Aviation Agency, requesting the proposed legislation, printed in the RECORD.

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

The bill (S. 1735) to amend section 308(a) of the Federal Aviation Act as it relates to the grant of exclusive rights

at airports, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL AVIATION AGENCY,
*Washington, D.C., June 5, 1963.*

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

DEAR MR. PRESIDENT: Enclosed herewith is a draft bill "To amend section 308(a) of the Federal Aviation Act as it relates to the grant of exclusive rights at airports."

This proposal is part of the Federal Aviation Agency's legislative program for 1963 and enactment by the Congress is recommended. Its purpose is to make the law clear and consistent with respect to the sale of aviation gasoline and oil at public airports. Three statutes are involved in this problem.

Section 308(a) of the Federal Aviation Act of 1958 prohibits the grant of exclusive rights for the use of landing areas "upon which Federal funds have been expended." Landing areas are defined to include airports (section 101). This prohibition appeared originally in section 303 of the Civil Aeronautics Act of 1938 and was carried over without change in the Federal Aviation Act of 1958. In 1941, the Attorney General of the United States was requested to interpret the predecessor section 303 of the Civil Aeronautics Act. It was his opinion that the prohibition was directed to particular "aeronautical activities" and not solely to the use of an airport for all purposes, and that the purpose of the section was to prohibit monopolies and to promote and encourage competition in civil aeronautics.

The Federal Airport Act (40 U.S.C. 1101) authorizes the Administrator to require assurances from airport sponsors requesting Federal aid that the airport will be operated consistent with the terms of that act. This includes, among other things, assurances that the airport will be available for public use "on fair and reasonable terms and without unjust discrimination" (section 11(1)).

The Surplus Property Act of 1944, as amended in 1947 (50 U.S.C. App. 1622(g)), provides that disposals of surplus airport property shall be subject to the condition that the grantee shall not grant any exclusive right for the use of the airport to the exclusion of others in the same class. For the purpose of this condition, section 13(g)(2)(C) of that act defines "exclusive right" to mean—

1. Any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

2. Any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers and appliances).

The effect of the foregoing is to prohibit the grant of exclusive rights involving aeronautical activities at airports obtained from the Government under the Surplus Property Act. However, the sale of gasoline and oil is expressly excepted from this prohibition.

In the administration of these three provisions of law over the past 20 years there have been numerous policy shifts with respect to whether airport owners should be permitted to grant or exercise exclusive rights for the sale of aviation gasoline and oil. For example, in the case of agreements entered into pursuant to the development of landing areas program which was initiated in 1940, the sale of gasoline and oil was uniformly held not to be an "aeronautical activity" for which the grant of an exclusive right would be prohibited by section 303 of the Civil Aeronautics Act, as construed by the Attorney General. On the other hand, grant agreements entered into pursuant to the Federal Airport Act from October 1946 until March 1948 expressly prohibited the grant of exclusive rights to sell gas and oil. However, this prohibition was premised on the authority contained in the Federal Airport Act, as distinguished from the Civil Aeronautics Act. Subsequently, these grant agreements were changed to prohibit only those exclusive rights barred by section 303 of the Civil Aeronautics Act and, as such, were not considered to prohibit the grant of an exclusive right for the sale of gasoline and oil. Additionally, deeds executed under the Surplus Property Act have uniformly incorporated the language of that statute, which excludes the sale of gasoline and oil from the exclusive rights prohibition. Besides the gasoline and oil provision, the various types of grant agreements have also contained differing requirements over the years with reference to other kinds of exclusive rights. A study undertaken by CAA in 1955 summarized the problem to that date as follows:

"The important thing, for purposes of this study, is that different exclusive right provisions were incorporated in the three types of airport operation agreements (grant agreements, surplus property instruments of disposal, and section 16 deeds) as has been seen. The importance of this lies not only in the fact that different airports have been treated differently in this regard but in the fact that 216 airports are now covered by 2 of the 3 types of agreements and 5 by all 3 types. This of course further complicates a situation already complicated by the fact that many of those and other airports are covered by 2 or 3 of the forms of grant agreements which have been used and the fact that 389 airports are covered not only by 1 or more forms of grant agreements and surplus property instruments of disposal but by at least 1 of the 5 forms of AP-4 agreements each of which, as previously noted, is like the form of section 16 deed in that it prohibits only the types of exclusive rights forbidden by the Civil Aeronautics Act."

Last year the issue as to grants of exclusive rights at public airports was squarely presented to this Agency for the first time. Disputes arose at several airports wherein the Agency was requested to determine that the airport operators were in violation of their agreements with the Government as a result of contracts which they were contemplating or had entered into granting an exclusive right to sell gasoline and oil or to conduct other aeronautical activities.

The matter was brought to my attention and I held numerous meetings with all of the parties involved, giving each an opportunity to present the issues directly to me. In the course of investigating the complaints, it became necessary for the Agency to review the entire history of the laws and policies relating to exclusive rights and determine anew what policies should prevail in light of airport operations as they exist today. From this review, the Agency developed for the first time a comprehensive definition of those "aeronautical activities" which should fall within the prohibition against exclusive rights contained in section 308(a) of the Federal Aviation Act. Such "aeronautical activity" is now defined as "any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations." The term as defined would include charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

It is the view of the Agency that this definition comports with the reality of the large-scale aviation business activities now being conducted on the Nation's airports, practically all of which have received or are receiving Federal funds. In our opinion, this definition is not only the legally correct one, but also the only one consistent with the traditional policy of our Government to foster fair competition and discourage the grant of monopolies.

Accordingly, in administering section 308(a) of the Federal Aviation Act, this Agency now takes the position that granting an exclusive right for the sale of gasoline and oil is unlawful at a public airport upon which Federal funds have been expended. However, because of the express exclusion of the sale of gasoline and oil from the "exclusive right" prohibition in the Surplus Property Act, the grant of an exclusive right for this purpose at a surplus property airport remains lawful. Consequently, we feel legally obligated to countenance such grants even though these airports may be currently receiving Federal funds. There is no logical basis for this distinction. The Federal policy of promoting fair competition is as valid when applied to an airport conveyed by the Federal Government pursuant to the provisions of the Surplus Property Act as it is when applied to a nonsurplus property airport "upon which Federal funds have been expended."

We believe that the factual situation has altered sufficiently since 1947 to warrant this clarification of congressional policy. Except for their derivation, there is nothing to distinguish the 531 surplus property airports from the approximately 1,400 other airports with which the Federal Government has agreements of one form or another. They receive identical consideration under the Federal-aid airport program and in the installation and maintenance of Federal air navigation facilities. For the same reasons, they should be equally subject to any statutory restrictions.

A more detailed discussion of the legal and policy considerations supporting this recommendation is set forth in the statement of Agency policy which I personally approved and issued on July 17, 1962, a copy of which is attached. If the Federal Aviation Act is amended as we are proposing, it is our intention to apply the same policies set forth in this statement.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

N. E. HALABY,
*Administrator.*

## NATIONAL PARK DESIGNATION FOR ARCHES

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill to authorize the creation of Arches National Park in the State of Utah. This spectacular area is now a national monument, but it fully deserves the recognition, standing, and prestige which will come from national park designation.

Arches is located in the heart of the famed Red Rock country of southeastern Utah, just to the north across the Colorado River from the picturesque town of Moab.

Eighty-eight openings that are large enough to be classed as arches have been

discovered within the boundaries of this national monument, hence the origin of its name. Other arches are probably hidden away in remote and rugged parts of the area. Spectacular towers, sweeping coves, shapes resembling figures of men and animals, balanced rocks, and other weird forms resulting from the combined action of running water, wind, rain, frost, and sun, form a setting to which the arches themselves are a majestic culmination.

Among the most famous scenic areas are the Windows section, and Devils Garden containing famous Landscape Arch, which is 291 feet long and is believed to be the longest natural-stone span in the world. Similarly, Klondike Bluffs and Delicate Arch must not be missed in any visit to Arches. The latter, delicately supported on either side by a slender column, rises sharply to achieve a towering pinnacle higher than a six-story building.

NEGLECTED FOR 27 YEARS

Although the Arches National Monument was set aside by Presidential proclamation on April 12, 1929, the area was sadly neglected for decades. It was not until 1956, 27 years later, that the first substantial development took place under the great Mission 66 program which was pioneered by President Eisenhower and initiated in that year. Since 1956, a great deal has been accomplished in building roads, trails, buildings, and utilities to make the area accessible to increasing numbers of visitors and to provide the facilities necessary to make their stay more comfortable, enjoyable, and informative.

I was pleased to work with the National Park Service in accelerating the construction of a new access road to Arches. It was completed in 1958 and climbs through the sandstone cliffs behind the monument's headquarters and passes through the Courthouse Towers section. Since that time, the number of visitors has skyrocketed from 25,400 in 1957 to 105,700 in 1962.

NEW VISITORS' CENTER

It was my pleasure in May of 1962 to attend and participate in the dedication of the Arches visitors' center, also an important part of the Mission 66 program. This splendid edifice, with its 14 exhibits that will be of endless fascination to visitors, including the new projection room, is an important step in the development of the tourist potential in southeastern Utah. It was first programed in 1958, and funds were made available on July 1 of that year. The center itself was finished and accepted by the National Park Service in 1960, although the special exhibits were not completed until March 1962.

ARCHES MERITS PARK STATUS

It is obvious to me that the Arches National Monument with its great new development now fully merits national park status. In 1961 I introduced a bill to give national park status to Arches, at which time I observed that it met every appropriate standard for a national park and noted, for example, that it is of virtually the same size as Bryce Canyon National Park but possessed of a unique beauty of its own. Secretary of the Interior Stewart Udall has stated that acre for acre southern Utah contains the greatest concentration of scenic wonders in the Nation, and during a trip to this spectacular region in 1961, he singled out Arches National Monument as being one of the areas he considered fully deserving of national park status.

Yet, the spectacular towers, arches, and other weird formations of the present Arches National Monument make up a scenic splendor which is enjoyed by too few people. Even with the vast increase in visitors to Arches since the completion of the new access road and visitors' center, the number is far below that of the nearby national parks. While Grand Canyon was visited by 1,446,500 tourists in 1962, Zion National Park received 622,100 visitors, and Bryce Canyon National Park 251,000, the visitors to Arches National Monument numbered 105,700. Thus the people of America are being denied and are denying themselves the stirring experience of visiting this truly fantastic and awe-inspiring area.

A principal reason for the relatively small number of visitors is, I am sure, the fact that Archs has not received national park designation. Its present national monument status does not carry with it in the public mind the prestige associated with national parks. Such recognition is not only deserved, but long overdue.

I sincerely urge the Congress and the Department of Interior to lend their support to this measure to give Arches the additional recognition and prestige it so richly merits.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1736) to establish Arches National Monument as Arches National Park, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

## TAX DEDUCTION FOR CONTRIBUTIONS TO NATIONAL AND STATE POLITICAL COMMITTEES

Mr. SMATHERS. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code in order to allow a deduction, or credit, against tax for contributions to National and State political committees.

The proposed legislation is in line with the recommendations of the President's Bipartisan Commission on Campaign Costs.

In a letter dated April 30, 1963, addressed to the President of the Senate, the President of the United States urged Congress to give this matter prompt and favorable consideration in order to encourage a greater percentage of the public to participate in the financial aspects of political campaigns.

Specifically, the proposal provides two tax incentives:

First, it would enable any person who so desires to contribute $20 or less to a National or State political committee, and in turn obtain a tax credit for one-half of the contribution made. In the case of a joint return the limit would be doubled. Thus the maximum tax credit in the case of a joint return would be $20 in a taxable year.

The second proviso would pertain to larger contributions, and would allow a taxpayer to deduct from his taxable income the full amount of his political contributions up to a maximum of $500.

Too often we have heard the hue and cry that too much reliance has been placed upon large contributions from special interest groups to candidates and the inference of undue influence being exerted, regardless of whether or not in fact this exists.

I believe the proposed legislation will encourage greater public participation, bringing about a freer flow of funds from small contributors, thus immeasurably reducing the impact of larger contributions on the political candidate.

It is a healthy situation to encourage the public with particular reference to the small contributor to take a more active financial participation in political campaigns.

I am confident that the public response will be greater where these incentives are provided to the taxpayer, and the good that is bound to result from them will very definitely be in the national interest.

I, too, hope that in line with the wishes of the President of the United States, prompt and favorable consideration will be given to this proposed legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1746) to amend the Internal Revenue Code of 1954 to allow a deduction or credit against tax for contributions to National and State political committees, introduced by Mr. SMATHERS, was received, read twice by its title, and referred to the Committee on Finance.

## RECONSTRUCTION OF EXISTING 14TH STREET BRIDGE ACROSS THE POTOMAC RIVER

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, a bill to authorize the Commissioners of the District of Columbia to reconstruct the substructure and to replace the superstructure of the existing 14th Street or Highway Bridge across the Potomac River.

The proposed measure refers to one of the two bridges authorized for the 14th Street crossing by Congress in 1946. The first of these bridges was opened to traffic on May 9, 1950, and the second bridge was completed and opened to traffic on January 26, 1962. During this period, the number of vehicles crossing the Potomac River in this corridor increased from about 52,000 in 1946 to approximately 124,000 in April of 1963.

It is increasingly evident that the authorization contained in the legislation of 1946 requires reappraisal if we are to meet the traffic demands for this area in the future. The lanes presently in use on the Southwest Freeway and the outbound lanes on 14th Street and 15th Street extended now carry an outbound traffic flow to the bridge crossing in excess of 6,600 vehicles during the p.m.

peak hour. This exceeds the practicable capacity of the crossing, and it is evident that the problem will become increasingly severe when the Southwest Freeway is connected with the Center Leg and the remainder of the Inner Loop Freeway System. After these connections are made, the 14th Street end of the Southwest Freeway can easily deliver 9,000 vehicles per hour to the river crossing, a volume which, according to the District Director of Highways and Traffic, H. L. Aitken, will require not less than 6 free-flowing lanes.

The Commonwealth of Virginia is also interested in the proposed project in relation to plans for reconstruction of the Shirley Highway on the general plan of a 3-2-3 configuration; that is, the outside roadways consisting of three lanes of each serving traffic in either a north or south direction, with the two inner lanes reversible, depending upon peak traffic requirements. District of Columbia traffic engineers have been planning in close coordination with the highway department of the State of Virginia.

General plans for reconstruction of the old 14th Street Bridge contemplate some reconstruction of the piers and the erection of a new superstructure similar in design to that of the new southbound bridge. The estimated cost would be in the range of $3 to $4 million.

It is worth noting, Mr. President, that the estimated cost will be more than compensated for in the time that would be saved by Government workers commuting from Virginia. Studies by the Department of Highways and Traffic of the District of Columbia indicate that between April 1953 and April 1963, the volume of traffic across the Potomac River has increased approximately 34.7 percent, so that the Potomac River bridges are now carrying a daily traffic in excess of 308,000 vehicles, or approximately half a million persons.

I am informed by Mr. Aitken that his traffic engineers have made comparative time studies of traffic on the Southwest Freeway corridor before and after opening of the present freeway section. They learned that as a result of the freeway work already accomplished there is an average saving of 5 to 6 minutes for each vehicle trip during peak traffic hours and approximately 2 minutes for each vehicle trip during nonpeak hours. The application of these savings to some 120,000 vehicles per day results in a saving in excess of 6,000 man-hours per day. The savings would be extended with the bridge reconstruction proposed in the pending proposal.

Since, under the best of circumstances, the proposed bridge could not be opened in less than 3 years from its authorization, it is my hope that the Congress will act expeditiously on this measure.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1748) to authorize the Commissioners of the District of Columbia to reconstruct the substructure and to replace the superstructure of the existing 14th Street or Highway Bridge across the Potomac River, and for other purposes, introduced by Mr. RANDOLPH, was received, read twice by its title, and referred to the Committee on the District of Columbia.

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## THE PROPOSED CONSTITUTIONAL AMENDMENT ON BIBLE READING AND SCHOOL PRAYERS

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware [Mr. WILLIAMS] is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I introduce, for appropriate reference, on behalf of myself and the Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Colorado [Mr. ALLOTT] a proposed amendment to the Constitution of the United States, the purpose of which is to override the recent decision of the Supreme Court wherein the Court prohibited the reading of the Bible and the recitation of the Lord's Prayer in public schools.

In my opinion, this decision is not in accord with the principles upon which our country was founded and upon which our Government was established. We as Americans have always prided ourselves upon being a Christian nation and have ofttimes—perhaps too righteously so—pointed the finger of scorn at atheistic nations. The early founders of our Republic were men who while determined to maintain a separation of church and state were also men who recognized our dependence upon the Supreme Being.

Congress just a few years ago added the words "under God" in our Pledge of Allegiance.

Our national anthem contains this reference to God:

> And this be our motto "in God is our trust."

The Senate of the United States, under one of its established rules, cannot open a session without first having a prayer by the Chaplain or his representative.

Our coins bear the inscription "in God Is Our Trust," and over the main entrance to the Senate Chamber this same inscription appears in bold letters.

When a Member of the Senate takes his oath of office the last words in that oath are "So help me God."

Our whole system of government from its earliest establishment has been based on the fact that we do recognize ourselves as being a Christian Nation. This does not mean that we as a people do not respect the right of any individual to select his own religion. This does not mean that we do not extend to an individual his right to be an atheist; that is his individual right.

But we can respect those individual rights and still preserve our dignity as a Christian Nation, and certainly if the majority of the people in any school district wish to have the Bible read or the Lord's Prayer repeated in their schools that is an American heritage.

Much has been said about the importance of the American Government's portraying a good image to the nations of the world. There is nothing that could be more disastrous to the world's opinion of our country than to leave the impression that we who had prided ourselves upon being a Christian Nation are now renouncing our dependence upon our God.

I know of no stronger argument that could be made in support of the need of this constitutional amendment than to quote Mr. Justice Stewart, who in his dissenting opinion said:

> We err * * * if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways.

Continuing, Mr. Justice Stewart cited example after example of the interaction—from the use of prayer in the opening of courts and Congress to the State support of chaplains to minister to those in the armed forces who, of their own choice, seek such ministry.

I ask unanimous consent that this joint resolution lie on the desk until June 25 in order that any Senator who wishes to join as a cosponsor may have an opportunity to do so.

Mr. President, I also ask unanimous consent that the joint resolution may be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD and will lie on the desk, as requested.

The joint resolution (S.J. Res. 91) proposing an amendment to the Constitution of the United States to permit the offering of prayer in public schools, introduced by Mr. WILLIAMS of Delaware (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "ARTICLE —
>
> "SECTION 1. Nothing contained in this Constitution shall be construed to prohibit the authority administering any school, school system, or educational institution supported in whole or in part from any public funds from providing for the participation by the students thereof in any periods of Bible reading or nonsectarian prayer if such participation is voluntary.
>
> "SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. WILLIAMS of Delaware. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial which appeared under date of June 18 in Washington's leading newspaper, the Evening Star, following by the lead editorial of the Wall Street Journal of

June 19; in which both editors point out the error of this decision.

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

[From the Evening Star, June 18, 1963]

THE COURT BARS THE LORD'S PRAYER

The Supreme Court has spoken. Both the Lord's Prayer and Bible reading have been barred from the public schools. This comes not as a surprise. But in our view it is a shame.

It all seems so silly. Writing for the majority, Justice Clark conjured up dreadful prospects if the Court should allow a prayer to be said in a public school. To permit such a thing, he argued, would depart from the concept of a Government that must be neutral in religious matters. And he went on to say: "The breach of neutrality that is today a trickling stream may all too soon become a raging torrent." Perhaps there is something to be said for this as rhetoric. But it is nonsense when measured against the rise of secularism and materialism in this country since the Founding Fathers drafted the first amendment. We mention this because it helps a little in understanding what Justice Clark must have had in mind when he said that the application of his concept of neutrality requires "interpretation of a delicate sort." Delicate indeed.

Justice Stewart, the lone dissenter, stated his understanding of what is meant by the first amendment's guarantee of religious freedom. It is a forthright statement, and it appeals to us. "What our Constitution indispensably protects," he said, "is the freedom of each of us, be he Jew or Agnostic, Christian or Atheist, Buddhist or Freethinker, to believe or disbelieve, to worship or not worship, to pray or to keep silent, according to his own conscience, uncoerced and unrestrained by government." To us, this is quite different from saying that the Constitution forbids one child, who may wish to do so, to recite the Lord's Prayer in a public school merely because some other child, who does not want to pray and who is not required to pray, objects.

Also interesting were some comments by Justice Goldberg in a concurring opinion, in which Justice Harlan joined.

Justice Goldberg, of course, agreed with the majority ruling. But he seemed a bit disturbed by Justice Clark's neutral concept. "Untutored devotion to the concept of neutrality," he said "can lead * * * to a brooding and pervasive devotion to the secular and a passive, or even active hostility to the religious." For our part, we think the court's school rulings in the area of religion, although certainly not so intended, have already led to a climate of passive and perhaps even active hostility to the religious. At another point, Justice Goldberg, in what we take to be a reference to Justice Clark's trickling stream and raging torrent, added: "It is of course true that great consequences can grow from small beginnings, but the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow."

If we may put our own interpretation on this, we think it is a comment which hits the nail squarely on the head. For in this ruling, and in some of those that preceded it, the court has done precisely what Justice Goldberg warned against—mistaken mere shadow for real threat.

In the process God and religion have all but been driven from the public schools. What remains? Will the baccalaureate service and Christmas carols be the next to go? Don't bet against it.

[From the Wall Street Journal, June 19, 1963]

IMAGINED DANGERS AND REAL ISSUES

Of all the dangers to a free society of which our forefathers were fearful, and against which they sought to safeguard the people in the Constitution, the one that time has proved of no danger is that the state would prescribe a religious belief.

In our history we have had many constitutional crises, some of which nearly tore the country apart. We are torn today by a constitutional issue, that of the treatment of our Negro citizens, which will require the utmost efforts of great minds to resolve without lasting political wounds.

But nowhere in our history will you find any serious threat by any church or sect to seize the state or to persuade the state to use its power to establish it as the state religion.

This elementary fact of our history, quite apart from all of the philosophical arguments, seems to us to make absolute nonsense of the Supreme Court's decision about Bible readings in the public schools. A more ponderous effort upon a more trivial issue has rarely, if ever, emerged from the robed men who sit upon that Bench.

This is not to say that the result of the decision is trivial, or that its consequences do not now raise grave questions. For what the Supreme Court has done, in the name of protecting us from the establishment of religion by the state, is to establish secularization—atheism, if you would have it bluntly—as the one belief to which the state's power will extend its protection.

Thus if you believe in the God of the Jews, the God of the Christians, or the God of Islam, you are denied absolutely any public expression of it in the schools which the public supports. Hereafter the views of the nonbeliever alone are sheltered by the full panoply of the state's police powers.

The legal and philosophical answer to this interpretation of the Constitution, it seems to us, has been well put by Mr. Justice Stewart. "We err * * * if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessarily interact in countless ways." He cites example after example of the interaction—from the use of prayer in the opening of courts and Congress to the state support of chaplains to minister to those in the Armed Forces who, of their own choice, seek such ministry.

And he puts his finger surely upon the specious argument of Government neutrality about religion. The duty of the state is to accommodate those differences of belief which a free society makes inevitable, not to try to set up impermissible categories and so throw its weight against those who may desire public expression of their beliefs.

"A compulsory State educational system so structures a child's life," he observes, "that if religious exercises are held to be impermissible in schools, religion is placed at an artificial and state-created disadvantage." In short, not neutrality but state action against religion.

Yet much as we share Justice Stewart's views, it is not alone the philosophy of the Court majority that troubles us. Surely it is a distortion of the Constitution to suggest that when the Founding Fathers put into it the prohibition against the establishment of religion" they were aiming even distantly at a prohibition against the reading of Scripture or of prayers in public bodies, including the schools. To them establishment meant literally setting up a state religion.

It is certainly a distortion of the views of such men as Madison and Jefferson and Rogers Williams to suggest that their devotion to religious liberty is somehow the seed of the view to which this Court has now come, depriving people of the liberty to express their religious views openly in the school.

And what are we to make of it when this Court, in order to buttress this opinion, reminds us of the danger that powerful sects * * * might bring about a fusion of governmental and religious functions? Are we to suppose that this danger, rightly guarded against by the Constitution, is somehow now threatened because schoolchildren hear the Bible read?

Apparently so. For in warning us against this minor encroachment against the Constitution, the Court thunders that "the breach of neutrality that is today a trickling stream may all too soon become a raging torrent." Here, without doubt, is upside-down logic. For if there has been any consistent trend in our religious history, it is that what might once have been described as a raging torrent of religious intolerance has become by comparison a trickling stream.

It is this disparity between argument and reality, between cause and remedy, that troubles us in the Court's decision. Perhaps it is undesirable public policy—although we do not think so—to provide a moment of prayer, or a brief reading of the Scriptures, in a school whose purpose is to teach the ideas upon which Western society is based.

But it is wholly ridiculous to argue that this practice, followed by generation after generation without injury to our institutions, is now suddenly become a thing to undermine the Republic and demand the most absolute prohibitions against it in the name of the Constitution.

And it does not augur well for the future to see our highest judges torture history and turn metaphysical handsprings to justify that which they wish to decide. In the real constitutional issues which face the Nation today we should not have to fear that small minds will be brought to great questions.

Mr. WILLIAMS of Delaware. Mr. President, if I have the floor, I would like to yield to the Senator from Maryland [Mr. BEALL], who wishes to address himself to the same subject.

Mr. BEALL. Mr. President, I shall be happy to join as cosponsor with the Senator from Delaware.

Mr. WILLIAMS of Delaware. I am delighted to have the Senator join.

## PROPOSED AMENDMENT OF CONSTITUTION RELATING TO THE READING OF THE BIBLE AND THE OFFERING OF PRAYER IN PUBLIC SCHOOLS

Mr. BEALL. Mr. President, I introduce, for appropriate reference, a joint resolution and ask that it lie on the desk until the close of business on Tuesday, June 25, so that my colleagues may have a chance to add their names as cosponsors.

The joint resolution proposes an amendment to the Constitution of the United States to permit the reading of the Bible and the offering of prayer in public schools.

This action on my part is prompted by the ruling of the U.S. Supreme Court on Monday, June 17, in the case brought by a Baltimore, Md., woman who objected to her son's having to listen to Bible reading and the saying of the Lord's Prayer in the Baltimore public

school which he attended. The Supreme Court ruled, 8 to 1, that it is unconstitutional to engage in Bible reading and recitation of the Lord's Prayer in public schools.

I respect the Court's decision. I am not critical of the Court. Its honorable and able members interpreted the provisions of the Constitution as it stands today. However, the Constitution itself makes provision for its own amendment—by two-thirds of the two Houses of Congress and the legislatures of at least three-fourths of the respective States.

If it takes a constitutional amendment to permit Bible reading and prayer in the public schools, the Congress of the United States and the legislatures of the respective States should waste no time in amending the Constitution.

I believe the people of the Nation should be permitted to make their wishes known. This can be done effectively and fairly by giving them a voice in the matter through their respective State legislatures. As a constitutional amendment requires ratification by three-fourths of the State legislatures, my measure gives the people an opportunity to speak through their local representatives in the State legislatures.

I recently took a poll in my State of Maryland and I found that 71 percent of the people favor Bible reading in the schools even if that should require new legislation, while only 20 percent were opposed and 9 percent were in doubt. I consider my poll a fair sampling of public opinion. And I have no reason to think that the people of other States feel differently on this subject.

There is a wealth of evidence from our traditions, customs, laws and practices which prove us to be a religious people whose institutions presuppose a Supreme Being.

None of our citizens, young or old, should be coerced into participating in any particular religious exercises. By the same token, none of our citizens, young or old, should be prevented from participating. The constitutional amendment would permit local authorities to provide opportunity to its citizens to exercise this phase of freedom.

Should we not get this situation straightened out by amending the Constitution, it is not unreasonable to say that Christmas and Easter displays, recognition of days of religious significance, study and appreciation of religious leaders and their contributions are marked for extinction.

Section 1 of the article of amendment states:

> Nothing contained in this Constitution shall be construed to prohibit the authority administering any school, school system, or educational institution supported in whole or in part from any public funds from providing for the voluntary participation by the students thereof in the reading of passages from the Bible or in regularly scheduled periods of nonsectarian prayer.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 91) proposing an amendment to the Constitution of the United States to permit the reading of the Bible and the offering of prayer in public schools, introduced by Mr. BEALL, was received, read twice by its title, and referred to the Committee on the Judiciary.

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## PROPOSED CONSTITUTIONAL AMENDMENTS TO PRESERVE AND PROTECT REFERENCES TO RELIANCE UPON GOD IN GOVERNMENTAL MATTERS AND THE READING OF THE BIBLE AND PRAYER IN PUBLIC SCHOOLS

Mr. JOHNSTON. Mr. President, I have a matter of vital importance, and I ask unanimous consent that I be allowed to speak for 6 minutes.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the Senator is recognized for 6 minutes.

Mr. JOHNSTON. Mr. President, when the Supreme Court ruled last year that a government body could not require a specific prayer to be read in public schools, I hoped then that the Court would go no further in the restricting of religious education in our public schools. However, the Supreme Court on Monday rendered an ungodly decision, one contemptuous of God and religion.

Although some will argue that the Supreme Court simply ruled that no official of any public school system can require or sponsor the reading of the Bible or the reciting of prayers in our schools, the ruling in essence, if enforced and followed by the people, will abolish praying and the reading of the Bible in public schools.

Schoolteachers run our classrooms. Schoolteachers are officials of the school system, and therefore, under the ruling of the Court, they cannot even suggest, much less require, the reading of our Bible or the reciting of prayers in the classrooms.

Despite the Supreme Court ruling, I am urging schoolteachers and schools to continue the reading of the Bible and to continue praying in classrooms.

There is no statutory provision to penalize the school officials for defying the Supreme Court. They can continue to pray and read the Bible in schools until a court injunction is issued in each individual and every case, restraining them from continuing the practice in defiance of the Supreme Court.

Monday, as I stood in the Supreme Court prior to the rendering of this decision, the Court crier, in opening the session of the U.S. Supreme Court, declared, "God save the United States and this honorable Court." The Supreme Court never convenes for business without its crier calling out to God Almighty to save this Nation and the Supreme Court.

What court of justice is this which calls upon God to save it every day it works, when it turns around and denies the same privilege to the children in our schools?

Immediately after the Supreme Court's decision was announced, there came news reports from across the Nation concerning individuals who intend to bring suits up to the Supreme Court to eliminate the words "Under God" now contained in our Pledge of Allegiance to the Flag, and to remove the language "In God We Trust" from our money.

No doubt other suits will follow concerning the religious aspects embodied in our Government and political life, which have been handed down to us since our Founding Fathers declared our independence and created this Nation. There was reference to God Almighty in our Declaration of Independence, and there have been close ties between our Nation and God Almighty throughout the generations.

Few Presidents have ever met the crises of the times without calling on God for help, and no nation that ever forgot God and departed from recognition of God Almighty ever survived in this world. Our Nation was created with the help of God, and it is our duty today to remember this fact and to thank God Almighty for what he has given us and done for us through the ages. It is a selfish, self-righteous, and sinful people who turn against their God.

Regardless of how rich this Nation is, regardless of how selfish some of our people may have become, and regardless of the wanton ways some people have developed, it is the duty of responsible people, including the Congress, to remain steadfast in our insistence that God remain a part of our Nation.

It is for these reasons and for this purpose that I send to the desk a joint resolution to amend the Constitution of the United States so as to preserve and protect references to the reliance upon God in our Government, and a joint resolution proposing a constitutional amendment to the Constitution of the United States to permit the reading of the Holy Bible and the offering of prayer in public schools.

The first amendment will preserve references to belief in or reliance upon God and any invocation of aid from God in any governmental or public document, proceeding, ceremony, and upon any coinage, currency, or obligation of the United States that is standing or may come in the future years.

The second amendment will enable any school to hold Bible readings and prayer recitations on a nonsectarian, voluntary basis.

For the sake of our Nation and our future generations, I ask that the Congress receive these joint resolutions and give them expeditious passage so that the people of the United States themselves may decide which road we will take in the future.

The VICE PRESIDENT. The joint resolutions will be received and appropriately referred.

The joint resolutions, introduced by Mr. JOHNSTON, were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

> S.J. Res. 92. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; and
>
> S.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States to permit the reading of the Holy Bible and the offering of prayer in public schools.

## U.S. SENATE REAFFIRMS BELIEF IN FREEDOM OF WORSHIP

Mr. HARTKE. Mr. President, I submit, for appropriate reference, a resolution relating to freedom of prayer.

On Monday, the Supreme Court handed down two historic decisions. In the cases of the school district of Abington Township against Edward L. Schempp and William J. Murray against the Board of School Commissioners of Baltimore, it ruled that it is a violation of the 1st and 14th amendments of the Constitution to set aside time in public schools for reading of the Bible and the offering of prayer.

This, of course, is an extension of the Court's decision last year against the use in the public schools of a State official prayer.

Last year, after the Court announced its decision, I introduced a resolution, Senate Resolution 356, expressing the sense of the Senate that the Supreme Court's decision in no way interfered with the right of public school systems to set aside a time during the school day for prayerful meditation so long as no public official prescribes or recites a prayer which is offered. No final committee action was taken on the matter.

Today, Mr. President, in the wake of Monday's decisions, I am again offering a resolution expressing that prayerful meditation is permissible in public schools. This new resolution is substantially the same as that which I introduced last year. It is significant because it reaffirms the belief of the Senate in the constitutional guarantee of freedom of worship. It puts the Senate on record as believing that the Court's decision is not to be construed as a prohibition against individual prayer or prayerful meditation in our public schools.

Mr. President, I should like to call attention to what I call the new harmony decision of the Court as it is expressed in dicta in the case on page 75 of the decision.

Justice Clark said:

> The "establishment" clause does not ban Federal or State regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions.

Justice Clark continued further to say:

> I think a brief survey of certain of these forms of accommodation will reveal that the first amendment commands not official hostility to a religion, but only a strict neutrality in matters of religion.

Then he pointed out certain provisions by State and Federal Governments for chaplains in the Armed Forces, in the legislative groups, and in penal institutions. He referred to invocational prayers, such as those rendered by the Chaplain of the Senate, whom I see in the Chamber at the present moment. Our Chaplain is a wonderful man. His spiritual guidance has always been something I have looked to, and it has been of great help to me.

The Justice also pointed out:

> The holding of the Court today plainly does not foreclose teaching the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion.

I should like to point out that the concurring opinion of Mr. Justice Goldberg, with which Mr. Justice Harlan concurs, states a point which I believe is important. He has shown the difference between the attitude toward religion of the United States and some of the other nations in the world, and especially communistic nations. We are a God-fearing society; others are godless societies. Lest someone misinterpret what the Court has said and place us in the field of being a godless people, I should like to point out the following language in Justice Goldberg's opinion:

> The first amendment's guarantees, as applied to the States through the 14th amendment, foreclose not only laws "respecting an establishment of religion" but also those "prohibiting the free exercise thereof."
>
> The basic purpose of the first amendment is to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope of attainment of that end.

The VICE PRESIDENT. The time of the Senator from Indiana has expired.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana for 1 additional minute? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. Justice Goldberg has pointed out that, unless we are very careful, people will interpret the Court's decision to signify that we are antireligious in America. That is certainly not true, and I most heartily commend the opinion of Mr. Justice Goldberg to all Senators.

I believe a resolution of the kind I have proposed is necesary, Mr. President, and I urge that it be given prompt and favorable consideration by the Senate.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 164) was referred to the Committee on the Judiciary, as follows:

> *Resolved*, That it is the sense of the Senate that—
>
> (a) notwithstanding the recent Supreme Court decisions relating to the reading of the Bible and the offering of prayer in the public schools, any public school system if it so chooses may provide time during the school day for prayerful meditation if no public official prescribes or recites the prayer which is offered; and
>
> (b) providing public school time for prayerful meditation in no way violates the Constitution because each individual participating therein would be permitted to pray as he chooses, but that such practice is consonant with the free exercise of religion protected by the first amendment to the Constitution.

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## BENEFIT-COST RATIO FOR WATER RESOURCE DEVELOPMENT PROJECTS

Mr. PROXMIRE. Mr. President, at present, millions of dollars are being spent on reclamation projects based upon absurd estimates of their worth relative to other projects and other Federal programs. Last August 9 I made a very complete statement on this matter emphasizing the unrealistically long period of 100 years over which reclamation projects were calculated to yield benefits and the too-low discount rate of 2.5 percent which is applied to future benefits to give their present value. Today I am reintroducing legislation which would make plain the interest of Congress in how these important estimates are made and would take a modest step toward correcting this situation by calling for the application of a higher discount rate on long-term projects.

In deciding whether or not a proposed project is worthwhile, an evaluation of the benefit of the project as compared to its cost is the most important single determination. If the estimates of benefit and cost are equal or if benefit is estimated to exceed cost, the project is likely to be approved. The taxpayer's money is spent on it.

However, if cost is estimated to exceed benefit, the project is probably dead. It can easily be seen that the estimated ratio of benefit to cost is a crucial factor in determining whether or not the taxpayer's money shall be spent on a given project. It is especially crucial because it is a simple and apparently an objective and fair basis for deciding whether the taxpayer should make the investment. But everything depends not only on whether the benefit and cost are determined honestly and accurately, it depends on whether the benefit period and the discount rate are accurate too.

The estimate of cost is generally comparatively easy to make. Here we are dealing with tangibles such as men and materials, initial construction cost, and upkeep. However, estimating the benefit is not at all an easy job because it demands that a long look be taken into the future. The benefits of a dam, for example, may include the prevention of a flood 50 years from now, as well as next year, if the dam is functional 50 years hence.

Thus the first question asked in estimating benefit is: "What is the useful life of the object whose construction is under consideration?" This question is complicated by the fact that not only must the durability of the concrete which goes into the structure be estimated, but factors such as obsolescence and shifting populations must be taken into account. For instance, a dam which effectively produces electric power today may be made obsolete in terms of this benefit by the cheap use of atomic power 10 or 20 years from now. A facility which can economically serve 500,000 people may be unable to function effectively if the population in the area doubles or triples.

If the useful life of the project is estimated as very short, it is quite likely that the benefit will not be large enough to justify the cost. However, as the years of estimated use increase, the difficulty of justification decreases. A dam which stands for 50 years will prevent a great many more floods than a dam which crumbles in 25. Until recently 50 years

was the standard estimate of the life of a project.

But now the Bureau of Reclamation practice is to use the life of the project or 100 years, whichever is shorter. Since it is difficult to predict the life of the project, practice has resulted in 100 years being used. Of course, this greatly increases the ease of justifying a project. However, a 100-year lifespan is absurd in view of the great changes that have taken place in the last 100 years and that can be expected to take place in the future.

This means benefits are enormously overestimated by doubling useful life far beyond a realistic estimate.

The second question asked in estimating benefit is: "What is a future benefit worth today?" In order to answer this question it is necessary to discount the value of future dollars. We do this because if we had these dollars today, we could invest them and through their use earn more dollars. But since we do not have these benefits, expressed in terms of dollars today, and cannot use them, we must estimate the present discounted value of future benefits.

If it is estimated that an investment would yield an annual return of 10 percent and the future benefit is discounted on this basis, the benefit would be so greatly discounted that the difficulty of justifying the project would be very great. On the other hand, if a low discount rate is used, it would be much easier to come up with a benefit-cost ratio justifying the project.

The discount rate now commonly used in calculating present value of future benefits is 2.5 percent. This is a ridiculously unrealistic figure since present investments, even in short-term Government bonds, are bringing a much higher yield. It is especially erroneous when used in connection with projects estimated to yield benefits for a period of more than 50 years. It enormously and artificially exaggerates the real benefits. The taxpayer is shoved by this device into commitments that cost far more—including the interest the taxpayer has to pay on the money the Government borrows—for the project than it is worth.

For these reasons, I submit a resolution which would make it the sense of the Senate that a discount rate equal to the interest paid on long-term Government securities be applied to projects whose life is estimated at more than 50 years. The current rate paid on these securities is approximately 4 percent.

Mr. President, this is a moderate proposal. It would serve notice that the Senate is interested in the means used by the executive branch to justify proposed projects. I am not proposing legislation declaring that 100 years is too long a life to be given to a project although this is an age of great change and uncertainty. I am not proposing legislation declaring that 2.5 percent is too low a discount rate to apply to 50-year projects. I am merely saying that using a 2.5 percent discount rate in measuring benefits over a period of 100 years is stacking the deck in favor of unjustified projects and against the taxpayer. We must not allow overly optimistic benefit calculations to channel money into bad projects or to divert funds from the pocket of the taxpayer into creating impractical physical resources.

Mr. President, in behalf of myself and the Senator from Ohio [Mr. LAUSCHE], I submit this resolution calling for a discount rate equal to the rate paid by the Treasury of the United States on long-term marketable securities of the United States for all projects which are anticipated to exceed 50 years in life. I ask unanimous consent that the resolution remain on the desk for 1 week for additional cosponsors, and I also ask unanimous consent that the full text of the resolution may be printed in the RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD and held at the desk, as requested.

The resolution (S. Res. 165) was referred to the Committee on Interior and Insular Affairs, as follows:

Whereas the sense of the Senate, stated in S. Res. 281, Eighty-fourth Congress and in S. Res. 148, Eighty-fifth Congress, is that the Congress will continue to exercise its constitutional powers to encourage the comprehensive conservation, development, and utilization of the land and water resources of the Nation, and that reports to the Congress in support of authorization of projects for such purposes should (1) include evaluations made in accordance with criteria prescribed by the Congress, and (2) fully disclose the results of studies and analyses of the potential utilizations, costs, allocations, payout, benefits, both direct and indirect;

Whereas previous statements of congressional intent have been silent on the important matter of the proper discount rate (the interest rate on the Federal investment) to be used in such economic analysis of the benefits and costs of prospective water resource development projects, in spite of the fact that a small change in the present discount factor could significantly alter the benefit-cost ratio of many projects, thus affecting the choice of alternative projects;

Whereas if public funds are to be used to best advantage, the most economically feasible projects should be selected for authorization, so that funds are not denied to prospective water resource projects which would yield larger economic benefits over the years, and to insure that public funds are properly allocated to all private and public uses;

Whereas the proper choice of the best projects from many alternative uses requires that a discount rate be used which is realistic in terms of the public interest and all economic factors;

Whereas it is important that any rate of discount used for these important economic choices should be determined by the Congress;

Whereas the estimation of benefits for any project for any future time period includes the evaluation of many uncertainties and imponderables, and the longer the time period for which the projection is being made, the more uncertain the estimated benefits will be;

Whereas the uncertainties associated with a longer period of analysis indicate that the discount rate should be higher so that the more uncertain benefits of the more distant future are not given the same weight as the more certain benefits which are estimated to come about in the near future in determining the selection of alternative water resource development projects; and

Whereas the present policy is to use the same discount rate, which currently is approximately 2.5 per centum, in analyzing the benefit-cost ratio of projects where the period of analysis is more than fifty years and as much as one hundred years and of projects where such period is less than fifty years: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that in cases where the period of analysis with respect to the useful life of a water resource development project is more than fifty years the discount rate used for the purpose of such analysis should be greater than in cases where such period is fifty years or less and should be at least equal to the average rate of interest payable by the Treasury on interest-bearing marketable securities of the United States outstanding on the last day of the fiscal year preceding such analysis which on such day had fifteen years or more remaining before reaching maturity, such average rate being currently approximately 4 per centum.

## AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

Mr. JAVITS. Mr. President, I submit, for appropriate reference to the Foreign Relations Committee, two amendments. One of them deals with development research. The other deals with certain provisions for investment guarantees. They are amendments to the Foreign Assistance Act, Senate bill 1276, now before the Foreign Relations Committee.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Foreign Relations.

## COMMUNITY RELATIONS AND CONCILIATION SERVICE ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of June 10, 1963, the names of Mr. BAYH, Mr. FONG, Mr. HART, Mr. LONG of Missouri, Mr. MCINTYRE, Mr. NELSON, and Mr. PELL were added as additional cosponsors of the bill (S. 1689) to establish a Community Relations and Conciliation Service to preserve domestic peace and to help insure to all persons the equal protection of the laws under the Constitution, introduced by Mr. WILLIAMS of New Jersey (for himself and Mrs. NEUBERGER) on June 10, 1963.

## NOTICE OF HEARING ON NOMINATION OF HARRY PHILLIPS, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE, SIXTH CIRCUIT

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 26, 1963, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of Harry Phillips, of Tennessee, to be U.S. Circuit Judge, for the Sixth Circuit, vice John D. Martin, Sr., deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from New York [Mr. KEATING], and myself, as chairman.

## NOTICE OF HEARING BY JOINT COMMITTEE ON ATOMIC ENERGY TO CONSIDER NOMINATION OF DR. GERALD F. TAPE TO BE A MEMBER, AND REAPPOINTMENT OF DR. GLENN T. SEABORG AS CHAIRMAN OF ATOMIC ENERGY COMMISSION

Mr. PASTORE. Mr. President, on behalf of the Senate members of the Joint Committee on Atomic Energy I wish to give notice that a public hearing has been scheduled for Thursday, June 20, 1963, at 10 a.m., in the Joint Committee's open hearing room, S. 407 of the Capitol, to consider the nomination of Dr. Gerald F. Tape, of New York, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1966, of Dr. Leland J. Haworth. Dr. Haworth is resigning from the Atomic Energy Commission to become the Director of the National Science Foundation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the biographical summary of Dr. Tape that accompanied his nomination.

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

DR. GERALD F. TAPE

Born: Ann Arbor, Mich., May 29, 1915.

Education: 1935, graduated from the Michigan State Normal College with the A.B. degree; 1936, received the master of science degree, University of Michigan; 1940, received Ph. D. degree in physics, University of Michigan.

Marital status: Married.

Experience: 1939–42, instructor in physics at Cornell University where he did research in nuclear physics; 1942–46, staff member of the Massachusetts Institute of Technology Radiation Laboratory; 1946, joined the physics department at the University of Illinois; 1946–49, assistant professor; 1949–50, associate professor; 1950, became assistant to Dr. Haworth in his capacity as director of the Brookhaven National Laboratory; 1951, became single deputy director; January 1962, became vice president of Associated Universities, Inc.; October 1962, president of Associated Universities, Inc.

Mr. PASTORE. Mr. President, at this hearing the Senate members of the Joint Committee will also consider the reappointment of Dr. Glenn T. Seaborg of California, the Chairman of the Atomic Energy Commission, for a term of 5 years, expiring June 30, 1968. Dr. Seaborg's present appointment to the Atomic Energy Commission expires June 30, 1963.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 19, 1963, he presented to the President of the United States the enrolled bill (S. 74) for the relief of certain aliens.

## 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. CHURCH:

Statement prepared by himself in response to advertisements in Idaho newspapers by private power companies attacking the decision that the Bonneville Power Administration will replace the Bureau of Reclamation as the marketing agent for public power in southern Idaho.

Article entitled "Berlin: A New Approach," written by Senator PELL and published in the June 22, 1963, issue of the Nation.

By Mr. GOLDWATER:

Article entitled "Are We Being Too Peaceful in Space?" by Senator HOWARD W. CANNON, published in the Saturday Evening Post, of recent date.

## STIMULATION OF INTEREST AND PARTICIPATION OF BUSINESS PEOPLE IN POLITICAL AFFAIRS

Mr. CURTIS. Mr. President, last week I attended the annual meeting of the Effective Citizens Organization, a bipartisan, nonprofit national group which is engaged in activities designed to stimulate the interest and participation of business people in political and governmental affairs.

Effective Citizens Organization was founded in 1954 and was the forerunner of the public affairs movement in the business community. The public affairs field is familiar, I know, to many of my colleagues; we all have benefited from the comments of aroused constituents who have developed an interest in Congress because of a company-sponsored political education course. Effective Citizens Organization initiated the public affairs movement within American industry and today remains the leader in spreading the public affairs gospel while providing valuable services to those companies already established in active public affairs programs.

The annual meeting of the Effective Citizens Organization had a dual purpose: the morning session was devoted to a public affairs orientation for top corporate management personnel, and the luncheon session was the vehicle for the presentation of an award to Gen. Dwight D. Eisenhower for his contributions to the cause of increased citizen interest and participation in political and governmental affairs. In a gesture befitting a bipartisan organization, the award was presented by the Honorable James A. Farley, now chairman of the board of the Coca-Cola Export Corp. but once the political mastermind of Franklin D. Roosevelt's presidential campaign and one of the best known Democrats in the country. Mr. Farley's remarks on this occasion were a tribute to the bipartisan nature of a citizen's obligation to the American political system and, I believe, deserve the consideration of the Senators and of the country.

Mr. President, I ask unanimous consent to have printed Mr. Farley's speech as part of these remarks:

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

BUSINESS AND POLITICS

I am delighted to share in this occasion, where there is such graphic proof that business and politics can coexist. You will, I hope, forgive my obvious pleasure at this sight but I have spent a good many years of active participation in these two worlds. Occasionally I feel like the man who was asked, "Which is more affectionate—blondes or redheads?" He replied, "I can't say. My wife has been both."

There were days when my friends in the business community classed me as "one of those dirty politicians" and other days when the politicians put me in the "business czar" niche. Of course, the truth of the matter is that I just happened to be a man in business who has always enjoyed political activity and liked to have a part in determining the future government of my State and my country.

The virtual bill of divorcement between business and the political-governmental area is the most incongruous situation of our era. The average businessman complains to his circle of friends and associates that government is a headache—a nuisance infringing on his prerogatives in running his affairs. In the next breath, he proclaims that old saw, "Politics is dirty," and he simply will not be contaminated. I might say this is a rather unsophisticated comment for one who in any way is identified with our current society. From the politician's point of view, the businessman represents one of dozens of special interests which are not always willing to defer to the politician's judgment of what is the larger national interest. A politician has to be reelected if he's going to do anybody, including himself, any good and he often feels that the businessman fails to recognize the essential need for compromise in political matters.

I cannot deny, much as I would like to, that a breach exists between business and government. I do believe this breach is rooted in a lack of understanding and mutual respect on both sides. The differences between these two essential elements of our modern society rest on a kind of peculiar competitive fear that has developed within the two power structures of this Nation. Differences are not resolved when both sides withdraw into their shells and snipe away at each other. Wishing won't make it so when one says "Government, go away," any more than when politicians say, "Let me legislate in peace without considering the interests of business." Until permanent lines of communication are established between business and government and kept in good repair, a serious threat to the American system will remain.

Both sides can help to establish this rapport but the bulk of the responsibility rests with the business community. Government can try to bring business representation into a political administration through appointments but the businessman must accept the job. And business has the same obligation as labor or any other segment of our society and, for that matter, any individual citizen; namely, to take an interest in political affairs and then do something about it.

This brings up some practical problems. I am genuinely amazed by the attitude of many business people who are sincerely interested in politics. Take the one who is running a successful factory operation. He has demonstrated his leadership ability and now has developed an interest in politics. He didn't step into the top spot in the factory his first day on the job; yet he will present himself at his local party headquarters fully expecting to be named county chairman on the spot—or nominated for public office. While many of the qualities required for business success are the same factors necessary for political achievement, you can't transfer in grade. You must start at the bottom of the political ladder and prove your right to advancement, just as you do in business.

Of course, as we all realize, there is always an exception to the rule which has never been better illustrated than the appearance on this platform of General Eisenhower, our honoree who is to be the recipient of ECO's first award.

I know General Eisenhower remembers my conversation with him in SHAPE, in his headquarters in Paris the day before he was relieved of his command by General Ridgeway. On that occasion I told him that I was possibly one of the few men he had met or would meet who would advise him that in my judgment he was going to be nominated at the Republican Convention and subsequently elected in November.

In that same conversation I very frankly advised him that I wouldn't vote for him because I am a lifelong regular organization Democrat, and that I was going to be a delegate in the convention in Chicago and would, of course, support the Democratic nominee who would oppose him. We had a very friendly discussion which was too long to recite here. I am sure the General also recalls that conversation.

A second, and in the long run, more important practical consideration is your attitude as a businessman toward a politician. You have every right, and, in a very real sense, an obligation to represent your legitimate interests to any elected official. Your welfare is of vital concern to the ultimate health and soundness of the country, financially and socially. But you must remember that the politician is bound by an oath to assume responsibility for the public interest. Occasionally, he may possess facts and information not available to you which influence his decision. At other times, he may be trying to reconcile the divergent interests of many groups, molding a policy which will result in the greatest benefit to all. If an officeholder disagrees with your views once in a while, you have no right to condemn him—out of hand—as opposed to business.

Certainly, the protection of your own interests gives you a good practical reason to be concerned with politics, but I would point out another more fundamental justification if you need it. As Americans, we have so many blessings that we tend to be complacent. But have you stopped to think that your personal political freedoms are basic to everything else you enjoy? Without our political system and its foundation of principles, there would be no freedom of speech or press or assembly. There would be no protection from search and seizure. There would be no guarantee of the freedom to worship—or not to worship, as you choose. True, these principles can exist, even in a dictatorship, but they exist as privileges, not as basic natural rights. Their existence rests on the whim of a despot and not as the fundamental assumption underlying the law of the land. Without politics, force is our only recourse in defense of these principles. But politics provides an orderly mechanism through which any citizen can participate in their protection and implementation.

Today we face a challenge to these principles such as we have never known. Traditionally, our peace-loving Nation has been willing to take up arms in defense of our beliefs and rights. Since World War II, we have developed a military potential which makes an all-out war unprofitable for an aggressor. Thus the battleground has become men's minds and the weapons of war are ideas. If the house of democracy is to withstand the storm of communism, we must strengthen it from the inside as well as out. How can we hope to maintain that strength if the able, competent men and women of the American business community choose to sit on the sidelines, denying our political system the benefit of their support and leadership?

Our Nation is in one of its most difficult eras, and it requires the very best in leadership if we are to preserve the freedom of this Republic in an increasingly hostile world. Inevitably lasting, effective leadership must come in par from our responsible business leaders. Let me exhort all business leaders to reexamine your understanding of the processes of Government in this Republic, and its need for your contribution.

The last decade has seen great strides in this area. Ten years ago no major company in the United States had what we now call a public affairs program. Today more than 300 companies maintain such activities. Some of you here today were the pioneers of corporate public affairs; some of you are neophytes; and some of you are still our heathen brethren, open, we hope, to conversion.

The merits of public affairs have been widely recognized and many national groups have entered the field. Literally thousands of industrial employees have benefited from company-sponsored political and economic education courses. Communications programs and get out the vote campaigns have resulted in a better informed more responsive electorate. Bipartisan, in-plant political fund-raising drives are a valuable potential answer to the problem of broadening the base of political contributions. These public affairs activities are reaching and affecting hundreds of thousands of men and women and returning the investment of business and industry in them many times over.

I am pleased to appear in conjunction with this award presentation today, both as a personal admirer of the honoree and as a lifetime Democrat representing a bipartisan organization in the presentation of an award to a former Republican President.

It is particularly fitting that the Honorable Dwight D. Eisenhower be the recipient of ECO's first award for outstanding contributions to the public affairs field. ECO itself—and thus, in large measure, the public affairs movement—was born as the result of a casual conversation between two men present at this table today—H. Bruce Palmer and Dwight D. Eisenhower. Great credit goes to the men who struggled with the implementation of the general's suggestion, organizing and maintaining the Effective Citizens Organization.

To Dwight Eisenhower go the thanks of the American people, not only for the formation of organizations like ECO, but for his continued interest and support of all efforts to expand citizen interest and participation in the affairs of our Nation. He is an example of the citizen-turned-politician and he has lent his prestige to the cause of better government and increased acceptance of political responsibility by every American citizen.

Good government is not a partisan issue. Wherever we may disagree as party members, we share the concern of our Nation's future and the preservation of our system.

I have here the resolution adopted by the ECO board of directors which reads as follows:

"Whereas Dwight D. Eisenhower has maintained a consistent interest in furthering the cause of increased citizen participation in political and governmental affairs; and

"Whereas he has willing given of his time and effort in support of those activities designed to increase citizenship responsibility; and

"Whereas he has offered leadership, inspiration, and encouragement to the public affairs movement and the Effective Citizens Organization; and

"Whereas he has personally exemplified through a life of devoted public service those qualities of good citizenship which have earned for him the respect and admiration of the American people and which are the characteristics that the public affairs movement strives to promote in every citizen: Therefore be it

"*Resolved*, That the board of directors of the Effective Citizens Organization expresses gratitude and appreciation to Dwight D. Eisenhower for his contribution to the cause of good citizenship and to the public affairs movement; and further

"That the board of directors of the Effective Citizens Organization directs the creation of an award in recognition of his personal contributions to be presented at the annual meeting of the Effective Citizens Organization.

"EFFECTIVE CITIZENS ORGANIZATION
BOARD OF DIRECTORS."

"JUNE 12, 1963."

In accordance with this directive, it is my privilege to present this award to you, Dwight D. Eisenhower, inscribed with your words which are a fitting motto for the public affairs field: "Politics ought to be the parttime profession of every citizen who would protect the rights and privileges of free people."

Mr. CARLSON. Mr. President, last week former President Eisenhower was the guest of honor at the annual meeting and luncheon of the Effective Citizens Organization here in Washington. The general received the Effective Citizens Organization award for his outstanding contributions to the cause of increased citizen interest and participation in political and governmental affairs.

Effective Citizens Organization is a bipartisan, nonprofit national organization dedicated to stimulating active participation of individual business people in the political party of their choice. This organization was founded by a group of businessmen, and for a decade it has served as the spearhead of the public affairs movement in the American business community. Today nearly 350 companies maintain a corporate public affairs program, providing political and economic education and information to thousands of employees.

The Effective Citizens Organization award, recognizing General Eisenhower's continued interest in and support of these efforts, was presented by the Honorable James A. Farley. Mr. Farley commented on the appropriateness of "a lifetime Democrat representing a bipartisan organization in the presentation of an award to a former Republican President."

Earlier today the Senator from Nebraska [Mr. CURTIS] submitted for the RECORD the remarks of Mr. Farley in the presenting of the award to Mr. Eisenhower. I ask unanimous consent to include in the RECORD General Eisenhower's remarks accepting the Effective Citizens Organization award as a part of these remarks. A citizen's right and obligation to participate in the political processes which determine the nature of his government is an area in which political parties can unite wholeheartedly and which deserves the consideration and support of every American. In General Eisenhower's words, engraved on the Effective Citizens Organization award:

Politics ought to be the part-time profession of every citizen who would protect the rights and privileges of free men.

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

REMARKS OF THE HONORABLE DWIGHT D. EISENHOWER IN ACCEPTANCE OF THE EFFECTIVE CITIZENS ORGANIZATION AWARD FOR OUTSTANDING CONTRIBUTIONS TO THE CAUSE OF CITIZEN PARTICIPATION IN POLITICAL AND GOVERNMENTAL AFFAIRS

Thank you, Mr. Toastmaster. Mr. Barr, Mr. Farley, and distinguished Americans all, it is indeed a very great honor that has been awarded me by the Effective Citizens Organization, and I am particularly pleased to receive it from the hands of an old friend, one that I've admired and respected for years. Incidentally, he spoke of a prediction he made concerning me some years back. He omitted one remark that he later made. He said, "Welcome to the membership of those who now follow the ptomaine trail."

In that particular exercise he had had much more earlier experience than I had.

I should like to start by saying, first, that I concur with and applaud the sentiments expressed by Mr. Farley just now to this audience. Likewise, I am delighted and gratified by the report we had from Mr. Barr on what this organization is producing and the work they are accomplishing.

I should like to talk to you for a moment—possibly in generalities—on what I think about certain fundamentals. I think the most priceless heritage recognized by all that we have been handed from our Founding Fathers through succeeding generations is the right of self-government. And I wonder how often we stop to think what self-government means, what it entails. It includes and comprehends all those concepts of human dignity, individual liberties and all of the rights specified in our Constitution and as recited just a moment ago by Mr. Farley.

But self-government means just a little bit more than that, I think. If self-government is going to work, then we have to practice it. Let us assume anyone in this audience has not voted or has not done his best to further the ideals and concepts of government that he believes should prevail. Then I submit that man or that individual is not part of self-government. He's letting somebody else govern him, and if you make this practice too general—and it is far too general today when we have only what sometimes I call a pitiable percentage of our electorate coming to the polls—if this practice becomes too general, then government finally gets into the hands of a very few people and we have in fact an oligarchy.

What, then, are we going to do about it? I submit there is only one thing. You must, whether you choose to remain a private citizen at home, to go into politics itself, or to be a professional man, whatever you want to do—you still have the bound duty to express yourself through our system, our practical system of self-government, so that your voice may be heard and so that you may have your influence in making certain that those precepts and tenets of political doctrine can be observed in Washington and in the Governors' mansions and in the county councils so far as you possibly can.

This is the essence of self-government. And I think if it's neglected, taken for granted, like the man who finds he's taken his wife too long for granted, he just may lose her, and I believe that we, if we take self-government too much for granted, can lose it.

If we do this we keep, as Jefferson told us we should, government close to the people. We respect the power of our city councils and of our boards of commissioners in the counties, of our legislatures, and we give to Washington—with apologies to all of my congressional friends here present—but we accord to them and give to them only those residual duties that were specified or not reserved to the States and the people by the Constitution of America.

So we then have the problem, how are we going to do our best? I don't believe that anyone is doing his duty as a citizen merely because he registers at the proper date and goes down and makes some marks according to the symbol that heads a particular column on the ballot—unless he's on my column.

I believe that we have got to study; self-government demands intelligent consideration of all the problems that present themselves to a people. You've got to study, and when you contact any individual who for one reason or another, either through lack of education or lack of opportunity, has not studied, you have to help him. You are business leaders.

Why, then, can you not be leaders in the kind of government that has made this Nation what it is today? We know what happened to the Athenian city states. In Athens we had a democracy. It was lost, largely because of the fault of the people to call themselves citizens. The example was even more pronounced in the Roman democracy which, giving way to the Emperor, did so because of the citizen's neglect of his own duty both internally and in the problems of self-defense. We must never do this, and I see no way in which this constant rejuvenation of respect for self-government can be brought about except as the people are the natural leaders; in the intellectual world, the business world, the labor world, wherever it is, the people must bring about a study of the programs, issues and problems of the day, using their own God-given intelligence to make their decisions.

I am happy to have had a faint part in the development of this Effective Citizens Organization, because I believe by putting our brains and our strength and our dedication together we help to inspire each other, each to do a little bit more than he has been doing. And let me give you an example of what happens when you don't.

I have a great friend, a very brilliant young man who was elected Governor in my State. And I heard the story secondhand from him something to this effect: he thought, because of the economic problems that were besetting the Commonwealth of Pennsylvania he should get a number of businessmen, men of proved ability, to attack this problem. The cabinet of the State is much larger than the Federal Cabinet—and why this is I don't know—but anyway he had to go over quite a list of people. He made and finally selected a list of 20 businessmen that he wanted to invite into his cabinet. He began to look up the political records of the whole gang, which I think with the exception of two, were terrible. Some had not even registered; some had not voted for a number of elections. There was no way that he could find to justify appointing any of these particular people because they'd shown they didn't have any interest in government. We've had too many people who, because they differ with details within that particular party, say, "I will sit on my hands." What an abdication of responsibility and your God-given rights. I never have understood how anyone can say that—if he's got any concern whatsoever for the United States of America.

I've heard it said, "Well, we've nominated two men. They're both bad choices. What do I do?" You had a part in selecting one of those men. You must have a part, then, in helping to elect a man of your choice.

I cannot stress too much how deeply I believe in this system of government which is still revolutionary and still under test. Despotic government is as old as sin. This new form was brought to us only 175 years ago. This is still a revolutionary idea. The one practiced by the Communists today is as old as history. We've got to make our government successful. This doesn't mean yesterday or tomorrow. This means today. And make it successful so it can march healthily down the years, giving to our grandchildren and all their grandchildren the right that we have had to take part in our own government, the most precious political privilege that any person, any individual or any nation can have.

Thank you very much.

Mr. GOLDWATER. Mr. President, 5 years ago a small group of executives of various companies in this country decided that businessmen were not adequately oriented in politics so they formed the Effective Citizens Organization known as ECO. This organization has become increasingly successful in interesting members of both parties who are at the same time in business in the importance of their attending to their political duties. On Wednesday, June 12, this group met at the Statler Hotel in Washington and they were addressed by two distinguished Americans, Gen. Dwight D. Eisenhower and Mr. James E. Farley. Prior to their remarks, Mr. Charles Barr, who is chairman of the ECO and at the same time assistant to the president of Standard Oil of Indiana, described the history and activities of this group. I ask unanimous consent that Mr. Barr's remarks be printed in the RECORD.

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

ADDRESS BY CHARLES R. BARR, CHAIRMAN, EFFECTIVE CITIZENS ORGANIZATION, AND ASSISTANT TO THE PRESIDENT, STANDARD OIL CO. (INDIANA)

We are gathered here to honor a man who, nearly a decade ago, expressed his concern about the lack of civic responsibility among members of the business community. His expressed concern led to the creation of the Effective Citizens Organization, your host today. ECO has pioneered in the development of educational programs in public affairs for business personnel and in the servicing of public affairs programs created in the last few years as a result of the new and expanded interest by members of the business community in practical politics.

General Eisenhower's concern for the businessman's participation in public affairs inspired a group of men, ably led by Bruce Palmer, to do something about it. This group was the nucleus of ECO and their first effort was a seminar in practical politics held on the Princeton University campus in May 1956. Since then, ECO has conducted scores of these seminars throughout the country. ECO has also assisted organizations such as the United States Chamber, NAM, and hundreds of private groups, to develop their own public affairs programs, with the common goal of encouraging business people to accept their proper role in public affairs.

Since the beginning at Princeton, substantially more than half a million people have taken one or more formal public affairs courses. These people have been entering into politics in the party of their choice or for the candidate of their choice by the thousands. After thousands of people attended business seminars, many corporations

found it necessary to set up a new department for the guidance of these employees—in the vernacular, a public affairs department—responsible for (1) The creation and development of company policy in public affairs, (2) training programs, (3) education on issues, (4) research, (5) to advise top management on public issues of concern to the company and to the general economy.

More and more business managers have become conscious that the day to day operation of their business is affected by a new participating partner—Government—an agency actively concerned with prices, mergers, wages and salaries, prices of commodities and the supply thereof, and almost every other aspect of the routine operating problems of any business. Thus, the manager of a modern company must have advice in the area of political affairs just as he has legal, public relations, or economic advice. This role now is being filled increasingly by the public affairs department and its officers. Business has further come to realize that it can survive only in a healthy, free political atmosphere and that its best interests are served by the intelligent, active political participation of its employees, stockholders, and customers.

Individuals have come to learn that great satisfactions can accrue through participation in public affairs:

1. Political participation is a practical way to do something to preserve, develop, and enhance political, economic, and social beliefs.

2. It is a practical and satisfying way to fulfill each man's yearning to do something for his fellow man by leading and guiding him to use the facilities of his government to its best advantage. People today are looking for leadership. The political leader, no matter how minor, is playing an ever-increasing role in the leadership of his community.

3. Political participation is a way to meet new and interesting people—it's a way to have some fun and to venture into a new and exciting area heretofore unknown to thousands of people who never quite knew what it was all about until public affairs programs were developed.

4. Political participation points a way toward personal growth. A man or woman who can lead a precinct or a volunteer organization learns many lessons in diplomacy, tact, leadership, and other skills which will aid him in his job and in his daily living. I think it can be said without challenge that anybody who can run a precinct will have less difficulty in running a department in any corporation.

The Effective Citizens Organization has gained the know-how and experience to help companies set up public affairs programs. It can guide them in the operation of these programs. It is to this end that we in ECO are dedicated. And it is to serve this end that ECO's activities are structured.

ECO maintains a national clearinghouse—the only one of its kind—for information pertaining to public affairs. The ECO library includes books, speeches and articles on public affairs as well as examples of individual company programs, such as policy statements, political and economic education courses and reports on special projects.

A monthly newsletter, the Echo, contains items of general public affairs interest. Matters of concern to professional public affairs people appear in the Clearinghouse bulletin, a more sophisticated periodical with limited circulation. ECO is currently in the midst of a series of monographs dealing with specific questions of interest to public affairs officers, such as effective committee testimony, corporate communications and bipartisan fund-raising drives.

ECO is equipped to handle questions of all kinds in the public affairs field. A letter, wire or telephone call will bring immediate attention to any research problem or inquiry—no matter how small or large.

The ECO staff comprises trained specialists in the public affairs field. These people will travel anywhere at any time to meet a company's problem on its own home ground. This personal consultation service is available to the company interested in starting a public affairs program, as well as the business already firmly established in these activities.

We stand willing and ready to do all these things and we extend a cordial invitation to those who think that we can be of assistance to aid in the development and operation of a public affairs program.

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## CIVIL RIGHTS LEGISLATION

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina [Mr. JOHNSTON] had the floor. The Chair understood the Senator yielded for a request by the Senator from Montana [Mr. MANSFIELD]. The Senator from Montana made the request. The Senate acted upon it. Then the Chair recognized the Senator from Nebraska [Mr. CURTIS]. Now the Chair recognizes the Senator from South Carolina.

Mr. JOHNSTON. Mr. President, I should like to know what is the position of the bill now. Where is it?

The VICE PRESIDENT. As the Chair understands the situation, if the Chair may have the attention of the Parliamentarian until a ruling can be made, two bills have been sent to the desk. One is the President's bill, the administration's bill, which is introduced by the Senator from Montana [Mr. MANSFIELD]. Is any other Senator a cosponsor of that bill?

Mr. MANSFIELD. Only the Senator from Montana, Mr. President.

The VICE PRESIDENT. The Senator from Montana. The Senator has asked that that bill be referred today, although he has asked that the bill remain at the desk before printing, so that Senators may add their names to it. The Parliamentarian informs the Chair that that bill, containing all eight sections, would go to the Judiciary Committee.

Mr. JOHNSTON. That suits me.

The VICE PRESIDENT. There is a separate bill on public facilities being introduced by the Senator from Montana [Mr. MANSFIELD] and the Senator from Washington [Mr. MAGNUSON], which deals with interstate commerce, which would go to the Committee on Commerce, when referred.

Several Senators addressed the Chair.

The VICE PRESIDENT. There is another bill to be introduced, as the Chair understands the situation, under the sponsorship of the Senate leaders later today. The Chair cannot refer that bill until it is received.

Mr. DIRKSEN. Mr. President, will the Presiding Officer emphasize the fact that that bill will definitely be introduced today and it is withheld for the moment because I felt under obligation to confer with my colleagues on the subject. It will, however, be introduced today; and it will be the package minus title II.

The VICE PRESIDENT. The Chair emphasizes the fact that later in the day the two leaders will introduce another bill, which will be the same as the President's package bill minus section II.

Several Senators addressed the Chair.

The VICE PRESIDENT. Has the Senator from South Carolina concluded and yielded the floor?

Mr. JOHNSTON. Yes.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Minnesota [Mr. HUMPHREY] is recognized.

Mr. HUMPHREY. Mr. President, I shall be brief.

This is a bold, courageous, and comprehensive message and program on civil rights. It is the product of long and intensive consultation with congressional leaders and with representatives of all segments of the American public. The legislation proposed by the President is the minimum necessary to close the citizenship gap in America today. I will be a sponsor of this new civil rights program, and pledge my time and energy in the effort to win congressional approval this year. The country wants and needs effective civil rights legislation. I predict the administration's program will be approved.

Mr. President, I merely wish to add that the distinguished Senator from California [Mr. KUCHEL] and myself are asking to join as cosponsors of the bill introduced by the Senator from Montana [Mr. MANSFIELD], representing the total package bill. Other Senators will join as cosponsors. It will be a bipartisan cosponsorship.

I am working closely with the Senator from California in an effort to obtain equal representation of cosponsorship upon this total, overall, comprehensive civil rights program.

The effort will be made to balance it off, so to speak, with a Democrat and a Republican, a Republican and a Democrat, in an effort to have genuine bipartisanship in cosponsoring this very important measure.

Several Senators addressed the Chair.

Mr. HUMPHREY. I wish to thank the Senator from California for his consistent cooperation in these matters. He has been most helpful.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Minnesota yield; and, if so, to whom?

Mr. HUMPHREY. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, perhaps during the lifetimes of Members of the Senate the debate and ultimate action on the legislative proposal introduced today will be the most far-reaching, the most difficult, and one of the most important before the Senate, the Congress, and the people of the country.

In attempting to solve a tragic National problem Senators need to act not as partisans, but as Americans. Thus I am very glad that in the introduction of the bill today, sent by this administration, reflecting the views of each national political party in great part, we who sponsor it will come in equal numbers from both sides of this aisle that separates the two parties.

I thank my friend from Minnesota for his comments; and, on behalf of my own

colleagues, who can speak far more eloquently for themselves, I merely say that we shall act as men of good will, recognizing that there are divergencies of view in each party and recognizing also that at this late hour the Congress of the United States has a responsibility to participate in the solution of a tragic problem and in demonstrating to the people of the entire globe that equal justice under law is not a sham but a constitutional right to be enjoyed by every American citizen regardless of his caste or of his blood.

Several Senators addressed the Chair.

Mr. HUMPHREY. I yield to the Senator from Pennsylvania.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired.

Mr. BURDICK, Mr. SCOTT, and Mr. ROBERTSON addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota [Mr. BURDICK] is recognized.

## VISIT TO THE SENATE BY HON. OLAV HORDVIK, MEMBER OF THE NORWEGIAN STORTING

Mr. BURDICK. Mr. President, we are honored to have with us this afternoon a very distinguished visitor. I wish to introduce the Honorable Olav Hordvik, Member of the Storting, otherwise known as the Norwegian Parliament.

[Applause, Senators rising.]

The VICE PRESIDENT. The Chair is happy to welcome this distinguished visitor, on behalf of the Senate.

## THE PHILADELPHIA BANK MERGER CASE

Mr. ROBERTSON. Mr. President, I was shocked to hear of the Supreme Court's decision in the Philadelphia bank merger case. This is one of the most incredible cases of judicial legislation which the Court has handed down.

I was shocked both at the result and at the Court's casual disregard for congressional intent and purpose.

The case holds that section 7 of the Clayton Act applies to bank mergers. Before 1950, section 7 of the Clayton Act applied only to stock acquisitions, where one corporation bought and held stock of another company. In 1950, by the Celler-Kefauver Act, an additional prohibition was added—a prohibition against asset acquisitions by corporations subject to the jurisdiction of the Federal Trade Commission. Banks were not and are not subject to the jurisdiction of the FTC, but to the jurisdiction of the Federal Reserve Board.

Neither the original section 7 nor the Celler-Kefauver amendment applied to bank mergers carried out under the merger provisions of the National Bank Act. But somehow the Supreme Court, or at least five judges, reach the conclusion that the amended act applies to such bank mergers.

This interpretation is an original and novel idea. Congressman CELLER did not think he had accomplished this result. The distinguished chairman of the House Judiciary Committee appeared before the Senate Banking and Currency Committee in 1959 and testified as follows:

> Section 7 was designed to stop mergers beyond the reach of the Sherman Act but its failure to include mergers accomplished by asset acquisitions resulted in a loophole which so far as nonbanking corporations are concerned was closed by passage of the Celler-Kefauver Act of 1950. Moreover, because of revisions made in subsequent versions of various antimerger bills, it became impracticable to include within the scope of the Celler-Kefauver Act corporations other than those subject to the jurisdiction of the Federal Trade Commission. This left asset acquisitions by banks unaffected by the new law since authority to enforce the provisions of section 7 dealing with banks is vested in the Federal Reserve Board and not in the Federal Trade Commission.
>
> Beyond this, virtually all bank mergers are accomplished by asset acquisitions by virtue not only of provisions of Federal laws prohibiting member banks of the Federal Reserve System, with a few exceptions, from purchasing corporate stocks, but also of various State statutes prescribing similar limitations. For these reasons, section 7 of the Clayton Act has little value in coping with the mounting trend of bank merger activity.
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> To close this loophole in section 7 and provide Federal enforcement agencies with the same authority to move against bank mergers accomplished by asset acquisitions, I introduced H.R. 5948 in the 84th Congress. This bill was adopted by the House without dissent on February 6, 1956, but was not brought up on the Senate floor for vote. I might add that the measure was in accordance with the President's recommendations submitted to the Congress in 1956 and repeated in 1957, 1958, and 1959, calling for revision of antitrust legislation to cover the bank mergers accomplished by asset acquisitions.

Five distinguished representatives of the Justice Department—Attorney General Brownell in 1957, Deputy Attorney General Walsh in 1959, and three heads of the Antitrust Division—Judge Barnes in 1956, Judge Hanson in 1957, and Hon. Robert A. Bicks in 1960—recommended enactment of a bank merger act. They recommended that such an act should apply the principles of section 7 to bank mergers. All of them based their recommendations on their understanding that section 7 did not apply to bank mergers.

The Senate Banking and Currency Committee and the Senate, in considering the bill which finally became the Bank Merger Act, clearly and repeatedly stated their understanding that section 7 did not apply to bank mergers and clearly and repeatedly decided not to apply section 7 to bank mergers.

In the face of this background, the majority of the Supreme Court, as far as I can grasp their reasoning, simply say the Celler-Kefauver Act of 1950 was intended to prohibit mergers. Bank mergers are mergers. Therefore, the Celler-Kefauver Act applies to bank mergers.

This is false logic. Anyone with legislative experience knows that what a statute does not cover is as important as what it does cover. The limits on a statute's scope are vitally important in getting legislation through Congress. Legislative bodies deal with specific problems and issues, and the statutes they enact should be limited to what the statutes cover—not extended endlessly at the whim of the Court.

The Court often quotes Chief Justice Marshall, "It is a Constitution we are expounding," when it is stretching constitutional provisions. Whether we agree or not with these judicial amendments to the Constitution, we are by now well used to them. But the reverse is equally true. Statutes should not be expounded with the same freedom the Court applies to constitutional provisions.

The Court, I am glad to say, does not always rewrite statutes. When it wishes, the Court adopts the policy of following the terms of a statute and the clear will of Congress, leaving it to Congress to amend the act. A leading case along this line is *Toolson* v. *New York Yankees*, 346 U.S. 356.

I am also glad to say that Mr. Justice Harlan and Mr. Justice Stewart dissented in a clear and compelling opinion written by Justice Harlan. Mr. Justice Harlan made it entirely clear that—

> For 10 years everyone—the department responsible for antitrust law enforcement, the banking industry, the Congress, and the bar—proceeded on the assumption that the 1950 amendment of the Clayton Act did not affect bank mergers. This assumption provided a major impetus to the enactment of remedial legislation, and Congress, when it finally settled on what it thought was the solution to the problem at hand, emphatically rejected the remedy now brought to life by the Court.

He pointed out that—

> The legislative history of the 1950 amendment also unquestionably negates any inference that Congress intended to reach bank mergers.

Mr. Justice Harlan continued by pointing out:

> The result is, of course, that the Bank Merger Act is almost completely nullified; its enactment turns out to have been an exorbitant waste of congressional time and energy.

It is too early to tell just what this decision means. At the least, it means that the Justice Department has the controlling voice in bank mergers, instead of the advisory role the Congress intended when it passed the Bank Merger Act. This decision may mean that there will be no more bank mergers. It certainly means there will be none unless the Justice Department agrees. It is not clear how far this decision will be applied to past mergers—how far the Department of Justice may go in seeking to upset mergers which have been effected since the 1950 amendment to section 7.

## CIVIL RIGHTS LEGISLATION—MESSAGE FROM THE PRESIDENT

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I ask the Chair to lay down the message of the President, that it be appropriately referred, and that it be printed in the RECORD. I also ask unanimous consent that the reading of the message be waived, since it was read in the House.

Mr. MORSE. Mr. President, I object.

The VICE PRESIDENT. Is there objection?

Mr. MORSE. Reserving the right to object, may I add my comment to the statement of the Senator from Minnesota? I think this is one of the most historic messages that will be delivered to the Congress in our time. This is a message for which the Kennedy administration will be historically known possibly more than any other act it makes. This is an effort to implement the Emancipation Proclamation, the fruits of which have been denied the Negroes of this country for a hundred years. It is such a great message that the senior Senator from Oregon requests the message be read by the clerk, publicly to the American people, this morning.

Several Senators addressed the chair.

The VICE PRESIDENT. The Chair recognizes the Senator from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. President, I rise to express my gratitude to the Members of both sides of the Senate who have, as expressed by the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], desired that an approach to this most important package of legislation as proposed in the President's message be handled on a bipartisan basis. I have therefore joined the Senator from California and others of my colleagues in agreeing to cosponsor the legislation as presented, and to state that, while some of us had proposed measures which would have further implemented civil rights legislation, we are still prepared to support them.

Nevertheless, in the interest of the avoidance of violence, recognizing the importance of the principles of our Constitution, the declaration made by so many people over so many years, of the essential dignity of man, recognizing that I would like to remove from the Pledge of Allegiance to the flag the unintentioned hypocrisy which now appears in its closing phrase, "with liberty and justice for all," and in an attempt to implement our high principles, and because I feel bipartisan support of this legislation offers it a far better prospect of success, I am very happy to join with the Senator from California [Mr. KUCHEL] and other colleagues on my side, and I believe an equal number of Senators on the Democratic side, in the support of this proposed legislation.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, there has been no opportunity as yet to study the President's message, although, from a cursory perusal of it, I can say that I can support many of the recommendations.

I presume that the President's message and the proposed legislation are intended to assure equal justice and a guarantee of constitutional rights to those who have been the victims of discrimination in one form or another. However, there is something about the President's message which disturbs me, because no less than 34 times he refers to these people as Negroes. This repeated reference to these people who have been discriminated against as Negroes seems to me to be a form of discrimination in itself.

It is my hope that in considering the proposed legislation, Senators will refer to these victims of discrimination as people and citizens of the United States, rather than a separate class of our population for whom special legislation may be required.

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## NUCLEAR SHIP "SAVANNAH"

Mr. LAUSCHE. Mr. President, in 1956 the U.S. Congress authorized the construction of a ship that would carry passengers and cargo and be propelled by nuclear power. That ship cost $80 million to construct. It is the pride of the American people and those with technique and scientific knowledge.

Seven years later, in May of 1963, that ship was ready to sail. It was contemplated that it would make stops at certain ports of European nations. When the time came for the signaling of the departure of the ship, it was found that certain union leaders called a strike of needed men for the operation of the ship. Hence it was compelled to lie idle at the dock.

The dispute which arose was over the fact that certain employees on this ship, having been trained at governmental expense, and having obtained technical knowledge which was rare, said to the operators, "Unless you give us a special wage increase, we will not work."

Even though that special increase had been granted, the ship would not have been able to leave the dock, because other workers said, "If you increase the wages of these experts, you must increase ours in conformity with the collective bargaining contract."

When this act came to the knowledge of the Secretary of Commerce, Mr. Hodges made a statement in which he said that he thought it could be said without exaggeration that the labor disputes involving the *Savannah* crew and resulting in the present deplorable, if not disgraceful, situation have a strange Alice-in-Wonderland character.

Since that time, articles have been published in various magazines. I have before me a copy of Life magazine of June 14, 1963. The article is written by Robert Rosenfeld, under the title "Atom-Powered Ship Is National Disgrace."

The Secretary of Commerce, finding himself in this embarrassing dilemma, on June 11 issued a release in substance, as follows:

The Department prefers that the *Savannah* be operated by a private carrier under a general agency contract; but, however, if satisfactory arrangements for this type of operation cannot be made, the *Savannah* would be operated directly by the Government.

A copy of the general agency agreement containing the requirements of the United States was enclosed with Under Secretary Martin's letter. The letter stated that the enclosed contract was similar in most respects to the agreement previously in effect between the Department and States Marine Lines, Inc. However, an important new section has been added to the general agency contract, pertaining to crew personnel provisions.

This new section of the contract provides that: (1) Job descriptions for all crew positions on the *Savannah* and the manning requirements of the *Savannah* will be set by the United States; (2) that wage rates and employee benefits on Class A-1 vessels (the power-tonnage class of the *Savannah*) as provided by collective-bargaining agreements which a general agent has in effect from time to time for the operation of nonnuclear-powered class A-1 vessels, would be applicable for crew personnel assigned to the *Savannah;* and (3) the United States must have assurance from any union representing crew personnel assigned to the *Savannah* not to order or to permit any strike or unauthorized work stoppage affecting the *Savannah*, and further, each person assigned to the crew of the *Savannah* in the future would individually agree not to engage in any strike or unauthorized work stoppage.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 3 minutes.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the distinguished Senator may be permitted to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. LAUSCHE. Mr. President, as you will note the Secretary of Commerce, wanting to get this ship on the high seas, issued a statement on June 11, in which he called upon private enterprise to run the ship, and stated that a contract would be made with one of several companies that were interested, but that the Federal Government would prescribe the ways and means of hiring the employees, constantly having in mind collective bargaining agreements but wanting a pledge of no strike from the unions.

Yesterday, I received two telegrams from representatives of the labor unions who are responsible for this disgraceful condition.

One telegram reads:

HON. FRANK J. LAUSCHE,
*Senate Commerce Committee,*
*U.S. Senate, Washington, D.C.:*

We protest the attempt by the Department of Commerce to scuttle bona fide collective bargaining and substitute yellow dog agreements in the leasing of the NS *Savannah* to private operator. Fixing wages and conditions of employment by Government departments instead of free collective bargaining smacks of governmental dictatorship. Any private operator designated by the Government to operate the *Savannah* should enter into bona fide collective bargaining with the duly authorized representative of the national Marine Engineers Beneficial Association. We urge your immediate assistance in this matter.

PAUL HALL,
*President.*
PETER M. MCGAVIN,
*Executive Secretary-Treasurer, Maritime Trades Department, AFL-CIO.*

Mr. President, these people urge my immediate assistance to help them keep this $80 million ship from going on the high seas. My answer to these two telegrams I now make publicly on the floor

of the Senate. As far as I am concerned, they will not have my help, but, instead, my opposition to the disgraceful conduct they are following.

## CIVIL RIGHTS LEGISLATION

Mr. SALTONSTALL. Mr. President, while we have not had an opportunity to study the President's message in detail, or may not agree with all its provisions, we know that the situation which we face is a serious one which calls for affirmative action coupled with a realistic, dispassionate approach to the problem. All Americans have a responsibility to insure that equal opportunity is afforded all our citizens. This responsibility falls on us in what ever capacity we may be serving. As a Member of Congress I welcome the opportunity to participate in the effort to achieve this goal.

Some of the inequities which exist can and should be redressed by legislation, and those we should move to accomplish. I have introduced and supported meaningful civil rights legislation in the past and will continue to support it. I hope that the bills to be presented today will be considered expeditously and thoughtfully in committee, so that we can move forward in this most important area very soon.

In meeting our responsibilities we must be sure that we are being realistic and we must be careful to keep our feet on the ground. We must not be carried away by emotion and led into actions which we may later have cause to regret. The problem before us requires the cooperation and understanding of all Americans. I am confident that that cooperation will be forthcoming and that we can solve this problem in the traditional American way—by working together in a united effort.

Mr. JAVITS. Mr. President, I suppose that we would be justified in expressing our gratification that at long last it has been recognized that the subject of civil rights represents a national crisis, and that it has many friends in the Senate. We always knew that, but unfortunately, we have been divided for various reasons.

Today is not a day for reservations, however. Today is a day on which to close ranks. It requires all Americans to close ranks. Accordingly, I pledge my support to the President.

In return, I believe that the President must make it clear to the country—and he has certainly made a beginning toward that end in his message to Congress—that he has pledged not only his head, but also his heart to this struggle; that civil rights legislation must displace tax reduction as the No. 1 priority, tax reduction now being assigned No. 2 priority; and that the key vote will come on cloture to stop a filibuster in the Senate.

Success in the battles ahead will require not only an aroused country but an aroused President.

It will be my duty and that of other Senators to do all we can to see that the necessary measures are taken up in Congress at the earliest possible moment.

I note with the greatest of interest that title II now replaces the famous part III as the big storm center, title II being the effort to do away with segregation in places of public accommodation. This follows the bill, based on the interstate and foreign commerce clause of the Constitution, which I and six other Republican colleagues had introduced in March. Not only is that constitutional, Mr. President, but I have introduced numerous measures, as has the Senator from Oregon [Mr. MORSE], to cut off Federal funds from programs which violate the antidiscrimination principle. The President is also at long last adopting this principle, whether it is in the form of a Powell amendment, a Javits amendment, or a Morse amendment. At long last there has been recognition that justice requires this to be done.

Title II now replaces "part III" as the storm center, as I have said, guaranteeing against discrimination and desegregation in places of public accommodation. But such a statute is now on the books of 31 States and is known and accepted. One of the States which have adopted such a law is the State of Illinois, the State of our minority leader. The State of New York has had such a law for a long time. These laws are essential. I am honored to join in this part of the package, and it needs to be passed.

Finally, Mr. President, let us understand that, although this is something of a day of celebration for many of us, it is also a day of beginning; there is a long, tough fight ahead. Let us hope that we will not start to vote on these measures in September or October, but that we will start on them promptly; let us hope that we shall start to vote on them in July. I believe that the debate should begin promptly. It can start with the submission of a simple amendment to a bill. All of us know that unless this is done by the leadership, such an effort will not have validity or force.

I am delighted to pay my tribute to the Senator from Montana [Mr. MANSFIELD], for his leadership in this fight. Knowing him as I do, with the path now before us, we will march on that path quickly.

I do not say what I have said in any sense of criticism, but only to emphasize from past experience what now must be done in view of the national crisis on civil rights, which the President has recognized.

Mr. MORSE. Mr. President, I should like to have the attention of the majority whip. I hope that each and every one of the bills on civil rights that are being introduced will be available for cosponsorship by all Members of the Senate who have fought for civil rights for many years. I am not certain that I correctly understood the comment by the majority whip a few moments ago; but he left me with the impression that an equal number of Democrats and Republicans would sponsor the Humphrey-Kuchel bill. The substance of the Humphrey-Kuchel bill is of interest to all Members of the Senate who believe in civil rights; therefore, I respectfully request that there be cosponsorship by all of us who wish to be cosponsors.

There is an additional reason. It is important that the country on this historic day—and I intend to say something about its historic significance in just a moment—understand that there is a very broad sponsorship of these bills in the Senate.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. The Senator misunderstood me. I said that, so far as possible, there would be an alternation of sponsorship—Democrat, Republican, Democrat, Republican—in an effort to maintain a strong bipartisanship spirit. But obviously there will be many more of one group than another.

As the distinguished majority leader said, the bill will be open for cosponsorship by all Senators who wish to join as cosponsors. I know the distinguished senior Senator from Oregon will be among the first to join, and rightly so.

Mr. MORSE. Mr. President, I do not think in this historic hour and day, as we discuss the issue of civil rights this afternoon, we perhaps fully appreciate the importance of the hour. But historians of the future will as they write about it; for, in my judgment, a great chapter in American history is being written in the Senate today as a result of the action by the President of the United States in sending this message to Congress.

During my many years as a Member of the Senate, I have heard many Presidential messages read from the reading clerk's desk. In my opinion, few of them compare in historic significance with the great message that President Kennedy has sent to us today. That is why, a few moments ago, I took the position that the message should be read into the RECORD and to the American people from the floor of the Senate today, and why I objected to the request that was made that the message merely be printed in the RECORD. I think it is important that the message be emphasized through every medium of public information available. After all, the final decision will not be made by the Senate and the House; the final decision on this great issue will be made by the American people.

I listened to the comment of the distinguished senior Senator from Vermont [Mr. AIKEN] concerning the President's references, some 30 times in the message, to Negroes. That is true. But a reading of the message shows that on the first three pages the President refers also to Negro citizens; and later in the message he refers to whites. Let us face it: We are dealing with a problem that concerns the denial of rights for 100 years to Negro citizens. We are concerned with a problem that involves discrimination by whites against Negroes for 100 years in this country. Taking the message from its four corners, the President appropriately emphasizes the importance of this problem to Negro citizens and says so throughout the message.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon may be yielded 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon is recognized for 3 additional minutes.

Mr. MORSE. Throughout the message, the President refers to Negroes, as we must refer to Negroes, when we discuss civil rights problems, and he refers to the whites as well. At the top of page 3 of the mimeographed copy of the message, the President says: "For these reasons, I am proposing that the Congress stay in session this year until it has enacted" civil rights legislation. I cannot too strongly endorse that statement by the President and emphasize the clear obligation of Congress to remain in session until this question is settled. In my judgment, all else should be put aside, if necessary, finally to deliver the Constitution of the United States to the Negroes of the country. The senior Senator from Oregon will oppose any attempt to trim this proposal, any attempt to water it down, any attempt to give Negroes half a loaf; for the Negroes of America are entitled, in the year 1963, to the full deliverance of their constitutional rights.

On the question of equal accommodations in public facilities, I emphatically disagree with the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN] when he questions the constitutionality of this aspect of the President's proposal. In my judgment, on page 3 of the message, the President makes an unanswerable argument when he points out that such legislation is clearly consistent with the Constitution and with our concepts of human rights and property rights. At the top of page 4, the President points out:

> Indeed, there is an age-old saying that "Property has its duties as well as its rights"; and no property owner who holds those premises for the purpose of serving at a profit the American public at large can claim any inherent right to exclude a part of that public on grounds of race or color.

Let us face that issue without the slightest trimming of any of the legislation that is passed to assure the right of the Negroes to full accommodations in the public places of this country and in public facilities that hold themselves out for the making of a profit.

I think such a legislative requirement is constitutional both under the commerce clause and under the 14th amendment, and I have already cosponsored with the Senator from Kentucky [Mr. COOPER], a measure protecting under the 14th amendment the right of colored citizens to patronize public businesses.

Lastly, as was referred to by the distinguished Senator from New York [Mr. JAVITS], I am, of course, flattered that the President at least approved the principle of my bill, S. 1665, respecting the denial of Federal funds for any State or local service or project in which segregation exists.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon be granted 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon is recognized for 2 additional minutes.

Mr. MORSE. Mr. President, State-supported segregation is illegal and has been illegal for many long years. It is time for the Negroes of this country to be protected from a continuation of that illegality. I go further, however, than the President goes in his message. The President would leave it up to Federal administrators, by way of discretion, to deny Federal funds to any Federal project or service in which there is segregation. I say that the Negro citizens of America have the right to expect their Congress to stop supporting an illegality. This should not be discretionary; it should be mandatory.

In my judgment, every dollar of Federal taxpayers' money that goes into a Federal project or a Federal service which sustains segregation is an illegal expenditure of Federal money. Therefore, I shall seek, as the debate proceeds, to strengthen the proposal of the President by offering my proposal, which would deny the expenditure of Federal money by the Federal Government in any service or project that in any way, shape, form, or manner whatsoever sustains segregation.

I close by congratulating my President and saying to him how proud I am to be an American citizen today under a President who has taken the position that the great promises of Abraham Lincoln, the Emancipation Proclamation, and the 14th amendment must now be carried out, and the Constitution delivered to the Negroes of America.

Mr. KEATING. Mr. President, I wish to express my commendation to the distinguished majority leader and the distinguished minority leader for the effort which they have put into this problem; and also to the distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished Senator from California [Mr. KUCHEL] for the manner in which they have made it possible for these proposals to be truly bipartisan, by inviting bipartisan cosponsorship of the proposed legislation.

The President's message sets forth very important objectives and enactment of the legislation he has proposed would represent substantial progress. However, I agree with the Senator from Oregon that it is illegal to expend Federal funds for projects or services which deny their use to Negroes, and have cosponsored his bill. If such practices are not prohibited by Executive order, as they can and should be, I shall join with the Senator from Oregon in an effort to include such a provision in the civil rights bill.

This bill, like all others, undoubtedly will be improved and modified both in the committee and on the floor; but certainly it represents a great step forward in meeting the challenge of civil rights.

All of us must approach this challenge with a determination to succeed. The time for alibiing on civil rights is obviously over. Those of us who have been fighting over the years for equal rights for all our citizens must be just as resolute and just as tireless in working for our causes as those who are opposed to the legislation and who respond to the demands for freedom now with promises to filibuster forever.

If a filibuster develops, the crucial test will come on the decision of the Senate cloture. It is essential that a civil rights coalition develop in the Senate. We have heard much about other coalitions; but a civil rights coalition consisting of the advocates of such legislation in both parties— a coalition which, in the interest of the Nation's welfare, will submerge party labels and any narrow political considerations, is essential for the success of our efforts.

The PRESIDING OFFICER. The time available to the Senator from New York in the morning hour has expired.

Mr. KEATING. Mr. President, may I proceed for 2 more minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the Senator from New York may proceed.

Mr. KEATING. Mr. President, the cosponsorship of the President's program by Senators on both sides of the aisle is a good omen of future unity and cooperation. This approach must be continued at the committee sessions, in the debates, and the consideration of amendments on the floor. We must join forces if we are to overcome the vigorous opposition which we must expect if history is to repeat itself.

We are faced with a long, hard session. But, speaking for myself—and I know I am not alone in this—I am ready to stay here until the snow flies; and I agree emphatically with the part of the President's message in which he indicates that Congress should remain in session and should not consider leaving here until it has enacted legislation in this field. In the coming debates, America will be on trial; and we must not fail in our responsibilities.

Mr. COOPER. Mr. President. I am glad the President has sent to Congress his bills and message on civil rights.

Although I believe that some sections of the bill are not the best that could be recommended, I have joined in sponsoring the omnibus civil rights bill because it will place the issue of civil rights before the Senate, and because it represents the recognition of the administration, at long last, that there must be a legal framework for the definition and enforcement of equal rights.

It is an issue with which the Congress and the administration must come to full grips, for it is our responsibility to do all possible to help achieve the equal rights to which all our citizens, regardless of race or color, are entitled.

I do not expect the proposed legislation, even if enacted, to achieve fully the objectives of those who are now denied equal rights. But at least it will provide the legal basis and background which has been needed for 10 years since

the Brown decision—and especially during the last 2 years—to enable the Federal Government and the President to act in a legal and effective way. It will play a part in removing the frustrations of those who are denied their equal rights. These matters must be determined by law, and not by violence.

I join as a cosponsor of the proposed legislation because its objectives are right, and because it brings the essential issue before Congress and the country. Nevertheless, as I have said, I do not believe that the measures the President has suggested are necessarily the best possible. I have always had doubts that the administration's proposal on voting rights is constitutional. But this is a matter of which there is disagreement and I hope that the section can be perfected.

In addition, I dislike having the public accommodations issue based upon the commerce clause. If our fellow citizens have the equal right to the use of public accommodations—and I believe they do—it is based on the 14th amendment. It derives from the equal rights of citizenship accorded to all persons by the 14th amendment, irrespective of race or color, and is not one tied to or predicated upon commerce. Even though I would say that using the commerce clause to guarantee equal access to public accommodations is, in my opinion, constitutional, I do not like the approach. It would create new inequalities and provoke litigation.

Several weeks ago the senior Senator from Connecticut [Mr. DODD] and I introduced three bills on civil rights, dealing with three subjects—voting rights, school desegregation, and public accommodations. We agree that although we prefer the approach adopted by our bills, and will offer our bills as amendments when the administration bills come before the Senate, we join as cosponsors of the administration bill because it is essential to act upon civil rights legislation.

So I am happy to become a cosponsor of the proposed legislation. I hope that legislation will be enacted, and I believe it will be enacted if we have the will. We are dealing with a national issue—one of the greatest of our country and time.

## ADDRESS BY SENATOR MANSFIELD AT DEDICATION OF EAST COAST MEMORIAL

Mr. MANSFIELD. Mr. President, in the company of the President of the United States, I had the honor to attend the dedication ceremony of the East Coast Memorial, at New York City, on May 23, 1963. I ask unanimous consent to have printed at this point in the RECORD the remarks I made on that occasion.

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

ADDRESS BY SENATOR MANSFIELD AT DEDICATION OF EAST COAST MEMORIAL, NEW YORK, N.Y., MAY 23, 1963

It was not a long time ago, as time goes. It was scarcely 20 years ago when it all took place.

In the dawn and in the dusk and through the day, men and women went forth from this Nation—to Africa, to Asia, to Europe, to the South Pacific, and to all the far places of the world. Week after week, they went, and month after month, and year after year.

Before it was done, 8 million men and women in battle dress were outside the borders and, within, millions more were ready to go. And behind them, there was a Nation with a whole people united in common purpose.

They came, these men and women in the Armed Forces, from the farms, the mines, the desks, and the work benches. They came from slum and suburb, from country and town. They came from Utah and New York, from Puerto Rico and Georgia, from all the States and places in the land. They came from the long-rooted strains of Americans and from those so new that even the English language was still halting on the tongue. They came in all colors, all faiths, all creeds. And they were welcome in all colors, faiths, and creeds.

Some came with fierce anger. Some came with cold hate. And some came with neither hate nor anger. Some knew why they came and some did not. Some came because they were told; and some because they told themselves.

In the end, it did not matter who they were, what they were, what they did, where they had come from, or why. They became—all of them—the sinew and bone and muscle of a mighty arm of a nation. The Nation's purpose was their purpose and it was they who bore the great costs and dangers of that purpose through the long years of the war.

A common human hope joined these Americans with others—with the English, with Russians, with Chinese, with Frenchmen, and many more. And, in the end, this massive force swept, as a great wave, over the ramparts of the tyrants. It tore loose a deadly weight from the minds and backs of hundreds of millions and flung it into the cesspools of history.

And when this force had spent itself, for a brief moment, men and women throughout the world drank deeply of the meaning of peace and freedom. Many clutched that moment and held it. Many soon forgot or were compelled soon to forget.

And millions of those who had done so much to forge the moment were not there to live it when it came. Some had fought and died years before and some the day before. They had died in their homes or down the street or on the edge of town, against a wall, in a ditch, a courtyard, or an open field. And others had died a long way from home, in an alien land, or against a vast sky or in the pitch dark of the sea's depths.

Countless Americans were among those who did not see the bright flash of freedom and peace which swept the earth when the conflict ended. They died in all the places and in all the ways of war's death. Today, most of them lie here in the earth of America or in a plot apart in other nations which is of this Nation because they are there. But for others, we are not able to provide even a grave with a cross or a star to mark their last traces.

These are the missing, and it is they who have summoned us.

How much do we know of these missing men, we who stand here today? We know their names. We know the numbers they bore in the Army and Air Force, the Coast Guard, in the Navy and the Marines. But what do we really know of them? Do we know them as a wife, a mother, a father, a sister, brother, or friend might know them? For those close to them, each life lost was as a star in a human universe, a star whose light was bright for awhile and then, in a moment, ceased to burn.

We cannot know that world, we who stand here, that closed but infinite world of each man's circle. What we can know, what all in this Nation can know, and all the world's people should know, is that these deaths are a debt yet to be redeemed. And those whom we could not even bury are of its pledge.

Let us not delude ourselves. We do not pay the debt with these words today. We do not end it with these steles of granite pointed toward the sky nor with names struck upon stone.

We seek the words to praise these men, and they are wanting. We search to express our thanks to these men, and even the genius of the sculptor is not enough.

The debt remains unpaid. What we do and say here today is not needed by these men whom we honor. It is needed by ourselves. It is needed to remind us that the debt is unpaid, for these men whose names we record, and the countless others throughout the world whose passing was marked or unmarked, did not die for words of praise or memorials of stone. They died that those who lived might have a chance to build this Nation strong and wise in justice and in equity for all, in a world free, at last, from the tyrants of fear, hate, and oppression.

It was a long time ago, as time goes, that they died. It was not 20 years but 50 years ago or a century or a millennium. For they died, not only on the Normandy beachhead but at Verdun, at Gettysburg, at Valley Forge, and in all the places and in all the times that the human right to be human has been redeemed.

If we would honor these dead, then—all of them—if we would praise them, if we would repay them, let us ask ourselves what we have done with this chance which they have given us. And let us ask ourselves again and again what we have done until there is, in this Nation and in this world, the need to ask it no longer.

## BERLIN: A NEW APPROACH—ARTICLE BY SENATOR PELL

Mr. MANSFIELD. Mr. President, the able Senator from Rhode Island [Mr. PELL] has made many valuable contributions to our understanding of the situation in Europe and Germany, and from time to time he has offered a constructive contribution of ideas for consideration in connection with our policies respecting that region. The latest effort of the Senator appears in the June 22, 1963, issue of the Nation in an article entitled "Berlin: A New Approach."

I have read this article with great interest. It reveals a deep insight into the diplomacy and psychology of Europe and a clear perception of the strengths and weaknesses of the contemporary Western position in Berlin and central Europe.

What the Senator from Rhode Island does is to propose specific revisions of this position which, in his view, would attune it more closely to the present realities of Europe and, at the same time, strengthen in a real sense our policies with respect to Europe in the overall interests of the people of the United States.

It is not necessary to accept every specific proposal which the Senator from Rhode Island has made in order to recognize that his article is, in total, a highly constructive contribution of thought on a most complex question of policy. It would be my hope that Senators who have evinced a deep interest in

this question and members of the executive branch who have direct responsibility in dealing with it would study this article most carefully. To that end, Mr. President, I ask unanimous consent that the text be printed at this point in the RECORD.

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

BERLIN: A NEW APPROACH

(By Senator CLAIBORNE PELL)

Of the many centers of international crisis today, none is more potentially dangerous nor has festered longer than the situation in Berlin. For 18 years we have been confronting this problem, which has been sometimes deceptively quiescent, sometimes productive of violent localized struggle and loss of life, more often verging on eruption into conflict which could engulf us all. We have witnessed policies of "brinkmanship" and the maneuvering of armed forces into positions from which withdrawal is increasingly hazardous. We have gained at best a form of status quo—made, however, less favorable to our own national interests, to the interests of the German people and, indeed, of all who desire freedom everywhere by the construction of the Berlin wall.

In my opinion, we have for too long promoted expedients rather than a basic resolution for the problem. We need a fresh approach, and we need to take the initiative in this respect—before we are compelled once again to counter Communist-motivated action.

Recent diplomatic exchanges have produced nothing to encourage great optimism. Nevertheless, it would seem that the Communist armor is not as solid as it once appeared. Moscow and Peking are scarcely in total harmony. Premier Khrushchev has expressed a wish to negotiate, perhaps because all is not well within the monolithic structure of communism, perhaps because of his clumsy failure in Cuba to change the nuclear balance of power, perhaps because the threat of nuclear holocaust makes him realize that he has more to gain through peace. We should not place undue emphasis on any of these aspects; but the fact is that negotiations are possible. We should, therefore, come to the conference table well prepared.

What are the goals we should espouse for an honorable settlement vis-a-vis Berlin? We are pledged to preserve the liberty and the economic viability of the western part of the city, and we are committed to defend our right to maintain an appropriate garrison there. But there is one more goal for which we ought to strive: guaranteed land access to the city itself.

At the conclusion of World War II, before hostilities between East and West became manifest, we did not insist on specific land access to Berlin. Instead, we preferred to have rights of general access. These were never formalized by treaty, and they have grown into a source of dispute which goes to the very root of the Berlin problem. Furthermore, West German travel to the city is subject to the whim of East German authorities; constant turmoil and confusion are the result. Thus, explicit land access to Berlin, through 110 miles of East German territory, is essential to the agreement we should now seek to reach.

I believe that the Berlin-to-Helmstedt highway is ideally suited to this purpose. There would be virtually no interference with the economic life of East Germany; the highway is equipped with 79 overpasses and 65 underpasses, which traverse without obstruction not only other thoroughfares, but the 21 railroads in the area. The highway could be internationalized, as President Kennedy has suggested; but, in any case, it must be defined by irrevocable guarantee.

Are the policies we have so far been pursuing geared to a formalizing of such an agreement? Since World War II we have championed the cause of a unified Germany. Is this stipulation—here and now—realistic? Or does it lead to irresolvable stalemate? Let us examine the situation more closely.

At present in Berlin two armed camps face each other across a monstrously inhuman barrier made of stone and barbed wire. The slightest jar on one side sets off a similar seismic rumble on the other. The Russians "create" an incident; we maneuver conspicuously a squadron of tanks—and meanwhile, East Berliners cannot cross to West Berlin, even to attend burials; only the coffin with its dead body is permitted through the wall. There is inordinate suffering; and times of crisis, though they may pass without catastrope, leave tensions higher than before. If we in the free world, as members of the NATO alliance, allow this process to continue, surely there must come a day of reckoning.

How can we ease these tensions without jeopardizing the pledges we have made and which, at all costs, we must keep?

Our current policies provide no answer. Since 1954 we have encouraged and assisted Western Germany to build up its military might. Western Germany can now boast the most powerful non-Soviet ground force in Europe: an army of 11 divisions and 253,000 men; a navy of 177 ships and 28,000 men; an air force numbering 90,000. East Germany, in turn, has raised an army of approximately 200,000, with a 14,000-man navy, and an air force of 10,000. These two establishments are, of course, the antithesis of the West's original 1946 concept of a unified Germany, stripped of its military potential and in a world at peace.

Times and circumstances obviously have changed; yet we persist in maintaining attitudes and frames of reference which look backward instead of ahead. It is high time we face the facts as they exist in 1963.

It seems inconceivable to me that either the United States or the Soviet Union, the Western Alliance or the Eastern bloc, will agree on a disarmed, neutral Germany in the immediate future. The NATO nations certainly would not want Western Germany, the bulwark of their land forces, to withdraw its troops from their command. Nor will the Warsaw Pact Communist nations permit East Germany, with its military resources, to withdraw from the Communist orbit. Let us acknowledge these facts. The mere acknowledgment allows us to proceed to a new, present-day evaluation of the German situation.

To achieve a formal, ironclad guarantee from the Communists on our rights of land access to Berlin, certainly we can afford to acknowledge the continuing existence of the two German Governments and agree, moreover, on the Oder-Neisse line as the East German-Polish border. Such an agreement would in no way infringe on our commitments for preserving West German freedom—and the Communists would not have gained control over a single human being or a single square inch of territory not already under their rule. By consistently refusing to deal with the de facto East German Government, we strengthen the Soviet hand, rather than—as we would prefer to think—enfeeble it. We simply augment the stalemate.

But if we accept reality, not only do we open the door for a conclusive accord, but we would be nurturing an environment which could ultimately and successfully undermine the Communist satellite regimes. Poland is the leading industrial satellite nation in the Soviet European empire. Its estimated gross national product of $21.5 billion tops by $2 billion the GNP of East Germany. Only the Communist countries formally recognize the 283-mile Polish Oder-Neisse frontier. If the West recognized this boundary as well, one of the chief bonds tying Poland to Russia would be severed; and the fundamental anti-Russian feelings of the Polish people, who inhabit the Oder-Neisse territories to the virtual exclusion of all other nationalities, would be given stimulating impetus. A spirit of unrest, of rebellion, is latent in all satellite countries. It cannot grow contagiously, however, while it is enclosed in the vise of unmoving policies.

I believe that the agreement I suggest would have immense, long-term benefits. To begin with, by seizing the initiative in the easement of tensions, we could concentrate more vigorously on the relaxation of the Communist controls at the Berlin wall itself. Amelioration of these conditions is of prime concern to Berliners, both East and West.

We could follow through with other methods of tension reduction. It would be possible to work out a revised status of forces in West Berlin, whereunder American, British, and French forces would be garrisoned in West Berlin at the invitation of the West Berlin government. In turn, this would strengthen the position of Mayor Willy Brandt.

We could initiate steps with the Communists for a mutual slackening off of propaganda and intelligence operations and, in keeping with efforts presently being made by the West German Government, trade could be normalized between West and East Germany and between West Germany and other nations—Poland, Czechoslovakia and Hungary—behind the Curtain. In actuality, trade between East and West Germany today amounts to almost half a billion dollars annually; but it is hampered by lack of legitimization. It is well known that communism feeds on areas where poverty and low standards of living prevail. Prosperity has never been a Communist ally in the lands the Kremlin dominates; nor do we find in these lands the higher living standards which prosperous trade relations engender.

It has been suggested that the United Nations headquarters be moved to Berlin. To me this particular step appears somewhat extreme, and I would question its practicability. However, I see no reason why the European headquarters of the U.N., presently at the Palais des Nations in Geneva, and the United Nations Educational, Scientific, and Cultural Organization, presently in Paris, should not be shifted to Berlin. I would prefer to see them in East Berlin, where their salutary effect, I feel, would be most productive; but no matter in what part of the city they were based, these two bodies would help ease political temperatures.

As tensions are reduced, so also would be reduced our current adverse balance-of-payments position. We are now spending more than $50 billion a year for national defense and supporting more than 400,000 men in Europe. No other NATO member makes a comparable outlay; no other has a longer draft period than our own. Yet our NATO allies are today enjoying a $4 billion-plus trade in consumer, nonstrategic goods with the Soviet bloc. In an environment where some military relaxation could be implemented, wouldn't it be possible for us to share in an expansion of peaceful and profitable trade?

We must face other realities, however, before considering a more serene future. Unfashionable as it may be to mention, the prospect of a rearmed and reunified Germany looms with a dark foreboding over a great many European minds. Not easy to forget is the fact that Germany has engaged in three aggressive wars in the past 100 years. The memory bolsters today's general acceptance of the premise that Germany should not be equipped with nuclear weapons; and it gives emphasis to our own point of view that the proliferation of these weapons should be prevented. On this most important single policy, for once, we and the Soviets agree. From a long-term viewpoint,

though, no one nation can or should be singled out in this connection, no matter what her history or whether she has been victorious in a war or defeated.

For Eastern Europeans, the specter of a rearmed Germany has more alarming connotations. Communist authorities and satellite leaders exploit this apprehension, which is none the less genuine. Eastern Europe's fears are deeply rooted, stemming not only from brutalities suffered during World War II, but from centuries of earlier German attacks and occupation. We must not ignore the fact that a great majority of Eastern Europeans fear the Germans even more than they do the Russians.

The Poles, remembering all too vividly German conquest and subjugation, listen most uneasily when the usually reasonable Dr. Adenauer says that "the Oder-Neisse line is not Germany's frontier" and they are placed in the ironic position of having to choose the Russians as their defenders. A much more strident neo-Nazi West German minority calls for regaining the Sudetenland in Czechoslovakia. Surely, if a rearmed Germany should ever move eastward again, we would witness once more a European inferno.

Europeans also remember that twice within the past half-century Germany's future ability to wage war has been strengthened by arrangements and understandings reached with Russian rulers. Both the Rapallo Agreement in 1922 and the Ribbentrop Agreement in 1939 were calculated to allow Germany to concentrate its efforts against the West.

For these reasons alone, practical as well as psychological, I submit that a rearmed, reunified Germany is not necessarily the best bulwark against the Soviets.

Many intelligent and moderate Germans are today fully aware of the dangers inherent in militant reunification. As long ago as 1959, the German Social Democrats advanced the Deutschland Plan, accepting the Oder-Neisse frontier. Klaus von Bismark, grandson of the almost legendary old "Iron Chancellor" and now Director of the North Rhine-Westphalia radio network, recently added his support to this concept and suggested that, in accord with the current thinking in West Berlin, priority be given to the bettering of East German conditions. President Charles de Gaulle, whose opinions are frequently controversial, but whom we should seek to understand as basically a European realist, accepts the Oder-Neisse frontier as valid.

Our diplomatic tasks have never been more complex. The maintenance of a strong, coordinated Western alliance, with all parties in harmony, requires in itself exceptional energies. We must never for a moment forget, however, that the Communists are our chief enemy and that we are their number one target. And in this respect I firmly believe that a policy of total inflexibility is purposeless.

It seems obvious to me that a reunified, rearmed Germany—even if it were desirable—is not to be achieved by any means short of the violent upheaval which even the most sanguinary among us strenuously wish to avoid. By gaining what we lack—guaranteed land access to the island of freedom which Berlin has come to be—in exchange for recognition of the de facto East German regime, we would be taking a long stride toward ending the cold war.

In effect, we would be exchanging hope for hopelessness—and we would be fostering those very conditions which, in my opinion, can alone lead to the ultimate goal we have traditionally championed: a unified, unarmed Germany in a peaceful community of nations. Two armed camps cannot in this case be forged into one. Patently, the Russians will never make this concession, but two armed camps, clearly and objectively acknowledged as such, can eventually be disarmed. There is the hope.

We must assume that the Soviet Union, confronted with its own internal and external anxieties and problems, is willing for an abatement of tensions. After all, the Russians, too, are realists. Let us, therefore, take the initiative in Berlin. For the first time in many years, we would have much to gain in this vital area, and nothing that is fundamental to our honor to lose.

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## ARTHUR LAMEY

Mr. MANSFIELD. Mr. President, a few weeks ago, while I was in Montana, one of my dearest and oldest friends, Mr. Arthur Lamey, a former State chairman of the Democratic Party, a former State commander of the American Legion, and a former delegate of the United States to the United Nations, passed away.

I owe a great deal to Arthur Lamey for the advice, the counsel, and the consideration he gave me through the years. He was one of Montana's truly great citizens, a close personal friend, and one upon whom I depended for counsel long before I entered the field of politics. His passing is an almost irreplaceable loss. Those of us who knew him respected and loved him.

I feel it a sad duty at this time to tell Mr. Lamey's friends in this body—on both sides of the aisle—of this event, which occurred several weeks ago. In Mr. Lamey's passing, we have lost a great man, Montana has lost a fine citizen, and his family has lost a man who has meant much to all of them in a devoted and Christianlike manner down through the years.

Mr. METCALF. Mr. President, I wish to join the majority leader in tribute to the late Arthur F. Lamey, distinguished American who served this Nation and the State of Montana for almost half a century.

Art Lamey earned the respect of all Montanans by his unceasing contributions to governmental and service organizations. His ability was recognized nationally, by his appointment to the President's Advisory Committee on Civil Rights in 1958, and to the U.S. delegation to the United Nations in 1960.

He served 6 years in a difficult position to which reelection is the exception, that of State Democratic chairman in Montana. It was in this capacity that I first met Art Lamey more than a quarter of a century ago when I was a successful candidate for the legislature under his leadership. Later we worked together drafting legislation for Montana's participation and cooperation with the early programs of Franklin D. Roosevelt's first term.

Subsequently, as an assistant attorney general, I frequently consulted with him on interpretations and enforcement of this pioneer legislation. He was chairman of the Montana delegation to the National Democratic Convention which nominated Franklin D. Roosevelt to a fourth term. He was twice nominated as the Democratic candidate for Governor.

Born in a section house in the town of Big Sandy, Art Lamey became head of the largest law firm in Montana. He served on the board of directors of the Montana Power Co., the Midland National Bank of Billings, and businesses in the city of Havre, where he began the practice of law in 1914.

A track star at the University of Michigan, Art Lamey served with valor in the Battle of Argonne Forest and other engagements during World War I, having enlisted as a private in the Marines and being discharged as a first lieutenant. Shortly after the war he was crippled by polio, which left him with only partial use of his legs. As chairman of the Orthopedic Foundation, Inc., of Billings, he helped many persons afflicted with the same disease which struck him, but could not stop him.

Art Lamey was a friend, whose counsel was prized by lawyers, by businessmen, by Government leaders. He was ever humble and straightforward, and bore malice to no one. Mrs. Metcalf and I extend to his widow, Catherine, to their son and two daughters, our deepest sympathy in the loss of a devoted husband and father who gave much to his State and country.

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

Mr. MANSFIELD. I am delighted to yield to the distinguished Senator from Oregon.

Mr. MORSE. The American people have lost a dedicated public servant and a great citizen. The Senator from Vermont [Mr. AIKEN] and I served with Arthur Lamey on the American delegation to the 15th General Assembly of the United Nations. I raise my voice to say that he was truly a dedicated citizen-statesman. He was a practicing Christian. He was a good man. He was an inspiration and a great help to all of us who served with him at the United Nations.

I know that Mrs. Morse, who happens to be out of the city at present, would want me to express to Mrs. Lamey on behalf of both Mrs. Morse and myself our deepest sympathy and our most sincere and great regret to hear of the great loss.

I express my deep sympathy to the members of his family.

I wish to say to Mrs. Lamey that I am a better person for having had the opportunity to be associated with the Lameys in New York City during the 15th General Assembly of the United Nations.

Mr. MANSFIELD. I deeply appreciate the remarks of my friend, the distinguished senior Senator from Oregon.

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

Mr. MANSFIELD. I yield to the distinguished senior Senator from Vermont.

Mr. AIKEN. As the Senator from Oregon has so well said, no one could be associated with the Lameys without being the better for it. It was in the autumn of 1960 that, together with the Senator from Oregon [Mr. MORSE] and others, and particularly Arthur Lamey, I was privileged to be a member of the U.S. Delegation to the United Nations. At that time I established a friendship with Mr. Lamey which lasted until his death a few days ago.

Art Lamey, as we knew him, was one of the really great men whom I have been privileged to meet. He had a very great understanding of people and their problems. He was meticulously fair, always being willing to listen to those with whom he presumed to disagree. He was intensely loyal to the people of his State and the United States. In his passing Montana and the United States has lost one of its finest citizens. I, too, wish to extend my very deepest sympathy to Mrs. Lamey and to Arthur's sister, Ellen.

Mr. MANSFIELD. Mr. President, I thank the senior Senator from Vermont and the senior Senator from Oregon for what they said because they knew Mr. Lamey personally and knew him well. Mr. Lamey was a gentleman, a Christian in the best meaning of that term, and a man of tolerance and understanding. He was more than a personal friend. He was a great man, as we who knew him have said. His passing will be mourned. To his wife Catherine, his children, his sisters and other relatives, Mrs. Mansfield and I extend our deepest condolences.

May his soul rest in peace.

Mr. President, I ask unanimous consent that various editorials and statements concerning the passing of Arthur Lamey be printed at this point in the RECORD.

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

[From the Billings (Mont.) Gazette, June 5, 1963]

POLITICAL, CIVIC HEADS PAY TRIBUTE TO LAMEY

Political and civic leaders saw the sudden death of Arthur F. Lamey, Sr., Tuesday as a great loss to Billings, Mont., and the Nation.

"We are all terribly shocked," U.S. District Judge W. J. Jameson said. "I was his law partner for 17 years."

"He certainly was one of Montana's outstanding lawyers and citizens. It is a tragic loss in every way."

U.S. Senator MIKE MANSFIELD said Mr. Lamey "was one of Montana's truly great citizens, a close personal friend and a man upon whom I depended for advice and counsel long before I entered the field of politics."

Mayor Willard Fraser echoed the statement, saying he turned to him a few days ago for advice and consultation.

"And in his passing we're all the poorer, but the richer for his having lived and worked among us," Fraser said. He said Mr. Lamey was "one of the real gentlemen of Montana."

"His passing leaves a void that will never be filled," Fraser said.

"Art Lamey's sudden passing is a great loss to Billings, to Montana, and to the Nation. Certainly he was one of the outstanding men of his generation in Montana," said Russ B. Hart.

"His passing is an almost irreplaceable loss," Senator MANSFIELD added.

"Those of us who knew him, respected him, and loved him will do our best to follow the fine Christian understanding which was so much a part of his life," he said.

Gov. Tim Babcock was traveling to Billings late Tuesday so no comment was available.

MANSFIELD SAYS LAMEY TRULY GREAT CITIZEN

BILLINGS.—Senator MIKE MANSFIELD, Democrat, of Montana, called Arthur F. Lamey, Billings attorney, one of Montana's truly great citizens. Lamey died in Billings Tuesday.

MANSFIELD said Lamey was "a close personal friend and a man on whom I depended for advice and counsel long before I entered the field of politics.

"His passing is an almost irreplaceable loss. Those of us who knew him, respected and loved him and will do our best to follow the fine Christian understanding which was so much a part of his life."

[From the Billings (Mont.) Gazette, June 6, 1963]

A MAN OF BROAD VISION

A man can live in a town for his lifetime and when he's gone people will try to say the things they think should be said about the goodness of him.

They'll talk about his affection for family, his devotion to his church, his sense of public service, his dedication to his profession and his love of his fellow man.

Art Lamey didn't live a lifetime in Billings—but these are the things people here who knew him are talking about today.

He was a gentleman in whose heart there was room for anyone and everyone who knew him, however briefly.

He was a lawyer and a politician—and both his profession and his party are the better today for having called him theirs.

But, above all, he was the kind of American whose mind and whose vision reached beyond his hometown, beyond his State and even beyond the oceans that bordered his Nation.

We are poorer that he has gone—but we are grateful that, for the years he spent here, we could call him ours.

[From the Montana Standard, June 9, 1963]

MONTANA MOURNS ARTHUR N. LAMEY

(By Thomas E. Mooney)

BILLINGS.—Montana mourned this week for one of her able sons, not only in his home county of Yellowstone but throughout the State wherever he was known.

In Billings, in Havre, in Helena, and in Butte—and elsewhere—friends of Arthur N. Lamey were sorrowed by his sudden passing.

And Arthur Lamey had a special spot in his heart for Butte.

He made a major address in the mining city last in October 1960. At that time, he was serving his country as a U.S. delegate to the United Nations General Assembly, under appointment by President Eisenhower.

IT WAS A PROMISE

The U.N. at that particular time, was in the midst of a serious disturbance over the Congo situation. Things were hot. Mr. K. was pounding the table and doing his best to break up the whole proceeding. It was at this time he was particularly rough on Dag Hammarskjold, the Secretary-General. He wanted to replace Hammerskjold with three secretaries.

In the middle of all this—with the U.N. General Assembly meeting every day and continuing its sessions far into the night—Arthur Lamey took time out from his duties there to make a speech in Butte. It wasn't just another speech to him. It was something he had promised to do.

He had made advance arrangements to address the Montana Chamber of Commerce convention and he made a special flight to Butte in order to keep that commitment. He had promised a friend and it was a promise kept, even though he was tired from the bitterness and difficulties of the U.N. session and his health, not robust for years, made such a plane trip a strain.

PERSONAL INTEREST

I had a personal interest in his appearance in Butte, serving on a local committee to welcome the distinguished guest. It was in our little two-door sedan that Arthur Lamey, bearing the troubles of a leg-brace and cane, rode from the Butte airport to the Finlen Hotel. There were many more pleasant and opulent accommodations, I'm sure, available for that trip—but those of us on the committee who greeted him at the airport were the ones with whom he rode. And a pleasant trip it was.

I got a first-hand tip as to his subject matter for the speech he made later that afternoon. And I had the pleasure of renewing an acquaintanceship of years past with one of the most pleasant men who ever lived.

At the Chamber meeting, Arthur Lamey spoke for something like an hour. He told the statewide audience that since Khrushchev "couldn't rule the U.N., he will ruin it if possible."

He recounted for the audience the 3 weeks of debate over the Congo that even then was shaking the foundations of the U.N., but he expressed a belief in the future, claiming the U.N. had shown its value in many ways.

CALLED FOR CONFIDENCE

"In the days ahead, I suggest we look forward with confidence in our ability to attain any goal to which our country aspires," he said. "And we should do this with a prayer for guidance and strength as we chart our course upon the sea of domestic and world affairs."

The talk was well received and the large audience kept the speaker on the rostrum for another hour, answering questions about the world situation at the time and the part the United Nations was playing.

All this came about despite a serious distraction which almost disrupted the meeting and the convention itself.

TRIBUTE

Arthur Lamey appeared before the convention on October 28, 1960. It was that day that a commercial airplane inbound for Missoula flipped over and crashed about 10 miles west of that city.

When news of the accident reached the Butte meeting, there was some consternation. Several present knew one or more of the 12 persons aboard the plane who were killed. Many of those attending the convention had planned to board the plane when it landed at Butte for flights eastward.

There was great shock and some men wept openly.

But as a tribute to Arthur Lamey, the meeting went on. The questions piled one upon another and the tired man on the speaker's platform answered every one—kindly, patiently, and thoroughly.

It was the way Arthur Lamey did everything in his life.

[From the Missoula (Mont.) Missoulian, June 9, 1963]

AN INSPIRATION TO YOUTH WITH AMBITION

In the 70-year life of Arthur F. Lamey every youth fired with ambition may find inspiration.

When overcome by a heart attack last week he headed the Treasure State's largest law firm. The Billings barrister had long been a highly respected leader among lawyers, in politics, in a wide field of business and civic activities.

But for affable, considerate, persevering, tenacious Art Lamey, the ascent was a long and steep one. Few men have been born in more humble circumstances than this native Montanan. His birthplace was an obscure home along the Great Northern Railway tracks in the little town of Big Sandy, where his father was a section hand.

To Art, straitened financial circumstances were but a spur to endeavor.

His career as an attorney, launched at Havre immediately after 1914 graduation from the University of Michigan Law School, was soon interrupted by military service in World War I. He emerged from that conflict as a Marine Corps first lieutenant, and resumed the practice of law. Early in the

1920's a bout with polio left him with only partial use of his legs. From then on he wore braces, limped noticeably, and used a cane. Despite his calm and unruffled demeanor, it was often obvious that he was in considerable pain.

But the extent of his suffering is something he kept to himself as he continued his active and constructive interest in many activities entirely apart from his growing law practice. An inkling of the variety of these endeavors is evidenced by the positions of statewide leadership in which he served. He was a past District Governor of Rotary International, a former State commander of the American Legion, and a past president of the Montana Bar Association. He served three consecutive 2-year terms as chairman of the Democratic State committee, twice was a candidate for Governor.

His forthright advocacy of what he considered fair and just often resulted in his being at variance with fellow Democrats as well as with Republicans. But his integrity and motives were never subject to question. In the tributes to his memory there is a complete absence of political demarcation. That would be very pleasing to the hard-working, conscientious son of a Big Sandy section hand who would not be downed by polio.

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[From the Havre Daily News]

ARTHUR F. LAMEY EXEMPLIFIED GREAT CHARACTER

Good character, exemplified in life, is as enduring as the ages. It is never forgotten because it always inspires and though Arthur F. Lamey's course on this earth has been run, what he stood for and exemplified will be remembered by succeeding generations.

Mr. Lamey had an inherent quality which stamped him as a person of unusual stature. This strength of moral qualities was most apparent to all of us who knew him. He stood for that which is recognized as fundamentally sound and vital to unimpeachable performance.

Easy to understand because he adhered to the strongest of principles, Mr. Lamey has enriched our lives and left us with a lesson that being deliberate and conscientious leads to personal success. We know that procrastination was never a part of this man who was recognized as one of Montana's greatest thinkers. He had ideas consistent with justice and this was reflected in his desire to be of service to his community, to his State and to his country.

If he was mistaken in judgment the occasion was rare and he readily admitted it but the very fact that he was right so often shows that he thought things through carefully and acted accordingly. His counsel was wise and dependable. He readily grasped any difficult task and his work was thorough and could be comprehended by all whom he served.

Many of us will always recall that Mr. Lamey was a man concerned with the truth. He was not interested in speculation or conjecture if there was a direct answer. His serious thoughts and opinions were valued because they represented straight thinking.

All of this was a serious part of Mr. Lamey and with it all he had unforgettable personality and rich humor. His stories, many based on personal experiences, often had a moral. Listening to Mr. Lamey provided us with an education. He was a person of ideas as well as ideals and was interested in the development of anything which was good for all of us. Thus, he applied himself to translating into action sound projects.

Those persons who have maintained a file of correspondence with Mr. Lamey will be looking at his letters again, recapturing the memory of compassion, of a chuckle, of serious and dependable advice.

This portion of Montana can be proud that it was home to Mr. Lamey. He grew up here and went forth to be of service to his fellow man. Nothing seemed beyond his talents.

He was a picture of courage and determination in living with a physical handicap which never deterred him because he felt that you can win over difficulties if you set your heart and mind to the task.

Mr. Lamey was constantly active and his activity meant that he was able to do so much for so many people. His interests were numerous and they were interests which were directed toward making this a better Montana. His honors were legion. The life of Mr. Lamey was filled with that which we can borrow to make our own lives richer and more meaningful. God in His wisdom was very good to all of us when He put Arthur F. Lamey in our midst, to help us and to be our friend.

To his family and close friends we express our heartfelt sympathy. There is so much which can be said and yet so little. That's the way it is when tribute is paid to truly a great man with the leadership qualities and the intelligence of Mr. Lamey.

Beloved by so many, his character is his memorial which will endure for coming generations to use in building fine and useful lives.

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[From the Montana Standard, June 5, 1963]

A. F. LAMEY, ONCE U.N. DELEGATE AND STATE DEMOCRATIC CHAIRMAN, DIES

BILLINGS.—Arthur F. Lamey, Sr., Montana attorney for 47 years and former member of the U.S. delegation to the United Nations and State Democratic chairman from 1938 to 1944, died Tuesday.

A legal associate said the 70-year-old lawyer was laughing and joking in his law office Tuesday when he put his head on his desk and died, apparently the victim of a heart attack. He had not been recently ill.

Funeral services were pending.

Lamey was born December 24, 1892, at Big Sandy. He distinguished himself as a track star while at the University of Michigan before he was graduated in 1914 from the Michigan Law School. He entered practice in 1914 in Havre where he lived until 1940 except for 2 years as a U.S. Marine who experienced the Battle of the Argonne Forest in France. Enlisting as a private he was discharged a first lieutenant.

During his nearly half century as a Montana lawyer he ran for Governor on the Democratic ticket twice but was unsuccessful both times.

MOVED TO BILLINGS

He moved to Billings in 1940 from Havre to become associated with the law firm of Coleman, Jameson, and Lamey. The firm is now that of Lamey, Crowley, Kilbourne, Haughey, and Hanson.

His only son, Arthur F. Lamey, Jr., is an associate of his father's law firm. A daughter, Mrs. F. J. Boyd, lives in Bozeman. His only other daughter is Sister Barbara Mary, a Roman Catholic nun in Minneapolis, Minn. His wife, Catherine, several grandchildren and a brother and sister are among survivors.

A lifetime member of the Roman Catholic Church, Lamey was one of its outstanding laymen in Montana.

In 1958 after twice serving as head of the American Legion of Montana he was appointed by then President Dwight Eisenhower to the President's Advisory Committee on Civil Rights. In 1960 he was named alternate delegate to the United Nations, also by Eisenhower.

Returning home to tell of his experiences of 3 months he predicted Nikita Khrushchev would be unsuccessful in his attempt to wreck the United Nations, giving a first-hand report of the Congo crisis.

THRICE DEMOCRATIC CHIEF

His offices included three terms as State Democratic chairman, and was chairman of the Montana delegation to the National Democratic Convention which nominated Franklin D. Roosevelt for a fourth term as President.

W. J. Jameson left the firm in 1957 to become U.S. district judge at Billings.

Intermittently, from 1935–51 he was a special assistant attorney general of Montana. He was a member of the Michigan Bar Association, president of the Montana Bar Association in 1939 and was admitted to practice before the U.S. Supreme Court and Ninth Circuit Court.

He was a member of the American Judicature Society of the American Bar Association and a member of the American College Trial Lawyers.

His first public office was as Hill County administrator at Havre and was Hill County attorney from 1923–28. It was at Havre also where he first affiliated with the American Legion in which he later served in several key national and State positions. He was a former district governor of Rotary International.

He was a former director of the First National Bank of Havre and at his death was a director of the Montana Power Co., Midland National Bank of Billings and Havre Savings & Loan and was president of the Orthopedic Corp., of Billings.

Various Governors called upon him for assistance in the field of social legislation.

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[From the Billings (Mont.) Gazette, June 5, 1963]

A. F. LAMEY HEART VICTIM

Arthur F. Lamey, Sr., 70, prominent Montana attorney, business and civic leader, and former U.S. delegate to the United Nations, died unexpectedly of a heart attack while attending a conference in his law offices Tuesday afternoon.

Mr. Lamey slumped in his chair. He was pronounced dead on arrival at St. Vincent Hospital.

Mr. Lamey had resided in Billings since 1940 when he became a member of the law firm Coleman, Jameson & Lamey. He was senior member of the firm of Lamey, Crowley, Kilbourne, Haughey & Hanson at the time of his death.

The civic and political leader was born December 24, 1892, in Big Sandy where he attended grade schools. He graduated from Havre High School. He received his law degree from the University of Michigan in 1914. He was a member of the Michigan track team.

Mr. Lamey opened law practice in Havre in 1914. It was interrupted by World War I. He joined the U.S. Marine Corps in 1917 and was discharged as a first lieutenant in 1919 after action in France, including Argonne Forest.

Mr. Lamey was a life-long Democrat. The only elective political offices he held were Hill County public administrator in 1915–18 and county attorney 1923–28. He was a candidate for Governor in 1940.

Mr. Lamey had a long record of public service which culminated with his appointment as U.S. delegate to the 15th session of the U.N. General Assembly in the fall of 1960. He attended the turbulent session at which Russian demonstrations were most violent.

Mr. Lamey was special assistant to the Montana attorney general in land acquisitions in 1935–38 and conducted hearings under the Selective Service Act in 1940 and 1943–51.

SERVED NATION

He was chairman of Yellowstone County war finance drives during World War II. From 1958–60 he was a member of President Eisenhower's Civil Rights Commission.

The late Gov. Elmer Holt named him chairman of a committee to draft Federal-State legislation coordination for old-age assistance, child welfare, unemployment compensation, and related fields.

Mr. Lamey was Montana Democratic chairman 1938–44, chairman of the Montana delegation to the Democratic National Convention in Chicago in 1943 and served as Hill County Democratic Central Committeeman and State committeeman.

In 1939 Mr. Lamey was Montana Bar Association president. He was a member of the American Bar Association, the American Judicature Society of the ABA, the American College of Trial Lawyers and the Yellowstone County Bar Association. He served on the ABA committee on publications.

Mr. Lamey was admitted to practice before the U.S. Supreme Court, the Ninth Circuit Court and the Supreme Courts of Michigan and Montana. He practiced law from September 1, 1940 until April 17, 1957, with U.S. District Judge William J. Jameson, who was senior partner of the law firm, one of the largest in Montana, until he went on the Federal bench.

Mr. Lamey also was a past commander of the Montana American Legion, 1931–32. He served on the Legion's national executive committee 1932–35, and the national Americanism commission 1935–39. He was on the Legion's national defense committee 1939–44.

ROTARY LEADER

Mr. Lamey was district governor of Rotary International for Montana in 1926–27 and was a past president of the Havre Rotary Club.

At his death he was Orthopedic Foundation, Inc., of Billings president and a member of the advisory committee for St. Vincent Hospital.

Mr. Lamey was attorney for many Montana business firms and financial organizations. He was a Montana Power Co. director, Havre Federal Savings & Loan Association director, Midland National Bank director, and a retired director of the First National Bank of Havre.

Mr. Lamey had traveled extensively in Europe, including visits to Belgium, Germany, Switzerland, France, England and Ireland both during and after World War I. He was stricken by polio after World War I which left him with partial use of his legs. It did not prevent him from active professional, civic and community life. He was a member of the Roman Catholic Church.

Survivors include his widow, Catherine, 501 Chancery Lane; two daughters, Mrs. F. J. (Dorothy) Boyd of Bozeman and Sister Barbara Mary of Minneapolis, and a son, A. F. Lamey Jr., associated with his father's law firm.

The body is at Michelotti-Sawyers Mortuary.

Arrangements are pending.

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[From the Independent-Record, June 5, 1963]

ARTHUR LAMEY, STATE CIVIC, POLITICAL LEADER, DIES

BILLINGS.—Arthur F. Lamey, 70, Billings lawyer and a candidate for Governor of Montana, died Tuesday of a heart attack.

Born in a section house along the Great Northern Railway tracks at Big Sandy, Lamey was widely known as an attorney, businessman, civic leader, and politician He was a former delegate to the United Nations General Assembly.

STRICKEN AT CONFERENCE

Lamey was attending a business conference in his law offices when he slumped in a chair. He was pronounced dead at a Billings hospital.

He was a resident of Billings since 1940 but his early education was in rural schools in the Bear Paw Mountain area and in Havre.

SOUGHT GOVERNOR POST

Lamey twice was a candidate for Democratic nomination as Governor, in 1940 and 1948. He was State chairman of the Democratic State central committee from 1938 to 1944. In 1943, he led the State delegation to the Democratic National convention in Chicago.

Lamey held a number of offices in Montana organizations.

He was past commander of the State American Legion, past district governor of Rotary International and past president of the Montana Bar Association.

DIRECTOR OF POWER FIRM

His business affiliations included directorships of the Montana Power Co., the Midland National Bank, Billings, the First National Bank of Havre, and the Havre Federal Savings & Loan Association which he helped organize in 1927.

Lamey's only successes in running for elective office included terms as Hill County public administrator from 1915 to 1918 and county attorney from 1923 to 1928.

He was appointed a U.N. delegate in 1960 and served during the tumultuous 15th session marked by violent Russian demonstrations.

Lamey was a special assistant in the thirties to the State Attorney General, specializing in land acquisition. In the forties he conducted hearings under the Selective Service Act.

ON CIVIL RIGHTS COMMISSION

Former President Eisenhower appointed him to a term on the Federal Civil Rights Commission in 1958. The late Gov. Elmer Holt named him chairman of a committee to draft Federal-State legislation coordination for old-age assistance, child welfare, unemployment compensation and related fields.

Lamey was crippled by polio after serving as a Marine lieutenant in World War I: It left him with partial use of his legs. He was chairman of the Orthopedic Foundation, Inc., Billings.

He was a graduate of Havre High school and the University of Michigan Law School. He opened a law office in Havre in 1914, the year he was graduated from Michigan. He was a Roman Catholic.

Survivors include his widow, Catherine, Billings; two daughters, Mrs. F. J. Boyd, Bozeman, and Sister Barbara Mary, Minneapolis; and a son, A. F. Lamey, Jr., associated with his father's law firm in Billings.

Funeral arrangements have not been announced.

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[From the Inter Lake, June 5, 1963]

LONG-TIME STATE ATTORNEY DIES

BILLINGS.—Arthur F. Lamey, Sr., Montana attorney for 47 years and former member of the U.S. delegation to the United Nations and State Democratic chairman from 1938–44, died Tuesday.

A legal associate said the 70-year-old lawyer was laughing and joking in his law office Tuesday when he put his head on his desk and died, apparently the victim of a heart attack. He had not been recently ill.

Funeral services were pending.

Lamey was born December 24, 1892, at Big Sandy. He distinguished himself as a track star while at the University of Michigan before he was graduated in 1914 from the Michigan Law School. He entered practice in 1914 in Havre where he lived until 1940 except for 2 years as a U.S. Marine who experienced the battle of the Argonne Forest in France. Enlisting as a private, he was discharged a first lieutenant.

He ran for Governor on the Democratic ticket twice and was unsuccessful both times.

He moved to Billings in 1940 from Havre to become associated with the law firm of Coleman, Jameson and Lamey. The firm is now that of Lamey, Crowley, Kilbourne, Haughey and Hanson.

His only son, Arthur F. Lamey, Jr., is an associate of his father's law firm. A daughter, Mrs. F. J. Boyd, lives in Bozeman. His only other daughter is Sister Barbara Mary, a Roman Catholic nun in Minneapolis, Minn. His wife, Catherine, several grandchildren and a brother and sister are among survivors.

A lifetime member of the Roman Catholic Church, Lamey was one of its outstanding laymen in Montana.

In 1958 after twice serving as head of the American Legion of Montana he was appointed by then President Dwight Eisenhower to the President's Advisory Committee on Civil Rights. In 1960 he was named alternate delegate to the United Nations, also by Eisenhower.

Returning home to tell of his experiences of 3 months he predicted Nikita Khrushchev would be unsuccessful in his attempt to wreck the United Nations, giving a firsthand report of the Congo crisis.

His offices included three terms as State Democratic chairman; he was chairman of the Montana delegation to the National Democratic convention which nominated Franklin D. Roosevelt for a fourth term as President.

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[From the Daily Missoulian, June 15, 1963]

ARTHUR F. LAMEY OF BILLINGS DIES

BILLINGS.—Arthur F. Lamey, 70, well-known Billings attorney and two-time candidate for Governor, died Tuesday about 3 p.m.

K. O. Crowley, Lamey's law partner, said Lamey suffered a stroke during a business conference and was dead on arrival at a Billings hospital.

Lamey was born in a section house at Big Sandy and was the son of a Great Northern Railway section hand. His early education was obtained in Bear Paw Mountain area rural schools and in Havre.

After graduation from the University of Michigan Law School in 1914, he served overseas with the Marine Corps during World War I and was discharged as a first lieutenant. After the war he returned to Havre.

He was Montana district governer of Rotary International in 1916–17, served two terms as Hill County administrator and two more as county attorney, from 1923 to 1927.

Lamey served as Montana Department Commander of the American Legion in 1931 and 1932 and president of the Montana Bar Association in 1938 and 1939.

He was State chairman of the Democratic State central committee from 1938 to 1944 and twice was a candidate for the party's nomination for Governor, first in 1940 and again in 1948.

Lamey was a leader in Billings civic affairs and in advocating irrigation development in eastern and northern Montana. He was chairman of the committee which drafted Montana's social security, unemployment and public welfare laws.

Survivors include the widow, two daughters and a son.

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## SENATE SPEECHES

Mr. GOLDWATER. Mr. President, on this day of gravity and somber soundings in this body, I desire to read something that was mentioned by my uncle, who was vice president of the constitutional convention in the territory of Arizona back in 1910. He was also one of the founders of the Democratic Party in that territory. I am prompted in

reading the brief paragraph, too, by the constant disregard of our 3-minute rule:

Mr. Goldwater offered the following resolution:

"RESOLUTION No. 1

"*Resolved*, That any member having a prepared speech of which he is proud and which he desires to have perpetuated, be given leave to file a typewritten or printed copy of the same, prepared at his own expense, with the secretary of the convention to be published in the journal: Be it further

"*Resolved*, That the secretary be authorized to insert at such intervals as he may deem proper, in said speech these words in parentheses, 'hear,' 'hear,' 'applause,' 'loud applause,' 'laughter,' etc."

## SENATOR FRANK E. MOSS ELECTED TO ORDER OF THE COIF

Mr. GRUENING. Mr. President, on Monday, June 3, our able and distinguished colleague, Senator FRANK E. Moss, of Utah, was honored by the George Washington University Law School by election to its chapter of the Order of the Coif. On the occasion of his induction into this honorary legal society, whose membership is limited to outstanding legal scholars and members of the legal profession who have attained unusual distinction, Senator Moss gave a noteworthy address in defense of the Supreme Court. As his remarks on the importance of preserving the traditional prestige of the judicial branch of the Government and his review of the history of the Supreme Court are especially significant at this time, I ask unanimous consent that the address be printed at this point in the RECORD.

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

SUBJECT: THE SUPREME COURT AND ITS CRITICS

In his delightful book of anecdotes about the Algonquin Hotel in New York, Frank Case tells of the after dinner speaker who knew a good story about a gun and wanted to tell it but couldn't think of any graceful way of introducing it into the speech he was making. Desperate at last, he cried, "Bang! Was that a gun I heard?" and went on happily to unleash his gag.

Tonight, I'd like to talk to you about the Supreme Court, its role in our Government, its critics and the role of the lawyer with respect to the critics. There is probably a very graceful way to lead into these topics. I might, for instance, tell you how honored I am to have been tapped for induction into the Order of the Coif, as indeed I am. This would lead logically to the observation that it was from the Serjeants-at-Law, the original members of the Order of the Coif, that the judges were chosen. Or I could reach the subject of judges by reminding you that I did a little time on the bench myself and have, in a small way, some first-hand knowledge of what takes place in the mind of a judge. Or, just mentioning the State I represent would lead us right to the subject of the critics of the Court. The people of Utah are presently in throes, I'm sure that's the right word, of being organized for the John Birch Society by a young man named Reed Benson. Having mentioned all these things I would be well on my way.

Yet, whatever the technique used by Frank Case's speaker lacks in grace, it makes up for in directness, and I am inclined to adopt it myself, though it's not a gag I'm unleashing.

"Bang, was that a gun I heard?"

As a matter of fact, it was a gun. Some superpatriot, I think he calls himself a minuteman, grew impatient with the efforts to eliminate the Chief Justice by impeachment and took the matter into his own hands.

Those of you who have been reading as closely as I have the literature of some of the groups spawned and suckled by the John Birch Society will realize that this bang I mention is not an unlikely report. The Welch-Birch argument for the impeachment of Earl Warren, Chief Justice of the United States, is not based upon any bill of particulars which is specific, clear-cut and subject to proof and analysis. His argument is pitched on an emotional plane.

"We believe that the impeachment of Warren would dramatize and crystallize the whole basic question of whether the United States remains an independent Republic, or gradually becomes transformed into a province of the worldwide Soviet system," says Robert Welch. On such stuff as this are mad men nourished.

Criticism of the Court, its members or its decisions is not an evil. Indeed, it would be a great evil to espouse and advocate the doctrine that the Court is above criticism. The evil of much of the current criticism is that it does not rely on facts. It relies on sordid imputations of conspiracy with a foreign power. Its basic thrust is directed at undermining the prestige of the Court as an American institution, as one of the three coequal branches of our Government.

This prestige and strength did not spring into being with the adoption of our Constitution. The pages of history clearly point the long climb of our Supreme Court to its stature as an institution, as a fully equal pillar of our tripartite check-and-balance Government.

The early years of the Court were marked by neglect and indifference by our people, our States, and the executive and legislative branches of the Federal Government. President Washington, who had the envious job of appointing the full Court, was hard put to find men willing to accept. To the men who wrote the Constitution, the Court apparently seemed the least interesting, perhaps even the least equal, of the branches of the new Government. John Jay, who accepted the appointment as the first Chief Justice, left the Court twice, once to go to England as ambassador-extraordinary to negotiate the treaty which bears his name, then permanently when he became Governor of New York. At the Court's first session, on February 1, 1790, in New York City, only three of the Justices were present. One Justice, Iredell, from North Carolina, was unable to reach New York before the first term, which lasted only 10 days, had ended. He was not sworn in until the summer session which began on August 2.

Today, membership on the Court cannot be described as unappealing or unsought. I doubt that any lawyer worth his salt wouldn't give up his right arm, or at least his eyeteeth, to be appointed to the Court. A man's refusal of an appointment now would more likely be based upon a conviction that he was not worthy of the Court than that the Court was not worthy of him. Perhaps the incident which symbolizes the nadir as well as the zenith of the Court's prestige was the Roosevelt effort to pack the Court. The congressional rebuff to this effort certainly accorded with the popular feeling of that time. Forgotten were earlier "packings" of the Court by a strong-willed executive. Now the Court stood inviolate even as to number of Justices.

Although our Court did not have prestige from the beginning, from the beginning and ever since it has had critics.

Article III of the Constitution provided that the judicial power vested in the Supreme Court should extend to controversies "between a State and citizens of another State." In 1791, two citizens of South Carolina acting as executors for a British creditor sued the State of Georgia. In *Chisholm* v. *Georgia*, 2 Dallas 419 (1792), the Court found against Georgia. The Georgia Legislature immediately passed a law imposing the death penalty on anyone trying to execute the order of the Court.

There is no record that anyone tried to enforce the order. The Nation was so aroused, however, at what was considered an invasion of States rights that the 11th amendment was adopted. This, of course, provided that the judicial power of the United States should not be construed to extend to any suit against a State by citizens of another State or by citizens of a foreign state.

It was in 1801, however, that the Court became embroiled in what may well be its most significant struggle for prestige. In February, just before Jefferson was to be inaugurated, Congress changed the judicial system of the country with the passage of the Circuit Court Act. The Supreme Court Justices would no longer be circuit riders and (note) their number was reduced to five. The obvious reason for the reduction was to prevent Jefferson from filling the vacancy likely to occur with the departure of Justice Cushing who was old and in ill health. In another act, Congress created the positions of more than 20 justices of the peace to be filled by the President. Adams signed the acts and began feverishly making appointments to the new positions. As Secretary of State, it was up to John Marshall to fill out, seal and deliver the commissions to these new appointees. By midnight of March 3, 1801, all had been sealed but a few remained undelivered. Upon his inauguration, Jefferson vowed to do everything in his power to prevent these midnight appointees from taking office. He ordered James Madison, his Secretary of State, not to deliver the commissions which remained on his desk.

It was just a little more than a month earlier that John Marshall had been confirmed by the Senate as Chief Justice. When one of the midnight appointees named Marbury, petitioned the Supreme Court for an order directing Madison to deliver to him the commission which had been signed and sealed, it was the Court of Chief Justice Marshall which agreed to hear argument on the petition during the next term of the Court. Jefferson was outraged and demanded the immediate repeal of the Circuit Court Act, and this brought Congress into the fray which had started as a battle between the Executive and the Court.

Congress repealed the act, passed a new one putting the Justices back on the circuits, and by revising the terms of Court forced an adjournment for 14 months.

Marshall and the Court were patient, however, and began hearing the Marbury case on February 9, 1803. Madison and Attorney General Lincoln were completely uncooperative. No one knew what had become of Marbury's commission. The Chief Justice, of course, knew that it had existed since he signed and sealed it. It was an affidavit of a clerk and another by James Marshall, the brother of the Chief Justice, however, which the Court accepted as evidence of the existence of the commission.

You all know what the Chief Justice did in his opinion. He asked three questions:

1. Has Marbury a right to the commission?
2. If he has a right, do the laws of the country afford him a remedy?
3. If they afford him a remedy, is it a mandamus issuing from this Court?

He answered "Yes" to the first two questions and "No" to the third. In answering "No" to the third question, it was necessary for him to hold that the act of Congress which conferred original jurisdiction on the Supreme Court to issue writ of mandamus to persons holding office under the authority of

the United States was unconstitutional. This is the result Jefferson actually wanted. Marbury did not get his commission. Yet in reaching it, Marshall made it very clear that had the Court the jurisdiction to issue a writ of mandamus at all, it would have issued one to the Secretary of State in this case.

Almost overlooked at the time was the importance of Marshall's answer to the third question. The principle, firmly established now, that in the exercise of its judicial power the Court may find an act of Congress unconstitutional is the one which distinguishes our Government from any other which has been known. There were other governments in which there was a separation of powers. There were other governments in which there were checks and balances. But there were no other governments in which acts of the parliament or legislature could be held invalid by the courts.

There is very little doubt that the framers of the Constitution intended this result. There is even less doubt that the framers intended that the Court have the power to strike down State legislation which was contrary to the Federal Constitution. Were it possible for the State legislatures to make the final determination of the validity of their acts, the whole character of our Federal system would be altered. There is no doubt in my mind that such an alteration would be a disastrous one. Yet today there is a ground-swell of opinion for making such a change—for creating a supreme court of the States which would be the ultimate arbiter of any alleged conflict between State law and Federal law.

Some of the advocates of this change are the same people who would impeach the Chief Justice because he is identified with a few decisions they do not like—with Brown against Board and Pennsylvania against Nelson. They are the same people who in the name of fighting an enemy would give up the very institutions which distinguish our way of life from that which would be imposed upon us by the enemy. The groundswell may grow to a tidal wave that engulfs us unless those who are most qualified to speak out against these changes do speak out. This is the role of the lawyer.

The lawyer, more than any other man, has the ability, has the duty, to silence the critics—not by muffling their voices—not by making them outlaws—no, the lawyer's duty is to silence the critics by inundating them with a wave of logic.

When the critics say that the Nelson case has left the States defenseless against those who would subvert the State, publicize the facts. The Nelson case leaves a State free to punish those who would subvert the State. It is the punishment of those who would subvert the Nation that is the exclusive province of the Federal Government.

If this fails to satisfy the critics, the lawyer must point out that it is not necessary to change the Supreme Court in order to change the result. It is necessary only to change the law. But by all means let the critics know what troubles in the war against communism a change in the law would entail. Let them know how 50 State laws paralleling the Smith Act and the Communist Control Act would hamper the FBI. And by all means let your Congressmen know how you feel about H.R. 3, the perennial measure to overrule Nelson which would at the same time open a pandora's box of legal miseries. Let them know also that you can't change the Constitution by changing the Court or its functions. Let them know too that until the 14th amendment is repealed it must be enforced.

The proposal to create a "court of the Union" composed of the chief justices of the 50 States, was presented last December in Chicago to an assembly of State delegations held by the Council of State Governments. It was one of a package of three proposed amendments to make basic changes in the Constitution. The other two amendments would equally alter its purpose, and in my opinion, would challenge the Federal Union of the States. But I will not take the time to discuss them here. Sufficient to my purposes is the fact that all three of the proposed amendments were approved by the council, and it was decided to present them to the 48 State legislatures which would be meeting this year.

The first two proposals have already been quietly approved by one-third of the States needed to compel Congress to call a national convention on them, while the third one, the proposal which would, in effect, overturn the Supreme Court, has been acted upon favorably by State legislatures in four States (Arkansas, Wyoming, Florida, and Alabama).

It seems incredible that constitutional changes of such magnitude could be under consideration in our Republic with such little talk about them. There have been several newspaper stories about their impact, but I am sorry to say, there has been little more than a murmur in the legal profession. A proposal to subvert the Supreme Court with a "court of the Union" should be a clarion call to the legal profession, and their voices should be ringing in debate from one end of the land to another.

Can you imagine such a proposal going unnoticed by the members of the bar in the early days of our Republic? Lawyers would have been asking one another whether such a proposal would in any way endanger our liberties, or suppress our minorities. Would it strip the Court of powers essential to a strong Federal Union of the States? Would it lead to confusion and chaos and squabbling among the States reminiscent of that which existed almost 200 years ago under the Articles of Confederation?

I am sure that our legal forebears would have analyzed the proposal anxiously and sharply from every angle, and that is what we of the mid-20th century bar must do. For after all, if the legal profession is not the watchdog for the Supreme Court, who is?

No lawyer should ever give up his right to disagree with the Court. But every lawyer should be very conscious of the role he must play in the defense of the Court as an institution. There is a very special reason for the lawyer to plead the case for the Court. Whenever a President is attacked, he may strike back at his critics. Whenever a Member of Congress is attacked, he may strike back at his critics. When a Justice is attacked, he has no voice but that of the members of his bar. The current wave of anti-Court propaganda must surely pass as have earlier assaults upon our third coordinate branch of government. But we should shorten this misguided and somewhat ridiculous emotional outburst so that the discussion and disposition of substantive issues can proceed without distortion and clouds cast by this attack upon the institution of the Supreme Court.

In this attack by misguided zealots we need attorneys for the defense of the Court as an institution.

That is your role as a lawyer. That is my role as a lawyer. You as newly elected members and I as an honorary member of the order of the Coif, must, more than ever before, be conscious of the importance of that role. May God help you and me to play it well.

## CIVIL RIGHTS LEGISLATION

Mr. PROXMIRE. Mr. President, I enthusiastically support the President's civil rights proposals. I consider them a charter for human rights which America needs and needs badly.

I understand that at the request of the Senator from Oregon the full text of this historic statement will be read to the Senate later this afternoon.

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

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. It is the intention to have a quorum call—a live quorum—and to have the full text of the President's message read. It has been read in the House of Representatives.

Mr. PROXMIRE. I concur, and I am delighted that the leadership has decided to have the message read. I should like to emphasize the last paragraph, in which the President says:

> I therefore ask every Member of Congress to set aside sectional and political ties, and to look at this issue from the viewpoint of the Nation. I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans—a sense of justice. In this year of the emancipation centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquillity—but, above all, because it is right.

## CIVIL RIGHTS LEGISLATION

Mr. DODD. Mr. President, I fully and enthusiastically endorse the civil rights message sent to the Congress by the President today and shall vote for the comprehensive legislation program it recommended. I will take every measure possible to see to it that Congress stays in session until this program has been voted upon, however long that may be.

I am pleased to note that many of the President's recommendations are almost identical to bills which I have introduced and cosponsored in the past, including legislation on voting rights, school desegregation, financial and technical assistance to desegregating school districts, equal accommodation in public facilities, and fair employment practices legislation. There are some differences of approach, and where there are differences I shall certainly support that legislation which seems the strongest and most effective.

The President's emphasis on economic measures and educational and vocational programs to attack the shocking problem of unemployment among Negroes should be applauded.

The proposal for general legislation prohibiting the use of Federal funds under any guise for segregated facilities of any kind also has my vigorous support.

I have supported this principle consistently on specific appropriation bills for many years, and believe the matter should be settled once and for all through general legislation.

I commend the statesmanlike tone of this message. It was strong, it was responsible, it was comprehensive. This is a program worth fighting for to the ultimate degree, whatever the cost may be in terms of other legislation or in terms of political unity. The passing of this civil rights legislation is a moral and constitutional imperative that must

be achieved if we are to redeem our historic promises and restore our national image as the unqualified champion of human freedom at home and abroad.

Mr. President, I received this morning from the president of the Jefferson Club of Ridgefield, Conn., a resolution passed by that group in support of Federal legislation in behalf of civil rights.

I ask unanimous consent that a copy of this resolution be printed at this point in the RECORD.

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

Whereas the Negro citizens of our country are engaged in a crucial struggle to obtain all the civil rights guaranteed to them by the 14th amendment to the Constitution; and

Whereas in various areas both in the South and in the North these basic rights are denied to them in full or in part; and

Whereas it appears necessary that certain Federal legislation must be enacted to provide the Federal Government with the power to assert and maintain the civil rights of minorities in courts of law; and

Whereas the President of the United States has submitted or is about to submit to the Congress proposals for the enactment of such laws relating to (1) eradication of discrimination in places of public commerce and assembly and accommodation, (2) more prompt and encompassing desegregation of schools in compliance with the Supreme Court decisions of 1954, and (3) for the protection and guarantee of voting rights of minorities especially in the Southern States: Now, therefore, it is unanimously

*Resolved by the Jefferson Club of Ridgefield, Conn., as follows:*

1. That it fully supports the American Negro in his struggle for civil rights.

2. That it fully supports the program of the President of the United States designed to defend and secure those rights.

3. That it respectfully urges its Representatives in Congress to vote for and vigorously support the legislation proposed or to be proposed by the President.

4. That the two Senators from Connecticut do all within their power to prevent a Senate filibuster which would debar the legislation from coming to a vote on the floor of the Senate.

5. That a copy of this resolution be sent to the following persons in Washington: Hon. THOMAS J. DODD, U.S. Senator; Hon. ABRAHAM A. RIBICOFF, U.S. Senator; Hon. ABNER SIBAL, Representative, Fourth Connecticut District; Hon. BERNARD GRABOWSKI, Representative-at-Large.

JEFFERSON CLUB OF RIDGEFIELD.
By PETER S. ALEXANDER, *President*.
Attest:
PETER J. ROBUTUCCI,
*Secretary*.

## DISCRIMINATION AGAINST AMERICAN POULTRY PRODUCTS BY EUROPEAN COMMON MARKET

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to the manner in which under our foreign-aid program the poultry farmers in foreign countries have received over $6 million from the American taxpayers to finance the expansion of their poultry industry. This has been done at a time when our own domestic poultry industry has been facing a grave situation as the result of losing its export markets.

Since the establishment of the European Common Market, there has been continuous discrimination against American poultry products.

The most recent action was the further increase of 1¼ cents in the variable fees, bringing the present charges to around 14 cents per pound.

Many of us in Congress have been urging Governor Herter, as our trade representative, to insist upon a correction in these discriminatory tariffs and to advise the European Common Market countries that, unless some correction is made, we shall be forced to take retaliatory steps. However, rather than obtaining favorable action, we now find that under our foreign-aid program the Federal Government has during the past couple of years been financing the expansion of the poultry industry in many countries which in turn will be supplying the European Common Market on more favorable tariff arrangements than those accorded to the American farmers.

For example, under our foreign-aid program we have made available, in outright grants and loans, over $6 million to finance the expansion of the poultry industry in these countries. Those loans and grants are broken down as follows:

Libya: $50,000 to introduce and distribute improved breeding stock.

Morocco: $88,000 to provide a poultry adviser and equipment for a poultry station with 10,000 Rhode Island Red chicks plus another $2 million made available to buy 18,000 tons of surplus grain. Just how they expect 10,000 chicks to eat 18,000 tons of feed has as yet not been explained.

Tunisia: $659,000 to encourage the development and enlargement of a commercial poultry industry.

Sudan: $200,000 to establish a 3,000 hen breeding flock, 30,000 egg hatchery, and a feed mixing plant.

Nigeria: $486,000 to improve its poultry industry.

The Dominican Republic: A development grant of $40,000 to build up its poultry industry.

Greece: A $300,000 loan was made to the Voktas Feeds, Inc., in Greece, to expand its poultry-raising facilities.

India: The Arbor Acres Farm, an affiliate of IBEC—International Bank Econ-Corp.—in India, received a loan of $2.5 million for the purpose of improvement of poultry production in that country.

Altogether $6,323,000 of the taxpayers' money has been spent in these various countries to build up the poultry industry in competition with our already hard-pressed poultrymen. Of course, as taxpayers our American poultrymen are paying both ways.

## CREDENTIALS OF USURPING POWERS OF HUNGARY ACCEPTED IN UNITED NATIONS

Mr. LAUSCHE. Mr. President, within the last 10 days it was decided in the United Nations to accept the credentials of the representatives sent to the United Nations by the usurping powers of the government in Hungary. Since the Hungarian revolution in 1956 each year the credentials of the usurping Communist leaders, under the direction of Kadar, were rejected. This year our Government abstained from making a protest. Hence the representatives of Hungary were accepted, and they were recognized; and in that way we recognize that the Communist Government of Hungary is a duly constituted government. The people of the captive nations have been seriously wronged. In my opinion, nowhere except in the western part of Europe, and of course in Great Britain also, are there people more devoted to our cause than the people living within the nations that are now the captives of tyrannical Russia. My fear is deep that the abandonment of the cause of the Hungarian patriots in their brave uprising against the Communist dictatorship in 1956 is a course which will be painfully regretted by our country and the people devoted to the free west.

We should not have abandoned the people of the captive nations. Abandoning the Hungarian patriots, as recently evidenced by the United States representative in the United Nations abstaining from a vote on whether the Kadar Communist representatives should officially be recognized by the United Nations, in my opinion is unpardonable. It is a grave mistake. Our State Department has been brainwashed into accepting and approving this course.

I am obliged to state, however, that the handwriting of what happened was on the wall more than a year ago, when arrangements were made in the United Nations for the abandonment of Sir Leslie Monroe, a devoted advocate of the cause of the Hungarian freedom fighters, and the substitution for Leslie Monroe of U Thant.

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

Mr. LAUSCHE. Mr. President, may I be permitted to speak for 2 additional minutes?

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

Mr. LAUSCHE. Mr. President, a London newspaper about a year ago carried a statement that a deal had been made, that the Hungarian representatives be accepted and that, in exchange, the Russians would approve of the selection of U Thant. I, of course, cannot say that that is the fact. However I can say that the story was carried in the London press about a year ago. What was stated in the London newspapers is now occurring. We should not, and in my opinion eventually will not, forget the sacrifices of 1956 made by the Freedom Fighters in Hungary. Undoubtedly the Communist bloc and its many international backers now will be strengthened in their efforts at subversion, infiltration, and the destruction of the cause of freedom with the new prestige which has come from the recognition by the United States and the United Nations of the Kadar Communist puppet government.

Mr. President, we cannot continue interminably abandoning people who are willing to fight and die for freedom. We threw overboard the patriots of Cuba. Now we threw overboard the patriots and the lovers of freedom in Hungary. It is a tragic day, and in my opinion we shall regret what has happened before a long time has passed.

## ANNIVERSARY OF EAST BERLIN UPRISING

Mr. SCOTT. Mr. President, this week marks the 10th anniversary of the East Berlin uprising of 1953, during which many brave East Germans lost their lives struggling against overwhelming forces of their Communist masters. It is a tragic commentary on the state of our world that we in the free Western nations must make repeated statements on Communist brutality. I hope the day will soon come when such statements will no longer be necessary. However, as long as Communist regimes persist in their evil works, such statements will be made. We of the free world, who subscribe to the concepts of human liberty and dignity, will never cease to condemn the atrocities perpetrated by dictatorial rulers and the masters of closed societies.

I am sure that all the members of this distinguished body remember clearly the photographs dealing with the 1953 East Berlin events. The picture most vivid in my mind depicts a heavily armored tank bearing down upon an unarmed civilian, who, out of desperation, is pelting the tank with fist-sized stones. This scene, Mr. President, is symbolic of the structure of Communist societies. On the other hand, there is the rule of a clique imposed by naked force. On the other hand, there is the powerless citizen, whose only recourse to protest is primitive violence.

One of the most basic of man's drives is the search for freedom. As long as freedom is absent in Communist societies, events such as the Berlin uprising and the later Hungarian revolution of 1956 are inevitable. I join thousands of Americans in paying tribute to the brave men and women behind the Iron Curtain who have lost their lives battling against Communist tyranny.

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## SUGAR PRICES

Mr. INOUYE. Mr. President, many Americans, from the housewife who puts a teaspoon of sugar in her coffee to the candy or soft drink producer who buys sugar by the carload, are concerned about today's high sugar prices.

My esteemed colleague, Senator EUGENE J. MCCARTHY, of Minnesota, recently made some illuminating remarks about high sugar prices in an address delivered before the Sugar Club in New York City.

In view of what I know is our mutual concern with this problem, may I commend Senator MCCARTHY's address to all my colleagues. I ask unanimous consent that his remarks be printed in the RECORD.

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

SPEECH OF SENATOR EUGENE J. MCCARTHY, THE SUGAR CLUB, NEW YORK CITY, MAY 27, 1963

When the Sugar Act was enacted last year there were some who were convinced that this issue could be put away for another 2 years and that the American public would proceed, as it had for many years, to take sugar for granted.

Sugar is back in the news, and it is back in a manner which is disturbing to all consumers and producers and to the Congress. I think it well this evening to review both the general theory behind the sugar program and the experience of the past 30 years, and also to inquire as to the causes of the unsettled condition which has developed in the past year.

I am concerned about the sugar industry and the stability of sugar prices as a representative of the consuming public and as a representative of what I consider the best beet sugar producing State in the Union. As a Member of the House of Representatives from 1949 through 1958, I supported extensions and adjustments of the Sugar Act, and during my service on the House Committee on Agriculture I had an opportunity to study the problem in some detail. As a member of the Senate Finance Committee, I was involved in the debate last year.

The sugar program is an example of commendable cooperation between Government and industry. The Government acted only after the whole industry was faced with disaster. It dealt with a problem made more complex because it also involved the economic and sometimes the political stability of other nations.

The Sugar Act did not destroy private initiative or responsibility. Rather, major responsibility was left with the industry to work out its operations within the broad framework set by law.

The original Federal interest in sugar, of course, was that of producing revenue. The first tariff of 1789 imposed an import duty on raw sugar and during the next century the duty averaged about 2.5 cents per pound. The revenue tariff also turned out to be useful protection and assisted the development of the cane industry in the new territory of Louisiana. However, it was not until 1894 that protection of domestic producers became the primary purpose of the tariff. The protective tariff program for sugar remained in effect until 1934, during which time the beet industry expanded greatly.

The experience under the tariff was uneven. There were some periods of large profits and others of severe depression. The world price of raw sugar averaged 19 cents per pound in May 1920, but dropped to less than 5 cents per pound in December of the same year.

Under the tariff system, when the world price dropped, there was pressure to increase the tariff to protect domestic producers. The limitations of the whole system became apparent in 1932 when the world price of raw sugar dropped to less than 1 cent per pound. Domestic producers, foreign suppliers and consumers all experienced the disastrous effects of instability during this period. The need for reexamination of the whole sugar structure was evident by 1933.

Sugar was not classed as one of the basic commodities under the Agricultural Adjustment Act of 1933; the complexity of the problems indicated the need for separate treatment. The Jones-Costigan Act of 1934 laid down the basic provisions for division of the sugar market among domestic and foreign producers, for the allotment of quotas, and for the imposition of a processing tax. The Sugar Act of 1937 met the constitutional test, and the program was initiated.

The sugar legislation of the past 30 years has had four basic objectives: One, to provide reasonable protection for domestic producers; second, to guarantee that we can produce a substantial amount of our national sugar needs in the name of national security and well-being; third, to assure a share in our market to traditional suppliers of other nations—this has been accomplished by establishing quotas and by providing for an equitable price, which is often a premium price; fourth, to protect American consumers from widely fluctuating prices and to guarantee adequate supplies for them.

In my judgment the program was based on sound principles, and it worked well, but there have been problems along the way.

The rise of Castro and the suspension of the Cuban quota created a most serious problem. Some adjustment was needed. Without, insofar as I recall, any demand on the part of domestic or foreign producers or of processors or of retailers or consumers, a decision was made to drastically redistribute the Cuban allotment: not through temporary quotas but by purchase in a global market. The premium price, which had played an important part in securing adequate suppliers, good will and cooperation of foreign nations, was to be withheld from foreign suppliers and steps taken to reduce the premium return paid to traditional quota nations.

It was argued that the premium price represented "gold going out of our own treasury." It was stated that there would be a saving to the taxpayers of $100 million or more. Others suggested that the recaptured premiums could be channeled through the Alliance for Progress and other foreign aid programs so as to assure great benefits to the common people. It was argued that the allotments of quotas was itself a questionable procedure. It was charged that improper forms of representation were used in order to secure quotas; the motives of Members of Congress who dealt with sugar legislation were questioned.

Undoubtedly the assignment of quotas attracted lobbyists. Whenever licenses are to be assigned or special legislation enacted, those who are affected try to make a case for themselves or secure someone to speak for them. This in itself is not immoral or improper.

These risks have to be judged beside the risks of adopting a new system.

The State Department could have recommended the temporary allotment of the Cuban quota along traditional lines with quotas going to nations with great need or who were responding with efforts to improve economic and social conditions. Temporary quotas, it was said, would encourage false hopes, if not greed, on the part of the nations receiving them and would lead to diplomatic difficulties in the future. The safe and sure road, it was argued, was that of the global quota, of purchases in a so-called world market, with premiums being retained by the Treasury.

I thought this case faulty last year and note that some who attacked the sugar quota system last year were among the strong advocates last week of the International Coffee Agreement.

The coffee situation, of course, is not identical with the sugar program since the United States is not a coffee-producing nation. But the principles involved in the International Coffee Agreement are much the same. In his letter of transmittal, Secretary of State Rusk wrote that it is the Department's view:

"The agreement is designed to assist in increasing the purchasing power of coffee-exporting countries * * * and * * * to bring about long-term equilibrium between production and consumption.

"The agreement contains adequate safeguards to protect the United States against unwarranted price rises and inadequate supplies of coffee."

These objectives will be accomplished, of course, by means of export quotas on the part of the coffee-producing nations. Importing countries agree to limit their purchases from countries not parties to the agreement.

Last year in opposing the disruption of the historic sugar program, I stated on the floor of the Senate:

"I do not think the record in connection with this program is so bad that we should take the drastic action of throwing all of this sugar into the world market and then

proceeding to buy the sugar we need for whatever price we have to pay for it—whether 2 cents, or 5 cents, or 10 cents, if the prices were to go to that."

"We have set the stage for future trouble. From 5 o'clock to 7 o'clock is what might be called the hour of prophecy in the Senate, so I will prophesy: We will be back time and time again in the course of the next 2 years, seeking adjustment of the Sugar Act in such a way as to meet new problems and crises as they arise."

As you know, in the conference agreement between the House and Senate last year about 1.5 million tons of the quota reserved for Cuba was placed in a global quota. It was to be purchased in the world market and the difference between the world market price and the U.S. price—less freight, insurance, and duty—was to be recaptured by an import fee. This represented a deviation from the country-by-country quota pattern and, in effect, it removed all special incentives for suppliers of the global quota sugar to the United States—except the desire to earn dollars. In addition the law also provided an import fee on quota sugar through 1964 equal to 10 percent a year of the difference between the world price and the U.S. domestic price. Thus at the end of 3 years the premium incentive for foreign quota holders would be reduced by 30 percent, and if this phaseout technique were continued to the expiration of the Sugar Act in 1966 it would be reduced 50 percent.

The spot price at the time of the Sugar Act of 1962 was enacted was about $2.72 per hundred on the New York exchange (f.o.b. producing area), and the domestic raw sugar spot price paid in New York was $6.37 per hundred. The quoted price for refined sugar in the northeast territory was $9.60 per 100-pound paper bag.

By January 21 of this year the spot price for world raw sugars had risen to $5.60 per hundred, f.o.b. producting area, more than double what it had been 7 months before. The import fee which the Department of Agriculture had fixed at $1.40 per hundred was totally unrealistic. On January 21 the world spot price was $5.60, f.o.b. Caribbean, and the duty paid New York spot price was $6.72. Subtract the $1.00 for insurance and duty and freight and the $1.40 import fee from the $6.72, and the import price, f.o.b. producing area, would be about $4.32 or $1.28 per hundred less than the comparable world price. On January 21, the Department eliminated the import fee entirely for a three-week period.

Even at this time, before the recent sharp price increases, the dangers of subjecting the U.S. sugar needs to the fluctuating world market were evident. The world market instability should not be a surprise. For instance, during the Korean conflict the world price went from $4.25 per hundred in June 1950 to $8.05 on June 22, 1951, but during the same period the United States price advanced only from $5.30 to $6.30.

Again, at the time of the Suez crisis, the world price went from $3.23 (October 29, 1956) to $6.85 on April 22, 1957, while in the United States the price actually declined from $6.00 to $5.60 per hundred.

The events since January have been even more startling, and they have now been reflected in the prices paid by the consumer. From the time the Act was changed last year, American consumers have paid over $100 million more for sugar than they would have paid if the average price of 1962 prevailed.

If prices for refined sugar continue at the level of $15.00 for the rest of 1963, the American consumers will have to pay another $600 million for sugar in the remaining months of the year. This added to the more than $100 million already paid in price rises would bring the total cost in the first 18 months of the Sugar Act of 1962 to more than $700 million above what it would have been if prices had continued at the level when the changes were made in the Sugar Act.

This is certainly an unhappy development, and it is dangerous to everyone involved in the sugar program.

The sugar program has been defended in the past because it did provide price stability to consumers, but I do not believe we can expect consumers quietly to pay a premium price when supplies are in surplus if the system fails to protect consumers when supplies are tight.

As a Congressman and Senator, I have received a good deal of mail over the years from farmers and producer and processor groups regarding the mechanics of the sugar program, and much mail from farmers in Minnesota who would like to be able to raise more sugar beets. I do not recall any mail protesting the price of sugar until the past few days.

The recent price rises have been attributed to a number of causes. Increased consumption is cited, along with the poor European beet crops. The boycott on Cuban supplies, of course, and the reported decline of Cuban production have contributed to the instability. But I believe that part, perhaps a substantial part, of the blame for the current situation is the change in the Sugar Act of 1962.

There is no shortage of sugar today. The Department of Agriculture report of last month showed that deliveries were up 13 percent above the same period last year. There is no reason to believe there will be a shortage this year, but what has happened is that our domestic prices have been tied into the world price by the new legislation.

As the Sugar Act operated prior to last year, the U.S. quotas were valuable to foreign sugar producers and suppliers. The penalty of losing this quota permanently if they did not fill them during periods of high prices was a strong incentive for them to fill the quotas when world prices were above U.S. prices. And the promise of a premium in our market when world prices were below our domestic price gave them an incentive for adjusting their production and practices and to maintain stable supplies for our consumers.

We must now outbid on the world market to get the supplies we need, competing with every other sugar-purchasing country in the world.

It does not appear that much can be done within the existing law to change the situation. The import duty of 62½ cents per hundred might be removed by the President, but this would have very limited effect. Elimination of the processing tax of ½ cent per pound might cause an immediate reduction of refined sugar prices by this amount, but this small gain would endanger the domestic sugar beet and cane programs which are subsidized with revenue derived from the ½ cent per pound processing tax.

Tinkering with existing law will not provide any effective answer to the complicated difficulties in the sugar market. We should return to the system of allocations of quotas to foreign suppliers to provide that sugar which is not produced by U.S. sugar producers, and continue the orderly and balanced expansion of the domestic industry.

## PROPOSAL TO INCREASE AMERICAN SHIPPING OPERATIONS

Mr. INOUYE. Mr. President, in a recent address before the Washington Propeller Club, my distinguished colleague, Senator RUSSELL B. LONG, of Louisiana, made an interesting proposal designed to increase American shipping operations.

The interesting part of this proposal is Senator LONG's claim that it could cancel out our balance-of-payments problem which exists today. I commend the address to all my colleagues as a proposal which could have real significance on our global economic front and could also reinforce the American shipping industry which has proven so vital to our successes in time of war.

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

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

REMARKS OF SENATOR RUSSELL B. LONG BEFORE WASHINGTON PROPELLER CLUB, WASHINGTON, D.C., MAY 22, 1963

As you know, my home State of Louisiana is probably more dependent on water transportation than any other State in the Union. Very substantial segments of our economic life and a great deal of our recreational life are centered around the water. This is obvious when you note that Louisiana has 7,548 miles of navigable streams. Of this total 1,800 miles are improved navigable waterways. Our major seaports at New Orleans, Baton Rouge, and Lake Charles have constantly occupied my interest and attention since I came to Congress in 1948. The problems I have encountered in relation to these ports and to the various other maritime activities within my State are, I am sure, quite similar to your own problems and interests.

So, while I am perhaps not as much at home or as authoritative on this subject as Wernher von Braun speaking on rocketry, or as Dr. Van Allen on space radiation, or as Admiral Rickover on atomic submarines, I can at least assure you that your interests and mine are in the same boat.

One of the biggest problems that some of us in Congress have in promoting legislation to improve conditions in the maritime industry, is the average American's lack of firsthand contact with the industry. Its effects on our national security and our national economic posture are tremendous. But the average American seldom stops to realize how dependent he is on the shipping industry. He sees the trucking industry in operation each time he drives out onto the highway. He sees the railway industry in operation almost as often. But he knows very little about the function of shipping or its tremendous importance to the life of this Nation.

Without a strong merchant marine to serve the needs of modern American industry, our industrial complex could not possibly support the standard of living we Americans enjoy today. Without a strong merchant marine, we could not support the type of military operations that are necessary to preserve both our freedom and the freedom of other peoples throughout the world. If these facts were fully impressed on the average Joe American, his representatives in Congress would have a much freer hand in giving assistance to the industry.

When I speak of the merchant marine, I must speak of the Merchant Marine Academy at Kings Point. Several years ago when I was a member of the Armed Services Committee, Chairman Senator DICK RUSSELL requested me to serve as a member of the Board of Visitors to the Merchant Marine Academy at Kings Point, Long Island. As it turned out, I was not just a member of the Board of Visitors—I was the Board of Visitors. What I saw on that occasion impressed on me the complete lack of wisdom in the ridiculous economies being forced upon that fine institution. The boys actually were being forced to get by with a single light bulb in their rooms. If a youngster

wanted to study at his desk he would have to push his bed under the fixture, remove the light bulb, and switch the bulb to his desk. Later, he would return it before he retired. When I returned I wrote a report in which I chastised the Congress unmercifully for pennywise and pound-foolish economy being practiced at Kings Point.

I don't say that this was entirely responsible for the changes that occurred, but several times it was quoted by witnesses who appeared before our pennypinching subcommittees and I am sure that it at least contributed in some way in causing some of our more conservative Members to see the light and contribute a little bit toward making that fine institution what it should be.

Incidentally, I believe I am the only member of the Louisiana congressional delegation who has consistently named his appointees to the service academies based entirely on the grades these young men make in a competitive examination. In view of the fact that a lot of young men who take the examination are disappointed that they cannot go to Annapolis, West Point, or Eagle, Colo., I encourage the best of them to apply for Kings Point. Without exception, everyone who has applied has become an enthusiastic devotee of that fine academy.

I don't want to claim this evening as a Louisiana Day, but, in passing, I would like to mention the fact that it was my colleague, Hale Boggs, who established the Board of Visitors to Kings Point, and in my judgment, it was the existence of the Board of Visitors that did more than any one thing to see to it that the Academy's needs were recognized.

While our merchant marine's national prominence is perhaps most spectacularly illustrated in its capacity to sustain American industry and to serve our defense efforts in time of emergency, its function as a buttress to a sound national economy should not be overlooked.

Perhaps it would be interesting to look at this particular aspect—the hidden economic aspect—of U.S. shipping to see what a great contribution it is making to the country and what an even greater contribution it could make under improved circumstances.

For many years it has been my privilege to help you fight your battles to keep the American flag on the high seas. Naturally, this requires a subsidy. Without a shipping subsidy, American ships could not compete against pitiful wages paid to Indians, Africans, Chinamen and seamen of other low wage nations. Without a subsidy American shipyards could not compete against the pitiful wages paid by shipyards in Italy, Greece, Japan, and other low-wage nations.

Yet, in war-time, we have seen the importance of the American merchant marine. Without the American merchant marine, this Nation would have been powerless to work its will in World War II. Without the American merchant marine, this Nation would constantly be subject to international dangers and international extortion of a character which we do not even bother to imagine.

In my college days, I recall a wax record by colored singers known as the Ink Spots. This record was entitled "You Never Miss the Water 'Till the Well Runs Dry." This song could well describe those who fight against the subsidies which we accord to certain essential American industries.

During World War I this Nation learned what it meant to go without sugar. The price of sugar went over 26 cents per pound. We consider the retail price of between 12 cents and 20 cents per pound very high today. Based on today's economy, the 26-cents-a-pound-plus of 1920 actually represented something approaching $1.00 per pound. For that reason, the United States determined that it would maintain a sugar industry at the beginning of World War II. For many years we hear people screaming to the high heavens about the high cost of our sugar subsidy. It amounted to about 1½ cents on each pound of sugar. It cost the average family about $2.25 per year.

This year we are experiencing a world shortage of sugar. Fortunately for the United States, this Nation plus Puerto Rico produces about 60 percent of our total requirements. As I said, this year we are experiencing a worldwide shortage of sugar. Goodness only knows what we would be paying for sugar were it not for the U.S. Sugar Act which has preserved a domestic sugarcane and sugarbeet industry. We pay a little more but we know that it will be there when the time comes. If worse came to worse, we could survive with the sugarcane and sugarbeets that we produce here in America. We are not prospects for any international blackmail.

Likewise, we have quotas on the amount of oil which can be imported from foreign nations. While it is true that oil can be produced more cheaply in Saudi Arabia, Venezuela, and even in the Soviet Union, we do not propose to gamble with our National security on uncertain shipping lines or even rely without recourse on neighbors as friendly as Canada or Mexico. Any nation which is as great and powerful as the United States, the hope and the inspiration of the free world, must not have an Achilles Heel.

At this moment, the weakest link in our security chain is the fact that this Nation is no longer able to pay in gold the many foreign claims upon our Treasury. Prior to the Marshall plan in 1948, we had buried at Fort Knox almost all of the gold bullion that the world possesses. Now that we have given away $100 billion in foreign aid and now that we have maintained large numbers of American troops to confront Soviet power in Europe for almost 15 years, our foreign allies hold enough American dollars and credit to empty Fort Knox, Ky.

When President Kennedy ran for his office he made more than 25 speeches in which he denounced the tight money and high interest rate program of the Eisenhower administration. The Democratic Party platform loudly proclaimed that the first act of the Democratic President would be to end the tight money and high interest rate program of President Eisenhower. The Democratic platform strongly renounced the Republican argument that tight money and high interest rates were necessary to prevent inflation. In fact, the Democratic platform contended that the tight money and high interest rate program had exactly the opposite effect. In other words, it contended that tight money and high interest rates had contributed to inflation rather than stopping it.

I regret to say that President Kennedy has done nothing to make good his promise to reduce interest rates. He has earnestly contended that the international drain on the American gold supply made it necessary to keep interest rates high in order to encourage foreign investors to leave their gold here rather than demand payment.

If we take the President and the Secretary of the Treasury at their word, then it is amazing to see how much the balance-of-payments problem is costing the American people.

If we compare the general level of interest rates as of mid-1952 when the Truman administration was holding the lid on, with the interest rates that prevail today, we would see that the high interest rates existing at this time are costing us more than $3 billion extra on the national debt alone. On a public and private debt approaching $900 billion, these high interest rates amount to a $9-billion drag on the American economy.

Sometime this month we will find it necessary to increase the national debt limit to $309 billion. Congressman WRIGHT PATMAN, chairman of the House of Representatives Banking and Currency Committee, recently put in the RECORD a tabulation that shows we would be reducing rather than increasing our national debt had we been able to maintain the low-level interest rate which our President advocated during his campaign.

Now, what has the high interest rate situation got to do with the merchant marine? Well, it has this much to do with it: When we pay for American ships to sail the high seas, almost all of those dollars come back to the United States. It is true that our sailors might spend a few dollars in foreign ports and, after a long voyage at sea, we would want them to do that. But they maintain their families and their homes in the United States and the money spent for food, clothing, and shelter is, for the most part, spent here in this country. Our American merchant marine relieves our balance-of-payments problem by more than $1 billion each year.

As you know, the American merchant marine is now carrying only 30 percent of the total "cargo liner" movement in our foreign trade. Even more astonishing is the fact that American flagships, liners, tramps, bulk carriers, and tankers transport only about 10 percent of our total volume of foreign trade.

If this Nation was to take steps to increase our volume of foreign trade to see to it that 50 percent of our foreign trade was hauled in American bottoms, this could cancel out completely our balance-of-payments problem as it exists today. There would no longer be an excuse for a monetary policy which is costing the Nation as much as $15 billion a year in excess interest payments.

To increase American shipping to an extent which I would advocate might cost us as much as $500 million in additional subsidies but it would save in interest charges on the national debt alone an amount that would exceed the additional cost by more than 6 to 1.

Furthermore, we would be running our bank in such a way that we would be solvent whether the other fellow wanted us to be solvent or not. We could continue our present foreign aid policies of economic and military aid as well as that of maintaining almost a million Americans on foreign soil without worrying about being unable to pay for it in standard international exchange.

Such increases in American merchant shipping may sound optimistic to the point of being considered absurd, but may I point out that the United Kingdom carries 53 percent of her total foreign commerce; France carries 62 percent; Italy carries 53 percent; Japan carries 50 percent; Norway carries 50 percent; and Spain carries 73 percent.

Only last year we passed a trade act, the purpose of which was to benefit our friends abroad as much as it was intended to benefit the United States. We proposed to reduce tariffs by as much as 50 percent on many items and to reduce tariffs to zero in some cases. In the negotiations which are now taking place, we are discovering how tough some of our friends in France and elsewhere can be. We should not complain about this—they have every right to protect their interests. If they care to be selfish or greedy, that is entirely their privilege. The only point that I object to is the failure of some of our soft-headed negotiators to realize that it is their duty to protect the interests of the United States.

It is completely within the power of this Nation to preserve its solvency and to preserve its preeminence as the leader of the capitalistic world merely by maintaining a proper control and administration of those items which are completely within the dis-

cretion of this Government and with regard to which we are not answerable to any foreign power.

We have a perfect right to reduce the number of Americans that we are maintaining in Europe. We could thin down from five divisions to two divisions in Western Europe and we could, accordingly reduce the number of servicemen and military dependents from 600,000 to 250,000 without the slightest danger to Europe or anyone else. The main role of these divisions in Europe has been to assure Europeans of U.S. commitment to defend the Continent against Russian aggression. But today, their presence there in such large numbers is taxing the economy unreasonably. Actually, we would be just as fully committed if we had only two divisions there instead of five. This could save us as much as $1 billion a year in our payments problem.

If need be, we could further reduce the import quotas of foreign oil although a mere increase in our world shipping would solve the problem better and perhaps with less dislocation to the economy of free nations.

With as much criticism as I have directed to the U.S. foreign-aid program, I cannot for the life of me see why, if we are going to give something away, we should not give it away in American bottoms. This is especially true when we face the prospect of becoming an international bankrupt by giving it away in the other fellow's bottoms.

The President of the United States is proposing a major reduction in taxes as a spur to the American economy. To me, this makes a good sense only if accompanied by a general reduction in interest rates. Without a monetary policy to coincide and complement our tax cut, we will find ourselves wedded to big deficits for many years to come.

Your industry can help us to bring this program about. Your industry can help America to expand its production, its employment and its prosperity and America should help you do it.

## DISCIPLINE IN THE GOP RANKS

Mr. SIMPSON. Mr. President, the task of leading the minority forces in the Congress is admittedly a difficult one under the best conditions. At present the ratio of the minority to the majority party members is far from close. In the Senate there are 67 Democratic Members and 33 Republican Members, or a more than 2 to 1 ratio. In the House of Representatives there are 256 Democratic Members and 178 Republican Members, 1 vacancy, or 3-to-2 ratio.

The high quality of the Republican leadership exemplified by the Senator from Illinois, Mr. EVERETT MCKINLEY DIRKSEN, and the Representative from Indiana, Mr. CHARLES A. HALLECK, is, of course, well known to the Members of both the Senate and the House. Their effectiveness, skill, and courage are beyond dispute. These leaders have continuously encouraged a Republican task force to try to bring about substantial reductions in President Kennedy's "planned" $12 billion deficit for 1964.

It is with great satisfaction that we read the suggestion by the noted columnist, William S. White, that the "congressional managers-of-the-year title should go to Senator DIRKSEN and Representative HALLECK for 1963."

Mr. President, I now ask unanimous consent that Mr. White's column, published in the Washington Star, May 20, 1963, be printed in the RECORD.

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

### DISCIPLINE IN THE GOP RANKS

On the homely, old-fashioned bread-and-potatoes issues, the Republicans are drawing together against President Kennedy in massive and extraordinarily disciplined party unity as the last phase of this session of Congress now opens.

Whatever their divisions otherwise, the Republicans, unlike the Democrats, have no great difficulty in speaking with one voice on one subject, at any rate—that of Federal spending. Their congressional leaders—Senator EVERETT DIRKSEN, of Illinois, and Representative CHARLES HALLECK, of Indiana—are coolly and skillfully exploiting this single area of built-in Republican union.

#### ACCENTING THE POSITIVE

They are hitting the Democrats at their weakest point, their lack of general party agreement on fiscal matters. In short, the congressional Republicans are accentuating their party's one, absolutely positive quality—the fact that Republican conservatives, moderates and liberals alike are able to take an almost unanimous position in the spending field. And they are playing down the negative—those areas, like civil rights and foreign policy, in which GOP divisions are actually no less deep than those of the Democrats.

On budgetary matters, if on no other, they are writing a party record in this Congress on which any conceivable Republican presidential nominee of next year—be he a Senator BARRY GOLDWATER on the right or a Governor Nelson Rockefeller on the left—could stand with reasonable comfort.

It is a job of great professional expertness, and it is giving the Kennedy administration causes for discomfort already. Within the space of 2 days all this has been clearly illustrated in both the House and Senate.

In the House, the Republican leadership marshaled 172 out of the 173 voting Republicans against a bill to permit a rise in the legal Federal debt limit from $305 billion to $307 billion and, later, to $309 billion. While a single Republican was lost in this contest, the Democratic House leadership saw 32 Democrats rebel and vote with the Republicans. The bill thus barely survived—by 213 to 204.

In the Senate, on the passage of the administration's feed grain subsidy bill, eight Democrats rejected their party's line to stand with the Republican opposition. Only three Republicans, all from farm States deeply involved in the subsidies, refused to follow the Republican leadership against the measure.

These statistics may seem dry as dust. All the same, there is much political juice of a potent sort in them. What they plainly mean is that on bread-and-potatoes—and bread-and-potatoes in the end settle most elections—the Republican congressional minority is functioning as the most disciplined party team within recent memory.

#### CONTROL SLIPPING AWAY

They mean also that the President's control in budgetary and fiscal matters is slipping away and may, in fact, be wholly lost before this session of Congress is done unless he can find a way quickly to plug the gaps in his own Democratic line.

And, finally, they mean, beyond further doubt, that the Republicans are highly fortunate in their present congressional leadership. Of late years most of the great congressional pros had been Democrats. Now, there has been a turnabout. No detached analysis could reasonably deny the congressional managers-of-the-year title to Senator DIRKSEN and Representative HALLECK.

They have earned this title by wisely limiting their partisan activity primarily to those areas where they knew their troops would be with them and by wisely restraining GOP attacks in those areas where there was no point, really, in attacking at all.

## DISARMAMENT

Mr. THURMOND. Mr. President, I have just had the opportunity to read and study a series of three articles published by Mr. Dan Smoot, of Dallas, Tex., in his weekly publication, the Dan Smoot Report. These articles are concerned with the subject of disarmament. They are well written and most carefully footnoted to support the points made in Mr. Smoot's articles.

Mr. Smoot is a well-known American citizen who has dedicated himself to the enormous task of trying to inform and alert the American people to the menace and dangers of the world Communist movement, and also as to actions and proposals by our Government which, unfortunately, serve to assist the Communists in the attainment of their goal of world domination. A native of Texas, Mr. Smoot holds the B.A. and M.A. degrees from Southern Methodist University, later serving on the faculty at Harvard as a teaching fellow in English and doing graduate work there for a doctorate in American civilization.

In 1942, he left Harvard and joined the FBI. As an FBI agent, he worked for 3½ years on Communist investigations in the industrial Midwest; 2 years as an administrative assistant to J. Edgar Hoover on FBI headquarters staff in Washington; and almost 4 years on general FBI cases in various parts of the Nation.

In 1951, Mr. Smoot resigned from the FBI and helped start Facts Forum. On Facts Forum radio and television programs, Smoot spoke to a national audience, giving both sides of controversial issues.

In July 1955, he resigned and started his present independent publishing and broadcasting business—a free-enterprise operation financed entirely by profits from sales: sales of the Dan Smoot Report, a weekly magazine; and sales of a weekly news analysis broadcast, to business firms, for use on radio and television as an advertising vehicle. The report and the broadcast give only one side in presenting documented truth about important issues—the side that uses the American Constitution as a yardstick. The report is available by subscription; and the broadcasts are available for commercial sponsorship, anywhere in the United States.

Mr. President, because of the vital facts set out in this series of articles by Mr. Smoot and because the U.S. Senate has an important responsibility to fulfill in the field of foreign relations, I feel that every Member of this body should read this series of articles. I, therefore, ask unanimous consent that these articles, together with the footnotes at the end of each, be printed in the RECORD at the conclusion of these remarks.

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

[From the Dan Smoot Report, May 6, 1963]

DISARMAMENT—PART I

A PARABLE

"Last week, top law-enforcement officials of Chicago and New York held another meeting with criminal leaders of those two cities. This was the latest of a lengthy series of such meetings, called in response to pleas made by the criminals for the purpose of eliminating the costly struggle between organized society and the criminal underworld.

"The criminals have for many years insisted that huge police forces, equipped with weapons and in command of jails and other places of detention, have necessitated a corresponding expenditure of effort and money on their part to protect their own interests. They have made repeated offers to disarm every criminal in Chicago and New York and to disband every criminal organization, if the law-enforcement agencies will also disarm and disband.

"The law-enforcement officials are also eager to eliminate crime and to save the taxpayers of Chicago and New York the enormous expense of maintaining police forces. They have offered to disband the police forces of both cities, except for skeleton crews of unarmed men to handle traffic problems.

"The only point of disagreement involves the question of effective inspection to guarantee that both sides keep the disarmament agreements. Law enforcement officials feel it would be dangerous to disband police forces and leave Chicago and New York totally helpless if the criminals should break their promise and launch a sudden, all-out attack on the citizens of those two cities.

"Law enforcement officials want a firm agreement which would authorize them to send neutral inspectors into criminal haunts of Chicago and New York to investigate any report of criminal activity. The agreement would, similarly, authorize neutral inspectors to investigate any suspicion or complaint on the part of criminals that the police were rearming and hiring new personnel.

"In the more than 1,000 previous meetings with law enforcement officials, criminal leaders of Chicago and New York have flatly refused this inspection system demanded by law enforcement. They accuse law enforcement officials of bad faith in making such demands, claiming that the officials are merely trying to set up a stool-pigeon system to spy on criminals and violate their private rights.

"On the eve of the latest meeting which began last week, however, spokesmen for law enforcement officials expressed cheerful optimism. They claimed that criminal leaders, displaying a genuine interest in peace, now seem willing to make significant concessions to law enforcement demands. Although they gave no details, law enforcement spokesmen said the criminals have 'considerably modified' their previously firm stand against inspections, and have offered to permit a limited number of annual inspections, by neutral observers, in specified criminal hangouts in Chicago and New York."

That fictional news story has never been written, and never will be, because no such ludicrous thing will ever happen.

The story is not nearly so ludicrous, however, as the news stories which were making headlines throughout the world in April and May, 1963—concerning determined and hopeful efforts of Western leaders to negotiate a peace-and-disarmament pact with international criminals who control the Communist slave empire.

COMMUNIST INTENT

Communists consider anything "good" which promotes the cause of socialism (that is, communism): war, mass murder, the extermination of whole races through enforced starvation, torture of human beings, rape, pillage, betrayal of friends and family, theft, vandalism—all are "good" if they help communism. On the other hand, anything is "bad" which hurts communism: love of God and country, kindness, charity, honesty, thrift, hard work—all are "bad" if they in any way interfere with the Communist drive for world conquest.

"World peace," to Communists, means Communist conquest of the world. All non-Communists are regarded as enemies of communism, who will destroy Communists if given a chance. Hence, there can be no peace on earth until all non-Communists are eliminated. Until such time arrives, strategy requires periods of "peaceful coexistence" between Communists and non-Communists. To a normal mind, "peaceful coexistence" means living side by side, leaving each other alone. To the Communist mind, "peaceful coexistence" means a cessation of all hostility and opposition on the part of non-Communists (and cessation of preparation for possible hostility), while Communists gather strength and make plans for renewed assaults on non-Communists.

Weapons in the hands of Communists are considered benign tools for achieving world peace; weapons in the hands of non-Communists are considered horrible instruments for oppression and conquest.

Communists do dream of a time in the distant future when they themselves can be relieved of the burden of producing and maintaining armaments; but that is to come only after Communist conquest of the world is complete. Communists regard it as treason to their own cause even to think of disarming Communists before all non-Communists have been disarmed and destroyed.

Communists have been advocating "total disarmament in a peaceful world" since 1916. Their program is simple and openly stated by Communist leaders: to disarm all non-Communists so that they can be destroyed. The objective of every disarmament discussion is to disarm non-Communist nations (specifically, the United States) while increasing the armaments of the Soviet Union.

These facts being known, it is ludicrous and dangerous for our political leaders even to discuss disarmament with Soviet leaders. These facts have been known since 1916.

Below are a few quotations from Communist leaders to prove the point. Readers not familiar with Communist dialectics may need a glossary. In the Communist language quoted below:

Proletariat, revolutionary proletariat, peoples, forces struggling for socialism, the working class, the masses—all mean Communists;

Revolutionary wars—means wars fought in the interest of communism;

Proletarian revolution, national liberation movement, class struggle, struggle for peace, struggle against imperialism, struggle for national independence—all mean efforts of Communists to seize power;

Imperialists, bourgeoisie—mean non-Communists.

In 1916, Lenin said: "Only after the proletariat has disarmed the bourgeoisie will it be able, without betraying its world historical mission, to throw all armaments on the scrap heap." [1]

In 1917, Lenin said: "We are no pacifists * * * we have always declared that it would be stupid if the revolutionary proletariat promised not to wage revolutionary wars which might become indispensable in the interest of socialism." [1]

A policy statement adopted at the Sixth World Congress of the Communist International, in 1928, says: "The aim of the Soviet proposals is * * * to propagate the fundamental Marxian postulates that disarmament and the abolition of war are possible only with the fall of capitalism." [1]

In 1954, V. Cherpakov (representative of the Soviet Ministry of Defense) said: "Communists link the cause of peace with the cause of victory of the proletarian revolution." [1]

An editorial in the February 1955 issue of National Affairs Monthly (official Communist publication) said: "The idea that peaceful coexistence must include the maintenance of the status quo is imperialist propaganda." [1]

On October 20, 1960, Khrushchev told Communists of the world about the need to "force" the capitalist countries to come to an agreement on disarmament.[1]

In December 1960 at a Moscow meeting of representatives from 81 Communist parties throughout the world, Communist leaders laid down a directive that "an active, determined struggle" must be waged to "force the imperialists into an agreement on general disarmament." [1]

Here are excerpts from a speech which Khrushchev made on January 6, 1961:

"Peaceful coexistence helps * * * the forces struggling for socialism, and in capitalist countries it facilitates the activities of Communist parties * * * it helps the national liberation movement to gain successes.

"Peaceful coexistence implies intensification of the struggle of the working class, of all the Communist parties, for the triumph of Socialist ideas. * * * It is a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena.

"Peaceful coexistence of states does not imply renunciation of the class struggle * * * the coexistence of states with different social systems is a form of class struggle between socialism and capitalism.

"The policy of peaceful coexistence is a policy of mobilizing the masses and launching vigorous action against the enemies of peace.

"The slogan of the struggle for peace does not contradict the slogan of the struggle for communism.

"The struggle for disarmament * * * is an effective struggle against imperialism * * * for restricting its military potentialities." [1]

In his January 6, 1961, speech, Khrushchev quoted Lenin to the effect that, in promoting their program of disarming non-Communists, Communists must establish "contacts with those circles of the bourgeoisie who gravitate toward pacifism." [1]

On July 10, 1962, speaking to the World Congress on General Disarmament and Peace, Khrushchev said: "The struggle for general disarmament facilities the struggle for national independence. For their part the success of the national liberation movements strengthen the cause of peace, contribute to strengthening the struggle for disarmament. Disarmament means disarmament of the forces of war, the liquidation of militarism." [1]

An editorial in the October 1962, issue of World Marxist Review said: "General disarmament does not mean disarming the peoples fighting for national liberation. On the contrary, it would deprive the imperialists of the means to halt progress and crush the struggle for independence * * * disarmed, the imperialists would be powerless to prevent the people from attaining freedom. Disarmament primarily means dismantling the gigantic war machines of the highly developed countries." [1]

In a public statement at Berlin on January 16, 1963, Khrushchev said: "The duty

[1] The Test Ban: An American Strategy of Gradual Self-Mutilation, by Stefan T. Possony, CONGRESSIONAL RECORD, Mar. 21, 1963, pp. 4614–4626.

of Communists at the helm of state power is to do everything possible to insure that our strength will grow."[1]

COMMUNIST PERFORMANCE

Unless our political leaders profess abysmal ignorance, they can find no excuse for not knowing the intent of Communist disarmament discussions. How about the performance of Communists in keeping their treaty commitments?

In 1955, when President Eisenhower was planning a summit meeting with Communist leaders at Geneva, the Senate Internal Security Subcommittee (by way of showing Eisenhower that any kind of negotiation with Soviet leaders is not only fruitless but dangerous) released to the press a staff study of the Soviet treaty record. Here are passages from the foreword to the staff study, later (1956) published as Senate Document No. 125:

"The Subcommittee on Internal Security authorized a staff study of the Soviet treaty record from 1917, when a handful of Bolsheviks seized power over 150 million non-Communists in Russia, to the present, when 800 million people on two continents suffer under Red despotism. The project was part of the subcommittee's examination of the strategy and tactics of world communism. It contemplated a scrutiny of treaties and agreements involving peace, accord and fraternity, collaboration, friendship and neutrality, diplomatic recognition, frontier disputes, nonaggression pacts, conferences of conciliation, mutual aid, renunciation of war, and international promises to the peoples of the entire world—such as the Atlantic Charter.

"The staff studied nearly a thousand treaties and agreements of the kinds described above, both bilateral and multilateral, which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise. It signed treaties of nonaggression with neighboring states and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought 'friendship,' and then cynically broke those promises. It was violating the first agreement it ever signed with the United States at the very moment the Soviet envoy, Litvinov, was putting his signature to that agreement, and it is still violating the same agreement in 1955 * * *. It keeps no international promises at all unless doing so is clearly advantageous to the Soviet Union.

"I seriously doubt whether during the whole history of civilization any great nation has ever made as perfidious a record as this in so short a time.

"On the basis of the record, this question inevitably arises: Is the Soviet record merely a series of individual and unrelated misdeeds, or has treaty breaking been an instrument of national policy since the U.S.S.R. itself came into existence?"[2]

COMMUNIST TECHNIQUES

The staff of the Internal Security Subcommittee concluded that treaty breaking is, provably, an instrument of Soviet national policy.

When the Soviets engage U.S. leaders in negotiation for some agreement, they make proposals which could not, in sanity, be accepted; but their propaganda machines in the United Nations, in Moscow, and in Soviet embassies throughout the world (aided and abetted by the pro-Communist and Communist-following liberal forces in the United States) attempt to conceal the fact that the Soviets have made unreasonable demands. The propaganda berates the United States for being unyielding, accusing us of acting in bad faith because we will not truly engage in the "give and take" necessary in such negotiations.

Most thoughtful people see through the Soviet propaganda and say so; but the Soviets, caring not a fig for "world opinion," keep hammering away. Large numbers of fools, fatheads, pacifists, and brainwashed liberals are, however, deceived. They join the Communist chorus, criticizing the United States for refusing to "negotiate in good faith."

American leaders (sensitive, to the point of nausea, to "world opinion") begin to wince and apologize—and to make concessions.

After milking all possible propaganda benefit out of the situation, the Soviets may decide to enter into an agreement. If so, they generally capture whatever is to be gained from the approval of "world opinion" by making some meaningless concession which our own officials help to puff up as something important, in order to convince American voters that our leaders have "driven a hard bargain" with Communists.

Once the U.S.-U.S.S.R. agreement is made (either through formal treaty process, or by the informal means of verbal acknowledgment as in the case of the 3-year ban on nuclear testing which began in October 1958), we are, of course, bound by the terms of it. The Soviets do not consider themselves bound at all.

As a matter of policy, they violate the terms of the agreement they have made—sometimes openly, to show arrogant contempt for us, as in their immediate and continuous violations of the Korean armistice agreement made in July, 1953; sometimes surreptitiously, as in their violations of the nuclear test ban agreement of October 1958.

Even if we should, eventually, repudiate the agreement because of Soviet violations, we have been (during the period of our compliance) hobbled by it, while the Soviets feel free to do whatever the agreement was intended to keep them from doing.

The Soviet technique of negotiating and propagandizing U.S. leaders into surrendering the vital interests of our country have been particularly harmful in the area of disarmament. Indeed, the record proves that unless the American people can somehow manage, through their Congress, to reverse present, settled trends, we are headed toward total surrender of the United States to a Communist-controlled world superstate system.

A BRIEF CHRONOLOGY

In December 1945, the Foreign Minister of Great Britain and the U.S. Secretary of State met with the Soviet Foreign Minister in Moscow to discuss disarmament. They agreed to sponsor, at the first session of the U.N. General Assembly, a resolution creating an International Atomic Energy Commission.[3]

The resolution was introduced—and was adopted by the first session of the U.N. General Assembly, meeting in London, on January 24, 1946. The Atomic Energy Commission was empowered to make proposals concerning the elimination, or control, of atomic weapons—and to make recommendations concerning international exchange of scientific information. Bernard M. Baruch was the first U.S. representative on the International Atomic Energy Commission.[3]

On March 28, 1946, Dean G. Acheson and David Lilienthal submitted a report, outlining U.S. proposals for the international control and sharing of atomic energy knowledge and materials. Baruch was given some leeway to revise the proposals before formally submitting them, on behalf of the U.S. Government, to the United Nations.

On June 14, 1946, Baruch submitted to the Atomic Energy Commission the U.S. proposals—which came to be known as the "Baruch Plan" and the "Baruch-Lilienthal Plan."

The Baruch plan proposed the creation of a new International Atomic Development Authority, which, operating under the broad control of the U.N. General Assembly, would have absolute "control, or ownership, of all atomic energy activities potentially dangerous to world security"; and would have the "power to control, inspect, and license all other atomic activities." The new Authority could seize and dispose of all existing atomic bombs, prohibit further manufacture of bombs, and prescribe "serious" penalties against any nation for violating regulations issued by the Authority.

The Baruch plan also suggested total disarmament (elimination not only of atomic weapons, but of all conventional weapons and military forces)—to be achieved in stages.[3]

On July 19, 1946, Andrei A. Gromyko presented the proposal of the Soviet Union. The Soviet plan ignored the Baruch proposal for total disarmament; but, insofar as it concerned atomic disarmament, the Soviet plan was virtually identical with the Baruch plan. There was, however, one essential difference in approach. Whereas the Baruch plan called for a new International Atomic Energy Authority to operate under the control of the U.N. General Assembly, the Soviets wanted the old Atomic Energy Commission to handle atomic energy affairs, under control of the U.N. Security Council.[4]

The Soviets were shortsighted. They wanted a U.N. agency which could strip the United States of its atomic weapons, since they were years behind us at that time and knew that the agency would not limit their own plans for research and development. They did not foresee, however, the day (now arrived) when they and their "neutralist" friends could control the U.N. General Assembly. They wanted control of atomic energy centered in the U.N. Security Council where they had a veto, fearing that the U.N. General Assembly might make a decision they did not like.

It seems more than likely that the United States would have modified the Baruch plan enough to meet all objections offered by the Soviets. This was never done, however, largely because Congress (despite the large and powerful peace claque of liberals which it contained) reflected the deeper instincts of the Nation: namely that the Baruch plan, modified or not, was a blueprint for the surrender of our national independence.

As time marched on, the Soviets became less interested in the Baruch plan, because they had begun to catch up with us in atomic research and development—thanks to our voluntary deemphasis of activity in this field; to the atom spies who delivered our major secrets to the Soviets; and to German scientists whom we had permitted the Soviets to kidnap and take to Russia.

On January 11, 1952, the U.N. General Assembly, at the urging of the United States, created a Disarmament Commission to study

[1] See footnote 1 on p. 11114.

[2] "Foreword," by U.S. Senator JAMES O. EASTLAND, Democrat, of Mississippi, to Soviet Political Agreements and Results, a Staff Study, Internal Sercurity Subcommittee of the Senate Judiciary Committee, May 21, 1956, p. VIII.

[3] The United States and the United Nations: Report by the President to the Congress for the year 1946. Department of State publication No. 2735, Feb. 5, 1947, pp. 44–53; 169–194.

[4] Review of the United Nations Charter, A Collection of Documents, Subcommittee on the United Nations Charter of the Senate Foreign Relations Committee, Jan. 7, 1954, pp. 436–442; 450–459; 474–480.

and supervise the problem of general disarmament; but the propaganda for "international control" of atomic energy subtly changed. There was less and less emphasis on controlling atomic energy, more emphasis on the "have" nations sharing their atomic energy knowledge and materials with the "have not" nations.[4]

By the middle of President Eisenhower's first year in office (1953), "diversion of nuclear materials from military use to peaceful purposes" had become the cardinal theme of nuclear disarmament propaganda. Communists emphasized this theme, of course, because, in Communist dialectics, it meant giving United States nuclear materials away abroad so that the United States could not use them for military purposes, while the Soviets could concentrate on military use for their nuclear materials.

In December 1953, President Eisenhower (with his "atoms for peace" plan) gave a great boost to this "diversion of nuclear materials" scheme.

In an Atoms for Peace speech to the United Nations General Assembly on December 8, 1953, President Eisenhower recommended that the U.N. create an International Atomic Energy Agency, to which all governments producing atomic energy could make contributions of normal uranium and fissionable materials.

The U.N. agency would store the materials and allocate them around the world (to nations not producing such materials) for peaceful uses.[4]

Almost 3 years later—on October 23, 1956—the General Assembly of the U.N. approved a charter for the atomic energy agency which Eisenhower had recommended. Three days later—October 26, 1956, before any nation had had opportunity to ratify the charter—President Eisenhower pledged the United States to give the new agency, immediately, 5,000 kilograms (11,000 pounds) of uranium 235; and, after that, to match combined contributions of all other nations on earth.

At the time, the estimated production cost of 11,000 pounds of uranium 235 was $110 million.[5] Without consulting Congress (indeed, before the International Atomic Energy Agency charter had even been submitted to the Senate for approval of American membership) President Eisenhower promised to start the international atom bank off with a gift of $110 million worth of uranium 235, and promised that U.S. gifts would stay at least that far ahead of the gifts of all other nations put together.

The late Senator Joseph McCarthy fought hard against Senate ratification of the IAEA charter, predicting that Communists would take the thing over and use it against us.

The Senate Atomic Energy Committee held hearings—receiving abundant and repeated assurances from the State Department and from the Atomic Energy Commission that there was no possibility of Communists taking over the new Agency. The parade of witnesses from the executive branch of Government virtually guaranteed that the International Atomic Energy Agency, being an American idea, would always be run the way the United States wanted.

Internationalist supporters of the IAEA were scornful of McCarthyites for suggesting that the President and the State Department and the Atomic Energy Commission would recommend anything dangerous for America.

The Senate ratified the IAEA charter on June 18, 1957, by a vote of 67 to 19. The Agency came into being on July 29, 1957, when 18 nations had ratified the charter. By the end of October 1957, Communist-bloc nations had gained control of the International Atomic Energy Agency, and the U.S. State Department was professing to be "indignant" and "perturbed."[6]

Almost simultaneously with the capture of the International Atomic Energy Agency, the Soviets (October 1957), launched the first man-made earth satellite, thus dazzling the world with their achievements in nuclear, and related, research.

Since then, frightful events have taken the United States to the very brink of national surrender. We are on that brink now. The Kennedy administration, under the guise of promoting world peace, has already planned the surrender.

Administration spokesmen insist that no international agreement concerning disarmament will be made without specific approval of the U.S. Senate. But past behavior, developed plans, and known attitude of the Kennedy administration indicate otherwise.

The machinery is already established for Kennedy (if and when he finds just the right crisis) to surrender the Armed Forces (and, therefore, the national independence) of the United States to a Communist-dominated world organization.

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DISARMAMENT—PART II

[From the Dan Smoot Report, May 13, 1963]

If the United States had an effective defense against enemy missiles, Communists could not blackmail us with threats of nuclear destruction. We would not need to engage in an armaments race, or bankrupt ourselves with defense expenditures. We could maintain a small professional establishment of conventionally armed military forces—as was once American tradition—and thus defend our Nation without converting it into a police state, through taxation and controls, and compulsory peacetime conscription.

But an effective anti-missile missile—the most desperately needed weapon in this century—is the weapon we do not have. Officialdom says American prospects of developing such a weapon are virtually nonexistent—but admits that the Soviets may be on the point of developing one, if they do not already have it.[1]

OUR SUICIDE STRATEGY

There is evidence that American officialdom does not want the United States to have an effective defense against missiles. Such evidence can be found in the State Department disarmament plan (presented to the United Nations in September 1961) which stresses the outlawing of antimissile weapons, and the outlawing of research and testing intended to produce such weapons.[2]

In a treatise entitled "The Test Ban: An American Strategy of Gradual Self-Mutilation," Dr. Stefan T. Possony (of the Hoover Institute) also presented evidence that American officialdom does not want this Nation to possess an adequate defense against missiles. Dr. Possony said:

"Mr. [William C.] Foster's statement * * * discloses the true attitude of the administration to antimissile defense: they just don't want it."[3]

Foster—a member of the Council on Foreign Relations—is head of the Disarmament Agency.

In a broadcast on The Manion Forum, U.S. Senator STROM THURMOND said the Defense Department has already made a decision: "To postpone the production and deployment of an antimissile defense system until 1970 or later, if, indeed, we are ever permitted to deploy an antimissile system."[4]

Extensive testing of nuclear weapons—especially in the atmosphere—is necessary for

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[4] See footnote 4 on p. 11115.

[5] U.S. News & World Report, Dec. 3, 1954.

[6] "Reds Grab Key Jobs In World Atom Agency," by Robert S. Allen, The Tablet, Brooklyn, N.Y., Nov. 2, 1957.

[1] Article by Fred Farris, New York Herald Tribune News Service, dateline Washington, in the San Francisco Examiner, Mar. 12, 1962.

[2] The American plan for total disarmament was published in September 1961, by the Government Printing Office as State Department Publication 7277, entitled "Freedom From War: The United States Program for General and Complete Disarmament in a Peaceful World." Here are passages from the official text:

"The nations of the world * * * set forth as the objectives of a program of general and complete disarmament. * * *

"The elimination from national arsenals of all armaments, including all weapons of mass destruction and the means for their delivery, other than those required for a United Nations Peace Force and for maintaining internal order; * * *

"As states relinquish their arms, the United Nations shall be progressively strengthened. * * *

"Stage I. * * *

"An International Disarmament Organization (IDO) shall be established within the framework of the United Nations. * * *

"Strategic nuclear weapons delivery vehicles in specified categories and agreed types of weapons designed to counter such vehicles shall be reduced to agreed level. * * * The reduction shall be accomplished * * * by transfers to depots supervised by the IDO. * * *

"Production of agreed categories of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be discontinued or limited.

"Testing of agreed categories of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be limited or halted. * * *

"Stage II. * * *

"Further reductions in the stocks of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be carried out. * * *

"During Stage II, states shall develop further the peace-keeping processes of the United Nations, to the end that the United Nations can effectively in Stage III deter or suppress any threat or use of force in violation of the purposes and principles of the United Nations. * * * The U.N. Peace Force shall be established and progressively strengthened. * * *

"Stage III. * * *

"In Stage III, progressive controlled disarmament * * * would proceed to a point where no state would have the military power to challenge the progressively strengthened U.N. Peace Force. * * *

"States would retain only those forces, non-nuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a U.N. Peace Force.

"The U.N. Peace Force, equipped with agreed types and quantities of armaments, would be fully functioning.

"The manufacture of armaments would be prohibited except for those of agreed types and quantities to be used by the U.N. Peace Force and those required to maintain internal order."

[3] "The Test Ban: An American Strategy of Gradual Self-Mutilation," by Stefan T. Possony, CONGRESSIONAL RECORD, Mar. 21, 1963, pp. 4614–4626.

[4] "Are We Trying To Lose the Cold War?" by U.S. Senator STROM THURMOND, Democrat of South Carolina, Weekly Broadcast No. 447, the Manion Forum, South Bend, Ind., Apr. 21, 1963.

research to develop a defense against missiles.[3]

Yet, in the interest of negotiating with the Soviets, the Eisenhower and Kennedy administrations forfeited the security interests of their own country and, for more than 4 years, gave the Soviets unchallenged monopoly in the field of nuclear testing.

This was done with full knowledge that there is no possibility of developing an inspection system to detect and identify illegal testing of nuclear weapons, even if the Soviets should agree to outlaw testing and should accept an international inspection system which we specified.[3]

Suppose that a ban on nuclear testing were in effect, with an international inspection system operating; and suppose the system detected a major high-altitude nuclear explosion somewhere above the Pacific Ocean. At best, it would take several days for the system to correlate all data and determine the exact latitude and longitude of the explosion. By the time international inspectors reached the scene, what would they find? Nothing. Submarines which fired the tests would be gone. Communist propaganda would accuse the United States of making the shot. Our officials would make denials. There would be charges and counter-charges in the United Nations. The wrangle would be protracted for weeks, while the Soviets prepared for another sneak shot somewhere over the Atlantic Ocean.

Aware of all this—and aware also of the unassailable proof that it is folly to negotiate with the Soviets at all, because treaty-breaking is a matter of policy and strategy with them [5]—Eisenhower and Kennedy, during a critical period, prohibited the nuclear testing which might have developed a defensive weapon to save this country.

The only official reason for the prohibition was that we must show "good faith" during negotiations with the Soviets.

THE EISENHOWER RECORD

On March 31, 1958, Andrei Gromyko, Soviet Foreign Minister, announced that the Soviet Union was halting all testing of nuclear weapons; and he called upon other nations, possessing such weapons, also to stop testing, in the interest of "peace and security for all peoples." [6] Why? The Soviets had just finished a series of tests; it would take them a year or more to correlate and evaluate all information thus produced; and in the interim they could not profitably do any more testing. Gromyko's announcement, in other words, was a trick designed either to stop U.S. nuclear testing or to give the Soviets some propaganda fodder against us if we did not stop.

Officials of the Eisenhower State Department correctly called the Soviet plea a fraud, but challenged the Soviets to approach the subject in "an orderly way," through negotiations to work out a supervised suspension of nuclear testing.[7]

For years, the Communist "peace" offensive had prepared for this situation. Organizations of nuclear scientists, controlled by Communist frontiers; and "peace" organizations composed of preachers, teachers, and professional liberals of all kinds, had been drenching the American public with horror stories about the dangers of fallout from nuclear testing.

Gromyko's announcement on March 31, 1958, put the "peace" organizations into high gear. For 7 months, leftwing thunder for "banning the bomb" was deafening—until October 31, 1958, when the United States and the Soviet Union met for "test ban talks," and agreed to suspend all testing of nuclear weapons, without inspections, while the talks continued. Eisenhower ordered a halt to U.S. testing, accepting Khrushchev's unsupported promise that he would do likewise.[8]

Week after week, month after month, year after year, the "test ban talks" continued, fruitlessly. The Soviets, busy assimilating information already produced by tests, did not need to make any nuclear shots in the atmosphere; but—as the whole world was aware—they went right ahead with underground shots and any other testing they pleased, ignoring their agreement to halt all tests for the duration of the negotiations.

Eisenhower kept the agreement, however, permitting no more American testing during the remainder of his administration.

Dreary communiques from Geneva about another nonproductive session of the "test ban talks" often seemed timed, with sardonic humor, to coincide with other events which underscored the absurdity of the talks. For example, on August 3, 1959, a report from Geneva revealed that the 118th "test ban" meeting between representatives of the United States, the Soviet Union, and Great Britain was deadlocked. On that same day, the White House announced that Eisenhower had agreed to a personal exchange of visits with Khrushchev.[9]

Khrushchev was in the United States on September 17, 1959, when Selwyn Lloyd, British Foreign Secretary, spoke to the U.N. General Assembly urging total disarmament in three stages: (1) an international agreement fixing a date for disarmament and size and quality of national forces that would be left after disarmament, and deciding on the quantity and kind of weapons for an international army; (2) progressive steps in disarming nations and in arming the international army; (3) final national disarmament, with rearming outlawed, and a fully established international army to enforce the peace, control national military budgets, space exploration, and so on.[10]

Selwyn Lloyd demanded "effective inspection to insure compliance" at every stage in the plan; yet he proposed that inspection control would be established after disarmament. So, in effect, Selwyn Lloyd recommended total disarmament without inspection.[10]

The next day—September 18, 1959—Khrushchev also spoke to the U.N. General Assembly, and recommended total disarmament without inspection.[11]

One month later—October 18, 1959—Francis O. Wilcox, Assistant Secretary of State for International Organization Affairs (and member of the Council on Foreign Relations), speaking to the Greater Miami Association for the United Nations, said that the problem of determining which should come first, disarmament or controls, is as baffling as the old riddle about which came first, the chicken or the egg.[12]

On March 15, 1960, five Western powers and five Soviet bloc powers met at Geneva for general disarmament talks. These were in addition to the "nuclear test ban talks" which had been going on at Geneva since October 1958.[13]

On May 12, 1960, United States Senator THOMAS J. DODD (Democrat, Connecticut) made a speech to the U.S. Senate saying:

"Before it is too late, we must call off the (nuclear test) ban. At stake is the preservation of peace and the survival of our Nation and of freedom on this earth. Our guileless approach to the moratorium places us in mortal peril, for it rests on blind trust in the honesty of the Kremlin, a dictatorship with a shocking record of violations of its pledges.

"Some American experts are convinced that the Soviets are already testing secretly. No one can seriously doubt that they will do so whenever it suits them." [14]

In June 1960, the Soviets walked out of the Geneva "test ban talks," and stayed away for several months.[13]

On September 22, 1960, in a speech to the U.N. General Assembly, President Eisenhower gently reproved the Soviets for not entering into disarmament agreements, and rebuked them for walking out of the "test ban talks," pleading with them to come back for more.[13]

Eisenhower's plea set the stage for the Soviets who, the next day (September 23, 1960), presented to the United Nations their plan for total, worldwide disarmament (the same plan which Khrushchev had presented to the U.N. a year before).[13]

THE KENNEDY RECORD

Kennedy, inaugurated President in 1961, continued the ban on American nuclear testing; and he appointed Paul Nitze to be Assistant Secretary of Defense, and Walt W. Rostow to be Deputy Special Assistant to the President for National Security Affairs. It later became known that these two high officials of the Kennedy administration (together with others from the Council on Foreign Relations, whose members occupy key positions in the Kennedy administration) had lectured, almost a year before, to a National Strategy Seminar at Asilomar Conference Grounds on the Monterey Peninsula, in California.

The general argument of lectures which Rostow and Nitze, and the others, gave at the Strategy Seminar was that the United States cannot win a nuclear war; that continued attempts to produce nuclear superiority will spur the Soviets to do likewise and thus increase the danger of a holocaust; that we should, therefore, de-emphasize nuclear weapons on the theory that the Soviets will follow our lead; that we should build up our conventional military power in order to increase our capacity to fight in limited wars;

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[3] See footnote 3 on p. 11115.

[5] "Soviet Political Agreements and Results," a staff study, Internal Security Subcommittee of the U.S. Senate Judiciary Committee, May 21, 1956.

[6] "Text of Gromyko Announcement of the Soviet Decision To Suspend Nuclear Tests," Reuters dispatch from London: the New York Times, Apr. 1, 1958, pp. 14–15.

[7] "U.S. Statement on the Soviet Decision," AP dispatch from Washington, the New York Times, Apr. 1, 1958, p. 15.

[8] Special to the Times, the New York Times, Oct. 31, 1958, p. 1; and Special to the Times from Geneva by Drew Middleton, the New York Times, Nov. 1, 1958, pp. 1, 3.

[9] "Khrushchev Coming to U.S. Next Month," Special to the Times from Washington by Felix Belair, Jr., the New York Times, Aug. 4, 1959, pp. 1, 3; and "Nuclear Talks Proceed: 3 Powers Reiterate Stands on Controls in Geneva," Special to the Times from Geneva, the New York Times, Aug. 4, 1959, p. 3.

[10] "Lloyd Remarks," Special to the Times from the U.N., the New York Times, Sept. 18, 1959, pp. 4–5.

[11] "Text of Premier Khrushchev's Address to the U.N. General Assembly," and "Text of Soviet Government Declaration Proposing Complete Disarmament," the New York Times, Sept. 19, 1959, pp. 8–9, 12.

[12] "U.S. Said Willing To Equal Soviet Disarmament Steps," UPI dispatch from Miami Beach, Durham (North Carolina) Morning Herald, Oct. 19, 1959.

[13] "Documents on Disarmament, 1960," State Department Publication No. 7172, July 1961, pp. xii, 66, 131, 225–229, 229–248.

[14] "The Summit and the Test Ban Fallacy," speech by U.S. Senator THOMAS J. DODD, Democrat, of Connecticut, CONGRESSIONAL RECORD, vol. 106, pt. 8, pp. 10135–10146.

and that we should work toward some form of world government strong enough to eliminate wars altogether.[15]

Paul Nitze told the Strategy Seminar that the United States should begin disarmament without requiring disarmament of other nations, in the hope that our action would "produce reciprocal action on the part of our allies and also on the part of our enemies."

Nitze said we should stop all efforts to build a class A nuclear capability, which could strike first or take offensive action; and that we should build purely retaliatory defense systems, and then surrender command of those systems to international authority. He proposed that we make this surrender by giving NATO command of our Strategic Air Command, and by notifying the United Nations that NATO will turn over to the U.N. the ultimate power of decision on the use of American retaliatory systems.[15]

After Nitze became Kennedy's Assistant Secretary of Defense, and the public found out what his real "defense policy" is, alarmed citizens wrote Washington officialdom demanding explanation. Official explanations from Washington included: (1) flat denials that Nitze had ever made such a proposal; (2) assertions that Nitze did not really mean that he wanted SAC to be made a NATO command; (3) explanations that in making such a proposal, Nitze was really suggesting that such a thing should not be done—that he was merely throwing it out as a "grand fallacy"; (4) explanations that Nitze's proposal had no official standing, because Nitze was not a member of the administration when the proposal was made.

Dr. Lawrence G. Osborne, Santa Barbara, Calif., got replies from two Washington officials: one from Timothy W. Stanley (Special Assistant to the Assistant Secretary of Defense for International Security Affairs) saying that a proposal to turn SAC over to NATO was not under consideration by the Kennedy administration; another from Vice President LYNDON B. JOHNSON, saying: "The proposal that the Strategic Air Command be placed under the overall administration and command of NATO is one which is being given a great deal of thought and deliberation."

On March 23, 1961, a briefing session on disarmament was held at the State Department. About 75 persons attended, representing such organizations as the United World Federalists, Americans for Democratic Action, Women's International League for Peace, American Association for the United Nations, Federation of American Scientists, Twentieth Century Fund, UAW–CIO, and the General Federation of Women's Groups.

Mr. E. A. Gullion, Deputy Director of the Disarmament Administration (and a member of the Council on Foreign Relations) presided. He urged the groups to propagandize for the establishment of a permanent Disarmament Agency under the control of the State Department, and not answerable to Congress. An agency free of congressional controls would have more latitude for doing what it felt necessary in the field of disarmament, Mr. Gullion explained, pointing out that it is "difficult to work under the 18th century Constitution."

On March 28, 1961, President Kennedy sent to Congress a defense message modeled on a confidential memorandum submitted to him by his Deputy Assistant, Walt W. Rostow, who had had a private meeting in Moscow with Vasily V. Kuznetsov. Rostow told President Kennedy that the Soviets do not think Americans really want disarmament because we continue to build a "first-strike" capability against the Soviet Union. Rostow recommended that we allay Soviet suspicions by deemphasizing offensive weapons and by emphasizing defensive weapons.

On March 30, 1961, the Chicago Sun-Times published a story headlined: "Inside Story of a Big Switch: Kennedy's Defense Strategy Tailored To Ease Red Fears." The story was written in Washington by Thomas B. Ross, who commented on the relationship between Kennedy's defense program and the Rostow memorandum, saying:

"The similarities in the statements of Rostow and Mr. Kennedy were no coincidence. It is known that large sections of the President's defense message were written explicitly for the consumption of top Russian officials.

"Moreover, on the recommendation of Charles E. Bohlen, the State Department's leading expert on Russia, certain Communist phraseology was inserted in the message. * * *

"That much of the defense message was directed to the Soviet leaders is evident in the fact that Llewellyn E. Thompson, Jr., Ambassador to Russia, was given a special briefing on it. * * * The message will now be forwarded to him in Moscow so he can reassure Soviet officials that the United States is taking care not to produce a 'first-strike capability.'

"Emphasis on a 'second-strike' capability ran through all the White House meetings on the message. Most of the sessions were directed by Mr. Kennedy's chief aid, Theodore Sorensen, who repeatedly made it clear that the President wanted to avoid provocative, offensive weapons."

Charles Bohlen, who recommended "Communist phraseology" in Kennedy's defense message, is a member of the Council on Foreign Relations. Another key figure in Kennedy's defense-disarmament planning is Dr. Jerome Bert Wiesner, also a member of the Council on Foreign Relations. Here is information about Wiesner, from the New York Times Magazine:

"Dr. Jerome Bert Wiesner, a former professor at the Massachusetts Institute of Technology * * * is the top planner, arbitrator and counselor of scientific policy within the Government, and, thus, throughout the scientific community at large * * * Wiesner oversees the operations of all scientifically oriented agencies, such as the Defense Department, Atomic Energy Commission and National Science Foundation.

"He operates behind a wall of White House secrecy, somewhat to the dismay of Congress which would like to be privy to his scientific policy advice.

"Before joining the administration, Wiesner made no secret of his belief that the United States at times had been almost as much to blame as the Soviet Union for blocking agreement on arms-control measures.

"One of the principal obstacles standing in the way of disarmament, in Wiesner's opinion, is a 'communications block' between the two sides.

"It was largely because of his desire to break down the 'communications block' that Wiesner last fall took the potentially impolitic step of going to Moscow to attend a nongovernmental conference of East-West scientists on disarmament."[16]

On May 25, 1961, President Kennedy, in a special message to Congress, asked for establishment of a Disarmament Agency.[17] This was the first formal step toward the Agency which the March 23, 1961, State Department "briefing" of leftwing leaders had prepared the propaganda campaign for.

On June 23, 1961, John J. McCloy, Special Adviser to the President on Disarmament (and a member of the Council on Foreign Relations), sent to the President a draft of a bill to create the new Agency. In his letter of transmittal to the President, McCloy revealed that the fundamental purpose of the Disarmament Agency is to work for world government.[17]

On June 29, 1961, President Kennedy sent McCloy's proposed bill to the Congress. In his letter of transmittal, the President also revealed that the purpose of the bill was not only to work toward elimination of national armaments, but to "strengthen international institutions" into world government.[17]

On August 15, 1961, four former high officials in the Eisenhower administration—Christian A. Herter, Thomas S. Gates, Gen. Alfred M. Gruenther, and Henry Cabot Lodge (all members of the Council on Foreign Relations)—testified before a Senate Foreign Relations Subcommittee in support of President Kennedy's Disarmament Agency. Lodge urged that the Western powers also set up a "unified diplomatic command" so that our "decisionmaking machinery" will not be cumbersome.[18]

Former President Eisenhower wrote a letter strongly endorsing the proposed Agency.[18]

On August 30, 1961, the Soviet Union abruptly announced that it would resume massive testing of nuclear weapons.[17] The moratorium which the Soviets had asked for in 1958 was at last to end: they had completed their analyses of the 1958 tests and were ready for another series.

One interesting aspect of the Soviet announcement is that it came on the eve of a meeting of 24 neutral nations at Belgrade, Yugoslavia. Ostensibly, a major purpose of the meeting was to underscore the neutral nations' oft-repeated plea for major powers to stop testing nuclear weapons. The oddly timed Soviet announcement looked like a deliberate affront. The liberal press of America predicted that this arrogant act would outrage the neutralist leaders gathering at Belgrade and would, thus, backfire on the Soviets.

But when the neutralist leaders gathered, they expressed sympathy for the Soviet Union, and blamed the United States for causing the Soviets to resume nuclear testing.[19]

The 24 neutral nations, whose leaders took this action, had all received (and are still receiving) great quantities of aid from the United States, little or nothing from the Soviet Union.[19]

The announced Soviet plan to resume nuclear testing did not slow down the American drive for disarmament. On September 23, 1961, the House of Representatives authorized a final version of the Arms Control and Disarmament Act of 1961 (H.R. 9118, Public Law 87–297), to establish an Arms Control and Disarmament Agency.

Just as E. A. Gullion had demanded at the State Department briefing 6 months before, the Agency was set up free of congressional controls.

The Arms Control and Disarmament Act of 1961 confers upon the Director of the new Disarmament Agency broad authority (under the general supervision of the President and the Secretary of State) to do just about anything the Director may claim to be in the

[15] "Proceedings of the Asilomar National Strategy Seminar," prepared by Stanford Research Institute, sponsored by Sixth U.S. Army, Western Sea Frontier, Fourth Air Force, Apr. 1960; and "Idea Promoted; Defeatism Big Danger," by Edith Kermit Roosevelt, the Dallas Morning News, Sept. 17, 1961.

[16] "Top Scientist on the New Frontier," by John W. Finney, the New York Times Magazine, Sept. 3, 1961, pp. 8 ff.

[17] "Documents on Disarmament, 1961," U.S. Arms Control and Disarmament Agency Publication No. 5, Aug. 1962, pp. 151–161, 196–199, 214–227, 317–350.

[18] Letter, U.S. Representative WALTER ROGERS, Democrat of Texas, in support of Disarmament Agency, Feb. 2, 1963.

[19] "Text of the Declaration of Belgrade," the New York Times, Sept. 7, 1961, p. 8, "When 'Neutrals' Get Together," U.S. News & World Report, Sept. 11, 1961, pp. 74 ff.

interest of peace and arms control. The Director can formulate U.S. disarmament policies, conduct negotiations with foreign powers and international organizations, command the services of other Federal agencies, obtain restricted information from the Atomic Energy Commission—and enjoy specific exemptions from laws written by Congress. For example, section 43, of title IV of the act says: "The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy."

Only in section 33 of title III of Public Law 87-297 did Congress insert a provision indicating an intent to retain, in Congress, some control over policies and programs devised by the Director of the Disarmament Agency. A clause in section 33 provides: "That no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treatymaking power of the President under the Constitution, or unless authorized by further affirmative legislation by the Congress of the United States."

This provision is meaningless, because modern (and incorrect) Supreme Court interpretations of the Constitution hold that the "treatymaking power of the President" includes the power to enter into executive agreements with foreign nations—without the advice and consent, or even the knowledge of the U.S. Senate.[20]

On September 25, 1961—2 days after the Arms Control and Disarmament Act of 1961 was passed in the House—Adlai Stevenson presented, to the 16th General Assembly of the United Nations, the American plan for total worldwide disarmament. This American plan (almost identical with the plan which the Soviet Union had submitted to the U.N. on September 23, 1960) [21] would transfer control of U.S. nuclear weapons to the United Nations, restrict the American Military Establishment to the size and kind needed for control of the American population, and prohibit us from possessing or even trying to develop a defense against weapons of mass destruction.[2] [21]

Senator STROM THURMOND, Democrat, of South Carolina, made several speeches in the latter part of 1961, sharply criticizing the State Department plan to surrender American nuclear weapons to the U.N. Although the plan had been formally presented to the U.N. and the text published in an official State Department pamphlet, Washington officials, when receiving inquiries from the public, flatly denied that the plan existed. Here are passages from a typical official letter of denial—this one written by John E. Carland, Director of Special Activities, Office of the Assistant Secretary of Defense for Public Affairs, to Mrs. W. M. Walters in Spokane, Wash.:

"This is in reference to your recent communication relative to reports that the United States is considering turning over nuclear weapons or information about such weapons to the United Nations.

"The Department of Defense has received other similar letters, apparently stemming from erroneous articles that have appeared in some newspapers. The Defense Department has no such plans and we know of no Government proposal which would involve turning nuclear weapons or information about them over to the United Nations."

By the end of 1961, plans for disarming the United States (and, thus, surrendering her sovereignty) were formulated and announced. In 1962, as will be shown in this report next week, came further development of the plans—chiefly in the form of concessions to entice Soviet agreement.

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[From the Dan Smoot Report, May 20, 1963]

DISARMAMENT—PART III

As early as 1917, international Communists began to use worldwide disarmament propaganda as a means of attack against non-Communist nations, particularly the United States. To Communists, worldwide disarmament does not mean elimination from the world of all weapons of war. It means taking all weapons away from non-Communists so that they can offer no resistance to communism.

Lenin said, and Khrushchev has repeated, that Communists are contemptuous of pacifism, but can effectively use pacifists in non-Communist nations.

Pacifists believe that war is horrible; and every decent and sane person on earth agrees with them. Pacifists, however, are not willing to accept reality. Reality is that wars are inevitable until human beings are better than they have ever been since Adam and Eve were expelled from the Garden of Eden.

Human beings cannot be improved through legislation or disarmament pacts. They certainly cannot be improved by having their weapons taken away from them.

Suppose non-Communist nations could make an agreement with Communist dictators which resulted in the actual worldwide elimination of all modern weapons of war. What would then prevent the hordes of Asia and Africa from overrunning the civilized world with butcher knives?

To avoid such a catastrophe, why not disarm all nations, but at the same time arm an international authority to keep the peace? This would be worse than total disarmament without an armed authority to enforce order. Any agency with enough authority to police the world, and with a monopoly of weapons, will enslave and oppress the world. That fact also derives from the nature of man. Civilized people stripped of weapons would, at least, have a better chance to defend themselves against lawless and ravaging hordes than to defend themselves against an international authority armed with modern weapons, and in control of the world.

Men will become "good" enough to refrain from warring on each other only when, and if, all men accept for themselves the saving grace that God offers. Meanwhile, it behooves all nations (most especially civilized Western nations whose culture is founded on faith in God) to maintain whatever weaponry is necessary to protect their civilization against all threats, within or without.

Before the councils of the world, there are, at present, two basic proposals for so-called worldwide disarmament: The Soviet Government's proposal and the American Government's proposal.

The Soviet Government pretends to want worldwide disarmament without a strong international authority to keep the peace. Even if the Communist proposal were honest (which it most certainly is not), it would eventuate in the catastrophe of a defenseless civilized world being overrun by hordes of barbarians.

The American Government wants total disarmament of all nations, with an international authoritgy armed and empowered to enforce the peace—a plan which would eventuate in a universal, all-powerful dictatorship even more horrible than anarchy.

How we arrived at the point where the nations of the world are seriously considering these two alternatives for disaster is an amazing story—parts of which are sketched in the two previous issues of this report.

A REVIEW

The testing of nuclear explosions—in the air, underground, underwater, and in space—is necessary for research to develop nuclear weapons, particularly defensive weapons: antimissile missiles, for example. Each nuclear explosion produces a mass of new information which is useless until it has been studied, evaluated, and correlated with other technical information.

Yet, the time and cost of preparing for a nuclear shot make one-shot nuclear testing impractical. The practical way is to arrange a series of nuclear explosions, and then to suspend all testing until the whole mass of information produced has been assimilated. The work of assimilation may take years. During that time, it is not sensible to do any major testing.

In the spring of 1958, the Soviets, having concluded a major series of nuclear tests, asked for a moratorium on testing. Peace propagandists raised a clamor in support of the Soviet proposal. On October 31, 1958, Eisenhower halted all plans for American nuclear testing, accepting Khrushchev's unsupported promise that he would do likewise.

Kennedy continued the ban on American testing, though it was universally known that the Soviets had never kept their word. The men whom Kennedy placed in charge of defense and disarmament policies were on record as wanting American disarmament, with or without Soviet disarmament; they devised a defense program admittedly intended to please the Soviets; they rammed through Congress an act creating a Disarmament Agency [1] with a Director empowered to

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[2] See footnote 2 on page 11115.

[20] Discussion of the Executive Agreement and its binding powers, various Supreme Court decisions contained in "The Constitution of the United States of America, Analysis and Interpretation," prepared by the Legislative Reference Service, Library of Congress, Edward S. Corwin, Editor, U.S. Senate Document No. 170, 82d Congress, 2d sess., 1953, pp. 434-435.

[21] "This Time, Russians Really Did It First," Amarillo, Texas, Daily News, Feb. 16, 1963, p. 4—setting out, side by side, the Soviet disarmament proposals of Sept. 23, 1960; and the American disarmament proposals of Sept. 25, 1961.

[1] The list below gives the names of all U.S. Senators and Representatives who took a stand, in rollcall votes, against the Disarmament Agency Act in 1961. If your Senator or Representative was in Congress at that time and is not listed below, he was in favor of the Disarmament Agency. The votes are taken from the Congressional Quarterly Weekly Report of Sept. 15, p. 1602; Sept. 22, pp. 1640-1641; and Sept. 29, pp. 1686-1687; all 1961.

Senate: Arizona, Goldwater, Republican; Arkansas, McClellan, Democrat; Florida, Smathers, Democrat; Georgia, Russell, Democrat, Talmadge, Democrat; Kansas, Schoeppel, Republican; Louisiana, Ellender, Democrat; Mississippi, Eastland, Democrat, Stennis, Democrat; Nebraska, Curtis, Republican, Hruska, Republican; South Carolina, Thurmond, Democrat; South Dakota, Mundt, Republican; Texas, Tower, Republican; Virginia, Byrd, Democrat.

House: Arizona, Rhodes, Republican; Arkansas, Alford, Democrat, Gathings, Democrat, Norrell, Democrat; California, Bell, Republican, Hiestand, Republican, Lipscomb, Republican, McDonough, Republican, Rousselot, Republican, Sheppard, Democrat, Smith, Republican, Utt, Republican; Colorado, Dominick, Republican; Florida, Haley, Democrat; Georgia, James C. Davis, Democrat; Illinois, Anderson, Republican, Findley, Republican, Hoffman, Republican; Indiana, Bruce, Republican, Roudebush, Republican, Wilson, Republican; Iowa, Hoeven, Republican, Gross, Republican, Jensen, Republican; Kansas, Dole, Republican, McVey, Republican; Louisiana, Hébert, Democrat; Michigan, Bennett, Republican, Harvey, Republican, Hoffman, Republican, Johansen, Republican,

do anything (including violations of Federal law) which he might claim to be in the interest of peace and disarmament; and they submitted to the U.N. a proposed treaty which would disarm the United States and surrender her nuclear weapons.

By the end of 1961, military men were expressing grave fear that the Kennedy defense and disarmament programs would leave the United States virtually helpless against the Soviets.[2]

1962

On March 2, 1962, President Kennedy said the Soviets, in their nuclear tests, were pressing hard toward the goal of developing the most desperately needed weapon of our time —a means of destroying attacking enemy rockets before they explode on target. The President said the Soviet tests of 1961 "reflected * * * the trial of novel designs and techniques, and some substantial gains in weaponry." Mentioning the powerful "nuclear attack and defense capability" which the Soviets are developing, the President warned that further Soviet tests would put the free world in grave danger. He said that the United States "cannot make similar strides without testing in the atmosphere as well as underground," and that "in many areas of nuclear weapons research we have reached the point where our progress is stifled without experiments in every environment."[3]

Concerning the possibility of negotiating some effective ban on Soviet testing, the President said: "The basic lesson of some 3 years and 353 negotiating sessions at Geneva is this—that the Soviets will not agree to an effective ban * * * as long * * * as * * * a new uninspected moratorium or a new agreement without controls, would enable them once again to prevent the West from testing while they prepare in secret."[3]

On March 11, 1962, Robert S. McNamara, Secretary of Defense, said the United States has no reasonable prospect of developing a successful defense against missiles. At the same time, American officialdom generally was reflecting the expressed conviction of the President that the Soviets may be on the point of developing such a defensive weapon.

In view of all this, it was reasonable to assume that the President would order immediate preparations for massive American testing of nuclear weapons. He did not. He ordered a new series of atmospheric tests to be held in the Pacific beginning in late April 1962—but promised that the tests would not be conducted if the Soviets would sign a nuclear test ban by mid-April.[4]

On March 14, 1962, when the 18-nation Disarmament Committee began another series of disarmament conferences at Geneva, the United States and Great Britain proposed the outlawing of underground nuclear tests, suggesting an international inspection system to detect and investigate suspicious earth tremors—that is, earth tremors which seismic instruments could not positively identify as earthquakes. The Soviets held out for an unpoliced moratorium on underground tests, pending the development of a control system for general and complete disarmament.[4]

On April 9, 1962, President Kennedy and Prime Minister Macmillan personally appealed to Khrushchev to reconsider the Soviet position, pointing out that scientific instrumentation is not fully capable of distinguishing earthquakes from underground explosions.[5]

On April 12, 1962, Khrushchev replied by saying Kennedy and Macmillan wanted inspection as a means of choosing the moment to attack the Soviet Union.[5]

On April 12, 1962, various members of the 18-nation Committee appealed to the Soviet Union and the United States to enter another unpoliced moratorium on testing for the duration of the Conference. The Soviet Union agreed to this proposal.[4]

On April 16, 1962, 8 small-nation members of the 18-nation Disarmament Committee suggested a compromise solution, which was, in effect, that existing national control and detection systems be used instead of the international inspection system demanded by the United States. An impartial International Commission would process data produced by the various national detection systems. If the International Commission noticed data which might indicate an illegal nuclear test somewhere, it would notify the nation on whose territory that event occurred. The suspected nation would then cooperate with the International Commission in determining the precise nature of the explosion in question.[5]

The United States and the United Kingdom accepted this eight-nation proposal as a basis for negotiation. The Soviets also accepted it, saying it was practically identical with their own proposal.[4]

On April 18, 1962, U.S. Ambassador Arthur H. Dean presented to the 18-nation Disarmament Committee an "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World." This plan, developed by the U.S. Disarmament Agency, has been officially characterized as "the most comprehensive blueprint for peace through multilateral international disarmament that the United States or any other country has ever undertaken."[4] William C. Foster, Director of the Disarmament Agency, sums up his 1962 general disarmament proposals in these words:

"The United States proposes to achieve the goal of general and complete disarmament in three stages. In each stage all major armaments, including nuclear delivery vehicles, would be reduced by one-third. * * *

"Stage I of the U.S. plan contains essential measures to meet the nuclear threat, especially by a cutoff of the production of fissionable materials for nuclear weapons purposes. Further measures to reduce and eventually eliminate nuclear weapons remaining in National arsenals would be carried out in stages II and III of the U.S. program after the completion of international expert studies."[4]

The American disarmament proposal which Foster thus describes, and which was formally presented at Geneva on April 18, 1962, is basically the same as the treaty which Adlai Stevenson submitted to the United Nations in September 1961—proposing to strip the United States of nuclear, and other modern weapons, by turning them over to the United Nations. The 1962 proposal, however, went into detail about how the reduction in national armaments would be carried out in a three-stage plan. Nations would reduce their armaments by one-third each year for 3 years. Combat aircraft and ships and missiles of all kinds, antimissile missile systems, tanks, armored cars, and so on—all would be placed in a depot under supervision of an International Disarmament Organization. The IDO would have power to destroy them, order them converted for "peaceful" purposes, or order them turned over to a United Nations military force to strengthen the UN peacekeeping machinery. The Soviets rejected the American proposal.

No agreement having been reached at the Geneva Disarmament Conference, President Kennedy ordered a resumption of American testing of nuclear weapons in the atmosphere. The series began on April 26, 1962. But the testing was timid and halting, hobbled by politics and propaganda. Kennedy permitted only a few tests in the atmosphere before again suspending them.

The first session of the 18-nation Disarmament Conference at Geneva ended, with no accomplishments, on June 14, 1962.[5]

When the second session opened on July 16, 1962, American representatives startled the world by reversing the American stand on the question of inspection and control. Consistently, American officials had insisted that disarmament would not work unless there was an international inspection and control system. Khrushchev had consistently insisted that existing national inspection and control systems would be adequate—since these systems could report to an international commission on any suspicious activity which they detected. In April 1962, President Kennedy had rejected Khrushchev's proposal for an unpoliced moratorium on underground nuclear testing for the specific reason that there is no positive means of telling whether an earth tremor is caused by earthquake or by underground explosion.[4 5]

On August 1, 1962, President Kennedy announced that, whereas in April he had not believed that there was adequate seismic instrumentation for identifying earth tremors, he now believed there was such equipment and that he was, therefore, willing to abandon the previous American demand for an international inspection and control system. The President said he is now willing to accept the proposal (perennially made by Khrushchev) for a national system under international supervision.[4 5]

The President laid down one proviso: the Soviets must accept the American principle of on-site inspections of unidentified seismic events. This means that if detection equipment records and locates an earth tremor which connot be identified as an earthquake, international inspectors should be permitted to go to the locale of that tremor (within the Soviet Union or elsewhere) and make an on-the-spot (on-site) inspection.

As usual, the Soviets rejected the on-site inspection proposal.

The United States tried again. On August 27, 1962, the United States and the United Kingdom introduced at the Geneva Conference two new treaties which the U.S. Disarmament Agency had drawn up. One provided for a total ban on all kinds of nuclear testing, the ban to be policed by a nationally manned detection system under interna-

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Meader, Republican; Mississippi, Williams, Democrat, Winstead, Democrat; Missouri, Hall, Republican; Montana, Battin, Republican; Nebraska, Beermann, Republican, Cunningham, Republican; New Jersey, Auchincloss, Republican; New York, Derounian, Republican, Kilburn, Republican, King, Republican, Pillion, Republican, Ray, Republican, St. George, Republican, Taber, Republican; North Dakota, Short, Republican; Ohio, Ashbrook, Republican, Devine, Republican, Scherer, Republican; Pennsylvania, Gavin, Republican, Goodling, Republican, Saylor, Republican; South Carolina, Ashmore, Democrat, Dorn, Democrat, Riley Democrat, Rivers, Democrat; Texas, Alger, Republican, Burleson, Democrat, Casey, Democrat, Dowdy, Democrat, Rutherford, Democrat, Teague, Democrat; Virginia, Abbitt, Democrat, Tuck, Democrat; Wisconsin, Laird, Republican, O'Konski, Republican, Schadeberg, Republican, Van Pelt, Republican.

[2] For a complete discussion of the background of disarmament, including documentation, see this Report, "Disarmament—Part I," May 6, 1963; and "Disarmament—Part II," May 13, 1963.

[3] The Test Ban: An American Strategy of Gradual Self-Mutilation, by Stefan T. Possony, CONGRESSIONAL RECORD, Mar. 21, 1963, p. 4614.

[4] Second Annual Report to Congress, Jan. 1, 1962–Dec. 31, 1962, U.S. Arms Control and Disarmament Agency Publication No. 14, February 1963.

[5] International Negotiations on Ending Nuclear Weapon Tests, September 1961–September 1962. U.S. Arms Control and Disarmament Agency Publication No. 9, October 1962.

tional supervision. The other Disarmament Agency proposal of August 27 provided for a limited ban on nuclear testing—without any international verification machinery.[4 5]

The "Draft Treaty Banning Nuclear Weapons Tests In All Environments," which the United States and the United Kingdom proposed on August 27, 1962, would place an International Scientific Commission in charge of all arrangements and agreements. This Commission would be composed of representatives of 15 nations.

The United States, the Soviet Union, and Great Britain would each be a permanent member. Of the remaining 12 members, the Soviet Union would nominate 3; the United States would nominate 1; Great Britain would nominate 1; and all 3 powers together would nominate 7.[4]

The Soviet Union rejected both of the American August 27 proposals and demanded an uninspected moratorium on nuclear testing to begin January 1, 1963. The Soviets were near completion of their 1961–62 tests and wanted to call time-out in 1963 for the necessary period of study and evaluation. President Kennedy replied that the United States was willing to ban all nuclear tests beginning January 1, 1963, if an effective agreement could be reached by then.

The 10th Pugwash Conference, held at London in September 1962, proposed that detection of nuclear explosions be achieved by unmanned nuclear detection stations (little black boxes). Pugwash Conference refers to meetings of Soviet and Western scientists which have been held at intervals since July 1957—when the first such conference was held in Pugwash, Nova Scotia,[4] at the home of Cyrus Eaton, an American industrialist whose sympathy with the Soviet Union is notorious.

No unmanned detection stations, of the kind suggested by the pro-Soviets at the Pugwash Conference, have yet been developed. If developed, they would be small, portable, sealed boxes, containing seismic equipment. A specified number of them would be placed in specified locations throughout the world. If other detection equipment recorded an unidentifiable earth tremor located, say, on Soviet soil, the United States (or any other nation) could request that international inspectors examine the seismic boxes located in the Soviet Union to see what they had recorded. The Soviets would then fly the boxes to some designated place and let international inspectors examine them. That is the "little black boxes" scheme, devised by Cyrus Eaton's pro-Soviet Pugwash Conference at London in September 1962.

On December 10, 1962, the Soviets formally adopted the Pugwash proposal as their own, suggesting a nuclear test ban to be monitored by the little boxes. The Soviets said they were willing to have two or three such boxes placed in Soviet territory. They even promised to permit international inspectors to enter the Soviet Union periodically to collect readings from the little boxes—provided the inspectors were under tight Soviet escort and security screening while on Soviet territory.

U.S. officialdom welcomed this Soviet proposal as a heartening sign and as a hopeful forerunner of things to come, although admitting that the Soviet proposal did not provide the foolproof inspection and control which the United States wanted.

On December 12, 1962, the fourth treaty or set of arms-control proposals devised by the U.S. Disarmament Agency, was submitted to the Disarmament Conference at Geneva. Made "in the wake of the Cuban crisis," this December 12 proposal included six measures designed to reduce the risk of war through accident, miscalculation or the failure of communication. Those six measures:

"First, the exchange of military missions among nations. We currently exchange military attachés with the Soviet Union: this proposal would be a broadening of this precedent.

"Second, advance notification to all countries of military maneuvers.

"Third, the improvement of communications between major governments. This would include the so-called 'hot line' or 'purple telephone' between President Kennedy and Chairman Khrushchev but would also take in lower echelon communications as well.

"Fourth, observation posts established at major ports, railway centers, motor highways, and river crossings.

"Fifth, an international committee to study other methods to reduce the risk of war through miscalculation.

"Sixth, additional observation procedures—not specified." [6]

On December 19, 1962, Khrushchev wrote President Kennedy that the Soviet Union would accept two to three on-site inspections per year on Soviet territory, and would permit three unmanned seismic stations in the Soviet Union.[6]

On December 28, 1962, Kennedy wrote Khrushchev saying he was encouraged that the Soviet Union could "accept the principle of on-site inspections," but said that three unmanned seismic stations were not enough and that the location suggested by Khrushchev might not do.[6]

1963

On January 7, 1963, Khrushchev wrote Kennedy again, making it clear that his acceptance of the principle of on-site inspections means that any inspectors entering the Soviet Union will enter only on the invitation of the Soviet Government; that they will be under careful guard and escort by the Soviets while there; and that the Soviets reserve the rights to keep the inspectors from seeing anything which the Soviets may not want them to see.[3]

This seemed to satisfy President Kennedy. On January 20, 1963, he again stopped all American nuclear testing (even underground)—at a time when the Soviets had finished all the testing they wanted and needed leisure to digest the information. On January 31, 1963, the Soviets (having reached their objective of stopping American nuclear testing) abruptly ended the disarmament conference. The next day, February 1, 1963, President Kennedy ordered preparations for new nuclear tests in Nevada.

On March 11, 1963, William C. Foster, Director of the Arms Control and Disarmament Agency, testified before the Joint Atomic Energy Commission of Congress, saying he is confident that the Soviets will not cheat on a nuclear test ban, once they accept a treaty.

As to further concessions which the United States may make in the interest of negotiating a test ban treaty, Mr. Foster said we now demand seven annual inspections of specified installations on Soviet soil, and that we will not reduce that number "until there is some movement away from the Soviet position." [7]

When the nuclear test ban negotiations first began in 1958, the United States was demanding an elaborate international inspection and control system, implemented by 20 annual, unconditional, on-site inspections. By March 1963 U.S. officials had abandoned the international inspection and control system, and were willing to accept only seven on-site inspections.

On April 24, 1963, Western leaders made another appeal to Khrushchev, this time indicating willingness to make further concessions in the matter of on-site inspections. They asked Khrushchev to quit thinking about the number of annual on-site inspections, and to please concentrate on modifying his requirements about how the inspections will be conducted.[8]

Complicated programs of nuclear testing cannot be turned on and off like water taps. Preparations for a series of nuclear tests in Nevada (which Kennedy ordered on February 1, 1963, after ordering suspension of preparations on January 20) cost taxpayers a lot of money but produced nothing.

On May 13, 1963, the Atomic Energy Commission announced cancellation of the planned series of tests in Nevada—giving no reason and no date for resumption of the plans.[9]

WHAT TO DO

The danger we face—of having the armaments and the sovereignty of our Nation surrendered by bureaucrats who man the Disarmament Agency—is grave.

The most immediate need for action is strong public support for H.R. 3613, a bill introduced by U.S. Representative JAMES B. UTT, Republican, of California, to abolish the Disarmament Agency and repeal the Arms Control and Disarmament Act of 1961.

On February 7, 1963, U.S. Representative OMAR BURLESON, Democrat, of Texas, introduced in the House as House Concurrent Resolution 83; and on February 20, 1963, Senator CARL T. CURTIS, Republican, of Nebraska, introduced the same resolution in the Senate as Senate Concurrent Resolution 21. This Curtis-Burleson resolution attempts to guarantee congressional supervision of Disarmament Agency proposals and to guarantee that any disarmament agreements that may be negotiated must be submitted to the Senate for advice and consent.

In my opinion, the Curtis-Burleson resolution is not enough. It may be comforting to some to know that committees of Congress will be looking over the shoulders of men negotiating the surrender of the United States and that the Senate must approve the surrender. But it does not comfort me. I think we should stop the negotiating. A major step in that direction would be adoption of UTT's bill to abolish the Disarmament Agency.

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## THE SUPREME COURT, THE LORD'S PRAYER, AND BIBLE READING

Mr. THURMOND. Mr. President, on Monday, the U.S. Supreme Court made another ruling which further serves to promote the interests of the forces of atheism and secularism at the expense of religion and our national religious heritage in this country.

Mr. President, there is nothing in the Constitution which says that the States cannot provide for prayers and Bible reading in the schools, if this is the desire of the people in the various States to do so. The Constitution, in the first amendment, only provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In the two cases decided by the Court on Monday, it was shown that provision had been

[4 5] See footnotes 4 and 5 on p. 11120.

[3] See footnote 3 on p. 11120.

[6] Remarks of U.S. Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, CONGRESSIONAL RECORD, Feb. 11, 1963, p. 2040.

[7] "Foster Expects No Cheating if Reds Accept Test Ban," the Washington Evening Star, Mar. 12, 1963.

[8] The New York Times, Apr. 25, 1963, pp. 1, 4.

[9] AP dispatch from Washington, the Dallas Morning News, May 14, 1963, p. 1.

made for dissenting students not to participate in the recitation of the Lord's Prayer and the reading of the Bible. In other words, as Justice Potter Stewart pointed out in his dissent, there was no coercion involved.

Mr. President, tonight I will appear on a nationwide CBS television program on the subject of the Court decision in these two cases. I ask unanimous consent that at the conclusion of these remark a copy of the statement I will make on this program be printed in the RECORD. I also ask unanimous consent that an excellent editorial from the Evening Star of June 18, 1963, entitled "The Court Bars the Lord's Prayer" also be printed in the RECORD at the conclusion of these remarks.

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

STATEMENT BY U.S. SENATOR STROM THURMOND, DEMOCRAT, OF SOUTH CAROLINA

The Supreme Court's decision against the Lord's Prayer and Bible reading constitutes another major triumph for the forces of secularism and atheism which are bent on throwing God completely out of our national life. Many people didn't believe the Court actually meant business on this score last year when it ruled out the nonsectarian prayer in New York. The public was told that this prayer was only invalidated because it was composed by State officials. I predicted, at that time, however, that this week's decision would follow.

The pattern of this conspiracy to remove God from our national life, as Dr. Billy Graham has called it, is crystal clear. Already the Christmas tree is being attacked, as well as the singing of the national anthem, with its reference in the second stanza to the national motto, "In God We Trust." All of this is being done in the name of freedom of religion. Actually, this is designed to insure not freedom of religion, but freedom from religion.

In this age of peril our Nation needs to stand for God and against atheistic communism. Yet, we are told this week by the Court that we as a Nation must be neutral toward God, while last week the President urged our people to reexamine our attitudes toward the Soviets and be neutral toward communism by accepting the status quo.

This decision drives another nail in the coffin being prepared for a free and God-fearing America by the secularists and Socialists of the world.

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[From the Washington (D.C.) Evening Star, June 18, 1963]

THE COURT BARS THE LORD'S PRAYER

The Supreme Court has spoken. Both the Lord's Prayer and Bible reading have been barred from the public schools. This comes not as a surprise. But in our view it is a shame.

It all seems so silly. Writing for the majority, Justice Clark conjured up dreadful prospects if the Court should allow a prayer to be said in a public school. To permit such a thing, he argued, would depart from the concept of a government that must be neutral in religious matters. And he went on to say: "The breach of neutrality that is today a trickling stream may all too soon become a raging torrent." Perhaps there is something to be said for this as rhetoric. But it is nonsense when measured against the rise of secularism and materialism in this country since the Founding Fathers drafted the first amendment. We mention this because it helps a little in understanding what Justice Clark must have had in mind when he said that the application of his concept of neutrality requires "interpretation of a delicate sort." Delicate indeed.

Justice Stewart, the lone dissenter, stated his understanding of what is meant by the first amendment's guarantee of religious freedom. It is a forthright statement, and it appeals to us. "What our Constitution indispensably protects," he said, is the freedom of each of us, be he Jew or Agnostic, Christian or Atheist, Buddhist or Freethinker, to believe or disbelieve, to worship or not worship, to pray or to keep silent, according to his own conscience, uncoerced and unrestrained by government." To us, this is quite different from saying that the Constitution forbids one child, who may wish to do so, to recite the Lord's Prayer in a public school merely because some other child, who does not want to pray and who is not required to pray, objects.

Also interesting were some comments by Justice Goldberg in a concurring opinion, in which Justic Harlan joined.

Justice Goldberg, of course, agreed with the majority ruling. But he seemed a bit disturbed by Justice Clark's neutral concept. "Untutored devotion to the concept of neutrality," he said, "can lead * * * to a brooding and pervasive devotion to the secular and a passive or even active, hostility to the religious." For our part, we think the Court's school rulings in the area of religion, although certainly not so intended, have already led to a climate of passive and perhaps even active hostility to the religious. At another point, Justice Goldberg in what we take to be a reference to Justice Clark's trickling stream and raging torrent, added: "It is of course true that great consequences can grow from small beginnings, but the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow."

If we may put our own interpretation on this, we think it is a comment which hits the nail squarely on the head. For in this ruling, and in some of those that preceded it, the Court has done precisely what Justice Goldberg warned against—mistaken mere shadow for real threat.

In the process God and religion have all but been driven from the public schools. What remains? Will the baccalaureate service and Christmas carols be the next to go? Don't bet against it.

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## IS RUSSIA SOFTENING?

Mr. THURMOND. Mr. President, we have heard much talk within the last 2 years to the effect that the Soviets are mellowing and that the winds of change are blowing throughout the Soviet Union and its Communist empire. Even the President has indicated as much in his June 10 address at American University on the subject of foreign policy and test ban negotiations.

Mr. President, the alert and informative weekly publication Human Events, has published in its June 15, 1963, issue an article by a leading Socialist writer, Mr. Julius Jacobson, refuting this false notion which seems to provide the soft underbelly of our no-win foreign policy.

I ask unanimous consent, Mr. President, that this article with the introductory statement and the comment on Stalinism, both of which are incorporated in the article in special boxes, be printed in the RECORD.

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

IS RUSSIA SOFTENING? "NO," SAYS LEADING SOCIALIST WRITER

(By Julius Jacobson)

(In a recent speech at Tufts University in Massachusetts, Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, explained why we should attempt to coexist with Soviet Russia. "We should," said FULBRIGHT, seek "in every way" to encourage Khrushchev to pursue the "moderate" course Russia has been following since the death of Stalin.

(In time, FULBRIGHT suggested, the stern Soviet Russia of today, under the impetus of Khrushchev's "reforms," will evolve into a benevolent, nonaggressive, open society.

(How true is this thesis repeatedly espoused by the Fulbrights of the New Frontier? Is Soviet society really moving toward an era of internal enlightenment?

("No," says Julius Jacobson, editor of New Politics, in the article below, condensed from the 1961 fall issue of his magazine. What makes Jacobson's remarks so interesting is the fact that he is an idealistic, unequivocal Socialist. While Human Events would never subscribe to Jacobson's socialism, we do feel he has made, in the following essay, a brilliant analysis of Soviet society.)

The most common misimpression created is that Russia is in the process of political democratization. This is simply not so. In Russia, there has been a relaxation of terror. But lessening of terror and growth of democracy are two separate propositions. There was not a single democratic institution under Stalin. There is not a single democratic institution under Khrushchev.

There is no right to organize a critical press.

There is no right to organize political parties.

There is no right to freedom of speech.

There is no right to free elections.

The denial of these rights is codified in many sections of Russian law. For example, in the statutes on "state crimes," article 7, labeled "Anti-Soviet Agitation and Propaganda," outlaws: "Slanderous fabrication defaming the Soviet state and social system, or the dissemination, production or keeping the literature of such content for the same purpose."

Obviously, any organized movement of opposition to the party line via a political party, press, publication, speech, etc., would be for the purpose of "slanderous fabrication defaming the Soviet state and social system," punishable by imprisonment for up to 7 years or exile and banishment for 2 to 5 years.

There were no trade unions under Stalin. There are no trade unions under Khrushchev. In Russia, there are institutions called trade unions with no internal democracy, which exist as an integral part of the state.

The simple freedom of physical movement is still sharply curtailed in Russia. All citizens are required to carry internal passports, and permission must be granted by the police before one can change his locality.

The campaign for Socialist legality has eliminated some excesses of Stalinist terror; but Socialist legality under Khrushchev remains a brutal hoax.

Some striking examples:

A number of smaller Union Republics have introduced new legal codes which permit nonjudicial bodies of local citizens to exile, banish, and imprison those found guilty of a "parasitic way of life." On May 4, 1961, the Presidium of the U.S.S.R.'s largest Republic (the Russian Republic) joined the smaller republics with its decree "On intensifying

the struggle against persons who avoid socially useful work and lead an antisocial, parasitic way of life." This decree permits someone accused of leading an antisocial life to be hauled before a kangaroo court in his collective, enterprise, shop, or other institution and, if found guilty, sentenced to exile and forced labor for 2 to 5 years. If this public sentence is approved by the district Soviet executive committee, it is final. There is no appeal.

These decrees provide the legal basis for future mass deportation to concentration camps. They are put into practice today on a relatively wide scale—how wide, this writer is frankly in no position to estimate.

In Russia, the intent to commit a crime can be punished as though the crime had been committed.

Capital punishment is prescribed for a long list of crimes.

An accused can be held incommunicado, legally, for a period up to 9 months.

SOVIET LIVING CONDITIONS

Despite improved living standards, the Russian people are worse off than almost any other people in a modern industrial nation.

In the 7-year plan—which is to introduce Russia to the lower range of the higher stages of communism—the average wage of the Russian worker is to increase by a grand total of 26 percent, rising from 78 to 99 rubles a month after 5 years. In dollars, this is from $86 today, to $109 per month by 1965—about $25 a week for the average worker. Even if the percentage increase is doubled, that would still leave the average weekly take home at about $30.

Much is made of the added free social services provided for the Russian worker.

On the other hand, what needs to be emphasized no less is that the worker pays through the nose for these free services via the infamous "turnover tax"—a tax on consumer goods added to the normal price, which Socialists have traditionally fought. Some consumer foods are taxed as high as 50 percent of their normal selling price.

But there have been widely touted tax reforms in Russia. By 1965, the personal income tax is to be completely eliminated. This will mean a saving of about three-fourths of 1 ruble per week for the average Russian worker in a factory or an office. Peasants with income from private plots are not even granted this insignificant relief.

But if wages are low and taxes high, at least the Russian worker lives virtually rent free. What is often omitted, however, is that the working class lives virtually space free as well.

In 1960, there were approximately 7 square yards of living space for each Russian worker. This provided one average-sized room for every three people.

By the end of 1965—if the 7-year-plan quota is met—the average family in an industrial Russian city will not have much more living space than its parents had in 1917.

ANTI-SEMITISM ENDURES

One of the worst outrages of the Stalin era was the mass persecution of the Jews.

In the present period, Jews are not murdered by the regime en masse. That is certainly an improvement. But the false image of Russia as a self-reforming system blurs the view of a society in which anti-Semitism has been raised to a thinly veiled government policy. Russia, today, is the most anti-Semitic of any industrial nation.

On every internal passport, a Russian citizen must mark his nationality. A Georgian puts down "Georgian"; a Great Russian puts down "Russian," but a Georgian Jew or a Great Russian Jew must mark down as his nationality—"Jew."

The above is an anti-Semitic act of gross proportions. There is also irony in it, for the Jew who is forced to write "Jew" as his nationality, is deprived of all the cultural rights of a national people, as well as of a cultural and religious minority. There is no Yiddish theater, no Yiddish publishing house, no Yiddish national organization permitted.

PARTY-GUIDED CULTURE

In what other country can one find a parallel to Khrushchev's following instructions on literary matters to a central committee plenary session: "Among the writers in our country are individuals who say: How can there be party guidance of literature? We tell such people: Do you mean to say, my dear fellow, that you do not recognize party guidance? What is party guidance? It is the * * * collective wisdom of millions. But one writer or another may sit at his country house, hatching a sniveling book, yet want it to be recognized as an expression of the sentiments of * * * all the people. Is that not a real cult of one's own personality, which, you see, does not want to suffer the guidance of the party, expressing the will of millions?"

The writer of a "sniveling book" in Khrushchev's inspirational message on literary criticism was Pasternak. Pasternak was permitted to live, even after he wrote "Doctor Zhivago." That is a reform compared to what would have occurred during the Stalin era. Pasternak's punishment was meted out posthumously by Khrushchev with his vengeful sentencing of Mme. Olga Ivinskaya, Pasternak's Larisa, and her daughter, Irina, to a prison labor camp for 8 years and 3 years respectively. This is the true measure of the limits of reform when sniveling authors impinge on beloved and reforming tyrants.

PURGES STILL ENDEMIC

Under Stalin, bureaucratic purges and extorted confessions were endemic to the system. That remains the case under Khrushchev.

Probably as many leading figures in the party, in government, and in the economic apparatus have been purged in totalitarian fashion in the 8 years since Stalin's death as in any comparable period when the Great Sun illuminated Russia.

The Presidium, itself, has had several turnovers in personnel. And if the victims do not confess with the same degree of abjectness, this is not to say that the style and form of Russian confessions do not remain a distinct contribution to political psychopathology: Malenkov "could see with clarity [his] guilt and responsibility for the unsatisfactory state of affairs in agriculture." Molotov realized that his "formulations [are] theoretically erroneous and politically harmful," Pervukhin grew "profoundly aware of [his] guilt before the party."

STALINISM DEAD?

"It is, of course, a bad thing that Stalin launched into deviations and mistakes which harmed our cause. * * * But in the * * * fundamental and main thing, I * * * would to goodness every Communist could fight as Stalin fought. The enemies of communism have deliberately invented the word 'Stalinist' and are trying to make it sound abusive. For all of us, * * * Stalin's name is inseparable from Marxism-Leninism. Therefore, each one of us, members of the Communist Party of the Soviet Union, strives to be as faithful to Marxism-Leninism * * * as Stalin was faithful to this cause.—Nikita Khrushchev, January 17, 1957, Moscow.

AFTER THE REFORMS

A society without a single democratic institution, without a free labor movement, with a populace ill-fed, ill-housed, and ill-paid; with all the "normal" trappings of an abnormal society: anti-Semitism, cultural barbarism, large-scale purges, bizarre confessions and an antediluvian code of justice—all this remains in Russia after the reforms. Yet, it is this frightful society that has captured the imagination of many.

What more distressing evidence can there be of the decline of radical culture and the loss of nerve and intelligence?

## ROBERT A. TAFT: BOY AND MAN

Mr. MUNDT. During the course of the past few years many honors and titles have been conferred on our late colleague Robert A. Taft.

Some call him "Mr. Senator," some "Mr. Republican," and others "Mr. Citizen." Liberals and conservatives, Republicans and Democrats agree that Robert A. Taft was a Senator's Senator. His work continues to live not only in the laws of our land but in the splendid traditions of service which he espoused.

Now from the pen of Miss Phyllis Robbins comes a book which I know will be of interest to my colleagues and to Americans, no matter what their party, throughout the country. In her book "Robert A. Taft: Boy and Man" Miss Robbins sets down many new or little known facets of the character, life, and political convictions of our late colleague.

Miss Robbins has based her book not only on voluminous research but on exhaustive interviews with members of the Taft family, their friends and associates. She also had available many of the Taft letters and family photographs. She has used the wealth of material to give us a most interesting and informative book.

Readers of this book travel with Miss Robbins through the formative years she has so aptly titled "The Making of a Conservative." Many of us have vivid recollections of many of the incidents in the section "The Ordeal of a Conservative."

I recommend this book to the attention of my colleagues and to Americans everywhere.

## JOINT RESOLUTION OF OREGON LEGISLATURE

Mrs. NEUBERGER. Mr. President, for myself and my colleague, the senior Senator from Oregon [Mr. MORSE], I wish to present House Joint Memorial 26, adopted by the 52d Legislative Assembly of Oregon.

The memorial urges appropriation of funds for construction of access roads into a scenic recreation section of the Deschutes River area.

I ask consent that the text of the memorial be printed in the RECORD.

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

HOUSE JOINT MEMORIAL 26

*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 lower 100 miles of the Deschutes River, one of Oregon's top fishing streams, is accommodated with limited public access; and

Whereas the Bureau of Land Management, Department of the Interior, administers approximately 35,000 acres of public domain along this section of the river; and

Whereas access to these public lands would provide the Bureau of Land Management access for administrative purposes, public access for fishing, and recreational uses; and

Whereas a 1959 resolution of the Oregon State Water Resources Board states the maximum beneficial use of the waters in this part of the river is for "recreation, fish and wildlife purposes, and no appropriation of water in this area shall be permitted except for domestic, livestock, recreation, fish and wildlife uses"; and

Whereas fishing in this stream is of national fame and would accommodate citizens from outside the State as well as local sportsmen: now, therefore, be it

*Resolved by the Legislative Assembly of the State of Oregon:*

1. The Congress of the United States is urged to provide for appropriation to the U.S. Bureau of Land Management of an adequate sum of money to construct access roads to and through its lands bordering this section of the Deschutes River and to maintain a portion of this area available to the public in a relatively wild and wilderness State free of roads and motor vehicular access.

(2) The secretary of state shall send a copy of this memorial to the President and Vice President of the United States and to each Member of the Oregon congressional delegation.

Adopted by house May 3, 1963. Readopted by house May 23, 1963.

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

Adopted by Senate May 22, 1963.

BEN MUSA,
*President of the Senate.*

## RESOLUTION OF NEW YORK STATE BAR ASSOCIATION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a resolution, adopted by the New York State Bar Association, at its recent summer meeting at the Hotel Concord, on Kiamesha Lake, N.Y., relating to the representation of persons accused of crime, who are unable or are without means to represent themselves in trials.

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

Whereas the New York State Bar Association has on previous occasions endorsed legislation to provide counsel for indigent persons accused of crime in the criminal courts of our State: Therefore be it

*Resolved,* That this association acting through its executive committee endorses the proposed Criminal Justice Act of 1963 now pending in Congress to insure representation by counsel of indigent defendants accused of crime in the U.S. district courts; and be it further

*Resolved,* That all local bar associations of our State are urged to give serious consideration to improving the provisions made in their respective jurisdictions for representation by counsel of all persons accused of crime who do not have the means to retain a private attorney.

## THE GEORGIA COUNTY CASE OF 1963

Mr. ERVIN. Mr. President, Mr. Charles J. Bloch, of Macon, Ga., is one of the most distinguished trial lawyers in America, and, in my judgment, has no superior and very few, if any, equals as a constitutional lawyer. He is author of an article appearing in the May 1963 Georgia Bar Journal, concerning Gray against Sanders, the Georgia County unit case of 1963, which bears reading by every Member of this body. This case is a vivid example of repudiation of legal precedent—a case which overruled four previous contrary decisions, the latest in 1958. Mr. Bloch shows the implications of a government of men instead of laws in abrogating the rights of States to control their own primary elections systems. As author of a major work on State's rights and federalism, "The Law of the Land," Mr. Bloch writes with rare competence.

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:

THE GEORGIA COUNTY UNIT CASE OF 1963

[*Gray* v. *Sanders,* 31 L.W. 4825, — *U.S.* —]

(By Charles J. Bloch, of the Macon bar, editor, Georgia Bar Journal)

Lawyers of Georgia, and others, who may still be laboring under the delusion that ours is a government of laws not of men, should read the opinion of Justice Douglas and the dissenting opinion of Justice Harlan in the Georgia County Unit case [1] decided March 18, 1963.

The Georgia statute which was reviewed is colloquially known as the Neill Primary Act. It was originally adopted in 1917. As codified,[2] it commences: "Whenever any political party shall hold primary elections for nomination of candidates."

The key words are "political party"; "primary"; "nomination"; "candidates."

The law applied only to primaries in which political parties nominated candidates for offices to be elected subsequently.

Judge Samuel H. Sibley, writing for the court in *Chapman* v. *King,* 154 F. 2d 460, 462, discussed the statute, gave the history of party primary elections, and succinctly said of them: "The primaries do not and cannot elect anyone to office" (p. 462).

Despite the fact that the statute was used exclusively for the nomination of candidates for offices subsequently to be elected, Justice Douglas treated the statute as if it were used in the election of officers. In applying the shibboleth "one person, one vote," he ignored the fundamental fact that no one in Georgia was elected under the county unit system. He quoted from Judge Sibley's opinion in *Chapman* v. *King,* but he neglected to mention the care with which Judge Sibley meticulously demonstrated that primaries do not elect. On the contrary, he treated the primaries as if they were statewide elections. Throughout the opinion he uses the phrase, "statewide election." Says he, "Georgia gives every qualified voter one vote in a statewide election; but in counting those votes she employs the county unit system which in end result weights the rural vote more heavily than the urban vote and weights some small rural counties heavier than other larger rural counties."

On and on he goes, making no distinction between real elections and nominating primaries, until he seems forced to say something in recognition of the facts. So he says: "And these rights must be recognized in any preliminary election that in fact determines the true weight a vote will have. See *United States* v. *Classic,* supra; * * * The concept of political equality in the voting booth contained in the 15th amendment (sic) extends to all phases of State elections." [2a]

He seems to overlook that in the very *Classic* case [3] which he cites, he (along with Justices Black and Murphy) had dissented from the views of the four who constituted the majority. Under consideration there was section 19 of the Criminal Code which condemned as a criminal offense any conspiracy to injure a citizen in the exercise "of any right or privilege secured to him by the Constitution or laws of the United States." [4]

Said Justice Douglas in his dissent: "So I agree with most of the views expressed in the opinion of the Court. And it is with diffidence that I dissent from the result there reached. The disagreement centers on the meaning of section 19 of the Criminal Code, which protects every right secured by the Constitution. The right to vote at a final congressional election and the right to have one's vote counted in such an election have been held to be protected by section 19 * * * citing cases * * * Yet I do not think that the principles of those cases should be, or properly can be, extended to primary elections." [5]

Now, though, he abolishes all distinctions between final and primary elections. The abolition perhaps stems from his application to the case of the 15th amendment, which only provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Is any voter's right to vote in a primary conducted under the county unit system abridged or denied on account of race, color, or previous condition of servitude? In such primaries, the vote of the white voter has just the same weight as that of the Negro voter. Where does the 15th amendment come into play?

Further in the Classic case, recognizing the legal difference between elections and primaries, Justice Douglas had said: "For the failure to count votes cast at a primary has by the same token only an indirect effect on the voting at the general election." [6] And: "In absence of specific congressional action we should assume that Congress has left the control of primaries and nominating conventions to the States. * * *" [7]

When and where did Congress remove that control to itself or to the Federal courts?

And, do I hear one say: "Oh, you're trying to distinguish between tweedledum and tweedledee—you know that nomination in primaries in Georgia has been the equivalent of election. Judge Sibley exploded that myth in Chapman against King, supra. But, more important here, perhaps, when Justice Douglas was writing in the Classic case in 1941, he thought the distinction a valid one.[8]

The only dissenter was Justice Harlan. An examination of his dissent demonstrates how ours has become a government of men, not of laws. Wrote he: "Preliminarily, it is symptomatic of the swift pace of current constitutional adjudication that the majority opinion should have failed to mention any of the four occasions on which Georgia's county unit system has previously been unsuccessfully challenged in this court. Cook against Fortson, decided with *Turman* v. *Duckworth,* 329 U.S. 675 (1946); *South* v. *Peters,* 339 U.S. 276 (1950); *Cox* v. *Peters,* 342 U.S. 936 (1952); and *Hartsfield* v. *Sloan,* 357 U.S. 916 (1958). It is true that none of these

[1] *Gray* v. *Sanders,* 31 U.S. L.W. 4285.

[2] Georgia Code, secs. 34–3212, et seq.

[2a] 31 L.W. at p. 4288.

[3] 313 U.S. 299.

[4] Op. cit., p. 309.

[5] Op. cit., pp. 330–331.

[6] Op. cit., p. 333.

[7] Op. cit., p. 337.

[8] 313 U.S. at p. 341.

cases reached the stage of full plenary consideration, but, in light of the judicial history recounted by Mr. Justice Frankfurter in his dissenting opinion in *Baker* v. *Carr*, supra, at 266, 278, et seq. only the guileless could fail to recognize that the prevailing view then was that the validity of this county unit system was not open to serious constitutional doubt. This estimate of the earlier situation is highlighted by the dissenting opinion of Justices Black and Douglas in *South* v. *Peters*, supra, at 277, in which they unsuccessfully espoused the very views which now become the law. Presumably my two brothers also reflected these same views in noting their dissents in the Cox and Hartsfield cases. See also Cook against Fortson, etc., supra, in which Mr. Justice Black also noted his dissent. But even if the Court's present silence about these cases can be deemed justified on the premise that their summary disposition can be satisfactorily accounted for on grounds not involving the merits, I consider today's decision not supportable." [9]

It does not require exegesis to demonstrate that those "views which now become the law" prove that ours is now a Government, not of laws, but of men.

The law has not change since *Cook* v. *Fortson* was decided with *Turman* v. *Duckworth* in 1946. Men who are charged in the Constitution with declaring and construing the law have.

In 1946, the Court was composed of Chief Justice Vinson, and Associate Justices Black, Reed, Frankfurter, Douglas, Murphy, Jackson, Rutledge, and Burton. Appeals seeking to invalidate Georgia's county unit system were dismissed. Of those who remained on the Court March 18, 1963, only Justice Black was even of the opinion that probable jurisdiction should have been noted.

*South* v. *Peters*, supra, was decided April 17, 1950. The Court then was composed of Chief Justice Vinson, Associate Justices Black, Reed, Frankfurter, Douglas, Jackson, Burton, Clark, and Minton. In that case, again, appeals seeking to invalidate Georgia's county unit system were dismissed with a per curiam opinion (339 U.S. 276). Of the nine on the Court in 1950, which included only Justices Black, Douglas, and Clark of the present Court, only Justices Black and Douglas dissented with the dissenting opinion written by Justice Douglas. That dissenting opinion clearly demonstrates that the real basis of their dissent was their belief that the purpose of the county unit system was to abridge the voting rights of Negroes.

They completely overlooked or ignored the fact, pointed out by the majority of the Court, that "Although this particular statute was enacted in 1917, the county unit has been basic in the State electoral scheme since Georgia's first constitution in 1777."

In 1777, the law of the land was that slavery was legal so there was no need of Georgia's adopting a county unit system to avoid or dilute or abridge the right of the Negroes to vote. They had no such right. They were not even citizens.

When, 140 years later, "this particular statute was enacted in 1917," the "law of the land" as then, and for almost 20 years thereafter, declared by the Supreme Court, was that Democratic white primaries were perfectly legal. There was no need of Georgia's enacting this statute in order to affect the Negroes' right to vote in a white primary conducted under the statute for the law of the land as declared as late as 1935 in *Grovey* v. *Townsend*, 295 U.S. 45, permitted the exclusion of Negroes from participating in primaries. The "law of the land" as declared then and until it was changed by the Court in 1943, was that the exclusion of Negroes from primary election under resolution of Texas State Democratic convention limiting membership in party to white citizens was not violative of the Federal Constitution as in effect denying the Negro the right to vote at general election, though it appeared that in Texas at that time nomination by the Democratic Party was equivalent to election.

Why should Georgia have been enacting statutes to abridge the right of a Negro to vote in a primary when without dissent the Supreme Court was holding that the Democratic Party could confine its membership to white people? The court which so held in 1935—18 years after the enactment of the Neill primary law—was composed of Chief Justice Hughes, and Associate Justices VanDevantre, McReynolds, Brandeis, Sutherland, Butler, Stone, Roberts, and Cardozo.

Justice Douglas commenced his dissent in *South* v. *Peters* in a sarcastic vein: "I suppose that if a State reduced the vote of Negroes, Catholics, or Jews so that each got only one-tenth of a vote, we would strike the law down."

The Court which in 1935 upheld the Democratic white primary had among its members at least one Catholic, and two Jews.

*Cox* v. *Peters*, supra, was decided March 3, 1952, rehearing denied April 7, 1952.

The Supreme Court of Georgia had decided in that case [10] that a party primary held under Georgia Code, section 34-3212 "merely chooses candidates or nominees of a political party to be submitted to the entire electorate in the general election, and is not an 'election' within the meaning of that term as used in the statutory and constitutional provisions of Georgia conferring upon its citizens the right to vote in an election."

There was an appeal to the Supreme Court of the United States. A motion to dismiss the appeal was granted and the appeal dismissed for want of a substantial Federal question.

That was just 11 years ago. Only Justices Black and Douglas were of the opinion that probable jurisdiction should have been noted.

The other members of the Court, Chief Justice Vinson, and Associate Justices Reed, Frankfurter, Jackson, Burton, Clark, and Minton deemed the question not to be a Federal one.

Time marched on. Judicial careers ended. There was no change in the organic law nor in the Georgia statute.

By June 16, 1958, the personnel of the Court had changed somewhat. Justices Black, Douglas, Frankfurter, Burton, and Clark remained of the Court of the spring of 1952. Chief Justice Warren had succeeded Chief Justice Vinson. Associate Justices Brennan, Whittaker, and Harlan had been appointed.

On that day, just 5 years ago, with Chief Justice Warren and Justice Brennan along with Justices Black and Douglas, not agreeing, the Court refused to permit this filing of a petition for the writ of mandamus seeking to compel the convening of a three-Judge Court to decide the same question which the Supreme Court had held not to be a Federal one.[10a]

But when *Baker* v. *Carr* was decided in the spring of 1962, that was the kickoff whistle which opponents of the county unit system were awaiting. As soon as that whistle blew, they "kicked off" by filing another suit raising the same old question.

Chief Justice Warren, and Associate Justices Black, Douglas, Brennan and Harlan were still on the Court when the question again came before it. Justices Frankfurter and Burton had retired; so had Justice Whittaker of the 1958 Court.

So on March 18, 1963, there was a new declaration of the "law of the land." What had not been a "Federal question" in 1946, 1950, 1952, and 1958, became one. The conversion occurred not because the Federal Constitution had been changed nor because of any change in the Georgia statute. The conversion occurred merely because men had become Justices who had the same views as had Justices Black and Douglas, and because Justice Clark joined with the novitiates to make a majority of eight against the lone adherent to the previous declaration of the law of the land—Justice Harlan.

Yet we are told: "This is a government of laws not of men."

This is not an effort to restore the county unit system. Its restoration will not come as the result of any reversal of the recent Supreme Court decision. This article has no such futile purpose.

It has quite other purposes.

Almost a century ago a Court composed of Chief Justice Chase, and Associate Justices Wayne, Nelson, Grier, Clifford, Swayne, Miller, and Field made a solemn pronouncement. It was one which we thought was a guide and rule of conduct for bench and bar.

"Legislatures may alter or change their laws, without injury, as they affect the future only, but where courts vacillate and overrule their own decisions on the construction of statutes affecting the title to real property, their decisions are retrospective and may affect titles purchased on the faith of their stability. Doubtful questions on subjects of this nature, when once decided, should be considered no longer doubtful or subject to change. Parties should not be encouraged to speculate on a change of the law when the administrators of it is (sic) changed. Courts ought not to be compelled to bear the infliction of repeated arguments by obstinate litigants, challenging the justice of their well considered and solemn judgments." [11]

Certainly, the validity of a political system, originating in 1777, prior to the adoption of the Federal Constitution, repeatedly declared valid so far as the Federal Government was concerned, is a subject of this nature—one which ought not to be subject to the changing ideas of a changing court.

One of our purposes, therefore, is to express a wonder whether that rule of conduct solemnly pronounced by the court for the guidance and conduct of the bar and the court has been changed. If so, will the "law of the land" become chameleon-like, shifting to and fro with the pendulums of the times?

Another purpose is to warn that under a government of men, not of laws, no rights of person or property are secure. If without a change in the supreme law of the land, without any amendment or repeal by a legislative body, the "law" in one respect may be changed by five men, why may it not be so changed in all respects?

Another purpose is to express the hope that the body which has power to reconvert ours into a government of laws will become sufficiently aware of our domestic danger to exercise its power. The Supreme Court of the United States is "supreme" only in the sense that it is made so by the Constitution of the United States.

There must, under the Constitution of the United States, be a Supreme Court. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, that Court has original jurisdiction. In all the "other cases" of which the Federal judiciary is given jurisdiction, the Supreme Court has appellate jurisdiction, "with such exception, and under such regulations as the Congress shall make."

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[9] 31 L.W. 4289.

[10] 208 Georgia 498; 67 S.E. 2d 579.

[10a] *Hartsfield* v. *Sloan*, 357 U.S. 916.

[11] *Minnesota Co.* v. *National Company*, 3 Wallace 332, 334 (1865).

If the Congress—the Senate and the House of Representatives—sits silently by, and permits this constant, evergrowing usurpation of power by the Supreme Court, there will come a day when there will be no Congress, except such a one as conforms to the ideas of those who compose the Court.

If the States of the Union sit silently by and permit their Senators and Representatives to ignore this constant, ever growing usurpation of power by the Supreme Court, there will come a day when the States will be powerless to exercise any function of government, except such as conforms to the views of those who compose the Court.

Already the Court has assumed complete jurisdiction over the schools and courts of the States. Now it threatens all of the processes by which a State nominates those who administer its government. For if the rule announced in the county unit case—"one voter, one vote"—is sound, and to be followed, what will become of the laws of those States which do not nominate their officers in primaries, but still have nominating conventions? Will such conventions now be abolished, and all States, counties, and municipalities be compelled to nominate all of their officers in primaries under the "one voter, one vote" system? Will the Court dictate the qualifications of those who may vote in such primaries?

Already, too, the Court has begun to assume jurisdiction over the composition of the legislative bodies of the States.

How long will it be before the people of the States of this Union—lawyers and laymen—awake to the danger which confronts their constitutional government?

## THE RIGHTS OF PROPERTY OWNERS

Mr. ERVIN. Mr. President, the Washington Evening Star reported in its issue of June 6, 1963, an official statement of the National Association of Real Estate Boards which calls attention to the erosion of private property rights today in the United States.

This statement explains how the basic rights guaranteed by the Constitution apply to property owners. The cherished right of all Americans to hold and dispose of property as they see fit is being undermined by those who seek to impose extensive Government restrictions on that right. This effort is justified by claiming that adequate housing for a minority group can only be achieved by depriving all Americans of their property rights. It is not compatible with our system of government that the rights of all should be destroyed in order to grant special privileges to special groups.

Property rights are a cherished part of the American heritage. The National Association of Real Estate Boards has stated correctly that "loss of these rights diminishes personal freedom and creates a springboard for further erosion of liberty."

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

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

REALTORS ATTACK UNITED STATES ON HOUSING BIAS BAN—NATIONAL UNIT SEES VIOLATION OF PROPERTY OWNERS' RIGHTS

The National Association of Real Estate Boards called today for a halt to what it termed "governmental interference" in the sale and rental of housing.

In its first official statement related to Government moves to bar racial discrimination in housing, the board of directors of the 73,000-member group said:

"Today, the rights and freedoms of the individual American property owner are being eroded. This endangers the rights and freedoms of all Americans. It is self-evident that the erosion of these freedoms will destroy the free enterprising individual American."

BILL OF RIGHTS

President Daniel F. Sheehan, of St. Louis, announced adoption of the group's major policy statement at a just-completed directors' meeting in Chicago. Called the "Property Owners' Bill of Rights," it states:

"It is our solemn belief that the individual American property owner, regardless of race, color, or creed, must be allowed, under law, to retain:

"1. The right of privacy.

"2. The right to choose his own friends.

"3. The right to own and enjoy property according to his own dictates.

"4. The right to occupy and dispose of property without governmental interference in accordance with the dictates of his conscience.

"5. The right of all equally to enjoy property without interference giving special privilege to any group or groups.

"6. The right to maintain what, in his opinion, are congenial surroundings for tenants.

"7. The right to contract with a real estate broker or other representative of his choice and to authorize him to act for him according to his instructions.

"8. The right to determine the acceptability and desirability of any prospective buyer or tenant of his property.

"9. The right of every American to choose who in his opinion are congenial tenants in any property he owns—to maintain the stability and security of his income.

"10. The right to enjoy the freedom to accept, reject, negotiate, or not negotiate with others."

## PHILIPPINE AMBASSADOR MUTUC DELIVERS STIRRING PHILIPPINE INDEPENDENCE DAY MESSAGE

Mr. YARBOROUGH. Mr. President, the great progress being made in the Philippines under the fine leadership of President Macapagal is deeply gratifying, and I am sure my fellow countrymen are well aware of its significance to the free world.

The Honorable Amelite R. Mutuc, Philippine Ambassador to the United States, broadcast a moving and eloquent address by the Voice of America in commemoration of Philippines Independence Day, June 12, 1963. The long friendship between the Philippine and American peoples is known worldwide. Both believe in and fight for democracy.

In his speech, Ambassador Mutuc discussed the development, the problems, and the high goals of his country and its administration. It is a highly informative and interesting speech. All Americans will be interested in his stirring address, and I ask unanimous consent that it be printed in the RECORD.

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

MESSAGE OF THE HONORABLE AMELITO R. MUTUC, AMBASSADOR OF THE PHILIPPINES, TO THE UNITED STATES, ON THE OCCASION OF PHILIPPINE INDEPENDENCE DAY, JUNE 12, 1963, BROADCAST BY THE VOICE OF AMERICA TO THE PHILIPPINES

It is with a sense of profound gratification and a feeling of joy and hope that we observe Philippine Independence Day this year.

To those of us who are so far away from home, Filipinos living as far west as Guam, or as far north as Vancouver and Chicago, or as far south as New Orleans, and as far east as New York and Washington, an independence day celebration always has a deeper significance and a warmer meaning.

Those of us who are fortunate in being a part of the new administration in the Philippines are pleased that today there is recognition, at home and abroad, as the "dynamic year-and-a-half administration" of President Macapagal.

In his state of the nation address early this year, President Macapagal listed the concrete measures taken and enumerated the first tangible results of his program in regard to the moral regeneration of the people and the faster rate of economic growth of the country.

The performance of his administration matches the promise he made in January 1962 eliciting the evaluation by foreign observers, including the American press, that the Philippines has accomplished the first phase of the socioeconomic development program to make full use of Philippine material potentialities. There is now evident an atmosphere of confidence among Filipino and foreign business executives, industrial leaders, bankers, and investors—confidence in President Macapagal and his administration, confidence in the future, and above all, faith and confidence in themselves.

It is equally clear that many Filipinos, recognizing the intense reformist zeal of the new leadership in the Philippines, and aware of the implications of the 5-year integrated socioeconomic development program, look with high justifiable hopes for "the good life, which is the rightful heritage of all mankind."

Gratified then by what has been accomplished, we are now hopeful that we can achieve a steady, self-sustaining growth, and at the same time safeguard the value of individual freedom and enhance human dignity.

The marginal, and sometimes, submarginal lives of Filipinos as reflected in inadequate housing, food, and shelter, are compounded by a rapid growth in our population.

It is the recognition of this overriding fact, a fact prevailing in other countries of the world, that has made the 5-year socioeconomic development program a vital factor in our national life and economy. In this regard, in the comparatively short period of 1½ years, President Macapagal has accomplished the following:

1. The most disturbing elements deterring our paramount objectives have been removed. The foreign exchange control system, which was the main breeding ground of graft and corruption, has been abolished. This was followed by the prosecution of those who have "utilized organized political power to build business empires, and vice versa; misused public trust to amass wealth; perpetrated smuggling, committed overpricing;" and "labor leaders who have exploited their followers for selfish purposes."

2. Price levels have been stabilized. This is particularly true in the case of rice and corn which are the staple food of our people.

According to an Associated Press survey late last year, prices in the Philippines are second to the lowest in the world.

3. These price levels have been accompanied by the rise in income in the public sector and the increase in wages in private enterprise.

4. Philippine export receipts increased by $103 million over the previous year, while the import bill decreased by $72 million.

5. Philippine international reserves grew from a level of $103 million at the beginning of 1962 to $140 million at year's end.

6. Agricultural production increased by 7.1 percent for all food crops.

7. Industrial production for the first 6 months in 1963 increased by 7.3 percent.

The stability of the exchange rate continues and together with fiscal discipline exercised by the Government, public spending has been kept to the minimum and revenue collections have been increased.

The pattern of these figures—impersonal and dry as they may appear—reveals that the magnitude of the responsibilities which, a year and a half ago appeared insurmountable, has been lessened substantially.

As the Philippines moves with confidence into the decade of the sixties, it is now clear that it is engaged in a peaceful revolution of economic growth that compels greater productivity and savings; that it is in the midst of fulfilling the basic requirements of modernization: better farming, more production, the building of roads, the establishment of power utilities, transportation, and public communication facilities.

Our people fully realize that in this movement there are prerequisites, which impel a sense of dedication and greater effort.

That is why under the emergency employment administration, the blueprint for a $15 million fishery development project is being planned; the program of agriculture extension intensified; and with the cooperation of the national resettlement and rehabilitation administration, 12 projects for resettlement and construction of feeder roads are now underway; intensive work in forest conservation and reforestation is being undertaken; and the training and recruitment of the necessary labor for handicraft industries being done with the collaboration of the national cottage industries administration.

The construction of multistory tenement projects has started in Manila's most impoverished district, which will be followed by the construction of similar projects in Philippine Provinces.

At the same time, the Government and the Textile Mills Association have embarked on a program to produce and distribute the low cost, durable cotton material, the "Pagasa" cloth, for our people.

The department of education has formulated policies and implemented measures to improve the quality of instruction and strengthen the curriculum in all levels of instruction.

The department of health has contained the El Tor epidemic and controlled the threat of smallpox. As part of its public health program, it established additional rural health units and completed 31 hospitals.

Attention has been paid to the blind and other physically handicapped citizens by the social welfare administration when it constructed the Regional Vocational Training Center.

Industrial peace prevails in the country, the disputes between labor and management having been reduced by 17 percent in 1962, a figure twice less than that for 1961.

A drastic modification in the plans of the Philippine armed forces was effected so as to make its activities more responsive to actual conditions such as the modernization of equipment and weapons, the creation of task forces to carry out peace and order and wage campaigns against internal disturbances.

The most significant developments in Philippine foreign affairs include the maintenance of relentless vigilance in combating the infiltration of communism in vital sectors of the Government and Philippine society; the institution of administrative reforms, which have resulted in safeguarding and enhancing the career service; closer relations with other countries; the filing of the Philippine claim of sovereignty, jurisdiction, and proprietory ownership over North Borneo; and the continuance of close Philippine-American relations. Never has this relationship been closest than now, President Macapagal has said. The American Government has shown its willingness to assist the Philippines in every practical way: the U.S. Congress has just enacted laws extending hospitalization benefits and other privileges to Filipino veterans; the Philippine war damage bill appropriation of $73 million was approved last year and although there is some movement afoot to cure certain alleged misdeeds connected with its enactment I am sure that the Congress will treat this matter with its usual sense of fairness and justice. The U.S. Agency for International Development, the International Monetary Fund, the World Bank, the International Finance Corporation, the Export-Import Bank, and even many private American banks are more than ready and willing to extend loans and investments to Philippine projects.

The interest in Philippine economic development is not confined to the United States. Other businessmen, bankers, and investors in Europe and in Asia, are now exploring the investment opportunities in the Philippines.

This perfectly fits into the desire of our Republic to welcome foreign capital because domestic capital is inadequate to sustain the economic enterprises needed for expansion and for progress.

That these things have come to pass are due to the zeal, selflessness, and dedication of the present leadership in our country; to the cooperation, and energies of our people; and to the understanding engendered among the peoples of other nations, which share our political persuasion, and our economic aspirations.

It is in line with this direction in Philippine affairs that recently as the representative of our Government in the United States, I convoked the First Philippine Foreign Service Regional Conference in North America.

That conference examined with care and admirable diligence the workings of the Philippine Foreign Service in a changing world, and laid particular emphasis on how best the service could help implement the 5-year socioeconomic development program.

Since assuming my post in the American Capital, I have been fortunate in having been able to project the image of the Philippines and detailed some of the most important characteristics of Philippine conditions. That many Americans, in the public sector, and in private, have expressed a wish to go to the Philippines and assist us in giving hope and shape to our national economy, is, to me, a singular source of satisfaction.

I am one of those who deeply believe that there are certain special dislocations in our time, which give us neither security nor solace. The first rests on the discovery of the secret of the atom, which can lead into one of two directions: limitless energy harnessed in the interest of peace or searing energy, which if uncontrolled can reduce the world to cinders and mankind to dust. The second revolves around the conflict between two power systems: the Communist system with its relentless thrust toward world domination; the free, open society, which stands for a climate of freedom under which the liberties and the dignity of individuals, can flourish.

I believe that the Philippines, as a middle-sized state, can contribute to universal peace and progress because as has been aptly remarked, it believes in the "interdependence of nations and the integration of humanity."

This belief, which of course, is not new, was dramatized recently when Pope John XXIII died and the world, mourning his death, remembers with gratitude and admiration, his two great encyclicals, the "Mater et Magistra" and the "Pacem in Terris." These pronouncements stressed the obligations of individual societies to their underprivileged members, the poor, the disinherited, the displaced; the responsibility of affluent nations to the less fortunate; and the urgency of close cooperation between rich and poor countries, such cooperation to be effected "with the greatest respect for the liberty of the countries being developed."

It is within this perspective, then, that as I deliver these remarks from Washington, D.C., for rebroadcast to the Philippines, I am hopeful that all our friends in this country and in other nations will extend to us their friendship, understanding and guidance for the importance of June 12, in the words of President Macapagal, "demands that it be observed with fitting ceremonies to the end that it will be cherished forever in the hearts of the Filipino people and inspire them and posterity to greater dedication and endeavor for the welfare of the country and well-being of mankind."

## WORLD HUNGER

Mr. McGOVERN. Mr. President, the lead article in the June 17 issue of Newsweek magazine is an excellent statement of the problem of world hunger. It relates directly to many of the themes that have been discussed during the past 2 weeks at the World Food Congress in our Capital, which adjourned yesterday. The article makes the following arresting statements:

> Every day of this week some 10,000 people will die of malnutrition or starvation. In India alone 50 million children will die of malnutrition in the next 10 years. More than half the world's 3 billion people live in perpetual hunger.

Mr. President, the people of the United States are attempting to attack this problem on two broad fronts. First of all through our unilateral food for peace program we are contributing approximately $2 billion worth of agricultural commodities to the food deficit nations of the world each year. Secondly, through our participation in the United Nations Food and Agriculture Organization, we have joined in an effort to raise agricultural production in the developing countries of Asia, Africa, Latin America, and the Middle East.

I ask unanimous consent that the superb story from Newsweek magazine referred to above and an article appearing in today's Washington Post relative to the World Food Congress with a closing statement by Dr. B. R. Sen, Director General of FAO, be included at this point in the RECORD.

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

[From Newsweek magazine, June 17, 1963]

HUNGER ROUND THE WORLD—10,000 DIE EVERY DAY

First the belly swells. Then the hair turns gray and the skin cracks crazily. After a while the victim dies in mute misery—and

since the victim is always a child his fate seems that much crueler. In Africa the people call it kwashiorkor—"the disease the old baby gets when the new baby comes," because then there is no mother's milk and hardly any protein for the child. And when there is drought, too, as there now is in the "black reserve" of South Africa's Transvaal, things get even worse. There, the crops of Kaffir corn, maize, and peanuts have been killed and more than 100,000 Venda tribesmen are ravaged by hunger.

High in the Peruvian Andes, Angel Pardo hoes a tiny plot of camotes (sweetpotatoes). In his cheek swells a wad of cocoa leaf dipped in lime juice, to dull his hunger pangs and his senses. A hundred miles away, in the capital, Lima, his 3-year-old son, Roberto, eyes staring from a sunken face, lies quietly in an iron bed in the Hospital del Nino—one of the 11,000 starving children that the hospital treats each year. If he's lucky, Roberto will walk out of the hospital on wobbly legs, with a 50-50 chance of living to be 40.

In his mud hut in the village of Sultanpur, 55-year-old Har Lal watches dully as Nathia, his wife, cooks a meal over a cow-dung fire. Then, with their six ragged children, they sit around the fire chewing chappatties (wheat cakes) and perhaps a bit of chutney. Lal smiles brightly when he recalls his days as a soldier, when he enjoyed at least one square meal a day. Now, he and his family, like 50 percent of India's 456 million, live in semistarvation.

This eternal compulsory fast, as Mahatma Gandhi called it, was the haunting subject last week as the President of the United States addressed some 1,200 delegates from 100 countries to the World Food Congress in Washington. Barely acknowledging the thunderous applause that greeted his entrance, Mr. Kennedy turned solemnly to his audience and said: "The war against hunger is truly mankind's 'war of liberation' * * *. There is no battle on earth or in space more important [for] peace and progress cannot be maintained in a world half-fed and half-hungry.

"We have the capacity to eliminate hunger from the face of the earth," Mr. Kennedy continued. "Victory will not come in the next year * * *. But it must in our lifetime."

Behind this arresting declaration of war against hunger were some appalling facts.

Every day of this week some 10,000 people will die of malnutrition or starvation—more than at any time in history.

In India alone, 50 million children will die of malnutrition in the next 10 years.

More than half the world's 3 billion people live in perpetual hunger.

To translate these statistics into language everyone could understand, Assistant Secretary of State Harlan Cleveland said, after a Spartan dinner in keeping with the occasion: "If we were suddenly to join the less fortunate, our next meal * * * would be a small bowl of rice and perhaps a piece of fish an inch square the day after tomorrow."

This, indeed, was the situation that had brought the congress to Washington. For the most part, the delegates were not politicians. They were agronomists and economists, nutritionists and philosophers, called together by the U.N.'s Food and Agriculture Organization. For 2 weeks, they are to discuss the mysteries of soil and seed and commodity agreements. And in the end, theirs would be the monumental task of charting the strategy against world hunger.

Were the population of the world to stop growing today, there is little doubt that the battle could be won. Science and technology, commonsense and goodwill—these are the key weapons in the human arsenal that could guarantee victory. But with every tick of the conference room clock in Washington, there were three more mouths to feed. In 17 years, there will be 4 billion people on earth; in 37 years, 6 billion—more than three-quarters of them in Asia, Latin America, and Africa. As Arnold J. Toynbee told the conference in a speech (conspicuous for its pessimism), there is little hope without worldwide birth control. "Today," the silver-haired British historian warned, "mankind's future is at stake in a formidable race between population growth and famine."

RICH RICHER, POOR POORER

Even more alarming than the burgeoning population of the world is the brutal and ever-growing disparity between the haves and have-nots. One-fifth of the planet's population, the people of North America, Western Europe, and Australia, live in plenty. The American, for example, consumes 4.66 pounds of food a day. If he's lucky, the average Indian eats 1.23 pounds of food a day, mostly rice. Some experts estimate that enough food is thrown away in the United States each day to feed China's 650 million for several days. Even the family pet dog in the United States eats more and better food than the Indian worker.

Some of the background to this shocking state of affairs can be seen in Sultanpur, the village where Har Lal lives in his "eternal compulsory fast." Sultanpur is neither the worst nor the best of India's 558,000 villages. It is typical. Around a well in the center of the village, eight bullocks plod, drawing up leather tubs of water. Behind his two oxen and wooden plow, Lal furrows his quarter acre. And while his wife collects cow dung, the children chase the aggressor crows which—with monkeys, rats, and cows—destroy 35 percent of India's grain. Hungry and illiterate, Lal has neither the money nor the energy to improve his lot, and if his crops survive the fall monsoons he is satisfied to reap enough barley and millet to feed his family. "I am lucky," says Lal, "others have less."

ONE FEEDS 26

Lal's subdued fatalism may make life tolerable for him. But in the larger economy it points nowhere. He cannot feed other than his own family and the same sad story is repeated throughout Asia and most of Africa. There is nothing to share, nothing to sell, nothing to set aside against the day when the crops dry up. By contrast, admittedly the most extreme contrast, there is the U.S. farmer who produces enough food to feed himself and 26 others with mechanization and modern farm methods.

A good part of this huge U.S. production is given away—but food aid is, at best, only a palliative. "Give a man a fish, and he will eat for a day," goes the ancient Chinese proverb. "Teach him how to fish, and he will eat the rest of his life."

To teach others to grow food, the United States, other advanced agricultural nations, private foundations, and churches send thousands of experts into fields and paddies each year. What they teach is not the extreme mechanization of U.S. agriculture, where the fields are leveled by machine, where another machine may build dikes, and where seeds are sown by airplane and the crop harvested by self-propelled combines. They show Nepalese herdsmen how to make cheese, teach Chilean farmers to rid their fields of the potato blight. In Thailand, FAO technicians proved to farmers that the edible tilapia fish of East Africa could be cultivated in the paddies along with rice. In Libya, they exterminated fruit flies, helping farmers increase their citrus export by 200 percent; in Yugoslavia, they introduced Italian varieties of wheat, and production doubled.

Yet these small success stories are but clearings in the jungle. In most of Africa and Latin America, food production has barely kept pace with new births, and FAO director B. R. Sen reports: "In the Far East, including the most densely populated countries of South and Southeast Asia but excluding China, food production has increased by 25 percent since before the war, while the population has gone up by 30 percent." His prediction: short of Draconian measures, widespread famine by 1980.

HOPE

In the face of the alarming facts, there are optimists who put their faith in the genie of science. New foods may not be acceptable, they admit, but the amount of land under cultivation can easily be doubled. Better tools and methods can increase yields massively and quickly. "Science and technology," U.S. Agriculture Secretary Orville Freeman told the World Food Congress last week, "have now, in this generation, opened the door to a potential abundance for all."

And to buttress their case for potential abundance, the optimists cite Japan, whose farmers have learned to produce three times as much rice per acre as the farmers in the rest of Asia. They point to Israel's agricultural miracle, which in recent years has made large parts of the desert bloom. And they cite the ancient fields of Europe, where the machine is also taking over. With but 4 percent of its workers on the farm, Britain, long a food importer, is on the road to self-sufficiency. France now has wheat surpluses of its own, enough—hopes Charles de Gaulle—to compete with the U.S. for the European market. In the Soviet Union, where people are adequately nourished but not much more, 50 percent of the population must still till the soil, but this may change with new Soviet attitudes toward agriculture. Above all, there is the example of the United States, where warehouses and mothballed Liberty ships bulge with enough surplus wheat to satisfy world demand for a year.

Few dispute the fact that present technology, properly applied, would put an end to hunger. But most of the underfed, unlike the Japanese or the Israelis or the Europeans, have neither the education, the capital, nor the will to apply it. In Africa, for example, the tall and aristocratic-looking Masai drive thousands of head of scraggly cattle across the plains of Kenya, turning the land into a giant dust bowl. His children may be starving, but when advised to slaughter a few cattle, the Masai tribesman replies haughtily: "No, I can easily get more children, but I cannot get more cattle." For protein, he drinks a concoction of cow's blood, milk, and urine.

COW GODDESS

Har Lal's attitude is not much different. A good Hindu, he (and 360 million others) would rather sit silently and starve than stop a monkey or a sacred cow from eating his food grain. "Well, they do eat the crops," he smiles, "but after all, the blessing of the Gau Mata [Cow Goddess] is a great thing." In a similar spirit, the African tribesman says "it is in the hands of God" when his corn dies on the stalk. The Moroccan farmer, behind his camel-drawn plow, murmurs "Allah-y-jib" (God will provide) as the sun burns his barley to a frazzle.

The archiac systems of land ownership are another block to agricultural progress. When an absentee owner or a tribal chief takes all the profit, why should the farmer improve his methods or his soil? Some agronomists, like France's René Dumont, emphasize political and social solutions. "The real cause of hunger in the world," says Dumont, "are the latifundia [large private estates] and minifundia [minute holdings] in South America, sharecropping and usury in India, and the growth of a privileged caste system among African civil servants * * * New agricultural technology can bring only limited results unless the way is cleared for profound reform * * * If you wait too long, it will be a Fidel Castro type of reform."

Yet all too often, land reform has defeated its purpose. "Some of those estates were too

damn big," says an American farm expert in Syria. "But where do you stop? I saw them handing out parcels of land so small a man couldn't possibly support a family on them * * * and each new farmer dug himself a well. Now the water table is dangerously low, and whole areas may revert to barren land, destroying the whole purpose of the land reform."

TWENTY BILLION DOLLARS IN FERTILIZER

Sunk in ignorance, tradition, and taboo, it will take decades for primitive farmers to apply even the simplest ideas of modern food technology. And the capital required will be enormous. Adequate fertilizer alone, it has been estimated, would cost some $20 billion over the next 10 years, and in a world of orbital flights and nuclear bombs there is little money left for fertilizer. The world spends $120 billion a year on soldiers and military hardware; the United States, $20 billion on putting a single human being on the moon; but the FAO must skimp along on a budget of $15.5 million. And so the pace of increased food production seems destined to crawl rather than gallop, but meantime, laments a Filipino official, "we are producing more babies than food."

For many of the underfed nations, the race against population is like running on a treadmill. Over the past 25 years, the underdeveloped countries have raised farm production at the rate of 1.6 percent a year. Even if this can be pushed up to 2 percent, it will not be enough to feed the new mouths. Egypt's Aswan High Dam is expected to increase arable land by 30 percent—or 1 million acres. But by the time the dam is built, in 1972, Egypt's population will have soared by slightly more than 30 percent. "We cannot go on at this rate," warns President Gamal Adbel Nasser. "I consider it the duty of the State to advise people on methods of birth control."

Many leaders in the underdeveloped nations agree, and even the U.S. Government, fearful that all its foreign aid might come to naught, has stated publicly that it will offer birth-control advice and assistance to any country which requests it. But in the absence of an international "crash" program, birth-control measures are not likely to have much effect on the fight against hunger in the years ahead. "All those birth-control devices are great," snaps S. Y. Krishnaswamy of the FAO, "but none is going to change appreciably the situation we must deal with: in less than a generation the world's population will double. This is the working hypothesis with which we must deal—and with which we must make our plans with putting an end to world hunger."

BREAD OR PAMPHLETS

What is to be done? Men like Paul G. Hoffman, managing director of the U.N. Special Fund, and Lord Boyd Orr, first chief of the FAO, would like to see governments channel massive amounts of food, technical aid, and money through U.N. agencies. Indeed, Boyd Orr has accused the United States of blocking the development of the FAO into just such a supranational agency controlling the flow of world surplus food to the hungry. Now, he snorts, "men cry for bread, and the FAO can only give them pamphlets."

Others, like Sicco L. Mansholt, vice president of the European Economic Community and the Common Market's top agricultural expert, see the answer not in aid but in trade. (During the year 1957–58, all foreign aid to the underdeveloped nations amounted to some $2 billion. But in the same period, these same countries lost $2 billion, i.e., the drop in prices of their raw materials and primary products on the world market.) To begin with, Mansholt believes, the United States and Europe must agree to give the underdeveloped countries special trade benefits—guaranteed prices, guaranteed markets, low tariffs.

"If we want to help," Mansholt concludes, "we must make it possible for the underdeveloped to sell their products to us. We must not give them handouts but the chance to produce, to develop their industries and to sell to us. Until we do we should shut our mouths about our aid to the hungry."

And at the World Food Congress in Washington, famous Swedish economist, K. Gunnar Myrdal, placed the blame for hunger on both rich nations and poor. All too often in the underdeveloped countries there is "corruption in government, administration, and business, powerful vested interests prevent enactment of institutional reforms, particularly when the disposal of land is involved." Rich nations, like the United States, Myrdal added, like to "appear to be charitable when it does not cost anything. I have always been convinced that to a large part this is a self-deception of the type I have called perverted puritanism."

TWO-EDGED BLADE

To some of the Western delegates, hunger was a two-edged blade. Continued Western prosperity, they reasoned, will depend to a large extent on the growth of consumer demand in the underdeveloped nations. Continued hunger in Asia, Africa, and Latin America could, in the long run, bring hunger to the well-fed industrial countries of the north.

Even now, many economists believe the world is moving toward a slump. British economist Barbara Ward explains: "On the one hand America and Britain, and increasingly Europe, have a problem of a slowing down of production owing largely to a lack of effective demand. On the other hand there is the whole developing world where demand is checked simply because incomes have fallen, capital is not adequate and demand therefore is not sufficiently stimulated." Charity, therefore, is not enough, warns Miss Ward. "If we can use capital and trade policies to raise the possibilities of the poorer countries, to raise their standards of living, to make it possible for them to buy—then we would get a new balance. We need the demand. The poor countries can provide it."

Mansholt's "total development," the blend of capital and trade policies outlined by Barbara Ward, and Boyd Orr's dream of a supranational FAO may one day change the map of world hunger. But they are designs for decades. Something must be done now. Science, well-planned land reform, education, birth control, all are partial solutions for the immediate future. But to begin with, says FAO's Sen what is needed is world awareness. "What is needed now is a sense of urgency about the problem, a climate to create the will to act, each country must take immediate action to do something about it in real terms."

As India's Prime Minister Jawaharlal Nehru warned: "It is really folly to talk of culture or even of God when human beings starve and die. People are not in the mood to tolerate this suffering and starvation and equality when they see that the burden is not equally shared."

NEW FOODS AND NEW HOPES

It is a sad paradox that a child with a full stomach can die of malnutrition. The problem is not how much he eats, but rather what he eats. Without an adequate supply of protein, which enables a child's body and mind to grow, all the fats and carbohydrates he can eat will not help him.

One of the most promising ways out of this paradox is the development of new, high-protein foods, to supplement standard native fare of starchy foods such as cassava, manioc, yams, or plantains. Any number of ingenious proposals have been made, but many of them are impractical or unrealistic. Green algae are high in protein, but difficult to produce in quantity. (Besides, says one nutritionist: "Would you like to eat some green slime spread on a piece of bread?") The minuscule sea life called plankton could be scooped directly from the ocean, but any heavy harvesting of plankton would deprive fish of their basic food, thereby correcting one food shortage and creating another.

*Soybean and coconut*

In the end, all discussions in organizations such as the United Nations Children's Fund (UNICEF) and the World Health Organization boil down to two main foods—fish flour and a variety of substances made from oil seeds, including soybeans, peanuts, cottonseeds, and coconuts.

In India, one of the world's hungriest nations, but also the world's largest producer of peanuts, two peanut-flour plants have begun production. Many local school-lunch programs throughout the world are built around the peanut, with uniformly good results.

In Latin America, a powder made of cottonseed, corn, and sorghum called Incaparina is becoming common fare. It was developed by nutritionist Nevin S. Scrimshaw of the Massachusetts Institute of Technology, and it is comparable in nutritional quality to milk. Usually it is taken like Metrecal—mixed with water, and flavored with sugar, chocolate, or spices. It can also be tossed into the family pot.

UNICEF has helped start a project in Indonesia promoting Saridele, a soybean extract ideal for infant feeding. With such supplements, a child can be kept healthy from the time he is weaned, and loses his original source of protein, until he is 7 or 8, and the need for protein begins to diminish.

*Tasteless*

Accordingly, a great deal of attention has lately been directed to a pale tan powder called fish flour, made by shoveling dogfish, sea robins, skates, and other trash fish into a hopper—eyes, bones, and all—grinding it up, washing with solvents deodorizing it, and finally dehydrating it into a powder. The final product is tasteless and odorless, and contains at least 70 percent protein.

Although pilot plants are already in operation in Chile, not very many are adding fish flour to their diets. One of the major reasons is that U.S. Food and Drug Administration head George Larrick has called it "filthy." Most nutritionists consider Larrick's opposition to fish flour an arrogant absurdity. But when U.S. and U.N. agencies offer up a new food supplement that some American experts consider unfit for human consumption, the seeming hypocrisy inevitably causes trouble.

Nevertheless, if enough dramatic results with new foods occur in enough villages and native communities, the decision between life and death will be made on a more rational basis than flavor and dubious origins. UNICEF is cautiously optimistic. The agency's senior food technologist, Max Milner, said last week: "We are beginning to see some glimmers of light."

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[From Newsweek magazine, June 17, 1963]

FROM THE PEOPLE OF THE UNITED STATES

The forests of grain elevators across the United States have become components in the American arsenal as vital as any skyward-trained ICBM complex and mercifully, more active.

"Food for Peace" is what the United States calls these weapons. The arsenal is based on a 1954 statute called Public Law 480 which, as Food for Peace director, Richard W. Reuter, frankly admits, "was conceived as a vehicle for getting rid of our agricultural surpluses" and was expected to lapse within

a year when some thought the surpluses would be wiped out.

From mid-1954 to the end of 1962, under Public Law 480 more than 100 million tons of surplus American wheat, corn, cotton, and other commodities have moved overseas to 114 countries and colonies. Worth more than $12 billion, the American bounty has flowed at the rate of three 10,000-ton shipfuls per day for 8½ years.

"The basic lesson we have learned is that our food stocks should be treated as an asset instead of a liability," says Reuter. And as he moves about his "chart room" in the executive office building next to the White House, the 45-year-old former head of CARE can point with legitimate enthusiasm to the varied examples of U.S. food at work.

In Poland and Yugoslavia, Public Law 480 sales for local currency ($1.5 billion since 1954) have enabled both to be more independent of Moscow.

In India, surplus foods with a market value of more than $2 billion have built a precious reserve against future famine, and sale of some has financed agricultural research.

Nowhere has the disaster-relief function of Public Law 480 worked more dramatically than last year in war-wracked Algeria. Some 300,000 tons of American farmers' bounty fed 4 million people for a winter and pushed a newly independent nation back from the brink of starvation and chaos.

Public Law 480 food is being used to entice primitive montagnards in Vietnam down into the strategic hamlets on which the government's anti-Viet Cong guerrilla campaign is based.

Food is also one of the strongest levers working for the Alliance for Progress. On the shore of Lake Titicaca, 12,000 feet up in the mountains of Bolivia, Public Law 480 beans, flour, cornmeal, and dried milk pay Bolivian soldiers and workers for their work in building schools. In Peru, children who used to spend their days scavenging for food are now eating Public Law 480 hot lunches in school. This year 400,000 Peruvian kids will be fed, and for many it will be their only decent meal of the day; by 1964 the number is expected to hit 1 million. In all, 37 million children around the world supped at the American farmers' table last year. And as Maryknoll Missionary Father Kearns says in Peru: "Even the containers and boxes are sold and the funds used to buy furniture and building materials for the schools."

With each wheat sack and cotton bale plainly marked as coming "from the people of the United States," Public Law 480 food has become, in the words of one AID official, "the best-known food label in the world."

Since the program began, some two-thirds of the $12 billion committed under Public Law 480 has been food sold for local currency. In most cases the buying countries simply didn't have the foreign exchange to make these purchases on the world market. The United States has used 23 percent of these foreign currencies to finance American activities in those countries—from the expenses of traveling Congressmen to the construction of new embassies—and usually lends the balance to finance a wide range of local economic development projects.

CANNED CHEESE

It is not everywhere an unqualified success; nor is Public Law 480 a panacea for either hunger or U.S. foreign policy. Occasionally, as in the Congo, Public Law 480 food does find its way into the black market. And occasionally people such as the mountain aborigines of Formosa try to use canned cheese as soap. Often in the most underdeveloped countries sorely needed food simply does not get past the capital for lack of even a rudimentary internal distribution system. Always a careful balance must be struck between feeding the hungry and encouraging them to develop their own agricultural productivity.

Public Law 480 largess also runs the risk of disrupting normal commercial trade patterns. When the United States sold a major amount of wheat to India in 1960, for example, it found itself faced with a hurt and angered Thailand, which had thought a rice-to-India sale of its own was in the bag.

Interestingly enough, the cost of shipping Public Law 480 commodities around the world is less than surplus storage costs at home (nearly $400 million last year). And normal commercial agricultural exports have increased by the same amount as Public Law 480 sales and donations.

Abroad, the verdict is also generally enthusiastic, and most governments give the United States high plaudits for the aid. Algeria's Minister of Agriculture Amar Ouzegane is typical: "These shipments of food kept our people alive. Don't ever underestimate the political value of this aid."

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[From the Washington (D.C.) Post, June 19, 1963]

ACTION TO FEED WORLD URGED TO AVERT DISASTER

(By Anita Ehrman)

The World Food Congress was warned yesterday that failure to translate its 2 weeks of talk into direct action would doom this planet to "disaster."

B. J. Sen, Director General of the Food and Agriculture Organization, in issuing the warning to the closing session of the conference, said that "peace and war will be determined by the outcome of the race between population and resources."

Secretary of Agriculture Orville L. Freeman followed up Sen's declaration with a pledge that the United States would reevaluate its aid program to see what more can be done to meet "the goal of freedom from hunger."

Freeman, chairman of the Congress, echoed Sen's demand that the 1,330 delegates from 104 countries now move from the realm of high-sounding ideals into the world of reality, where more than half the people are undernourished.

DECLARATION APPROVED

Earlier, the Congress approved by acclamation a declaration calling for a worldwide plan to feed today's hungry and meet the challenge of a quadrupled population by the year 2000.

The declaration specifically urged the underdeveloped countries to institute land reform and improve their administrative apparatus and planning programs.

The developed countries were called upon to give more foreign aid and adopt new trade policies to allow a greater and more stable export of goods by the poorer countries.

Freeman urged the delegates, who in the course of their deliberations had consumed 2,200 cups of coffee daily and produced more than 15 tons of document, not to just "carry the declaration in your briefcases."

Both Sen and Freeman stressed that the potential force of the conference stemmed from the fact that its representatives were top economists, scholars, politicians, and scientists whose influence can change Government policy.

Sen's speech brought out points that had been emphasized in conference sessions but would have evoked bitter controversy if incorporated in the general declaration.

He said the time may soon come when the world, as a whole, will have to institute birth-control measures—a subject skirted over in the final document.

The Director General also declared that in the near future a system of progressive international taxation, similar to that applied on a national scale, would have to be created to stop the downward economic trend of the poor countries.

Despite the harmonious public ending of the conference, there was some private grumbling behind the scenes over FAO steamrolling tactics.

Many delegates felt that the final declaration should have contained stronger and more concise plans for internationally handling the population explosion and distribution of food surpluses.

OPENED ON JUNE 3

Nevertheless, most of the delegates agreed with Freeman that if the impetus started in Washington could be maintained, the Congress will go down in history as a great historic occasion.

The Congress was opened on June 3 by President Kennedy and Indian President Sarvepalli Radhakrishnan. During the 2 weeks of deliberations, it was addressed by such world figures as Historian Arnold J. Toynbee, Swedish Economist Gunnar Myrdal, and former Brazilian President Juscelino Kubitschek.

In closing, Sen said that President Kennedy's speech "will stand out as the most important statement made on this important problem since President Roosevelt's address to the 1943 Hot Springs conference, which gave birth to FAO."

President Kennedy, predicting that the war against hunger can be won in our lifetime, told the conference:

"No battle on earth or in space is more important than the food battle."

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## DAIRY MONTH IN NEW YORK STATE

Mr. KEATING. Mr. President, I would like to take this opportunity to join with the Governor of my State, as well as all New Yorkers, in recognizing the month of June as Dairy Month in New York State. It is only fitting that this small tribute be paid to those industrious farmers who, beset by problems of surplus production, have contributed so much to the health of the people of our State as well as to the Nation as a whole.

Mr. President, the milk industry is one of New York State's primary agricultural enterprises. Over one-half of all agricultural income derived in the State is earned by dairy farmers. In recent years, the improved methods of milk production, although adding substantially to the surplus milk problem, have resulted in more vitamin-enriched milk at a lower cost to the consumer.

We have much for which to thank the dairy farmers of New York State—in fact, of the entire Nation. Through their enterprising labors Americans of all ages can obtain the necessary health-providing benefits of milk. In this connection, I am pleased to learn that Governor Rockefeller has proclaimed the month of June as Dairy Month in New York State.

Mr. President, this is indeed a fitting tribute to the dairy industry of New York. I therefore ask unanimous consent that following my remarks this proclamation be included in the RECORD.

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

PROCLAMATION OF THE STATE OF NEW YORK

Our primary agricultural enterprise in the Empire State is dairying. Moreover, our milk industry is one of the greatest factors contributing to our health. It is rated as

the most readily available source of riboflavin, vitamin A, vitamin B complex, vitamin D and protein.

Dairying in New York State accounts for more than one-half of all the income derived by our farmers. Dairying in all its phases represents an investment of many hundred millions of dollars and a wonderfully coordinated effort to keep our milk supply as adequate and constant as it is clean.

Milk production in New York State has climbed to an annual high of 10,738 billion pounds. This enormous production is derived from advances in feeding, breeding, and care which results in larger yields per cow. It creates problems of surpluses for the producer but the consumer benefits through lower prices.

This volume last year had a total value of $466 million at the farm.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim June, 1963, as Dairy Month in New York State.

NELSON A. ROCKEFELLER.

## PUERTO RICAN DAY

Mr. KEATING. Mr. President, the Puerto Ricans in this country have made many contributions to the progress of our Nation in numerous areas of endeavor. Particularly in New York City, where a language barrier and the obvious problems of adjusting to a new environment has oftentimes made assimilation difficult, these people have demonstrated the hardworking perseverance that characterizes their community.

The Puerto Rican community, demonstrating a full awareness of the responsibilities attending citizenship in the United States, has sought in every area to prove itself worthy of this privilege. The Puerto Ricans have distinguished themselves nobly in their participation in three major wars; and they have contributed substantially to the general welfare of the country in peace.

Mr. President, in New York State, where the problems of assimilation are sometimes difficult, the Puerto Rican community has taken the matter in hand: beset by problems that have remained problems for decades, it has formed community organizations that deal directly with efforts to adapt to new customs and environments. Over 160 organizations, united in a community program, have sought to improve the material and social welfare of these spirited people. The initiative they have demonstrated should provide inspiration for American minorities everywhere.

Mr. President, early this month, celebrating Puerto Rican Day, the Puerto Rican community of New York joined together in a colorful and musical parade. The day's festivities were reminiscent of the rich heritage of these people, a heritage that has persisted through generations of living in this country.

In this connection, I am pleased to note that June 2, 1963, was, by proclamation of Governor Rockefeller, Puerto Rican Day in the State of New York.

Mr. President, I ask unanimous consent that following my remarks the text of the Governor's proclamation be printed in the RECORD.

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

PROCLAMATION OF THE STATE OF NEW YORK

The parade arranged every year by the Puerto Rican community of New York has become symbolic of this group's many contributions to the progress of the city and State.

Puerto Ricans among us, with their cheerful manners, their capacity for gaiety and their love of music, have endeared themselves solidly as neighbors. They have shown in three major wars and in peacetime, full appreciation of their responsibilities as well as their privileges as citizens of the United States. In New York they have 160 organizations banded together in a community program to help solve problems which have gone unsolved for decades.

They command our admiration for their success in adapting themselves, despite the difficulty of the language barrier, to new environments, new customs, a whole new way of life. They are overcoming many obstacles and are making a happy adjustment.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim June 2, 1963, as Puerto Rican Day in New York State.

NELSON A. ROCKEFELLER.

## COMMEMORATION OF DEPORTATION OF BALTIC PEOPLE

Mr. KEATING. Mr. President, during this month and particularly on June 14, 15, 16, and 17, Americans are marking with somber reflection the tragic deportation of the people of the Baltic Nations to Siberian slave labor camps. It was just 22 years ago, in 1941, that Soviet troops marched into the three tiny self-governing countries of Latvia, Lithuania, and Estonia with the sole purpose of occupying and controlling them. And for 22 years, the courageous, yet cruelly suppressed people of the Baltic countries have suffered under the terrible yoke of Communist tyranny.

Yet freedom in the Baltic countries has not been an unrealized objective. Born out of the idealistic dreams and hopes of the First World War, Latvia, Lithuania, and Estonia enjoyed their freedom during the interwar decades. For 20 years, these countries began to develop a unanimity as they developed their economies and strove for the utmost in political freedom and self-determination for their people.

And then, while the rest of Europe was embroiled in the greatest war of all time and while Hitler was sediciously making Mein Kampf a reality on the continent of Europe, the Soviet imperialist military machine occupied the Baltic countries and divested their governments of all control. This brutal Soviet march on these tiny countries came in spite of their declaration of neutrality at the beginning of the war and in spite of their nonaggression pacts with the Soviet Union made in the early 1930's and effective until 1945.

Mr. President, after the march on the Baltic nations—and clearly indicative of the cruel intrigue of the Soviet imperialists—Kremlin strategists secretly negotiated with the Nazis and drummed up the story that there were so-called anti-social elements, that is pro-German elements within the governments of the Baltic nations. This was obviously antagonistic to Soviet policy so the Soviets instigated a policy of mass deportation of the Baltic people to the Siberian slave labor camps. This brutal wresting of loved ones from their homes and the splitting of families was only halted with the German invasion of Russia and the Baltic countries—resulting in German control of these lands.

After the fall of Hitler, there was hope that freedom would be returned to the Baltic nations but all these dreams were quickly crushed when Soviet troops returned to the three countries and the harsh Communist rule was strictly reenforced. To this day, the people of the Baltic nations are still suffering under this tyranny.

Freedom was short lived in the tiny Baltic countries yet despite this short history, yearnings for liberty remain deeply imbedded in the hearts and minds of the Baltic people. In this connection, Mr. President, I introduced a resolution earlier this session with regard to the Baltic nations. This resolution urges the President of the United States to take all necessary steps to bring the Baltic question before the United Nations in order that the U.N. request the Soviets to first, withdraw all troops, agents, colonists, and controls from Latvia, Lithuania, and Estonia; and second, to return all Baltic exiles from Siberia, prisons, and slave labor camps in the Soviet Union. My resolution further calls for the U.N. to conduct free elections in the Baltic States and to take appropriate action against any Communists guilty of crimes of extermination of the peoples of the Baltic States.

Mr. President, my resolution reaffirms a basic principle of U.S. foreign policy—self-determination of all peoples, the right of people to choose their own form of government. In the past, the United States has protested the illegal annexation of territories and people by the Soviets by consistently withholding recognition from these territories. In my judgment, it is now time for the United States to do more—to urge that the question of these captive people be brought into the world forum of debate—the United Nations. Let us show to the world the atrocities of Communist imperialism and let us get the force of world opinion behind our position in our efforts to make the self-determination of people not only a U.S. but a world privilege.

Mr. President, during this month, many sad memories of the deportation of the Baltic people are recalled.

Citizens of America, in fact of the entire free world, somberly pay reverence to these memories. But now, let us rededicate ourselves to the principle which is such a basic element in our foreign policy—the self-determination of people—and let us renew the hopes of the people in the Baltic States so they can be assured that we understand and sympathize with their plight and that we are hoping and praying for their eventual liberation.

## THE PEACE CORPS

Mr. PELL. Mr. President, when the original Peace Corps authorization legislation was before the Congress, of which I was a cosponsor, there were those Members of Congress and of the general public who were fearful that such a newly created agency with idealistic aims would have great administrative problems. However, the opposite has been true. The Peace Corps has operated, to my mind, in a most efficient manner, and much of the credit for this is due to its Director, Sargent Shriver.

On May 29 of this year there was a most complimentary article which appeared in the Boston Herald written by Holmes Alexander entitled "Is Peace Corps Merely Shriver?"

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

[From the Boston Herald, May 29, 1963]

IS PEACE CORPS MERELY SHRIVER?

(By Holmes Alexander)

WASHINGTON, D.C.—It's fair to say for Sargent Shriver, Director of the Peace Corps, that he now carries the undeserved handicap of being a Kennedy in-law.

Any other Frontiersman who had proved his administrative ability as Shriver has in a minor post would have been promoted long before now. But the Cabinet is closed to him because a Kennedy is already there. The governorship of Illinois is presently blocked by local political complications. Shriver seems likely to keep his present post until after next year's elections.

Meanwhile, imitation being the sincerest form of flattery, Shriver is being internationally complimented in a manner that no administration figure can boast. Eight nations are in the process, or on the verge, of forming volunteer oversea agencies on the American Peace Corps model. West Germany has appropriated $1.4 million for the purpose, and is expected to hold some sort of inaugural ceremony when President Kennedy, accompanied by Shriver, visits there next month. Denmark, the Netherlands, Norway and New Zealand have made starts. Italy, Switzerland, and Belgium are discussing ways and means with Shriver. Honduras, El Salvador, and Jamaica are instituting domestic versions of the Corps. Argentina plans to send Spanish teachers to the United States in a gesture of reciprocity.

Shriver has showed rare signs of administrative talent. He recovered from a very rocky start when the corps got some bad publicity at the outset. Although his outfit is growing faster than Congress and other critics would like (he is aiming for an enlistment of 13,000 by September 1964), Shriver has done the truly remarkable thing of cutting the adminstrative spending ratio. He began by spending 33 cents to the dollar on headquarters money, and now has it down to 19 cents. It costs $7,000 to keep a volunteer corpsman in the field and only $2,000 to keep an administrator behind him. By bureaucratic standards, these are economical operations.

But Shriver may have outgrown his job. He also may have made things very tough for his successor. Now that the novelty of the Peace Corps has worn off, it bears the burden of proving its worth. The first year's appropriation was $30 million, the second was $59 million, the present year's asking price is $108 million. Congress has already refused to underwrite $150,000, which Shriver asked to pay the first-year expenses of founding an International Secretariat. The danger of overevangelism, which always besets do-gooder organizations, is beginning to show. The next Peace Corps director will have to trim ship.

That will be the time, with Shriver gone and his fledgling out of the nest, to ask if this idealistic effort is worth pursuing. The test, I think, will not come on the elevated but unprovable thesis that the Peace Corps is, in William James' famous concept, a "moral equivalent of war." This kind of down-to-earth, secular missionary work does not remove the international causes of conflict for the plain reason that people do not make war. Their politicians do that for them. The causes of war are so complex that not even the greatest historians have ever devised a credible explanation for mankind's organizational pugnacity.

But the Peace Corps idea will prove its worth, if at all, on a much lower scale. It has already demonstrated the usefulness of what is known in Shriver shoptalk as "middle-level manpower." The scientist and the economist at the top, and the common laborer at the bottom, are not the full answer to community development at home or abroad.

Something else is needed. Call it the missing link. And it may be that Peace Corps idea of personal instructorship is it.

## PAUL J. BROUSSARD—AN ACT OF HEROISM IN MASSACHUSETTS

Mr. KENNEDY. Mr. President, last month an act of heroism was performed in the State of Massachusetts by a young boy which I believe deserves to be drawn to the attention of the Senate.

On the afternoon of May 16, Paul J. Broussard, age 13, was approaching the Boston & Maine station at Malden, Mass., en route to his home from school. He observed a man who was walking on the railroad tracks and who appeared to be in some physical distress.

As young Broussard approached, the man collapsed. In the distance, Master Broussard saw a B. & M. Buddliner, which was proceeding at a high rate of speed outbound from North Station. The youngster ran to the man and sought to lift him to his feet. This proved beyond his physical strength. He then sought to remove the man from the tracks by rolling him over on his side.

This episode was witnessed by Engineer Henry L. Gelinas, of B. & M. train No. 867. As Mr. Gelinas was on an express run which did not call for a stop at Malden, he was proceeding at a rate of speed that made it impossible for him to brake the train in time to avert what appeared to be a fatal accident. Indeed, when the Buddliner had passed the Malden station, Engineer Gelinas was certain that one or possibly even two fatalities had occurred. It was not until he brought the train to a halt and looked out his cab window that he saw that young Broussard and the man he had aided had escaped death by a matter of inches.

We in Massachusetts are proud of Paul Broussard and his family. This type of heroism is in the finest tradition of American youth and the American people.

The PRESIDING OFFICER. Is there further morning business If not, morning business is closed.

## DEFINITION OF THE TERM "VETERANS' ADMINISTRATION FACILITIES"

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

The PRESIDING OFFICER. The pending business is S. 625, to amend sections of title 38, United States Code, with respect to the definition of the term "Veterans' Administration Facilities."

## AMERICAN MEDICAL ASSOCIATION RULING CLIQUE OPPOSES WISHES OF ITS MEMBERS: IS OBSTRUCTIONIST LOBBY

Mr. YOUNG of Ohio. Mr. President, the American Medical Association, which in my opinion misrepresents many thousands of physicians and surgeons of the United States, is now in convention in Atlantic City. This association is ruled in a high-handed manner by a house of delegates, so-called. The membership of the house of delegates consists of approximately 150 political doctors. In addition, there are approximately 40 practicing family physicians and surgeons who succeeded in being elected to this all-powerful group. They are outvoted by the political doctors. For many years a small group of political doctors have been running the American Medical Association in flagrant disregard of the welfare of their membership. They publish a magazine, Today's Health. Its circulation is very limited; its advertising rates are very high. Pharmaceutical groups advertise extensively and expensively.

The hierarchy of the American Medical Association maintains one of the most powerful lobbies in Washington. They reported expenditures for the year 1962 of $200,000. This lobby is spending more money than that this year trying to prevail upon Members of Congress to vote against legislation for the welfare of the country, and for the particular benefit of the American Medical Association. The American Medical Association is the "spendingest" and most aggressive of all lobbying organizations in Washington. Without doubt this association will actually spend several million dollars lobbying this year against hospital and nursing home care for the elderly under the social security system.

American Medical Association officials claim that the AFL-CIO maintains a more expensive lobby and they may make the same claim against the American Legion. Figures filed with the Secretary of the Senate prove otherwise.

The American Medical Association represents about 180,000 members. The AFL-CIO represents 18 million members. Of course, the American Legion represents millions of veterans. There is no more reactionary group in the United States than those majority members of the House of Delegates of the AMA. They arbitrarily overlook the will and wishes of their own membership. Other lobbying organizations in Washington accurately represent the views of the majority of their membership.

For example, recently the Michigan Medical Society took a referendum of

its members. The question was simple. Do you desire to be included under coverage of social security? The vote was 3,099 in favor of social security for doctors with only 1,845 against. This result was typical of the results of similar referendums in various States. For example, in Ohio, 4,095 physicians and surgeons voted for social security coverage and only 2,737 voted against social security coverage. This affirmative vote was ignored by officials of the American Medical Association and the ruling clique of the AMA. In Pennsylvania, New Jersey, Massachusetts, Maine, Illinois, Connecticut, Delaware, and other States physicians and surgeons overwhelmingly voted that they desired to be included under social security coverage. Their wishes have been ignored. In fact, the ruling clique of the AMA invariably seeks to suppress the views of the majority of its membership. Approximately two-thirds of the physicians and surgeons of the State of Utah voted in favor of social security coverage and sent delegates to the convention of the AMA, held a short time after the results of this referendum had been announced. Their delegates were not permitted to report nor to express their views. They tried unsuccessfully to secure recognition.

Despite these clear and repeated expressions in favor of social security by approximately 65 percent of physicians and surgeons voting in many States, the dictatorial house of delegates maintains its opposition to social security. Physicians and surgeons are the only self-employed professional men and women in our country ineligible for social security coverage.

They are denied the protection of social security for themselves and their families because the powerful AMA lobby has misrepresented and is misrepresenting them and has prevailed on the Congress to deny this needed coverage. In 1960, the House of Representatives voted to extend social security to self-employed physicians. This coverage provision was deleted in the Senate Committee on Finance "because of lack of definitive information on whether a majority of doctors wished to come under the program." This was the reason given. The facts are that the president of the American Medical Association filed a letter with the Senate Committee on Finance expressing strong opposition to placing practicing physicians under social security coverage. He stated that the social security program "does not fit the economic pattern of the practicing physician." Just what that is, I would not know, but according to him, everyone in the Nation is out of step except the members of the American Medical Association. Due to this, the widows and fatherless children of doctors are denied social security protection, and doctors themselves following retirement are denied the benefits which could have been theirs by payments of modest sums as premiums.

In all, in 19 States, doctors representing a total of approximately 130,000 physicians and surgeons have voted overwhelmingly in favor of social security coverage. It is true that in only six States, representing 18,000 physicians, by small margins they have voted against coverage. It is evident that 65 percent of the total physicians and surgeons of our Nation now favor compulsory social security coverage for physicians and surgeons. Oh, yes, in a few instances when some members of the house of delegates of the AMA desiring special privileges for physicians and surgeons proposed that doctors should be covered on an optional basis, in other words voluntary coverage, a majority favored voluntary coverage. It is evident that were workers and professional men permitted to enter or stay out of social security coverage on a voluntary basis, this insurance system would not be actuarially sound as it is and always has been, nor would there be anything like the present surplus of $23 billion.

Mr. President, elective coverage under social security law is unthinkable. It would prove actuarially unsound. How could any thoughtful person justify permitting self-employed physicians and surgeons to elect whether or not they desire to be covered by social security? Were they to be granted this special privilege, obviously young professional men might not be interested. If they chose not to join the social security system and have that coverage, the social security fund would not have the premiums paid in as paid by other professional men at the time of payment of their income taxes. Physicians and surgeons when in their sixties naturally would join the social security system and eventually enjoy the benefits.

Mr. President, obviously, no insurance and survivors system would long continue to be actuarially sound if coverage were granted to certain favored professions on an optional basis.

Our social security system should be universal, covering all employed and self-employed and providing retirement and disability payments adequate in amounts for those who have paid premiums during their working years.

Mr. President, the defeat last year of the proposal for hospital and nursing home insurance for the elderly, usually termed "medicare," was a defeat for every American family. There are more than 17 million Americans over 65 years of age. The basic problem is that most of these people cannot purchase adequate hospitalization insurance from private corporations except at exorbitant rates. In my State of Ohio, the Blue Cross recently raised its rates substantially, beyond the reach of many persons who were formerly covered.

Furthermore, all Americans, regardless of age, have parents likely to be ill at one time or another. These families desire—in fact, find it necessary—to save for their children's education and for other necessary future expenditures. If prolonged illness afflicts a parent, father-in-law, mother-in-law, or other elderly relative, average American families should not be compelled to incur colossal debt or payout from savings accumulated for other purposes.

Under the social security program, a working man or woman can pay premiums into the social security fund during his economically productive years for the hospitalization needs of his later years. Our social security program is an actuarially sound insurance system and will continue to be so under President Kennedy's proposal to meet this need of our older citizens.

It is a tragedy that here in the richest country in the world, millions of our elderly live in constant fear that their savings, if any, will be washed away by a prolonged illness or a serious accident. Under President Kennedy's proposal over 900,000 men and women in my State of Ohio will be immediately eligible for assistance.

The American Medical Association lobby spent more than $7 million to defeat medicare last year. The small band of willful men who control American Medical Association policy assert our people do not support this program. Yet, a recent Gallup poll indicates that two out of three persons interviewed are in favor of medicare under social security. Only 26 percent were opposed. Apparently Americans refuse to swallow the propaganda pills prescribed by the professional medical politicans who presume to speak for 180,000 American physicians and surgeons.

It is noteworthy that the National Association of Trained Nurses, representing 170,000 nurses, has at all times supported medicare, so-called, under the social security program. It has always expressed its desire that nurses be covered by social security, and they are covered.

Powerful though the American Medical Association lobby is, has been, and will be, I believe President Kennedy's proposal for hospital and nursing home care for the elderly under social security will be enacted into law before the 88th Congress adjourns. Like social security retirement payments, hospital care will be made available to all persons 65 or older, as a matter of right, not as a charity handout.

This proposal will in no way alter or affect the traditional doctor-patient relationship. I would never advocate any change in the freedom we Americans enjoy to be attended by doctors of our choice, or in the doctor's freedom to select his patients and determine for himself all the details of his treatment. Furthermore, every effort has been made in writing this legislation to assure that there will be a minimum of Government activity in the operation of this program.

Mr. President, this proposal was defeated in the Senate by two votes last year. We will not go back. There are votes in the Senate now to pass the administration's medicare program. We will go forward and improve upon and liberalize the social security system, of which we are all so proud today.

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## SUPPORT CIVIL RIGHTS FOR ALL AMERICANS

Mr. YOUNG of Ohio. Mr. President, along with other Democratic Senators from Northern States, I attended a Democratic leadership conference. Attorney General Kennedy and others discussed the administration program for

civil rights legislation. I expressed myself as supporting the administration civil rights program, including ending forthwith discrimination in all public facilities, including restaurants and motels; accelerating integration in public schools; compelling registration of Negro citizens desirous of voting; and according full civil rights to all citizens, regardless of color. At that time I stated, as I state today, that there can be no compromise on the issue of civil liberties and civil rights for all Americans.

It is most unfortunate that 100 years after the Emancipation Proclamation there are in certain sections of the country violations of the law as laid down by the Supreme Court.

Mr. President, I am happy to be a cosponsor of the civil rights bills which were introduced today. Although I, along with others, hope for adjournment of this session of Congress in September or October, we will probably be extending Christmas greetings to our colleagues here in Washington. However, I feel that it is of the utmost importance that we remain here and have this question fully and thoroughly debated at length in this Chamber, even though this may later on result in prolonged sessions. Then, after the issues have been fully and fairly debated and after all Senators have been given an opportunity to express their views, I, for one, will, if necessary, vote to terminate any prolonged debate—any long continuing filibuster by voting in favor of cloture, as I did on two occasions in May of last year.

## ARTS AND THE FEDERAL GOVERNMENT

Mr. JAVITS. Mr. President, the report on "The Arts and the National Government" which August Heckscher has just submitted to the President is undoubtedly one of the major documents in this field. I am especially gratified by the report because it also gives recognition to a long-standing effort in arts legislation which I have made, going back to 1948, and which is represented in the present Congress by a bill I joined the Senator from Minnesota [Mr. HUMPHREY] in introducing. In short, my views and those of the Senator from Minnesota and those of others are combined in the one bill, which calls for a National Arts Foundation, which Mr. Heckscher describes as the natural crowning step in a national cultural policy.

The wonderfully creative step taken by Mr. Heckscher, who is a New Yorker and a constituent of mine as well as a personal friend, not only is the most comprehensive summary of the Federal Government's present activities in the arts since the report of the Fine Arts Commission many years ago, but it also fairly sparkles with creative ideas and recommendations for improving programs, procedures, and artistic results.

As the President's Special Consultant on the Arts, Mr. Heckscher pioneered in a new function with extraordinary success. Recognizing that the Government's role must remain supplementary, he pointed out nevertheless that the Government's impact on the arts at the present time under current programs is considerable and can be made stronger and better without necessarily incurring particularly greater expenditures. Indeed, if Mr. Heckscher's recommendations were to be acted upon, substantial economies might conceivably be effected in our building program by giving more attention to standards of good art. The principles of good art should also be applied to roadbuilding and landscaping as well as architecture, to airports as well as Embassies, to medals, stamps, posters, and typography, to the photographic and film projects of the Department of Defense and the Department of Agriculture, and to a whole host of Government activities which we do not usually relate to the visual or performing arts.

In this, Mr. Heckscher is expressing, in my view, the finest attributes of our civilization and what they mean in terms of satisfaction to our people; and he is entitled to great support and praise for the fine job he has done.

The report has already been placed in the RECORD by the Senator from Rhode Island [Mr. PELL]; so I confine my remarks to comments upon it.

The core of the report is the proposal for the establishment of the President's Advisory Council on the Arts. Here, too, although I have felt that this step would be time-consuming, and believe that we could move directly into the Arts Foundation idea, which is fundamentally premised on giving supplementary governmental aid in the nonprofit field to both the performing arts and the visual arts, in order to reach parts of the country which are not now reached with such performances and exhibits, nevertheless, because I believe it important that we move expeditiously in this field, I welcome even the first step, which is the Advisory Council on the Arts.

I have done my best to bring to the President suggestions for membership on the Council which I believe would most effectively promote this work and give it the broadest possible consensus of American society; and I am sure the President will make good choices.

I urge that when the Advisory Council is formed, it move immediately, as Mr. Heckscher in his magnificent report has suggested, into the area of recommending for the Nation a program which really will represent an embodiment of the Nation's cultural progress and will bring to bear upon our leisure time, our recreational activities, and our spiritual and cultural development the tremendous values which exist in our country. Such a program also will enable us—far better than we do today—to meet the challenge of the Communists' cultural ideas in the world, on which they are spending great amounts of money for their propagation and which represent the key aspect of their activities, which are designed to "bury" the free world.

In emphasizing the enormous influence on American art that the Government exerts through its manifold activities, Mr. Heckscher has performed an invaluable service to the American people. His report, which is also his valedictory, offers guidelines to the new Advisory Council on the Arts, which has just been established by Presidential Executive order. These guidelines give it the opportunity to influence the whole direction of the role of art in Government programs. The announcement of the establishment of the President's Advisory Council on the Arts contains in itself the potential of a large step forward toward a comprehensive program to implement our national responsibility in the arts. It is a real recognition by the Federal Government of the tremendous renascence of the arts which has been taking place throughout the country.

No one who recognizes the prestige and international impact of the arts in projecting American civilization will seek to minimize the importance of this report and the part that the Advisory Council can play. I am especially pleased to point out also the emphasis placed in the report on the establishment of a National Arts Foundation, such as I have sponsored in the Congress, which Mr. Heckscher describes as "the logical crowning step in a national cultural policy," and his support for the objectives which such a Foundation would make possible. I shall continue to work for the creation of a U.S. Arts Foundation in order to bring the arts to our people in areas of the country not now effectively reached, and I hope that the new Advisory Council will address itself promptly to this problem. Although Mr. Hecksher has resigned as the President's special consultant, after having remained in the post for longer than he had originally intended to stay, we shall not entirely lose the benefit of his counsel and guidance, for I am happy to note that he has consented to serve on the new Advisory Council. We need his help in formulating and developing the role of the Federal Government in the arts which he has so brilliantly summarized in his report.

I hope very much that the American people will take this proposal most seriously.

I ask unanimous consent to have printed at this point in the RECORD a feature on the subject which was published in the New York Times, June 17.

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

ARTS COUNCILS ARISE IN 13 STATES—GAIN IN LEISURE AND KENNEDY BACKING SPUR MOVEMENT—POSITION ON SUBSIDY VARIES—FEDERAL INCENTIVE ASKED

(By Milton Esterow)

A growing number of State councils on the arts, to provide cultural opportunities in thousands of communities, are developing throughout the Nation.

Thirteen States, reflecting the national upsurge of interest in the arts, have such groups or plan to establish them according to a survey by correspondents of The New York Times. Most of the councils have been formed in the last 3 years.

The councils are established by State legislatures to raise artistic standards and increase public exposure to all the arts. Some use State funds; others believe their main duty is to spur private patronage.

Stimulants to the councils have included President Kennedy's support of the arts, the

rise in leisure time and an increasing respect for the role of the arts in a democratic society.

The States that have councils or plan them are New York, California, New Jersey, Connecticut, North Carolina, Michigan, Minnesota, Missouri, Ohio, Nebraska, Nevada, Washington, and Virginia.

The councils vary from 11 members to 100 and include leaders in the arts and in business.

WORK IN LOCALITIES

The councils are stimulating arts activities locally, spurring the establishment of community groups and bringing live performances to people who have never had an opportunity to see them.

The Federal Advisory Council on the Arts, which President Kennedy established last week, is expected to stimulate the council movement further.

In addition, Senator JACOB K. JAVITS, of New York, and nine other Senators have introduced a bill to grant up to $100,000 annually to States that have set up arts councils.

The bill, first introduced in 1957, is in committee. Senator JAVITS said yesterday that the bill's chances of coming to the Senate floor were excellent. "Action on the floor," he explained, "depends on recommendations made by the President's Advisory Council." But there is pessimism about the bill's chances of passing the House.

NO WISCONSIN PROGRAM

Some Governors believe arts councils are not the responsibility of State governments. A number of States are still considered "cultural dust bowls."

A correspondent of the Times in Wisconsin reported: "No State program for support of the arts is contemplated here. People are struggling to convince the legislature that support of schools is a legitimate concern of the State."

One of the most significant contributions is being made by the New York State Council on the Arts, which was established 3 years ago at Governor Rockefeller's request.

The State council has supported extended tours by organizations such as the Phoenix Theater, the New York City Opera Co., and the Buffalo Philharmonic. Its budget this year is $653,000.

John H. MacFadyen, the council's executive director, said the council received frequent requests from other States for information on setting up a program. He has prepared a guide outlining it.

"Each State has its particular artistic identity, and to this extent the programs that emerge will naturally differ," Mr. MacFadyen said.

CALIFORNIA AWAITS BILL

In California, a bill to establish a fine arts commission is expected to pass the legislature. The measure, modeled on the New York State Council, is supported by Gov. Edmund G. Brown.

Economy has influenced legislators to favor State assistance to the arts. Unions affected by the movie slump have argued that State and community help for theaters would ease the Hollywood recession.

A Connecticut bill creating a State commission on the arts was signed into law on June 6 by Gov. John Dempsey. The 15 members will survey public and private cultural facilities in the State.

In New Jersey, Gov. Richard J. Hughes recently named an 11-man commission to study the arts. Members include the artist, Ben Shahn, and the playwright, Selden Rodman. The State's first cultural center, which will cost $6 million, is being built in Trenton. It is scheduled for completion next year.

For many years, North Carolina has considered support of the arts a vital concern. It owns and supports an art gallery in Raleigh and has contributed to the North Carolina Symphony Orchestra and subsidized outdoor dramas.

The General Assembly of North Carolina is considering a proposal to appropriate $325,000 for a school for the performing arts.

The proposal, strongly supported by Gov. Terry Sanford, is said to have a better-than-even chance of acceptance. The State school for music, dance, and drama would operate at the high school and college levels.

In Missouri, Gov. John M. Dalton named a 25-member arts committee last December. A bill has been introduced in the legislature to create a Missouri Council on the Arts.

In Minnesota, the legislature has rejuvenated a lagging arts program that is 60 years old and has passed a State Arts Council bill.

Kentucky has a varied program—all instituted since 1960. Through the State Council on Public Higher Education, the State contracts with the Louisville Symphony Orchestra—at $50,000 annually—for performances at State colleges. The Lexington Little Symphony, backed by State funds, plays in small cities in cooperation with local civic groups.

The Kentucky Council of Performing Arts was recently set up.

Michigan established a cultural commission in 1960, and it now has 100 members. William E. Stirton, a vice president of the University of Michigan who was serving as chairman, resigned in January, but he has continued his interest in the commission's activities.

Mr. Stirton said the commission had helped in establishing an artist in residence—a pianist—in Flint, and had encouraged communities to hold concerts and to develop arts centers.

VIRGINIA SUPPORTS THEATER

In Virginia, the Barter Theater at Abingdon has received an annual appropriation of $12,500 to $15,000 for many years.

The Virginia Museum of Fine Art in Richmond sends "artmobiles" with exhibitions to cities and towns. The museum helps plan programs through a statewide Confederation of the Arts established 2 years ago.

Nebraska created the Council for Nebraska's Cultural Resources in 1961. Its financing has come through private subscriptions and donations from individuals and corporations.

Dr. Walter Militzer, chairman of the council and dean of the University of Nebraska's College of Arts and Science, said that "at this point the council is a State coordinating agency for various local groups in cultural pursuits."

In Nevada, Gov. Grant Sawyer is appointing a 10-member committee to determine possible steps toward a program. Dr. Craig Shepherd, head of the University of Nevada's Art Department, will be chairman of the council.

Washington created a State arts council in 1961, but only $2,000 has been appropriated for the next 2 years.

In Ohio, a bill to create an Ohio Arts Evaluation Commission to help in determining the role of State agencies in the growth of the arts is being considered in the legislature.

"It has not yet been conclusively determined that new government support for the arts will be truly effective," Mr. MacFadyen said. "However, I believe that if this support develops with sound artistic objectives, a significant contribution to the arts in America will follow."

Mr. JAVITS. Mr. President, I submit this report because it emphasizes that in this case we are dealing not with afternoon tea parties, but with hard realities of power, culture, the theater, music, and other artistic performances, including those in the visual arts, and their exhibition. These represent a major factor in the world. All of them depict in ways that nothing else can what we have accomplished in these fields.

Therefore, this is a critically important arm of the American effort to achieve freedom in the world. I feel that this is the first time it is really beginning to receive the attention it deserves to receive. I urge that it be carried through, not with the idea of being a parlor enterprise for some very nice people, but as being one of the true indications of power and success on the part of our society.

## DONOVAN AWARD TO JOHN J. McCLOY

Mr. JAVITS. Mr. President, one of our great New Yorkers is John J. McCloy, a most distinguished American who has served his Nation in many high places, and who the other evening was honored to receive from an organization known as the Veterans of the OSS—the Office of Strategic Services—the "Wild Bill" Donovan Medal. As General Donovan has carried on the great tradition of his really heroic life as a soldier and statesman, this organization gives a medal annually to a very distinguished American whose record of public service is deemed to exemplify the major aspects of General Donovan's own career. I know few people in our country more deserving of the honor than Jack McCloy, as we all know him so affectionately.

Like the general, a veteran of World War I, John J. McCloy has served as the Assistant Secretary of War during World War II, as U.S. High Commissioner for Germany, as President Kennedy's coordinator of disarmament activities, and in 1962 was appointed by President Kennedy as Chairman of the Coordinating Committee of the U.S. Government in connection with the Cuban crisis. In private life, Mr. McCloy is chairman of the board of directors of the Chase Manhattan Bank.

In accepting the William J. Donovan Award, Mr. McCloy described his friend as he had known him through the years. I ask unanimous consent to have printed at this point in the RECORD the address of the Honorable John J. McCloy, which he delivered at the annual dinner of the Veterans of the OSS, in New York City, June 5.

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

ADDRESS BY MR. MCCLOY

I have been honored from time to time by awards of varying character, some of which have puzzled me as I could see little justification for my selection. On the other hand, there have been some which have meant so much to me that I simply have cherished them and have been so thankful that I was thought of in that connection that I have swept modesty aside in my delight to receive them. Tonight is one of those. Bill Donovan and his friendship meant so much to me over the years that to possess an award which bears his name, given by those who worked with him—by people who knew him and know me—that it was hard for me not to give

the impression, to those who asked if I would receive it, that I was unseemingly eager.

I first met Bill Donovan in the course of World War I. I was traveling along the line with an old chief of mine who not only served in that war but who had fought the Indians on the Plains. So short is the span of U.S. history that this man who had been in the Indian wars only died relatively recently—a considerable time after the close of World War II. One of the divisions which we visited was the old 42d Rainbow Division, then commanded by General Menoher, and my chief, whose name was Guy Preston, had been at West Point with Menoher. In the course of the visit, he asked Menoher how he was getting along with his division. I remember Preston called Menoher by his West Point nickname, "Minnie," a familiarity in which I did not join as at that time I was only a lieutenant. Menoher replied that his division was getting along fine and if it could only continue successfully to contain two such extraordinary personalities as Douglas MacArthur and "Wild Bill" Donovan, he did not fear anything that the Germans would throw at him. I remember seeing both of them then—young, handsome, gallant, colorful—they seemed in their appearance to express all that I had ever heard about them and everything that was gallant and soldierly. Each had the Distinguished Service Cross and yet, it is significant that each of them, with all their great achievements in that war, had yet to make their greatest contribution to their country. Each of them went on to win the Medal of Honor and to render such mighty service to the winning of World War II.

I cherish among my possessions a picture of Bill Donovan taken at about that time, with his helmet cocked slightly on one side of his head and though it was not a color photograph, you can almost see the blue of his penetrating eyes. There is no doubt about your being able to see the burning spirit of the man.

There are a number of you here tonight who served with him in the AEF. To them, I do not need to recall the electric effect the mention of his name had among us.

Father Duffy tells how his personality pervaded the old 69th Regiment but that personality and his spirit also pervaded the whole 42d Division and from that division it went out to the entire AEF.

The tale of his exploits, his drive and his courage, went from dug-out to dug-out all along the line. There were no orders or messages or newspaper or radio broadcasts to pass it on—it was all word of mouth. What he had done on the Ourcq at St. Mihiel and the Argonne was mess talk everywhere. Many an officer led his troops better and more courageously through merely having heard the stories of Bill Donovan's energy and courage.

Homer said of one of his heroes that he was the bravest man that had come up under the walls of Troy. Maybe Bill was not the bravest man on the Western Front but he was among the bravest few. But he had more than courage—he had foresight and discernment. He saw the need for information and intelligence and the folly of attempting to face a challenge of the character of World War II without an organization thoroughly equipped to deal with all the ramifications that this need entailed. I like to think that I did a few things to help smooth his rather rough way toward the accomplishment of his objective, but as I look back on it now, I wish that I had done much more.

What a man. I used to think in World War II that all the Germans and Japanese needed to do was to put a tail on Bill Donovan and they could quickly identify the area of our next offensive. He ran to every fire. You couldn't anymore hold him in Washington when an attack was on than you could hold in a storm.

Bill knew everybody and most everyone knew him, but he had an inner quality that made him at times seem to me to be a rather lonely spirit. There was no one like him, in many ways quite unpredictable, unfathomable. I was at times in turn struck by his conviviality and his independence—almost his aloofness, but always he was a leader and a fighter and a friend. But really how uncalled for it is for me to describe Bill Donovan's character to a group consisting of his widow and his friends and fellow workers. It is not only uncalled for but presumptuous.

Let me just add this: Father Duffy, writing as of the time the 69th was stationed, after the close of hostilities in World War I at Remagen where another American unit was to cross the Rhine a quarter of a century later, spoke of the men whom he had been associated with in the regiment—some dead, others in hospitals or for one reason or another, about to leave the regiment.

"In a very special degree," he wrote, "I am going to miss Donovan." He went on to describe in a vivid manner some of his experiences with him during the fighting and then he ended up by writing, "I liked him for his alert mind and just views and ready wit, for his generous enthusiasms and his whole engaging personality. The richest gain I have gotten out of the war is the friendship of William J. Donovan."

In a very special degree all of us continue to miss Donovan and so I think you understand how much I am warmed by this award which will always refresh my memory of the ever-vital spirit of this outstanding patriot.

## CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, I should like to supplement the statement which I made earlier today on the civil rights issue, which is a critically important issue before us, and to point out that every one of the items recommended by the President is an item which many of us here have worked on and put forward over the years. In the main—though there is at least one exception, that is, the so-called public accommodations section—they represent also recommendations of the U.S. Civil Rights Commission, which in my opinion has more than richly deserved the President's recommendation that its life be made permanent, as many of us have contended.

We have now come to a day of reckoning for the Nation, when the President has begun to assume the moral as well as the lawful leadership of the whole Nation in expressing what must be done in legislation in order to give redress to grievances of millions of Americans which they feel so deeply that they are willing to shed their blood in order to see them redressed. It must be noted that on the very same day there is the funeral at Arlington Cemetery of Medgar Evers, a martyr in this cause, assassinated because of his advocacy of it, in a part of our native land which is so inhospitable to these ideas that it harbors such an assassin.

All these events should not for a moment induce us to forget the tribute which is due to Members of this body—my own associates on the Republican side as well as those on the Democratic side—and to Members of the other body who, in and out of season, when the issue was not quite the intense cause which it now is, have advocated the cause with vigor, dedication, and considerable sacrifice. Many of those, including myself, have anticipated the time when the issue would burgeon into a national crisis, and have pointed out what a great mistake it is to wait until it is upon us, in violent terms, before we give some attention to grievances so deeply felt by so many millions of Americans merely because their skin happens to be of a different color from that of the majority.

The gratification for this day must at the same time represent a spirit of appreciation to those who have fought so hard to bring this day about, notwithstanding the fact that even now we have overstayed our time on this question.

I should like also to express a sense of dedication for the trials and struggles which lie ahead. This Chamber will be the scene of a bitter battle. I have deep confidence that we shall prevail, at long last, historically, in imposing cloture on a civil rights measure. But it will not be easy. Let every Senator steel himself to all-night sessions, the cots, and that sleepy look on the faces of Senators when they come into the Chamber three or four times a night to answer quorum calls. Then it will really be true, as it was in 1957, though we did not get out of that exercise what we should have in terms of the country's security, that they also serve who stay at home—home in the Senate Chamber.

We shall be at home, but we shall be serving the great interests of our country, and I think the great interests of freedom in the world. Our friends all around the world should take great heart today from what is happening in this Chamber with relation to the President's message, the united support which that message and the measures following it are receiving, and also the spirit of determination prevalent in this Chamber that this time we will not be turned aside or thwarted in our course.

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

Mr. JAVITS. I yield.

Mr. MORSE. I associate myself with the remarks of the Senator from New York and point out that if the opponents of civil rights legislation make the great mistake of seeking to prevent passage of the measures against what I am certain is the overwhelming will of the great majority of the American people, they must follow exactly the parliamentary procedure the Senator from New York has outlined. He and I discussed the same subject the other day on the floor of the Senate. At that time we both expressed the point of view that we must break the filibuster, and that if it develops, the filibuster will be broken by American public opinion. But to get American public opinion pointed toward the breaking of a filibuster, the attention of the American people must be riveted on the Senate. It will be necessary in order to do that for the Senate not to keep banking hours in connection with the filibuster, but to remain in session week in and week out for as many weeks as it takes to break the filibuster. That

means setting aside all the business of the Senate, because when all is said and done, in the year 1963 there is no business as important to American history as the deliverance of constitutional rights to all Americans, irrespective of the color of their skin.

Mr. JAVITS. I am very grateful to my colleague for his observations which are constructive and helpful. My colleague has emphasized what needs to be emphasized.

We shall not only sacrifice time and our personal disposition to be with our families, but also we shall sacrifice perhaps some very pet measures—perhaps even measures urgently needed by the country. But it seems to me the Senator is entirely correct in saying that the civil rights measures must have No. 1 priority. The President, as I read his message, has dedicated not only his head, but his heart. He is also dedicating his top priority program, displacing tax reduction. He has made that issue second, making civil rights first. Again I express my gratitude to the Senator for his statement.

I yield the floor.

## FIRST AMENDMENT

Mr. BYRD of West Virginia. Mr. President, in what appears to be fast becoming an annual affair, the Supreme Court has concluded its 1963 term with another controversial first amendment decision. The trend toward absolutism which has marked the Court's more recent approach to the religious guarantees has again manifested itself in the decisions in Murray against Curlett and Schempp against Abington Township School District. According to this latest pronouncement the reading of a verse from the Bible or recitation of the Lord's Prayer constitutes a breach of the law of the land in that they violate the first amendment to the Constitution.

Dean Griswold, of Harvard, has observed;

> Absolutes are likely to be phantoms eluding our grasp. Even if we have embraced them, they are likely to be misleading. If we start from absolute premises, we may find that we only oversimplify our problems and thus reach unsound results. It may well be that absolutes are the greatest hindrance to sound and useful thought—in law, as in other fields of human knowledge * * * absolutism * * * is more likely to lead us into darkness than to light.

The spectre of religious sterility raised by the absolute construction of the establishment clause in the Regents' Prayer case—*Engel* v. *Vitale,* 370 U.S. 421 (1962)—is now upon us. These decisions should be disturbing to all God-fearing people everywhere. I am a stanch believer in the separation of church and state but not in the separation of God and government. The Constitution was written and this Government established by men of great religious conviction. The faith of the Founding Fathers was instilled in them at an early age, and permeated every aspect of not only their private but also their public lives. It is apparent that our children and all future generations are to be denied some of the religious opportunities which our forefathers so zealously sought to protect from Government interference.

As Dean Griswold points out, these decisions are based on the erroneous assumption that the first amendment was designed to effect an absolute divorcement of religion from every aspect of American public life. A cursory examination of American constitutional history indicates that this was never intended by the framers of the Constitution. The Court recognized this in *Zorach* v. *Clauson* (343 U.S. 306, 312–313 (1952)) wherein it said:

> The first amendment, however, does not say that in every and all respects there shall be a separation of church and state. Rather, it studiously defines the manner, the specific ways in which there shall be no concert or union or dependency one on the other. That is the commonsense of the matter. Otherwise the state and religion would be alien to each other—hostile, suspicious, and even unfriendly. We find no constitutional requirement which makes it necessary for Government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.
>
> When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions.

Thomas Jefferson, Mr. President, paid eloquent tribute to this tradition when he said:

> God who gave us life, gave us liberty. Can the liberties of a nation be secured when we have removed the conviction that these liberties are the gift of God?

I appreciate the enormous difficulties implicit in constitutional interpretation, but even this endeavor requires due regard to the intent of the framers. Did the author of the first amendment comprehend the result announced earlier this week? James Madison, the father of that amendment, apprehended it to mean that:

> Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience * * * if the word "national" was inserted before religion, it would satisfy the minds of the honorable gentlemen. He believed that the people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word "national" was introduced, it would point the amendment directly to the object it was intended to prevent. (I Annals of Congress 730–31 (1789–91).)

As noted by the late Professor Corwin:

> In short, "to establish" a religion was to give it a preferred status, a preeminence, carrying with it even the right to compel others to conform. But in fact, before Madison's proposal was passed by the House and went to the Senate it had been changed to read: "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of concience"; and in the Senate this proposal was replaced by the following formula: "Congress shall make no law establishing articles of faith or a mode of worship or prohibiting the free exercise of religion." That is, Congress should not prescribe a national faith, a possibility which those States with establishments of their own—Massachusetts, New Hampshire, Connecticut, Maryland, and South Carolina—probably regarded with fully as much concern as those which had gotten rid of their establishments. And the final form of the first amendment, which came from a committee of conference between the two Houses, appears to reflect this concern. (14 Law and Contemp. Prob. 9 (1949).)

Joseph Story thought that while the no-establishment clause inhibited Congress from giving preference to any Christian sect or denomination, it was not intended to withdraw the Christian religion as such from the protection of Congress. Thus, in his "Commentaries on the Constitution" he wrote:

> Probably at the time of the adoption of the Constitution, and of the amendment to it * * * the general, if not the universal, sentiment in America was that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience, and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation if not universal indignation. (Joseph Story, "Commentaries on the Constitution," sec. 1874 (1833).)

Another constitutional authority of an earlier day had the same conception of "an establishment of religion."

Cooley wrote in the "Principles of Constitutional Law":

> "By establishment" is meant the setting up or recognition of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others. It was never intended by the Constitution that the Government should be prohibited from recognizing religion, * * * where it might be done without drawing any invidious distinctions between different religious beliefs, organizations, or sects. (Cooley, "Principles of Constitutional Law," 224–225 (3 ed. 1898).)

Justice Holmes, Mr. President, said:

> The life of the law has not been logic; it has been experience. (Common Law 1 (1881).)

The American experience in the area of religion has been marked by a toleration hitherto unknown in the annals of human history. This spark of religious freedom has now been raked up in the ashes of blind, ironclad, unreasoning, legal dogma.

## FOREIGN AID

Mr. MORSE. Mr. President, last week I announced that I intended to speak with some frequency on the floor of the Senate during the period of time that the foreign aid bill was pending before the Foreign Relations Committee of the Senate and during the time it would be before the Senate itself for debate prior to a vote.

I announced that one of the reasons why I would follow that parliamentary course of action was that I think it is impossible, in the limited time we have in the hearings before the Foreign Relations Committee, to get across to the American people the serious problems involved in the proposals of the administration on foreign aid this year.

It is important that those of us who are going to be called upon to vote on this subject matter carry out our trust of taking the facts of this issue to the

American people. It is one of the three or four most vital issues to the destiny of this country that will be considered by this Congress. The one we have discussed so much already today, the question of civil rights, I would put at the top of the list, because no matter from what angle one looks at the civil rights issue, he cannot escape the fact that it is of vital importance to the destiny of this Nation.

Thus far, the Foreign Relations Committee has been listening to the administration witnesses in support of the bill. It is my evaluation of the testimony to date that they have made an exceedingly weak case in support of the bill. They have dealt for the most part in broad generalities. But the time has come for us to examine the foreign aid bill in minutia, and present what I am satisfied are facts that clearly justify drastic reductions in the amount sought by the administration for foreign aid, and also a reduction in the number of countries that now receive foreign aid. The administration witnesses admit the number of 107. The Senator from Idaho, in a great speech the other day on the floor of the Senate, pointed out that, outside the Communist bloc, there are only eight nations in all the world who are not recipients of some form of American foreign aid.

The record is clear that since 1946 the American taxpayers have made available, in round numbers, $100 billion through fiscal year 1963.

There has been a considerable amount of discussion before our committee about the problem of loans. Some of the administration witnesses have countered that loans have increased. Our reply is, "Not fast enough."

It is true that 5 years ago some of us started strenuous objections to the maintenance of a foreign aid program of the proportions then being asked for. Five years ago 95 percent of our aid money was grant money and 5 percent loan money. We finally whittled the grant money down until a few years ago, 65 percent was grant money and 35 percent loan money.

The administration's bill this year would result in approximately the same proportion. But, in the opinion of the senior Senator from Oregon, that is not nearly good enough. Until the ratio is somewhere in the neighborhood of 75 percent loan money and 25 percent grant money, the senior Senator from Oregon will continue to vote against foreign aid.

I want to stress this again, because it needs to be said over and over again in order to get the American people to understand the facts. Here, as in the case of the civil rights issue, the final decision will not be made by the Congress of the United States: the final decision will be made by American public opinion. Members of Congress will discover that fact if they do not know it now. If the American public is to render an enlightened opinion in regard to the form that foreign aid should take, we must get the facts to the public, and we must answer such arguments as administration witnesses have been making on the subject matter of loans.

They have been testifying before our committee that there have been some increases in loans. But they use generalities. They talk about loans. It is necessary to ask—and we have been doing it—what kind of loans? What variety of loans? Of course, there is an interesting variety of loans. There are hard loans and soft loans. Hard loans are loans that are supposed to be paid, eventually, in American dollars. Soft loans are repaid in terms of foreign currency, available to us only in the country of the currency. We can spend that currency in those countries, in most instances, only with the permission of the country itself. Of course, that is not a loan—that is a subterfuge. To talk about that kind of financial arrangement as a loan, without being very careful to qualify it every time the administration spokesmen talk about loans, is, in my judgment, grossly misleading.

When we talk about loans, the average citizen assumes that the American taxpayer is going to get interest. We have asked for memoranda giving us a detailed account. It is interesting that in the formal testimony the administration witnesses presented to the committee they omitted any analysis of the loans themselves. The testimony was notable for what it did not say more than for what it did say. It was noticeable that the testimony failed to point out that a very large percentage of loans bear an interest rate of three-quarters of 1 percent, which, as we said in our cross examination of the witnesses, probably does not even cover the service charge of the loan. We asked for information on that subject, too. We want to know exactly what the American taxpayer is out of pocket in connection with every dollar of foreign aid.

If a loan is obtained at three-quarters of 1 percent interest, the American taxpayer is out of pocket additional millions of dollars. Do not forget, hard American dollars cannot be loaned to country X, Y, or Z at three-quarters of 1 percent without the American taxpayer in fact giving a substantial additional amount of aid to the country that is the recipient of a low interest loan.

Why? It is because of the operation of our monetary system that the American taxpayer must pay the cost of the use of that money, for the American taxpayer, through the Department of the Treasury, borrows the money that is loaned to a foreign country, and the American taxpayer, in fact, pays an interest charge for the use of that money by his own Government. That is a flexible figure, but the last one I saw from the Treasury Department was that such loans cost the American taxpayer 3¼ percent.

If we are getting no higher than three-quarters of 1 percent in interest from a foreign country, it means that we are making an additional subsidy grant to the country that obtains this kind of loan.

The American people must understand that point. I find that as they understand it, increasing numbers of them share the point of view of those of us who are critical of the foreign aid programs.

It was also brought out in the cross-examination of the administration witnesses that there is a grace period on many loans for as long as 10 years; that is, for 10 years the countries do not have to pay a cent in reduction of the principal.

We have tried in the Committee on Foreign Relations hearings to bring out the fact that this creates some very serious psychological barriers in the way of the final payment of the loan, and that it will create in the opinion of some of us a feeling on the part of many nations, "Well, eventually they will forgive the whole thing; there will not be 10 years of grace, but there will be grace in perpetuity; and eventually, we can get a final cancellation of the loan."

As we go around the world, as some members of the Foreign Relations Committee do from time to time, we find—at least I have found—the increasing impression developing that in many instances Uncle Sam probably will not ever even attempt to collect the loan. This must be stopped. We have a great, solemn obligation to protect the financial interest of the American taxpayer in our foreign aid program; and we have not been doing it.

I make these comments in further explanation of why I will follow what in some quarters is regarded as an unpopular course of action in using this desk in the Senate as the medium for disseminating factual knowledge to the American people about the operation of the foreign aid program.

AID PROGRAM RELATES TO NATO NUCLEAR FORCE

Mr. President, the debate this year over foreign aid foreshadows another international issue that promises to be costly, and, in my opinion, valueless to the United States. It is the issue of the surface fleet of missile-carrying freighters being proposed by the United States for the use of NATO. It involves another heavy expenditure. It involves another subsidy to NATO, at a time when most of the NATO countries are in better financial position than the United States, and when they ought to be required to start paying a greater share of the burden of protecting freedom in the world.

Because West Germany is denied by treaty the right to manufacture nuclear weapons or missiles, and because many Europeans fear that the United States would not use its domestic-based weapons in defense of Europe, the administration believes that a NATO nuclear force will accommodate the objections of our allies to the current U.S. monopoly over the nuclear forces of the Western World. Our proposal calls for the manning of these vessels by mixed crews from all participating nations; neither the crews nor any of the component forces could be withdrawn from NATO command by the contributing country.

This subject was discussed in some depth at the recent Ottawa Conference. In my judgment, that conference bodes ill for the United States, if we carry out the U.S. proposal for further aid to NATO, to which the Ottawa meeting

was only a preliminary. Today I direct my attention to this particular proposal.

It stems from a great dilemma facing the United States. On the one hand, our allies are more economically and politically independent than at any time since World War II; they doubt that they should continue to rely completely on the U.S. nuclear force for their protection. The European members of NATO are impatient to have nuclear forces of their own, that will not be subject to American control and American veto.

On the other hand, the United States is anxious to prevent the spread of independent nuclear forces. We know that so long as only we and the Soviet Union have the nuclear capacity, the possibilities of nuclear war can be controlled by our two countries. Once many nations have the nuclear capacity, we will lose control of the peace or war issue, so far as the Western World is concerned.

The answer of the administration has, in effect, been an effort to preempt nuclear forces by almost literally "buying them up." We know it would be very expensive for our European allies to finance the huge development of nuclear and missile forces. So we are offering to pay 40 percent of the cost of a nuclear force under NATO command, with the understanding that although they will share in its operation, we will continue to have a veto over its use.

We are proposing that the United States and Germany each pay 40 percent of the cost of this surface fleet, which will amount to about $2½ billion apiece, with Britain scheduled to pay only 10 percent and all the others the remaining 10 percent. Moreover, we are trying to "sweeten the pot" for the Europeans by telling them the freighters will be built in their shipyards. Nothing is being said about how many will be built in American shipyards, which need business much more, in many cases, than do the Europeans, nor about the further drain of U.S. dollars into Europe which this will cause.

UNITED STATES CANNOT CONTROL ALL WESTERN NUCLEAR FORCES

It is my present opinion that the venture will be a failure. It will fail because in the end, we not only will have paid much more than our share, but we will lose control of it, too. The effort to maintain complete control over western nuclear forces is an impossible objective to achieve. We all recognize the fact that it was only possible while the United States alone was financially able to develop such forces.

Today, France, Britain, and Germany are all capable of developing them alone, and certainly on a cooperative basis. Right now, France is going ahead with her independent nuclear force, and having nothing to do with the surface fleet because of our veto over it. So even if we proceed, we still will not accomplish our objective of monopolizing western nuclear power.

The only way we can bring France into this force and persuade her to give up her independent force, is to give up our veto. That is why I say that in the end we not only will be paying France's share of this force, but we will lose control of it, too.

In short, the whole idea is unsound financially and militarily for the United States. I am sorry to see President Kennedy going to Europe to promote something that seems to me so ill-advised. However I do not see how he can possibly go to Europe and not have this subject matter raised in one or more of his conferences.

The current debate on foreign aid will center on the undue share of the military burden of the Western World already being borne by the United States. We must immediately bring home to our allies and to the administration that there is a limit to what can be bought with American money. The time to start bringing that home is in the consideration of the foreign aid bill.

## ORDER OF BUSINESS

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Tennessee [Mr. GORE] that he may raise the point of no quorum, without my losing the floor.

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

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

Mr. MORSE. Mr. President, will the Senator from Tennessee withhold for a moment his suggestion of the absence of a quorum?

Mr. GORE. I withhold my request.

Mr. MORSE. Is this a call for a quorum prior to a speech that the distinguished Senator from Virginia plans to make? If so, I shall be delighted to join in the request.

Mr. ROBERTSON. The call for the quorum will be to enable several Senators who wish to be present when I make a brief speech concerning the decision of the Supreme Court on Monday, last, in the prayer case, to come to the Chamber.

Mr. MORSE. I am delighted to know that. The only reason why I inquired was that I assumed that later in the afternoon the President's message on civil rights would be read.

Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Am I correct in my understanding that in accordance with understandings previously reached today, the President's message on civil rights will be read to the Senate later this afternoon?

The PRESIDING OFFICER (Mr. NELSON in the chair). The message is at the desk; it has not been read. The Chair does not know what the pleasure of the Senate is.

Mr. MORSE. I wish to hear the speech by the Senator from Virginia. Following the delivery of that speech, the Senator from Oregon will request that the President's message on civil rights be read. At that time, I shall suggest the absence of a quorum.

Mr. FONG. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. FONG. The Republican Senators are now having a conference on the civil rights bill. It is our hope that if there is to be a call for a live quorum, it will be deferred until after the conclusion of that conference.

Mr. ROBERTSON. The call that is about to be requested by the Senator from Tennessee will not be for a live quorum.

Mr. GORE. I do not intend to insist upon a live quorum. Some Senators have expressed a desire to be notified in order that they may be present when the distinguished Senator from Virginia speaks. I am about to renew my suggestion of the absence of a quorum; and after the call has proceeded for a few names, I shall withdraw the request.

Mr. FONG. Very well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## THE PRAYER CASE DECISION

Mr. ROBERTSON. Mr. President, the decision announced on Monday by the U.S. Supreme Court in the prayer cases from Pennsylvania and Maryland is so long, so involved, and so contradictory, that it is difficult to accurately appraise what it actually means. Of course, it carries forward the two basic errors of the New York prayer case of last year; namely, a misinterpretation of the meaning of the words "establishment of religion" and the application of the due process clause of the 14th amendment to State laws on the subject of prayers in public schools.

As I pointed out last year, and as the distinguished Senator from Georgia [Mr. TALMADGE] so effectively pointed out on the NBC television program last Monday night, what Jefferson, Madison, and other advocates of separation of church and state complained of in colonial days was the maintenance by taxation of an official state religion. In Virginia, it was the Church of England. There can be no doubt about the fact that when Madison framed the first amendment and used the words "establishment of religion," he used them in the sense that everyone in his day and time used that phrase, mainly to designate a religious institution, commonly called a church. That interpretation was concurred in by the Congress, which shortly after the adoption of the first amendment voted to employ Chaplains for the House and Senate and for the Armed Forces. Needless to say, the authority, under the first amendment, to spend the taxpayers' money to employ a minister to offer official prayers in the House and in the Senate was challenged on the ground that it violated the first amendment. By a very substantial majority, Congress voted against that contention.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. I congratulate the distinguished Senator from Virginia on the speech he is making. I think it is both timely and appropriate.

Is it not true that in determining the construction of constitutional amendments or statutes or any piece of legislation, if there is the slightest contradiction in the amendment or the statute, it is the duty of the courts to go back and determine the intent of the framers of the constitutional amendment or piece of legislation?

Mr. ROBERTSON. That is absolutely true. Furthermore, all the great writers on the interpretation of the Constitution say that one must interpret its words in accordance with their meaning when they were written in 1787.

Mr. TALMADGE. The distinguished Senator's statement is quite true.

I am sure he has studied all the various opinions of the Court in connection with this decision. In studying that decision, was he not shocked, as I was, to find that they went back very little, if at all, to the writings of Jefferson and Madison, to determine what the first amendment meant when it was adopted?

Mr. ROBERTSON. That is entirely true.

It may surprise the Senator from Georgia when I call as a witness in his behalf the distinguished dean of the Harvard Law School. That law school may not be—as some claim—the greatest one in the world; but certainly it is a great law school, and it is known for its liberality. Yet Dean Griswold, of Harvard Law School, when speaking last March to the law class of the University of Utah, had this to say about the misinterpretation by the Court of the words involved:

An institution charged with the role which the Supreme Court has successfully filled for so many years is entitled to our respect and understanding. If one criticizes the Court (as people have always done in the past, and should continue to do in the future), it should be essentially for the purpose of trying to contribute to that respect and to that understanding. The debt which we all owe to the Court is far greater than any individual can repay. Criticism of decisions of the Court or opinions of its members should be offered as an effort to repay that debt, and with the thought that conscientious criticism may be an aid to the Court in carrying out its difficult and essential task. It is in that spirit that my remarks are offered.

A TEXT CITED

A number of years ago I saw in the Saturday Review a little item which may serve as a text for my remarks.

It reads as follows:

"In the land of Absolute, where everyone and everything is perfect, there is no light at night.

"The annals of the Absolutians record that they once discovered the electric light, but as is known, the perfect electric light burns in a perfect vacuum.

"Absolute is in the dark."

Absolutes are likely to be phantoms, eluding our grasp. Even if we think we have embraced them, they are likely to be misleading. If we start from absolute premises, we may find that we only oversimplify our problems and thus reach unsound results. It may well be that absolutes are the greatest hindrance to sound and useful thought—in law, as in other fields of human knowledge. I would like to suggest that the Supreme Court has, in recent years, been engaged in certain types of cases, in a species of absolutism in its reasoning, which is more likely to lead us into darkness than to light. It is, I think, a thoroughly unsatisfactory form of judging.

The most extreme form of the absolutist position has been taken by Mr. Justice Black, particularly in certain extrajudicial pronouncements. Thus, in his James Madison lecture at New York University, he said: "It is my belief that there are 'absolutes' in our Bill of Rights, and that they were put there on purpose by men who knew what words meant and meant their prohibitions to be 'absolutes.'"

And he reiterated this, and extended it in a publicized interview in which he dealt specifically wth the first amendment, which you will recall, reads in the following terms:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Justice Black lays great stress on the words "no law" in the opening phrase which says: "Congress shall make no law." Just to make it clear that he would not be misunderstood, he went on to say that laws about libel and slander are invalid. And he added: "I have an idea there are some absolutes. I do not think I am far in that respect from the Holy Scriptures."

THE NEW YORK CASE

Within the last year, a case came before the Supreme Court which directly involved the interpretation and application of the first amendment. This was the New York school prayer case. Its name is *Engel* v. *Vitale*. It involved a prayer formulated by the State board of regents in New York, and recommended by them for use in the schools of that State. The prayer, in its entirety, was as follows:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

The Court, in an opinion by Mr. Justice Black, held that the reciting of this prayer in the public schools of New York violated the Constitution. It was, the Court held, an "establishment of religion," forbidden by the first amendment. Five of his colleagues joined with him. Mr. Justice Stewart dissented. Justice Douglas wrote a concurring opinion which, though differing some in his reasoning, showed the absolutist approach. He recounted all of the ways in which governmental bodies now finance some activity with a religious element or overtone: Chaplains in both Houses and in the armed services; compulsory chapel at the service academies, and religious services in Federal hospitals and prisons: religious proclamations by the President: "In God we trust" on our money; Bible reading in the schools of the District of Columbia; and many other things, including exemption from the Federal income tax and postal privileges for religious organizations. All of this is bad, according to Justice Douglas. After recognizing that "Our system at the Federal and State levels is presently honeycombed with" such things, he said, summarily, and absolutely: "Nevertheless, I think it is an unconstitutional undertaking whatever form it takes." It's as simple as that. They are all bad. And perhaps they are if the absolutist approach to such matters can be accepted as sound. These are the lengths to which absolutism takes us.

LOOK AT THE WORDING

But is it all as clear as this? Do words convey such positive and overpowering meaning? Is there no room whatever for thought or consideration? Perhaps it would be worthwhile just to look carefully at the words of the first amendment, in all its majesty. I will not yield to any Justice of the Supreme Court in my respect for those words, or, in my conception of their importance not merely in our history but in their present function and worth in helping us to preserve a free Nation. But what do they say? "Congress shall make no law."

Congress had made no law in the Engel case; no law of Congress was in any way involved.

What is it that Congress can make no law about? It is an establishment of religion. What does that term mean? That takes some construing, too. Certainly there was much history behind the phrase. Not only did England (and Scotland) have an established church, but there were established churches in a number of the States at the time the first amendment was adopted. And they were something very different from a regents' recommended prayer. It takes a measure of construction to bring this prayer within the no-establishment clause. "No law" may well mean no law.

But "establishment of religion" might mean establishment of religion; and those who wrote the establishment of religion clause might be rather perplexed by the use which has been made of it in 1962. "No law" means no law. It is as simple as that—that is, if one ignores the other words which are involved in the task, such as "Congress," "establishment of religion," "the free exercise thereof," and "deprive any person of life, liberty, or property without due process of law." I do not say that these are meaningless words. I do suggest they are words which require construction, which are by no means absolute in form or content, and that to ignore them under the guise of the absolutist approach is to fail to recognize and perform the most significant and fundamental part of the task of judging.

UNFORTUNATE MOVE

Let me now turn to another aspect of the matter. I think it was unfortunate that the question involved in the Engel case was ever thought of as a matter for judicial decision, that it was unfortunate that the Court decided the case, one way or the other, and that the unhappy situation resulted solely from the absolutist position which the Court has taken.

What do I mean by this? I have in mind at least two separate lines of thought. One is the fact that we have a tradition, a spiritual and cultural tradition, of which we ought not to be deprived by judges carrying into effect the logical implications of absolutist notions not expressed in the Constitution itself, and surely never contemplated by those who put the constitutional provisions into effect. The other is that there are some matters which are essentially local in nature, important matters, but nonetheless matters to be worked out by the people themselves in their own communities, when no basic rights of others are impaired.

First, as to the long tradition. Is it not clear as a matter of historical fact that this was a Christian Nation? Are the Mayflower Compact, Ann Hutchison, Cotton Mather, Jonathan Edwards, and William Penn, and many others, no part of our history? It is true that we were a rather remarkable Christian Nation, having developed a tolerance in matters of religion which was at once virtually unique and a tribute to the men of the 17th and 18th centuries who developed the type of thought which came to prevail here. But this was not a purely humanistic type of thought. Nor did it deny the importance and significance of religion.

PROVISIONS OF SWEEP

It is perfectly true that the first amendment forbade Congress to pass any law "respecting an establishment of religion or prohibiting the free exercise thereof." These are great provisions, of great sweep and basic importance. But to say that they require that all trace of religion be kept out of any sort of public activity is sheer invention. Our history is full of these traces: Chaplains in Congress and in the Armed Forces, chapels in prisons, "in God we trust" on our money, to mention only a few. Must all of these things be rigorously extirpated in order to satisfy a constitutional absolutism?

Does our deep-seated tolerance of all religions—or, to the same extent, of no religion—require that we give up all religious observance in public activities? Why should it? It certainly never occurred to the Founders that it would. It is hardly likely that it was entirely accidental that these questions did not even come before the Court in the first 150 years of our constitutional history. I do not believe that the contentions now made would occur to any man who could free himself from an absolute approach, to the problem.

MATTERS FOR COMMUNITIES

Now let me turn to the other point—that there are some matters which should be settled on the local level, in each community, and should not become great Supreme Court cases. The prayer involved in the Engel case was not compulsory. As the Supreme Court itself recited, no pupil was compelled "to join in the prayer over his or his parents' objection." This, to me, is crucial. If any student was compelled to join against his conviction, this would present a serious and justiciable question, akin to that presented in the flag salute case. The Supreme Court did not give sufficient weight to this fact, in my opinion, and relied heavily on such things as the history of the Book of Common Prayer, which, under various acts of Parliament, was compulsory on all.

COMMUNITY DETERMINATION

Where there is no compulsion, what happens if these matters are left to the determination of each community? In New York, this determination was made by the elected authorities of the school district. It was, indeed, a fact that a large number of the school districts in New York did not adopt the so-called regents' prayer. Where such a decision was reached, there can surely be no constitutional objection on the ground that it was a decision locally arrived at, or that it amounts to an "establishment" of "no religion." But, suppose that in a particular school district, as in New Hyde Park, it was determined that the prayer should be used as a part of the opening exercises of the school day. Remember that it is not compulsory. No pupil is compelled to participate. Must all refrain because one does not wish to join? This would suggest that no school can have a pledge of allegiance to the flag if any student does not wish to join.

This is a country of religious toleration. That is a great consequence of our history embodied in the first amendment. But does religious toleration mean religious sterility? I wonder why it should be thought that it does. This is a Christian country, in origin, history, tradition, and culture. It was out of Christian doctrine and ethics, I think it can be said, that it developed its notion of toleration. No one in this country can be required to have any particular form of religious belief, and no one can suffer legal discrimination because he has or does not have any particular religious belief. But does the fact that we have officially adopted toleration as our standard mean that we must give up our history and our tradition? The Moslem who comes here may worship as he pleases, and may hold public office without discrimination. That is as it should be. But why should it follow that he can require others to give up their Christian tradition merely because he is a tolerated and welcomed member of the community?

CULTURAL HERITAGE

Though we have a considerable common cultural heritage, there have always been minority groups in our country. This, I am sure, has been healthy and educational for all concerned. We have surely gained from having a less homogeneous population. Of course, the rights of all, especially those of minorities, must be protected and preserved. But does that require that the majority, where there is such a majority, must give up its cultural heritage and tradition? Why?

Let us consider the Jewish child, or the Catholic child, or the nonbeliever, or the Congregationalist, or the Quaker. He, either alone, or with a few or many others of his views, attends a public school, whose school district, by local action, has prescribed the regents' prayer. When the prayer is recited, if this child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from other children. It is even said that there is an element of compulsion in this—what the Supreme Court has called an indirect coercive pressure upon religious minorities to conform.

But is this the way it should be looked at? The child of a nonconforming or a minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable and educational for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and to respect what they feel is significant to them.

SPIRITUAL EXPERIENCE

Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance. Learning tolerance for other persons, no matter how different, and respect for their beliefs, may be an important part of American education, and wholly consistent with the first amendment. No one would think otherwise were it not for parents who take an absolutist approach to the problem, perhaps encouraged by the absolutist expressions of justices of the Supreme Court, on and off the bench.

It is appropriate here to say something about the problems of the Sunday law cases. Because of the absolutist approach, these cases were very hard for the court, when I think they should have been quite easy—as is evidenced, I believe, by the fact that no such question was ever raised for 150 years after the adoption of the first amendment. It is true that many of the State statutes were a hodgepodge, full of inconsistencies and contradictions. But it is perfectly plain that the observance of Sunday has religious roots and origins. This is equally plain as to the observance of Christmas and Thanksgiving. Is that bad? Are these things not all part of our history, our culture, our heritage, our tradition? Must we give them all up because of a newly found absolutist approach to a problem which cannot possibly be resolved wisely in absolutist terms?

THE DAY OF REST

A day of rest is very deeply seated in all societies. Generally, as in our culture, it has an origin which is at least partially religious. But it has a wider basis than that. And it is a thing, good in itself, which loses much of its good unless it is observed by all on the same basis. If a majority of the people want to observe Sunday as a day on which ordinary work is not performed, even though there may be some religious motivation in picking that day, I find it hard to see that there is anything wrong or oppressive in making that law applicable to all members of the community—as long as the persons who do not care to observe Sunday themselves are not compelled to do anything.

Cannot much the same thing be said for Thanksgiving and Christmas, and Christmas carols in the school, and simple, thoughtfully chosen Bible readings, and Christmas decorations in public places, and all the many other things which are a happy part of the culture and tradition of a large portion of our society?

TOLERATION BY MINORITIES

In a country which has a great tradition of tolerance, is it not important that minorities, who have benefited so greatly from that tolerance, should be tolerant, too, as long as they are not compelled to take affirmative action themselves, and nothing is done which they cannot wait out, or pass respectfully by, without their own personal participation, if they do not want to give it? Is it not a travesty that we have brought ourselves, through an essentially thought-denying absolutist approach, to the point where such things as chaplains in our prisons, or chapels in our military academies, can be seriously and solemnly raised as threats to the religious freedom which is guaranteed by the first amendment—as made applicable to the States, in very general terms, by the 14th amendment? In saying this, I am fully mindful of the rights of those who have or profess no religion, and who are surely entitled to the same respect as anyone else—and should themselves give the same respectful regard to the rights of other citizens, accepting reasonable arrangements made in this area by the majority, with no compulsion on them to participate.

Mr. TALMADGE. Mr. President, the distinguished Senator from Virginia is entirely correct; and I think Dean Griswold, of Harvard Law School, in that instance also was entirely correct.

Mr. ROBERTSON. Mr. President, there is no doubt that the Senator from Georgia is correct, and that Dean Griswold was correct in stating that the Supreme Court has simply ignored the ordinary meaning of the words used, and has deliberately misconstrued their meaning, both in the case decided last year, and in the Pennsylvania and Maryland cases decided this summer.

Of course, logic is reduced to a farce when the Supreme Court holds that if a schoolchild reads a sentence from the Bible or if the class joins in the recitation of the Lord's Prayer, and attendance at such exercises is not compulsory, it is an exercise of religion which amounts to the establishment of a religious institution, namely, a church, but that when taxpayers' money is appropriated for the employment of ministers who, under the law are required to offer a prayer at the opening each day of both the House and the Senate, that is not a religious exercise, but simply is a ceremony.

Not many Senators were present today when our Chaplain, Dr. Harris, complied

with that law. He is a Government official, and he is paid with the taxpayers' money. Whenever we meet, he is required to pray. I thought his prayer today was a very appropriate and very effective one. He prayed as follows:

Our Father, God, in whose merciful, yet just hands is the destiny of Thy children, and whose final appraisals we, who see but through a glass darkly, cannot discern clearly, help us to live and act as if each new day were to be the last with which we would be entrusted with the stewardship of life, knowing that—

"The busy tribes of flesh and blood
With all their cares and fears,
Are carried downward by the flood
And lost in following years."

Yet, as life on this brief earth stage is granted us, save us from living on a small scale in a great day, and from toying with the tiny when we ought to be lured by the titanic.

In tempestuous days, in the midst of flaming national agitations, grant us the calm wisdom that will perpetuate for all the future the vision of unity in diversity, which is the pulsing heart of free government.

Even amid the fierce fires of national and global contention and division, may all barriers to brotherhood be burned away, as we—as citizens of one commonwealth—choose for the ruling passion of our hearts to do justly, to love mercy, and to walk humbly with Thee, our God.

In the dear Redeemer's Name we ask it. Amen.

The Supreme Court has said that is not a religious exercise, but is a ceremony so inconsequential, from a religious standpoint, that it is beneath the notice of the Court; and the Court has said it will not pay any attention to it.

Surely we could have that prayer. Yet the children in New York cannot offer a little prayer. In New York it was voluntary with each school board whether or not the prayer should be offered, and they only asked God to bless the country, to bless their parents, and to bless their teacher and their school. But, no. That was a religious exercise which had to be prohibited. We can meet here and pay a distinguished minister of the Methodist Church taxpayers' money, and yet New York school boards could not permit a prayer which blessed the children's parents, the Nation, and their teacher. That is reducing logic to an absurdity.

What I wish to point out today is, first, the Court has continued to misconstrue the meaning of the first amendment, and, secondly, it has continued to abuse the due process clause of the 14th amendment by applying it to State laws relating to school prayers just as it abused it when it was applied to the question of segregation in public schools.

I criticize no minister of the gospel who approves the recent ruling of the Court because it emphasizes the fundamental principle of separation of church and state. I believe in and endorse that principle as strongly as anyone and I, of necessity, realize that when lawyers disagree concerning the interpretation of the Constitution, we should not expect ministers of the Gospel to take into consideration that phase of the issue confronting us.

As the Senator from Georgia [Mr. TALMADGE] has so effectively pointed out, the first amendment provides Congress shall make no law, and so forth, and the answer, of course, is Congress has not done so. He also pointed out the fact that Congress should make no law to prohibit the free exercise of religion and that, of course, includes the Supreme Court. But, when the Supreme Court prohibits a group of children from either reading a passage of Scripture or reciting the Lord's Prayer as an evidence of their belief in God, it has passed a law which prohibits the free exercise of religion as contemplated by the first amendment. State aid to religion is one thing. A roadblock thrown by a State agency is another.

There is one definite holding in the Pennsylvania and Maryland cases which frankly surprised me, but I am not sure the Court will not subsequently reverse its position on that phase of the matter.

The Court claims that its holdings in the three prayer cases do not prohibit the teaching of the Bible as history or literature in public schools. Personally, I have never favored any State legislation on the subject, but I have taken the position, first, that the reading of Scripture in the schools was beyond the reach of the Federal Government and, secondly, that the study of the Bible in the schools was under the exclusive jurisdiction of the States. Previous Court decisions have prohibited the study of the Bible in public schools, and in no State is such study now included during regular school hours. Yet, the Supreme Court in the two prayer cases says that one's education is not complete without such a study.

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

Mr. ROBERTSON. I am glad to yield.

Mr. TALMADGE. In effect, did not the Court hold that religion could be studied along with ancient Greek mythology and in the same category?

Mr. ROBERTSON. Yes, provided it was not called teaching the Christian religion. If it is called history, if its influence on civilization is shown, or if it involves the question of whether or not Job was scientifically accurate in his statement about the power of God some 3,000 years ago, that would be all right, provided, the Court said, it were done in an objective way.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Is it not also true that under the decisions the Court handed down on Monday of this week it is legal to use God's name irreverently in the school and illegal to use it reverently?

Mr. ROBERTSON. That is what it adds up to. That is the holding according to the leading editorial of today's issue of the Wall Street Journal. The decision would make us a godless nation. I should like to read that editorial. It is as follows:

IMAGINED DANGERS AND REAL ISSUES

Of all the dangers to a free society of which our forefathers were fearful, and against which they sought to safeguard the people in the Constitution, the one that time has proved of no danger is that the state would prescribe a religious belief.

In our history we have had many constitutional crises, some of which nearly tore the country apart. We are torn today by a constitutional issue, that of the treatment of our Negro citizens, which will require the utmost efforts of great minds to resolve without lasting political wounds.

But nowhere in our history will you find any serious threat by any church or sect to seize the state or to persuade the state to use its powers to establish it as the state religion.

This elementary fact of our history, quite apart from all of the philosophical arguments, seems to us to make absolute nonsense of the Supreme Court's decision about Bible readings in the public schools. A more ponderous effort upon a more trivial issue has rarely, if ever, emerged from the robed men who sit upon that Bench.

This is not to say that the result of the decision is trivial, or that its consequences do not now raise grave questions. For what the Supreme Court has done, in the name of protecting us from the establishment of religion by the state, is to establish secularization—atheism, if you would have it bluntly—as the one belief to which the state's power will extend its protection.

Thus if you believe in the God of the Jews, the God of the Christians, or the God of Islam, you are denied absolutely any public expression of it in the schools which the public supports. Hereafter the views of the nonbeliever alone are sheltered by the full panoply of the state's police powers.

The legal and philosophical answer to this interpretation of the Constitution, it seems to us, has been well put by Mr. Justice Stewart. "We err * * * if we do not recognize, as a matter of history and as a matter of the imperatives of our free society, that religion and government must necessary interact in countless ways." He cites example after example of the interaction—from the use of prayer in the opening of courts and Congress to the state support of chaplains to minister to those in the Armed Forces who, of their own choice, seek such ministry.

And he puts his finger surely upon the specious argument of Government "neutrality" about religion. The duty of the state is to "accommodate those differences" of belief which a free society makes inevitable, not to try to set up "impermissible categories" and so throw its weight against those who may desire public expression of their beliefs.

"A compulsory State educational system so structures a child's life," he observes, "that if religious exercises are held to be impermissible in schools, religion is placed at an artificial and State-created disadvantage." In short, not neutrality but State action against religion.

Yet much as we share Justice Stewart's views, it is not alone the philosophy of the Court majority that troubles us. Surely it is a distortion of the Constitution to suggest that when the Founding Fathers put into it the prohibition against "the establishment of religion" they were aiming even distantly at a prohibition against the reading of Scripture or of prayers in public bodies, including the schools. To them "establishment" meant literally setting up a state religion.

It is certainly a distortion of the views of such men as Madison and Jefferson and Roger Williams to suggest that their devotion to religious liberty is somehow the seed of the the view to which this Court has now come, depriving people of the liberty to express their religious views openly in the school.

And what are we to make of it when this Court, in order to buttress this opinion, reminds us of the danger "that powerful sects * * * might bring about a fusion of governmental and religious functions"? Are we to suppose that this danger, rightly guarded against by the Constitution, is somehow now

threatened because schoolchildren hear the Bible read?

Apparently so. For in warning us against this "minor encroachment" against the Constitution, the Court thunders that "the breach of neutrality that is today a trickling stream may all too soon become a raging torrent." Here, without doubt, is upside-down logic. For if there has been any consistent trend in our religious history, it is that what might once have been described as a raging torrent of religious intolerance has become by comparison a trickling stream.

It is this disparity between argument and reality, between cause and remedy, that troubles us in the Court's decision. Perhaps it is undesirable public policy—although we do not think so—to provide a moment of prayer, or a brief reading of the Scriptures, in a school whose purpose is to teach the ideas upon which Western society is based.

But it is wholly ridiculous to argue that this practice, followed by generation after generation without injury to our institutions, is now suddenly become a thing to undermine the Republic and demand the most absolute prohibitions against it in the name of the Constitution.

And it does not augur well for the future to see our highest judges torture history and turn metaphysical handsprings to justify that which they wish to decide. In the real Constitutional issues which face the Nation today we should not have to fear that small minds will be brought to great questions.

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

Mr. ROBERTSON. I yield to my friend from Alabama.

Mr. SPARKMAN. I should like to read a brief excerpt from James Reston's column in today's issue of the New York Times. Apparently Mr. Reston thinks that when the decision is understood it will be all right. Nevertheless, I desire to read a quotation from Lord Bryce which he includes in his column:

"One is startled by the thought," Lord Bryce wrote in the American Commonwealth 80 years ago, "of what might befall this huge yet delicate fabric of laws and commerce, and social institutions were the foundations it has rested on to crumble away * * *

"It is an old saying that monarchies live by honor and republics by virtue. The more democratic republics become, the more the masses grow conscious of their own power, the more do they need to live, not only by patriotism, but by reverence, and self-control, and the more essential to their well-being are those sources whence reverence and self-control flow."

Mr. ROBERTSON. In my history course I studied Lord Bryce's Commonwealth. There could not be a more fundamental proposition than that a democracy rests upon democratic people who practice self-discipline and control. There is an old English adage which states that "a law never rises above its enforcement." It goes beyond that. A law never rises above the moral level of the people for whom it is to be applied.

Lord Bryce said that in our unique experiment, in which we are to have a maximum of freedom, we must exercise such freedom with self-control.

Mr. SPARKMAN. And reverence.

Mr. ROBERTSON. And reverence. Where do we get the doctrine of a good neighbor? Where do we get the Golden Rule? Where do we get the Sermon on the Mount, or the concept of meekness, justice, and fairness.

Mr. SPARKMAN. In effect he said that great pains must be taken to make certain that the sources from which we derive reverence and self-control shall not crumble away.

Mr. ROBERTSON. I am gratified that the head of the great Harvard Law School emphasized that point also.

Mr. SPARKMAN. Yes, Dean Griswold.

Mr. ROBERTSON. He said:

First, as to the long tradition. It is not clear as a matter of historical fact that this was a Christian Nation? Are the Mayflower Compact, Ann Hutchison, Cotton Mather, Jonathan Edwards, and William Penn, and many others, no part of our history? It is true that we were a rather remarkable Christian Nation, having developed a tolerance in matters of religion which was at once virtually unique and a tribute to the men of the 17th and 18th centuries who developed the type of thought which came to prevail here. But this was not a purely humanistic type of thought. Nor did it deny the importance and significance of religion.

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

Mr. ROBERTSON. I yield.

Mr. SPARKMAN. The various opinions—concurring, dissenting and otherwise—serve to create a great deal of confusion as to what is really intended.

Mr. ROBERTSON. The Senator is quite correct. Mr. Justice Clark wrote 23 pages by himself, and Mr. Justice Brennan added 77 pages.

Mr. SPARKMAN. If I correctly understand what the Supreme Court said, in effect, it said it was illegal or unconstitutional to compel students in school to observe these religious exercises.

Mr. ROBERTSON. No. The Court went beyond that. Both in Pennsylvania and in Maryland the students could be excused. Nobody was compelled to attend.

Mr. SPARKMAN. That is the point I was about to make.

Mr. ROBERTSON. Yes.

Mr. SPARKMAN. Apparently when the Court first laid down the rule and set up the various exemptions it seemed that what it was trying to get at was that it was illegal to compel attendance.

Mr. ROBERTSON. That is correct.

Mr. SPARKMAN. I was about to point out that in the case before the Court no student was compelled to attend the exercise. I believe they exempted the Chaplain of the Senate on the ground that Senators were not compelled to attend the prayer.

Mr. ROBERTSON. No. They merely said that we engaged in a ceremony which did not amount to anything.

Mr. SPARKMAN. I take that to mean practically the same thing. I do not understand the distinction between a religious ceremony and a religious exercise.

Mr. ROBERTSON. The argument was reduced to a farce. Who can understand the distinction when the argument has been reduced to a farce?

Mr. SPARKMAN. Is there any difference between a student in Baltimore being excused from class and a Senator who does not wish to attend not having to attend to hear the Chaplain's prayer?

Mr. ROBERTSON. My distinguished friend from Alabama, who is a Phi Beta Kappa from a great university, is absolutely correct. We have in the Senate only an opportunity. We can come to the Senate to hear a beautiful prayer such as that delivered today, or we can stay in our offices or go to the cloakroom when the prayer is being offered.

Mr. SPARKMAN. Exactly as the student could do at the Baltimore school.

Mr. ROBERTSON. Absolutely. What did the Court say? It said, "We will put all the rights in this country behind the few atheists who deny God and the Bible."

That was said after all our history, which has shown our Nation to be a Christian nation.

There is inscribed in this Chamber, under the clock on the wall, "In God we trust." Do we mean it? The Supreme Court says, "You had better not say it officially."

Mr. SPARKMAN. What did Congress and the President mean, when, acting together, they wrote into the law a requirement that in the pledge of allegiance to the flag we should say, "One nation, under God"?

Mr. ROBERTSON. We meant that we were not a communistic nation which denied God and repudiated the Bible. We meant to say that we believed in God, that our forefathers were Christian people, that they founded a Christian nation, and that as one people undivided we wanted to preserve it that way.

Mr. SPARKMAN. Does not the Senator feel that decisions such as this are contributing to the crumbling of the sources of reverence and self-restraint which Lord Bryce spoke of as being the virtue of the American Republic?

Mr. ROBERTSON. There is no doubt about it.

This is our lovely capital city. In this city there is eventually to be the most beautiful and costly cathedral of the whole United States, challenging even the best of Europe. There are beautiful churches for all denominations. There are wonderful boulevards and parks.

Yet this city leads the Nation in crime of all kinds, as well as disrespect for the Bible and for the fact that we are a Christian nation.

Mr. SPARKMAN. Mr. President, will the Senator yield to me once more? Then I shall not impose on him further.

Mr. ROBERTSON. I yield. I am glad to have these questions, because it indicates that my colleague the Senator from Alabama realizes we are dealing with a very serious problem.

Mr. SPARKMAN. I had the privilege of reading the Senator's speech before he started to deliver it. I commend and compliment the Senator for giving it. I hope the speech will be widely read.

I say this not merely because I am in the presence of the Senator from Virginia. I consider the Senator to be one of the great Bible scholars and religious leaders of this Nation. In fact, if the term is proper, I would say he is one of the greatest lay theologians there are, and great weight should be given to the opinions he is expressing.

Mr. ROBERTSON. Mr. President, my friend praises me beyond my just desserts, but naturally I greatly appreciate such high tribute.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to my friend from North Carolina.

Mr. JORDAN of North Carolina. I wish to associate myself with the wonderful speech which the Senator has prepared. I appreciate the fact that the Senator sent me a copy, so that I could read it before I came to the Chamber. I have read it. It is a great speech. I wish that everyone in the United States who can read could read it. It would do everyone good.

I should like to ask the Senator a question.

Mr. ROBERTSON. I am glad to yield for a question.

Mr. JORDAN of North Carolina. Is it not true that nearly all of the laws which govern this Nation were originally taken from the Bible?

Mr. ROBERTSON. The whole concept of private enterprise was based upon the Bible. Foreign nations did not have it. The king took what he wanted. The nobles took what they wanted. The poor "run of the mine" people were lucky to get enough to eat.

The Bible condemned Ahab for taking Naboth's vineyard, and the prophet said that the dogs of the street would lick his blood.

Mr. JORDAN of North Carolina. And they did.

Mr. ROBERTSON. And they did. A commandment was handed down on Sinai to Moses which said, "Thou shalt not kill," and "Neither shalt thou steal" another man's property.

Mr. JORDAN of North Carolina. That provision is in our law.

Mr. ROBERTSON. Absolutely.

Mr. JORDAN of North Carolina. From where do we get that?

Mr. ROBERTSON. From the Bible.

Mr. JORDAN of North Carolina. From where did we get "Thou shalt not kill. Neither shalt thou commit adultery. Neither shalt thou steal"?

Mr. ROBERTSON. What is killing the Macmillan government in England today? Of course, there is a little debate going on as to whether it involves adultery or lying about it, but it is all hooked up together, and it will defeat the Conservative government in England today.

Mr. JORDAN of North Carolina. That comes back to "Neither shalt thou bear false witness against thy neighbor," which came from the Bible.

Mr. ROBERTSON. That came from the Bible.

Mr. JORDAN of North Carolina. I should like to ask the Senator another question.

Is it not true that if we should stop teaching the Bible concepts in the schools, or even referring to the Bible at all, the younger generations now in the first, second, and third grades would not know about it and would not have any conception of the key language by which we determine right and wrong?

Mr. ROBERTSON. The atheists have said, "We do not want them to learn about it." Others say, "Well, teach them at home."

How many homes open the morning with a prayer? How many even say a simple "Thank God" before they break bread for the morning meal? The children get up and rush off to school or somewhere else. Many no longer learn much at home.

Mr. JORDAN of North Carolina. Most of them do not.

Mr. ROBERTSON. Many of them do not. At least, the child is afforded some means of paying reverence to a Supreme Being.

Mr. JORDAN of North Carolina. I was telling someone the other day that we got our speed laws from the Bible. He asked "How?" I said, "From the words 'Thou shall not kill.'" If people did not go racing down the roads, and running into people, there would not be any need for speed laws. The States have laws to stop people from killing others. Of course, they can kill themselves.

Our form of government, and what is good about it, virtually and basically came from the Bible.

Mr. ROBERTSON. Mr. Justice Clark concurs. Listen to what he said:

> In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization.

We are talking about ethical principles based upon the teachings of the Bible. That is what has advanced civilization. Civilization has not advanced because of the law of the jungle, an eye for an eye and a tooth for a tooth.

Justice Clark goes further:

> It certainly may be said that the Bible is worthy of study for its literary and historic values. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively—

Whatever that may mean—

> as part of a secular program of education, may not be effected consistent with the first amendment.

Mr. JORDAN of North Carolina. I think Mr. Hoover, Director of the FBI, has stated on many occasions that every year the crime rate goes up. It is going up more from the bottom of the age groups than from the top; that is, it is increasing more among the younger generation.

Mr. ROBERTSON. There has been an increase in juvenile delinquency.

Mr. JORDAN of North Carolina. It has been growing every year. Has not the Bible been pushed out of the schools?

Mr. ROBERTSON. The schools have been prohibited from teaching it. Atheists have brought suits, and that has been prohibited.

Mr. JORDAN of North Carolina. It seems to me that instead of prohibiting it, we ought to put a law on the books to make it compulsory.

Mr. ROBERTSON. I do not go that far. I say we should leave this matter to the States and the localities, because the Federal Government has no power in such a matter as the reading of the Bible. The first amendment related to a State church, to make sure that Congress did not enact a law establishing one.

Mr. JORDAN of North Carolina. I thoroughly agree.

Mr. ROBERTSON. And it prohibited the throwing of a roadblock in the path of those who wanted to study religion—which the Supreme Court has done in this case.

Mr. JORDAN of North Carolina. I commend the Senator for the fine stand he has taken.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Did not the language the Senator read from Mr. Justice Clark's opinion say, in effect, that we may study the Bible, but we may not study it reverently?

Mr. ROBERTSON. That is the effect of it. In public schools we cannot study it as the Bible. We must study it as a part of comparative literature or history as it affects civilization.

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

Mr. ROBERTSON. I yield.

Mr. STENNIS. I appreciate very much the fine speech the Senator from Virginia has made. He did us the courtesy of sending us a copy briefly before he was to speak, so that we might have an opportunity to look it over.

I agree with the Senator from Alabama, and go a little further: Unquestionably, the Senator from Virginia is the best Bible scholar in the Senate. He also lives up to the spirit of his own teachings and preachings.

The Senator from Virginia and I had some debates, and appeared before a committee last year, on this same subject. I want to express gratification that it seems to me at least the force and implications of the special concurring opinion of Justice Douglas in the New York case of a year ago have been avoided. There has not been an outlawing by the Court, in this decision, of a number of the matters that Justice Douglas said he thought were unconstitutional, including even the idea of "In God we trust," which words appear on our coins; the Chaplains in the House of Representatives and the Senate; and the pledge to the flag of the United States. Certainly, we have moved a step forward in that field.

Does the Senator agree that at least the Court has not followed the implications to which I have referred?

Mr. ROBERTSON. I think we got under the skin of the Court when we criticized it for what Mr. Justice Douglas said—"You must outlaw the chaplains in the armed services; you must dispense with the chaplains in the Capitol; you must not put your hand on the Bible and swear to uphold the Constitution; you must not retain the words 'In God we trust' on the walls of the Senate Chamber."

That was a little too much for them. They backed off. In backing off, they have said, "If you do not treat it as the Bible, you can study it in the schools." I want to know when they are going to back away from that position.

Mr. STENNIS. Passing up for the time being the constitutional question which may be involved in the interpre-

tation of the Constitution, is it not undeniably true that opinions along this line, which are unnecessary, as the Senator has pointed out, unmistakably tend to downgrade and do downgrade the reading of the Bible, and the offering of prayers, and minimize the importance of them, as well as destroying for many children the influence of such practices and such readings? Apart from anything else, does not that represent a terrific blow against the spiritual training of the youth of our land?

Mr. ROBERTSON. My distinguished friend is eminently correct. That is mentioned in the editorial from the Wall Street Journal which I placed in the RECORD. The Supreme Court should never have taken notice of it. It should have said, "It is not a church. You have not passed a law. We leave it to the States to work it out."

In rendering this decision, the Court downgraded respect for religion.

Mr. STENNIS. Is it not unfortunately true that a great percentage of the children who are not going to hear the Bible read or hear the Lord's Prayer repeated are those who will scarcely have an opportunity to hear them elsewhere? It should not be that way, but, as a practical matter, is that not true?

Mr. ROBERTSON. There is one fortunate aspect. In the parochial and private schools the children will be taught religion. However, children in those schools do not constitute a majority of the schoolchildren. As the Senator from North Carolina pointed out, many of the children in the public schools will never hear anything about God or the Bible.

Mr. STENNIS. The children who need most to hear them are the ones who will be hurt most by the new practice. Is that correct?

Mr. ROBERTSON. Yes.

Mr. STENNIS. Let me give an illustration of what has happened. A friend of mine told me this morning that his little girl came home from school yesterday afternoon and said, "Mommy, why did the teacher forget to read us the Lord's Prayer this morning?" That was the 6- or 7-year-old girl's understanding of what had happened. She thought the teacher had forgotten it. But her older sister asked the mother, "Mommy, why did Congress pass a law that will not let us say the Lord's Prayer in school?"

Mr. ROBERTSON. That is correct. That is the way people construe what has happened.

Mr. STENNIS. They both felt something had been taken away from them.

Mr. ROBERTSON. Undoubtedly.

Mr. STENNIS. These girls have had training at home, too.

Let me ask one further question. In spite of this opinion, is it not true that it is still possible, and that it will not be unlawful, in any school where the teacher wishes it to be done, for children to recite the Lord's Prayer?

Mr. ROBERTSON. I should say so. But there cannot be a State law that requires it. In my opinion, the children could recite the prayer and they could study the Bible in school hours if they studied it as literature or history.

The Supreme Court ducked the decision on Christmas and Easter in the Florida case. That was another issue that was a little too hot for it to handle. Those two holidays represent the most precious anniversaries in a Christian nation, the anniversary of the birth and resurrection from the grave of our Lord and Saviour. An atheist in Florida brought a suit to outlaw their observance. The Court remanded that case to the Florida court with instructions to write a new opinion in keeping with the decision it was announcing today in the Pennsylvania and Maryland cases.

Mr. STENNIS. Mr. President, will the Senator yield for an observation?

Mr. ROBERTSON. I yield.

Mr. STENNIS. I heartily agree with the Senator from Virginia that, in spite of this decision, it is still not unlawful, or against the law, as we use that term, for a school that wishes to do so, on a voluntary basis, to exercise the right of reading the Bible or having children recite together the Lord's Prayer. I think we ought to make that clear, because certain schools are discontinuing that practice when they really do not have to do it. It is not a violation of the law.

Mr. ROBERTSON. Inasmuch as the decision rests upon a law or a school board regulation which has the force of law, it is only fair to assume that it does not include any voluntary action.

Mr. STENNIS. I thank the Senator.

Mr. ROBERTSON. Mr. President, the Court said:

> In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the first amendment.

What I would like to know, and what every other citizen of our Nation who believes that the most inherent distinction between our representative democracy and communism is our belief in God and the acceptance of the Bible as His Holy Word, is how long will it be before the Court reverses its decision of last Monday that if you call it comparative religion or history with relation to the advancement of civilization you can "when presented objectively" study the Bible in the public schools during school periods.

It also interests me to note that the Supreme Court ducked an outright decision on a case brought by atheists from Florida, in which a Florida court had held illegal school celebrations of the birth and resurrection from the grave of Jesus. Instead of rendering a decision in the case, the Court merely remanded the case to the Florida court with instructions to write a decision in keeping with the decision handed down in the Pennsylvania and Maryland cases. That may not be too easy to do because, as I have indicated above, it is no easy matter to draw a distinction between what the Court in those two cases outlawed and what it held to be legal. But the inference, of course, is that since the Court did not uphold the Florida cases it has ruled that celebrations in public schools of two of the greatest events in Christian history—the birth and resurrection of our Lord and Savior—are not religious exercises, but just ceremonies. According to my dictionary a ceremony may be "any formal act or observance, especially a meaningless one."

It was approximately a year ago that the Supreme Court handed down its first decision which outlawed a simple prayer used in New York schools which merely asks that God bless our country, our parents, and our teacher. When he learned of that decision, a former distinguished President of the United States, a great American, and a noble character named Herbert Hoover issued this statement to the press:

> This interpretation of the Constitution by the Supreme Court on prayer in our schools is a disintegration of one of the most sacred of American heritages. The Congress should at once submit an amendment to the Constitution which establishes the right to religious devotion in all governmental agencies—National, State or local.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. I desire to express my congratulations to the able Senator from Virginia on the magnificent speech he has made today. I consider the Senator from Virginia the ablest Bible scholar in the Senate. I consider him also as one of the most able historians in the Senate. I do not believe there is anyone who has more knowledge of the origin and history of the first amendment to the Constitution of the United States than my distinguished friend from Virginia. He has read virtually everything that has been written about Thomas Jefferson and written by Thomas Jefferson. I believe he has read everything that has been written about James Madison and everything that has been written by James Madison.

The first amendment, in part, reads as follows:

> Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof.

It is my belief that when the Lord's Prayer is said in school or the Bible is read in school, it does not establish a religion, but, in my judgment, when students are prevented from hearing the Lord's Prayer or having the Bible read to them in school, it certainly prohibits the free exercise thereof. Is that the view of my distinguished friend?

Mr. ROBERTSON. I fully agree with the construction that the mere recitation of the Lord's Prayer, whether it is the Protestant version or the Catholic version, does not establish the Baptist church or the Episcopal church or the Catholic church.

However, when persons are prevented from paying tribute in any way, shape, or form, to God as our Creator, we have,

in effect, enacted a law restricting the free exercise of religion, which is prohibited in the first amendment to the Constitution.

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

The PRESIDING OFFICER (Mr. NELSON in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## RENEWAL OF CERTAIN MUNICIPAL, DOMESTIC, AND INDUSTRIAL WATER SUPPLY CONTRACTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 219, H.R. 131.

The PRESIDING OFFICER. Without objection, the pending business will be temporarily laid aside. The bill (H.R. 131) will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 131) to provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Project Act of 1939, and for other purposes.

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

There being no objection, the bill (H.R. 131) was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of the purpose, need, and cost of the bill.

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

PURPOSE

H.R. 131 relates to the administration by the Secretary of the Interior of section 9(c) of the Reclamation Project Act of 1959. It is intended to overcome certain deficiencies in long-term contracts written under this subsection for furnishing municipal, domestic, and industrial water from Federal reclamation projects. The bill provides that the other party to any such long-term contract may have a right of renewal, subject to renegotiation, and a continuing right to its share of water so long as it is beneficially utilized. The bill is generally similar in these respects to Public Law 643 of the 84th Congress (70 Stat. 482) which was written for the irrigation water users.

NEED

This legislation is needed to permit assurance to be given to parties contracting with the Federal Government for municipal, domestic, and industrial water service under the Federal reclamation laws that their contracts will be renewed upon expiration and that they will continue to receive a stated share of the water available for municipal, domestic, and industrial use. Such assurance is particularly needed in instances where a city or other contracting organization has to finance municipal water systems by the issuance of revenue bonds.

COST

The enactment of this legislation would not involve any cost to the Federal Government.

This legislation would be applicable to about 25 existing municipal and industrial water-service type contracts and would apply to all contracts negotiated in the future.

The bill passed the House of Representatives on April 1, 1963.

## AVAILABILITY OF WATER FOR RECREATIONAL PURPOSES AT COCHITA RESERVOIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 236, S. 614.

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

The LEGISLATIVE CLERK. A bill (S. 614) to authorize the Secretary of the Interior to make water available for a permanent pool for recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 1, line 7, after the word "authorize", to insert "for conservation and development of fish and wildlife resources and for recreation"; as as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proviso to subdivision (e) of the conditions applicable to the project for improvement of the Rio Grande Basin authorized by section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 493) is hereby supplemented to authorize for conservation and development of fish and wildlife resources and for recreation, approximately fifty thousand acre-feet of water for the initial filling of a permanent pool of one thousand two hundred surface acres in Cochiti Reservoir, and thereafter sufficient water annually to offset the evaporation from such area, to be made available by the Secretary of the Interior from water diverted into the Rio Grande Basin by the works authorized by section 8 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 97), subject to the conditions specified in sections 8, 12, 13, 14, and 16 of said Act. All costs incurred pursuant to this section shall be nonreimbursable and nonreturnable.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement with respect to the bill.

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

AMENDMENTS

Page 1, line 7, after the word "authorize", insert the following: "for conservation and development of fish and wildlife resources and for recreation,".

Amend the title of the bill to read as follows: "A bill to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project."

In its report the Department of the Interior recommended the above amendments in order that the concept of multiple use of water resources should be served whenever it is possible to do so. The committee supports this position and agrees that fish and wildlife purposes are of sufficient importance to specifically provide for them in the bill.

The Cochiti Reservoir was authorized solely for flood and sediment control by the Flood Control Act of 1960. Although the authorizing legislation recognized that a permanent pool for recreation and fish and wildlife purposes might be provided at some future date, no provision was made for the allocation of waters for this purpose. The act of June 13, 1962, that authorized the San Juan-Chama project made no provision for water for other than irrigation, and municipal and industrial purposes.

This bill would permit the Secretary of the Interior to make 50,000 acre-feet of water available for the initial filling of a permanent pool in the Cochiti Reservoir. After the pool is formed, the Secretary would be permitted to divert an estimated 5,000 acre-feet annually into the reservoir to offset evaporation and to make the reservoir useful for fish and wildlife as well as for other recreational purposes.

Testimony presented to the committee indicated that the water necessary to initially fill the pool would be supplied from that allotted to the city of Albuquerque under the San Juan project prior to the time that it is required for municipal and industrial uses. The testimony also indicated that the diversion would not adversely affect the financial feasibility of the San Juan-Chama project. It would, however, reduce the obligation of the city of Albuquerque approximately $2,906,600. This amount would become nonreimbursable as a cost chargeable to the maintenance of a recreation pool at Cochiti. It is noted that the city of Albuquerque in the interest of recreation development adopted a resolution in September 1960, indicating a willingness to release a portion of its share of the San Juan River waters in order that the permanent pool at Cochiti could be established.

The Department of the Army in its report on the bill stated that the proposal would be highly desirable because of the great need for water-associated recreational development in this section of New Mexico.

The population of the area within a 100-mile radius is in excess of 440,000. It was estimated that the proposed pool would result in an annual increase in visitation of approximately 700,000 people. No additional lands would be required for the construction of the project. In light of the urgent need for additional recreational and fish and wildlife facilities in the area, the committee feels that the authorization for this project is of vital importance to the Rio Grande Valley. The committee recommends enactment of the bill.

## EXCHANGE OF LANDS BETWEEN STATE OF OREGON AND C. & B. LIVESTOCK CO., INC.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 239, S. 1185.

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

The LEGISLATIVE CLERK. A bill (S. 1185) relating to the exchange of certain lands between the State of Oregon and the C. & B. Livestock Co., Inc.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 4, after line 16, to insert a new section, as follows:

SEC. 3. The State of Oregon and the C. and B. Livestock Company, Incorporated, shall pay to the United States such sum as may be fixed by the Secretary of the Interior to compensate the United States for its administrative costs in carrying out the provisions of this Act, which sum shall be covered into the Treasury as miscellaneous receipts.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding the provisions of section 2 of the Act of September 23, 1950 (64 Stat. 981), the Secretary of the Interior is authorized to accept from the State of Oregon (without cost to the United States) a deed conveying to the United States all right, title, and interest of the State of Oregon in and to the following described land (together with any buildings and other permanent improvements thereon): the west half of the southwest quarter of section 22, township 4 north, range 28 east, Willamette meridian, Oregon, such land being a part of a tract of land conveyed to the State of Oregon by patent numbered 1308889, dated September 17, 1954, pursuant to the aforementioned Act.

(b) Upon the receipt of a deed from the State of Oregon conveying to the United States the land described in subsection (a), the Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the C. and B. Livestock Company, Incorporated, of Hermiston, Oregon (without cost to the United States), all right, title, and interest of the United States in and to such land (including all minerals contained therein), together with any buildings and other permanent improvements thereon, upon the condition that:

(1) The C. and B. Livestock Company, Incorporated, convey to the United States fee simple title to the following described parcels of land (including all minerals contained therein), together with any buildings and other permanent improvements thereon: The west half of the southeast quarter of the southeast quarter of section 15, lying south of U.S.R.S canal "A", the east half of the southeast quarter of the southeast quarter of section 15, lying south of U.S.R.S. canal "A", less the westerly 135 feet thereof; the east half of the northeast quarter of the northeast quarter of section 22, less railroad right-of-way; that portion of the northwest quarter of the northeast quarter of section 22 and of the north half of the northwest quarter of section 22, lying south and east of U.S.R.S. canal "A", excepting from said north half of said northwest quarter of section 22, that certain portion thereof as conveyed to the State of Oregon by deed recorded October 19, 1960, in deed book 260 at page 512, records of Umatilla County, Oregon. All being in township 4 north, range 28 east, of the Willamette meridian, in the county of Umatilla and State of Oregon. Excepting any and all roads and water rights-of-way.

(2) If it is determined after an appraisal by the Secretary of the Interior that the property to be conveyed to the United States by such company is of less value than the property to be conveyed to such company by the United States, the State of Oregon and the C. and B. Livestock Company, Incorporated, pay to the United States an amount equal to that difference in value, which amount shall be covered into the Treasury as miscellaneous receipts.

(c) The conveyance to the C. and B. Livestock Company, Incorporated, authorized under subsection (b) of this section shall be made subject to a right-of-way in the land so conveyed for ditches or canals constructed under the authority of the United States, as authorized by the Act of August 30, 1890 (26 Stat. 391).

SEC. 2. (a) The Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the State of Oregon all right, title, and interest of the United States in and to those lands (together with any buildings and other permanent improvements thereon) conveyed to the United States by the C. and B. Livestock Company, Incorporated, pursuant to the first section of this Act; except that there shall be reserved in the United States all minerals in such lands, together with the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior may prescribe.

(b) The conveyance authorized under subsection (a) of this section shall be made subject to the same covenants, conditions, and limitations as those contained in patent numbered 1308889, dated September 17, 1954, referred to in the first section of this Act.

SEC. 3. The State of Oregon and the C. and B. Livestock Company, Incorporated, shall pay to the United States such sum as may be fixed by the Secretary of the Interior to compensate the United States for its administrative costs in carrying out the provisions of this Act, which sum shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement with respect to the bill.

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

PURPOSE

S. 1185, introduced by Senator MORSE permits the Secretary of the Interior upon conveyance to the United States of an 80-acre tract by the State of Oregon to grant this land (including all minerals contained therein) to the C. & B. Livestock Co., Inc., without a reverter clause subject to right-of-way for ditches and canals, provided the C. & B. Livestock Co. will grant to the United States an equal value tract. This tract then is to be granted to the State of Oregon, to be used for public purposes under the same procedure whereby the State of Oregon obtained the original tract the Secretary will grant to the C. & B. Livestock Co., except that all minerals in this tract shall be reserved to the United States, together with the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior may prescribe.

The transaction is to be without cost to the United States. The bill provides for compensation of the United States in cash if the values of the lands involved are not equal. The State of Oregon is to use the lands it receives for agricultural purposes and research use, which is the use now being made of the 80 acres. The transactions involved will take place only on the initiation of the State of Oregon, not upon the initiation of the Secretary of the Interior. The Secretary is involved only because the basic 80-acre tract will revert to the United States if it is not used for public purposes. The State of Oregon's interest in having land for agricultural and research use is adequately protected by the exchange procedure and the dual exchanges and transfers permit the State of Oregon to decide whether it wishes to proceed at all.

NEED

Oregon State University now desires to effect an exchange agreement with the C. & B. Livestock Co., Inc., which would be of benefit to the university, and which would also permit the C. & B. Co. to establish a new modern livestock feedyard in the Hermiston area. The 80-acre tract involved in this exchange was part of 460 acres patented to the State of Oregon without consideration on September 17, 1954, under the act of September 23, 1950 (64 Stat. 981). This patent (No. 1308889) reserved all minerals to the United States together with the right to prospect for, mine, and remove the same, under regulations that the Secretary might prescribe.

The legislation is necessary to avoid a breach of the condition in the patent that:

"The property interest hereby conveyed shall be devoted to, or used for, cooperative agricultural experimental work of the Department of Agriculture and the State of Oregon. In the event that the State of Oregon shall at any time cease to use such property for agricultural experimental work for a period of 1 year, or attempt to alienate all or any part thereof, all right, title, and interest in and to the said property shall revert to the United States."

The Geological Survey indicates that its records show that all the lands described in the bill are valuable prospectively for oil and gas. The Geological Survey, however, believes that such value per acre is nominal.

COMMITTEE AMENDMENTS

The committee amendment adopted provides for the payment to the Treasury by the State of Oregon and the C. & B. Livestock Co. the cost of administering this act, thus eliminating the direct costs involved in title transfers being borne by the United States.

COST

It is not anticipated that there will be any increase in the budgetary requirements as a result of enactment of S. 1185. The bill meets the Morse formula.

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## CONTINUED USE OF CERTAIN LAND WITHIN THE SEQUOIA NATIONAL PARK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 240, House Joint Resolution 180.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 180) to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

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

There being no objection, the joint resolution (H.J. Res. 180) was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement with respect to the bill.

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

PURPOSE

The purpose of House Joint Resolution 180, introduced by Congressman HAGEN of California, is to authorize the Secretary of the Interior to extend until 1974 a permit granted to the Southern California Edison Co. to occupy certain lands within Sequoia National Park.

NEED

The permit in question was originally granted in 1912, pursuant to the act of February 15, 1901 (31 Stat. 790, 16 U.S.C. 79). It expired last year and the Secretary of the Interior has been advised by the Solicitor of his Department that he is without authority to renew it in the absence of such legislation as House Joint Resolution 180 contemplates.

The land covered by the permit is used by the company for works to divert water from two forks of the Kaweah River and for a conduit leading to a 4,500-kilowatt powerplant on the boundary of the park. The fee paid to the Government by the company for the use of this land varies with the amount of power generated at the plant but ranges between $6,000 and $9,000 a year.

The 1974 expiration date for the renewed permit coincides with the expiration date of the company's present Federal Power Commission license.

COST

Enactment of House Joint Resolution 180 will entail no cost to the Government.

## WITHDRAWAL AND RESERVATION OF CERTAIN PUBLIC LANDS AT CUDDEBACK LAKE AIR FORCE RANGE, CALIF.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 241, H.R. 3574.

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

The LEGISLATIVE CLERK. A bill to provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, Calif., for defense purposes.

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

There being no objection, the bill (H.R. 3574) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement with respect to the bill.

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

PURPOSE

The purpose of H.R. 3574, which was introduced by Representative SHEPPARD, is to withdraw from the public domain 7,546 acres of land in San Bernardino County, Calif., and reserve them for the continued use of the Air Force as the Cuddeback Lake Air Force Range.

NEED

H.R. 3574 describes the Cuddeback Lake Air Force Range which has been used by the Department of the Air Force since 1956, following application to the Department of the Interior on October 21, 1954, for withdrawal and reservation of the area. Before the withdrawal was completed, the act of February 28, 1958 (72 Stat. 27) became effective providing, among other things, that no withdrawal of more than 5,000 acres for any one defense project or facility may be accomplished except by act of Congress.

During consideration of the bill, which was submitted as part of the Department of Defense legislative program for 1963, Air Force witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved.

The proposed withdrawal and reservation will be for a period of 10 years with option to renew for an additional 5 years. This assures a review by the administrative agencies involved 10 years from now and a further review at the end of 15 years. If the Air Force desires to extend its use beyond this term, it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity for such continued use.

COST

Enactment of H.R. 3574 will cause no increase in the budgetary requirements.

Mr. MANSFIELD. Mr. President, that completes the call of bills on the calendar to which there is no objection. I am glad the Senate allowed them to be taken up this afternoon.

## DEFINITION OF THE TERM "VETERANS' ADMINISTRATION FACILITIES"

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of S. 625.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 625) to amend sections of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities."

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with Senate bill 625, a statement by the senior Senator from Texas [Mr. YARBOROUGH], the chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee which considered the bill this year and previously. Unfortunately, the Senator could not be in the Chamber at the time of the consideration of the bill.

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

STATEMENT BY SENATOR YARBOROUGH

This bill will authorize the Administrator of Veterans' Affairs to provide hospital care for non-service-connected disabilities in private contract facilities if there is no veterans' hospital located within a State or within 500 miles of the State's border. As a practical matter this bill will apply only in the States of Alaska and Hawaii which are the only two States without a Veterans' Administration hospital. In effect, this bill will restore the situation existing in the two States prior to their admission to statehood. When Alaska and Hawaii were Territories, they were covered by a special provision which permitted the use of private contract facilities for the treatment of non-service-connected disabilities in the territories. This was an exception to the general limitation that hospitalization for such disabilities would be provided on a bed-available basis in the Veterans' Administration hospitals or other Federal Government facilities. This exception was provided due to the remoteness and lack of available Government facilities in the Territories and the problems and expense of transportation. However, the admission of Alaska and Hawaii to statehood automatically prevented the application of this exception. The Veterans' Administration submitted an unfavorable report on this bill but the same reasons and conditions that initially caused the Congress to authorize the use of private contract facilities in Alaska and Hawaii for the treatment of non-service-connected disabilities still exist, and the intent of this bill is merely to allow the veterans living in those two States to receive exactly what they were receiving before the admission of Alaska and Hawaii to statehood.

It has been contended that this bill would give preferential treatment to Alaska and Hawaii over the rest of the States; but according to data furnished by the Veterans' Administration, the percentage of the veterans population of Alaska and Hawaii treated for non-service-connected disabilities in both Federal Government and private contract facilities in those States was lower than the national average. This bill will rectify the unfavorable situation existing in the two States due to the lack of VA hospitals and the difficulty of transportation.

Mr. BARTLETT. Mr. President, Senate bill 625 was introduced by me, with the cosponsorship of my colleague from Alaska [Mr. GRUENING] and the two Senators from Hawaii [Mr. FONG and Mr. INOUYE]. I note the presence in the Chamber at this time of the Senator from Hawaii [Mr. FONG], one of the cosponsors of the bill.

S. 625 is similar in nature to a measure approved by the Senate in the last session of the Congress. Unfortunately that measure did not receive the approval of the other body.

Mr. President, I rise today in support of S. 625. This year, due to the skill and diligence of the senior Senator from Texas [Mr. YARBOROUGH], chairman of the Subcommittee on Veterans' Affairs, and with the able assistance of the senior Senator from Alabama [Mr. HILL], chairman of the Committee on Labor and Public Welfare, we now have this measure before us in good time. It is my hope both the Senate and the House will be able to give favorable consideration to this measure before the end of the Congress.

S. 625 is a simple bill. It is designed to give the veterans of Alaska and Hawaii parity of treatment with their fellow veterans in the other 48 States.

Neither Alaska nor Hawaii has Veterans' Administration hospitals. They are the only two States in the Union who do not have a VA medical facility.

Until statehood, veterans with service and nonservice connected illnesses in the two States were treated either on a beds-available basis in other Government hospitals or in private hospitals on a contract basis. Due to a technicality, the advent of statehood meant the continuance of this arrangement so far as service-connected illnesses were concerned. Unfortunately, non-service-connected illnesses could no longer be treated in private hospitals on a contract basis.

S. 625 is designed to correct this hardship on Alaska and Hawaii veterans inadvertently caused by statehood. As the Veterans' Administration once said in explaining why private contract arrangements in private hospitals were necessary:

> The exception to permit hospital care in private facilities for war veterans with non-service-connected conditions in a territory or possession was based upon special considerations. These apparently included the factors of great distances from the mainland, difficulty in transferring patients to the States, and the relatively small volume of patient demand in the territories and possessions. (Letter from Administrator Gleason to Senator LISTER HILL, March 29, 1961.)

Statehood changed the political status of Alaska and Hawaii. It did not change the geography, the transportation difficulties or the needs of the veterans. It did not change the reasons advanced by Administrator Gleason.

Under present arrangements the Veterans' Administration has under contract 35 hospital beds in Federal hospitals for the use of Alaska veterans, of which there are 15,000. A veteran with a non-service-connected illness may receive hospital care only if one of these 35 beds is available.

Distances in Alaska are long and transportation costs are high. There are almost no highways and the only available means of travel is often by plane. To fly from Nome to Anchorage and return would cost a veteran $132. If there are no hospital beds available in Anchorage the veteran with non-service-connected illness would be forced to fly to Seattle which would cost an additional $245 round-trip. Barring a pauper's oath he would have to pay these costs. Even then he would not be guaranteed treatment. Alaska veterans are like orphans in the storm when it comes to medical treatment.

Mr. President, an estimated two-thirds of all hospital beds in Veterans' Administration hospitals are filled with veterans with non-service-connected illnesses. We do not have a veterans hospital in Alaska. Alaska veterans do not now have parity of care regarding non-service-connected illness.

This bill is designed to give them parity. It does no more than that. It is to restore a practice which operated to the satisfaction of everyone for many years until it was inadvertently brought to an end by statehood.

This bill permits the Veterans' Administration to contract for the care in private hospitals of veterans with non-service-connected illness. It provides that should a veterans hospital ever be built in Alaska or Hawaii, the practice of private contract care would be brought to an end.

This bill is strongly supported by both State and national veterans groups.

It is strongly supported by the State government of both Alaska and Hawaii.

It is supported by Senators of both States and of both parties.

I urge its passage.

In brief, Mr. President, this bill seeks to restore to Alaska and Hawaii veterans the medical treatment procedures which existed prior to statehood. At that time the Veterans' Administration contracted with private hospitals in both Territories for the care of ill veterans. Unfortunately and inadvertently the advent of statehood, that it would no longer be possible to treat veterans with non-service-connected disabilities in private hospitals through contract arrangements.

The pending bill seeks to restore this practice for these worthy veterans, because although the legal status of Hawaii and of Alaska has changed, the conditions which made these contract arrangements necessary before have not changed. In fact, in my opinion, they make them necessary now.

The cost to the Government would be compartively small—smaller, I suspect, than the cost under the present arrangements.

I send to the desk an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to insert a new section, as follows:

> SEC. 2. The authority granted to the Administrator under clause IV of section 601 (4)(C) of title 38, United States Code, as added by the first section of this Act, shall terminate 10 years after the date of enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

Mr. BARTLETT. Mr. President, I believe the purpose of the amendment is clear. It merely provides a trial period during which the Veterans' Administration can return to the type of care for veterans in the private hospitals which was provided before statehood.

Mr. FONG. Mr. President, at this point will the Senator from Alaska yield to me?

Mr. BARTLETT. I yield.

Mr. FONG. I thank the distinguished senior Senator from Texas [Mr. YARBOROUGH] for his very able assistance in connection with this bill. He has consistently worked for the enactment of this legislation, and of similar legislation in the preceding Congresses. I commend him for his sympathetic understanding of the problems of veterans in Hawaii and in Alaska. With his very strong help, a similar bill reached the floor of the Senate in 1960, and was passed by the Senate.

Again, last year, he succeeded in obtaining committee approval of a similar bill.

Now—for the third time—he has succeeded in bringing this measure to the floor of the Senate. In behalf of the veterans of Hawaii, I wish to extend to him my personal appreciation for his efforts.

I also wish to pay great tribute to the senior Senator from Alaska [Mr. BARTLETT] and to the junior Senator from Alaska [Mr. GRUENING] for their very vigorous efforts in pushing this bill forward, so that it is now before the Senate.

It seems to me important to emphasize that what we are asking in this legislation is no different from what was authorized by Congress for both Alaska and Hawaii when these two areas were territories of the United States; namely, the exception, when Alaska and Hawaii were territories, to permit hospital care in private facilities for war veterans with non-service-connected disabilities. That exception was based upon special considerations, which included the following factors: The absence of Veterans' Administration hospitals in these territories; the great distances of these territories from the mainland; the difficulty in transferring patients to the mainland; and the relatively small volume of patient demand in the territories and possessions.

The change in legal status of Hawaii and Alaska has not altered the geographical handicaps facing veterans with non-service-connected disabilities in these two States.

The same reasons and conditions that initially caused the Congress to authorize private contract facilities in Alaska and Hawaii for treatment of non-service-connected disabilities still exist today. The geographical, transportation, and population factors present the same difficulties as prior to statehood, and create a vital need for this legislation. This legislation affords an inexpensive opportunity for the Government to provide humanitarian treatment to deserving veterans of the armed services.

There is still not a single Veterans' Administration hospital in the entire State of Hawaii.

I know that is also true of Alaska; in other words, there is no Veterans' Administration hospital in Alaska.

Mr. BARTLETT. That is correct; neither State has one.

Mr. FONG. The nearest one is still more than 2,000 miles from Hawaii. The only place where hospital care is available under VA auspices is the U.S. Army's Tripler General Hospital in Honolulu on the island of Oahu.

This is not readily accessible to veterans living on our other populous islands in the State: Kauai, Molokai, Maui, and Hawaii. Each of these islands is separated by ocean. The only passenger transportation available is by air, which is relatively costly. There are no railroads nor highways between the islands.

Until 1959, the year of our statehood, war veterans with non-service-connected disabilities could obtain care in private or territorial hospitals which had contract arrangements with the Veterans' Administration. In the last fiscal year before statehood, there were available to war veterans three hospitals on Kauai, two on Maui, one on Molokai, four on our largest island, Hawaii, and four on Oahu—all under contract with the Veterans' Administration. Veterans living on the respective islands could reach these medical facilities easily by auto in no more than a few hours' time.

These arrangements spared veterans living on islands away from Oahu the relatively costly journey by air to Tripler Hospital. Local hospitalization also greatly facilitated family visitations, so important to morale of veteran patients.

Traveling and lodging costs entailed by visitors from outer islands to Tripler Hospital impose great financial hardship, particularly if the veteran is confined for a prolonged period. Moreover, air travel is medically inadvisable for certain patients such as those suffering heart ailments.

While it is true the Veterans' Administration will pay transport costs for veterans who state they cannot afford to pay, the Veterans' Administration cannot reimburse costs for family or other relatives.

Senate bill 625 would restore the authority for the Veterans' Administration to arrange for local care of war veterans with non-service-connected disabilities. If previous experience is any indicator, costwise, S. 625 may be advantageous. Figures obtained in 1960 showed the Veterans' Administration reimbursing Tripler Hospital at the rate of $21 per day for each veteran treated there. Under its prior contracting arrangements with territorial and private hospitals VA paid on $13.80 per day for each patient.

Official data clearly show that, both before and after statehood, the percentage of non-service-connected disabled veterans receiving hospital care, compared with the total veteran population, was smaller in Alaska and Hawaii than in the country as a whole and in States with comparable populations. In the unlikely event that this legislation should result in inequitable advantage to veterans in the affected States, the VA would be expected to apprise the Senate Labor and Public Welfare Committee of the pertinent facts so that corrective action could be taken.

I urge the passage of this bill. I am in accord with the amendment proposed by the senior Senator from Alaska [Mr. BARTLETT]. I think the 10-year period is a very reasonable one, and I support his amendment.

Mr. INOUYE. Mr. President, I ask unanimous consent that a statement in support of S. 625, jointly cosponsored by Senators BARTLETT, GRUENING, FONG, and myself, be made a part of the RECORD.

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

STATEMENT BY SENATOR INOUYE

Prior to the admission of the State of Hawaii into the Union, the Veterans' Administration was authorized to enter into contracts with territorial—now State—and private facilities to provide hospital care for war veterans. As a result of this authorization, the Veterans' Administration was able to contract for hospital care at the Territorial Hospital, a hospital caring for the insane and mentally deranged; the Kalaupapa Hospital on the Island of Molokai and the Hale Mohalu Hospital in Honolulu for veterans afflicted with Hansen's disease; the Leahi Hospital for veterans afflicted with tuberculosis and a few other county hospitals located on the several islands to provide our war veterans general medical and surgical assistance. Since the admission of Hawaii as a State, all war veterans with non-service-connected disabilities have been required to receive their medical treatment for Hansen's disease, tuberculosis, mental derangement and other ailments at Tripler Army Hospital, the only Federal hospital in the State located in Honolulu, Oahu. The status of statehood did not affect the many war veterans with service-connected disabilities.

The Veterans' Administration must reimburse to the Department of Defense the sum of $21 per day for every veteran receiving treatment at Tripler Army Hospital. It is very interesting to note that under the contract provisions permitted under section 601 of title 38, the cost to the Veterans' Administration per patient-day was the sum of $13.80. In other words, the Veterans' Administration saved the sum of $7.20 per patient-day by hospitalizing war veterans in private and territorial hospitals.

Tripler Army Hospital is a fine hospital providing for most of the advanced services now available in some of our better hospitals in the continental United States. However, Tripler Army Hospital has no facilities for the treatment of persons afflicted with Hansen's disease nor does it have facilities for long-term institutionalized care for the mentally deranged, nor does it have facilities for long-term institutionalized care for tubercular persons. As a result, although our laws state that an indigent war veteran with a non-service-connected disability is entitled to hospitalization in a Federal hospital, since Tripler Army Hospital is lacking in facilities as stated above, many of these veterans will have to receive services from State hospitals as wards of the State. This sudden change in medical indigent responsibilities brought about by statehood has resulted in certain budgetary difficulties for the State of Hawaii.

Prior to statehood, approximately 165 veterans with non-service-connected disabilities—psychiatric, tubercular, and Hansen's disease cases—received medical and surgical assistance in contract hospitals located on islands other than Oahu. Since statehood, all veterans with non-service-connected disabilities requiring medical and surgical care have received such care from Tripler Hospital. The treatment of these veterans is now costing the Federal Government $21 per patient day instead of $13.80 at contract hospitals. It has further resulted in other additional costs made necessary by the transporting of such veterans from the outlying islands to Tripler Army Hospital. In addition to the extra added cost to the Government for treatment of veterans at Tripler Army Hospital, the disruption of family relations brought about by the necessity of separating these war veterans from their respective island areas have resulted in misery and inconvenience heretofore not experienced by the veteran and his family. Because these veterans with non-service-connected disabilities are indigents, it should be assumed that their families would be without funds to visit the veteran patients in Tripler. Undoubtedly, the morale of these veteran patients from the outlying islands is very low. The anxieties experienced by their families on the outlying islands have undoubtedly caused family difficulties. Therefore, I am respectfully requesting this body to favorably consider S. 625, first as the most economic use of our tax dollars, and second, with compassion for veterans and their families who live on the outlying islands.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The question is on agreeing to the amendment of the Senator from Alaska [Mr. BARTLETT].

The amendment was agreed to.

Mr. BARTLETT. Mr. President, the Senator from Hawaii has spoken about the dedicated efforts of the senior Senator from Texas [Mr. YARBOROUGH] in connection with the bill. I shall only add to that statement that the veterans of Alaska are well aware that the bill would not be under consideration by the Senate today if it had not been for the Senator from Texas. From the start he has seen the justice and the equity in the proposed legislation. As the Senator from Hawaii has said, the Senator has worked hard and successfully more than once to bring the bill to the floor. I hope that this will be the last time such effort will be necessary. I hope the bill will be passed by the Senate and accepted by the House of Representatives. It is not only just legislation. It is legislation long overdue.

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

The bill (S. 625) was read the third time and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 601(4)(C) of title 38, United States Code, is amended by striking out "or (iii)" and inserting in lieu thereof "(iii)", and by adding immediately before the period at the end thereof the following: "; or (iv) for veterans of any war in a State (not including a territory, Commonwealth, or possession) if no hospital under the direct and exclusive jurisdiction of the Administrator is located in such State on or after the date of enactment of this clause (iv), and if no such hospital is located within five hundred miles of the border of such State."

SEC. 2. The authority granted to the Administrator under clause iv of section 601(4)(c) of title 38, United States Code, as added by the first section of this Act, shall terminate ten years after the date of enactment of this Act.

## STABILIZATION OF PROFITS

Mrs. NEUBERGER. Mr. President, some 2 years after the unveiling of the fine-sounding phrase "quality stabilization," it is becoming increasingly evident that the legislation shrouded by that title represents nothing less than semantic warfare against the consumer.

More than a year ago Representative CELLER, the distinguished chairman of the House Judiciary Committee and one of the great and potent allies of the consumer in the Congress, in testimony before the Special Senate Subcommitee on Quality Stabilization, disposed of the proposed quality stabilization resolution with ironic dispatch:

Senate Joint Resolution 159 is the latest verson of that hardy perennial, a national

fair trade bill which has come before the Congress repeatedly. Concealed as usual behind a fog of euphemisms, this old wolf is presented to you this session dressed up in the seductive sheep's clothing of a "quality stabilization" resolution. The hard-to-hide wolf's tail this time carries the label "price stabilization." Tug the tail, however, and a telltale price-fixing howl is emitted. Once again fair trade antics must rely upon semantics.

Today we are witnessing a concerted and determined effort to enact this legislation, yet hearings before both House and Senate committees have revealed again that the only "stabilization" envisaged is the stabilization of the profits of inefficient competitors and the stabilization of high prices to the consumer.

The President's Consumer Advisory Council, boldly living up to its assigned tasks as consumer watchdog, has now expressed itself in unequivocal opposition to the pending quality stabilization bills:

Such attempts to limit freedom of individual merchants to sell goods at prices they choose—

Stated the Council—

are antithetical to the free enterprise system, hence to the best interests of American consumers.

I commend the Council for its forthright stand and ask unanimous consent that the text of its statement be included at the close of my remarks together with a perceptive analysis of "quality stabilization" by the able and distinguished consumer authority Sidney Margolius, and letters which I have received from President Joseph A. Bierne, of the Communication Workers of America, and from Oregon consumers.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL OF ECONOMIC ADVISERS,
*Washington, D.C.*

The Consumer Advisory Council, at its meeting on June 3–4, expressed its opposition to the principles and purposes of the "quality stabilization" bills, S. 774 and H.R. 3669, and urged the administration to take additional steps to combat the denial of consumer rights on the grounds of race.

The statements are attached.

STATEMENT BY CONSUMER ADVISORY COUNCIL ON QUALITY STABILIZATION BILLS, INCLUDING S. 774 AND H.R. 3669

We oppose these bills and all similar attempts at price fixing at the retail level which have been sponsored under the name of "fair trading," "resale price maintenance," and "quality stabilization." Such attempts to limit freedom of individual merchants to sell goods at prices they choose are antithetical to the free enterprise system and, hence, to the best interests of American consumers.

These bills propose, in effect, that the Federal Government should protect a manufacturer who wants to establish the minimum price at which his product will be sold at retail. It would give manufacturers the right to prohibit retailers from selling brand name or trademarked goods at prices other than the retail price established by the manufacturer. Such legislation would limit competition, inhibit innovation and progress at the retail level, and would also tend to encourage price fixing at the manufacturers' level. In any event, it would tend to deny consumers the benefit of downward price adjustments which flow from increased efficiency and improvements in production and distribution.

We are not impressed by the argument that such legislation would aid small business. The evidence in States which have "fairtrade" legislation indicates the contrary to be the result, since it encourages the introduction by large retail businesses of private brands and other techniques for avoiding the effect of the legislation.

We believe that so-called "quality stabilization" (fair trade) bills are inimical to the interests of consumers. They violate the third right of the consumer as stated in the President's consumer message, the "right to choose—to be assured, wherever possible, access to a variety of products and services at competitive prices * * *." We, therefore, commend the administration for its opposition to these bills.

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STATEMENT BY CONSUMER ADVISORY COUNCIL ON DENIAL OF CONSUMER RIGHT ON GROUNDS OF RACE

Whereas the President of the United States of America, in his message on consumers protection and interest program of March 15, 1962, emphasized among the basic rights of the consumer (1) the right to safety, (2) the right to choose, (3) the right to be heard, and that "consumer interests will receive full and sympathetic consideration in the formulation of Government policy"; and

Whereas thousands of Negro consumers in all parts of the Nation are denied their rights as consumers to purchase goods and services freely in the marketplace: Be it

*Resolved,* That we urge immediate and positive action by the administration through all available administrative and legal means and by the support of legislation prohibiting discrimination against customers by stores, hotels, theaters, restaurants and other businesses on the ground of race.

We are heartened by the news that the President will deliver a special message on basic human and civil rights and urge that this message stress the relationship of these rights to the rights of citizens as consumers, as a followup to his original basic address on consumer protection and interest program.

MEMBERS OF THE CONSUMER ADVISORY COUNCIL

Dr. Helen G. Canoyer, chairman, dean, New York State College of Home Economics, Cornell University, Ithaca, N.Y.

Mr. David W. Angevine, public relations director, Cooperative League of the U.S.A., 1012 14th Street NW., Washington, D.C.

Dr. Persia Campbell, professor and chairman, economics department, Queens College of City University, Flushing, N.Y.

Mr. Stephen M. Du Brul, Jr., partner, Lehman Brothers, 1 William Street, New York, N.Y.

Mrs. John G. Lee, past president, League of Women Voters, 1026 17th Street NW., Washington, D.C.

Dr. Edward S. Lewis, executive director, Urban League of Greater New York, 202 West 136th Street, New York, N.Y.

Hon. Walter F. Mondale, attorney general, State of Minnesota, 102 State Capitol, St. Paul, Minn.

Dr. Richard L. D. Morse, professor and head, department of family economics, Justin Hall, Kansas State University, Manhattan, Kans.

Mrs. Helen E. Nelson, California Consumer Counsel, Governor's Office, Sacramento, Calif.

Dr. Caroline Ware, consultant, RFD 1, Box 138, Vienna, Va.

Dr. Colston E. Warne, president, Consumers Union of U.S., Inc., professor of economics, Amherst College, Amherst, Mass.

NEW PRICE-MAINTENANCE LAW SLIPPING THROUGH CONGRESS UNNOTICED

(By Sidney Margolius)

A new price-maintenance law is slipping through Congress unnoticed and unprotested by the public which would have to pay higher prices as the result. This was the frank warning sounded at the annual conference of the Council on Consumer Information in Washington recently, by a group of consumer-minded Congressmen.

The proposed measure is called the quality stabilization bill. It is really the old "fair trade" law under a new name, and fair trade itself is really price-fixing. If passed, quality stabilization, would enable manufacturers to revoke the right of a retailer to sell their brand-name products if the retailer cut the prices.

"Quality stabilization" sounds like something desirable. But like the "right-to-work" name on antiunion legislation, it is an attempt to fool the public as to its real intent. In this case, the real intent is to limit competition among retailers, and require all retailers to sell a manufacturer's brand at the same price if the manufacturer so desires.

The reason some manufacturers and retailers, especially in the drug industry, are pushing to get this new law, is that the State fair trade laws have been declared unconstitutional in about half the States. In the other States, fair trade either was never enacted or is being ignored to a large extent by price-cutting retailers and manufacturers.

But quality stabilization could damage your pocketbook even more than the fair trade laws ever did, because it would make it even easier for manufacturers to fix prices. The manufacturer would not even have to seek price agreements with retailers State by State. His fixed price would apply in all States, including those that previously never had a fair trade law.

The effect on prices you pay would be drastic. Congressman JOHN DINGELL, Democrat, of Michigan, warned the educators and organizations at the consumer conference that a shopping survey by the U.S. Justice Department indicated that prices of such goods as household equipment could be raised as much as 27½ percent. Another serious effect would be to freeze prices of medicines at their present high levels.

The alarming fact is the speed at which the quality stabilization bill is moving through the U.S. House of Representatives with no protest from the public. The public itself has had no warning and does not realize the danger that has suddenly developed. Congressman DINGELL reported that he has had heavy mail from his own district in favor of the bill, but not a single letter in opposition. Congresswoman LEONOR SULLIVAN, Democrat, of Missouri, also reported heavy mail in favor of the price-fixing measure but no opposition. Mrs. SULLIVAN, warned that once the bill gets out of committee it will pass the House of Representatives.

Senators ESTES KEFAUVER, Democrat, of Tennessee, and LEE METCALF, Democrat, of Montana, also warned that the new price-fixing bill could be enacted before the public knew what had hit it, and that they too got heavy mail from businessmen against consumer legislation but little from consumers, supporting their own interests. Senator METCALF reported that California Retail Druggist published a "model" letter in favor of price-fixing laws, that druggists could adapt to send to local newspapers.

The quality stabilization bill is being sponsored by Representative OREN HARRIS, Democrat, of Arkansas, chairman of the House Interstate Commerce Committee. He has been trying for some years to get a price-fixing law passed. His bill is known as H.R. 3669, but 20 other identical price-fixing bills also have been introduced by other Congressmen.

The critical stage will come late in April when a House Interstate Commerce subcommittee, headed by Representative HARLEY STAGGERS, Democrat, of West Virginia, holds hearings on it.

The Government agencies which have the responsibility for fighting price fixing of the things you buy are strictly against such laws. The Federal Trade Commission, Justice Department, and Commerce Department all have attacked the quality stabilization bill as a price-boosting measure. Lee Loevinger, Assistant Attorney General in charge of the Antitrust Division, last year told a Senate Commerce Subcommittee, that quality stabilization would let manufacturers fix prices at high, noncompetitive levels "calculated to yield what the traffic could bear." Moreover, under the proposed measure, price fixing could be extended to fresh produce, canned goods, clothing, gasoline, building materials, even meat and potatoes, Loevinger warned.

Some retailers themselves are opposed to price-fixing laws. Writing in Home Furnishings Daily, Maurice M. Cohen, a leading Massachusetts retailer, pointed out that manufacturers would protect quality for their own sakes without the quality stabilization measure, and that even though appliance prices have been reduced by sharp competition, recent models have been improved. The proposed law actually would bar "Mrs. Consumer" from the privilege of buying at competitive prices since she would pay the same fixed price at all stores. "Why should a low-markup store be forced to maintain an artificially high margin which he doesn't need and doesn't want?" Mr. Cohen asked.

The danger, however, is that several influential Senators often otherwise considered among the Senate liberals, do support price fixing. These include HUBERT HUMPHREY, Democrat, of Minnesota, himself a former druggist; MIKE MONRONEY, Democrat, of Oklahoma, a former furniture merchant, and WILLIAM PROXMIRE, Democrat, of Wisconsin.

A revealing example of how you would have to pay more if quality stabilization passes, is the dual price system now used by one leading manufacturer ((, Sunbeam)). This manufacturer's appliances, generally considered very high quality, now are sold under one name ((, Sunbeam,)) at cut prices, and under another name ((, Vista,)) at fixed prices. Thus, unwary shoppers may pay several dollars more for an iron under one name than for a similar iron under another name. In this case the manufacturer has worked out a way to fix prices on the theory that he still owns the merchandise even when it is in the hands of the retailer.

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MAY 30, 1963.

Hon. MAURINE NEUBERGER,
*Senate Office Building,*
*Washington, D.C.*

MY DEAR MRS. NEUBERGER: In an economy which permits the consumer to enjoy "EOM sales," "inventory clearances," white sales, etc., as a means of obtaining what may otherwise be out of his financial reach, H.R. 3669 appears as a black cloud over this Nation. This bill could do no good for anyone. May I ask that you oppose it as well as the several other similar bills now before Congress.

Sincerely,
Mr. and Mrs. DONALD R. FROMWILLER.
PORTLAND, OREG.

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COMMUNICATIONS WORKERS OF AMERICA,
*Washington, D.C., May 13, 1963.*

Hon. MAURICE B. NEUBERGER,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR NEUBERGER: I thought you might like to know that the Communications Workers of America is opposed to the adoption of S. 774, the proposed Quality Stabilization Act.

In my opinion, its title is a misnomer, since its provisions do not in any way either stabilize or guarantee the element of quality so prized by the housewife. Quality stabilization sounds very fine, but like the right-to-work tag on labor legislation which gives no one a right to work, it misleads the American consumer as to its real intent.

This bill is actually a "fair trade" bill under a new name. Its primary purpose is really price fixing, and at a higher than necessary level. Its primary effect would be to increase the cost of living. The members of CWA are vitally affected. It does little good to negotiate a wage increase only to have it taken away through such legislation.

The American taxpayers have a right to better treatment from their elected representatives.

Sincerely yours,
J. A. BEIRNE,
*President.*

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MEDFORD, OREG., *June 10, 1963.*

Hon. MAURINE NEUBERGER,
*Washington, D.C.*

DEAR SENATOR NEUBERGER: Please work against the Quality Stabilization Act—H.R. 3669.

We need competition, not Government regulation to keep our country going. This "act" would be another serious step toward the social welfare state and we have too much of that now. This would be very hard on the consumers. We need drugs, etc., at lower prices, not set by the companies that produce them, but by competition.

M. R. DAVENPORT.

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

Mrs. NEUBERGER. I am glad to yield.

Mr. MORSE. My colleague has commended the Consumer Council. I am glad she has done so. I wish to commend my colleague for once again taking up the cudgels in defense of the consumers of America, as she has done time and time again.

I am a veteran in the war on so-called fair trade legislation. For many years I have fought attempts on the part of business to engage in price rigging. When all is said and done—and the figure of speech my colleague used this afternoon was very proper; she referred to the "wolf in sheep's clothing"—when we strip the bill of its camouflage, what we really see is an attempt on the part of certain businesses in this country to fix prices.

I have always taken the position that price control, if we must have it—and it is never justified except in a time of economic crisis or emergency—is a prerogative that must be retained by the Government, and not delegated to any group of businesses in this country.

One would think that the supporters of fair trade would have read the court decisions of recent years on this subject, for they have "taken" it on the jaw and the nose, at the same time, in one case after another that has reached the courts. The courts have told business that this is a policy that cannot stand up against existing judicial criteria.

My colleague from Oregon is correct in stating that there is again a concerted lobby drive to push through legislation under the catch name "fair trade." Who is not for fair trade? But "fair trade" is not involved in this proposal. This is an attempt on the part of certain businesses to get themselves into a position where they can gouge consumers. I want them to know that the senior Senator from Oregon has never felt better, has never felt that he could engage in a more vigorous debate than he can this year, and does not intend to let the bill pass, if he can stop it.

Mrs. NEUBERGER. I appreciate the Senator's remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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## CIVIL RIGHTS LEGISLATION

Mr. MORSE. Mr. President, I understand that there is at the desk a highly privileged matter—the message of the President on civil rights.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may ask the Senate first to consider several other matters?

Mr. MORSE. Mr. President, the majority leader has several matters that he wishes to ask the Senate to consider. I yield to the majority leader.

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## CONVEYANCE OF CERTAIN MINERAL INTERESTS IN PROPERTY IN SOUTH CAROLINA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 235, Senate bill 1326.

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

The LEGISLATIVE CLERK. A bill (S. 1326) to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 6, after the word "of", to strike out "the sum of $200" and insert "such sum as may be fixed by the Secretary"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior shall convey to those persons who, on the date of enactment of this Act, are the record owners of the surface rights thereof, all of the right, title, and interest of the United States in and to the real property consisting of fifty-three and three-tenths acres and more particularly described in the conveyance entered into between Gus Loskoski and Ola Loskoski as grantors and L. T. Vaughn and Sheron K. Vaughn as grantees, which conveyance is

recorded in the office of the clerk of court for Anderson County, South Carolina, in deed book A-9 at page 257. Such conveyance shall be made only if application is made therefor by a record owner of the surface rights within one year after the date of enactment of this Act and upon payment to the United States by such record owner of such sum as may be fixed by the Secretary to reimburse the United States for the administrative cost of the conveyance plus the fair market value of the minerals as determined by the Secretary.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. THURMOND. Mr. President, S. 1326 would authorize the Secretary of the Interior to sell to the record surface owners of the land the mineral rights reserved by the United States in a tract of 53.3 acres located in Anderson County, S.C.

Mr. MORSE. Mr. President, will the Senator yield for one question? I may be able to save some time.

Mr. THURMOND. I am pleased to yield.

Mr. MORSE. As I understand, the transaction is to be a sale. Due compensation will be paid for the Federal interest.

Mr. THURMOND. The Senator is correct—if there is any value in the interest now owned by the Government. As I understand, there will probably be no charge, or perhaps only a nominal charge. I believe the report explains it.

Mr. MORSE. As the Senator knows, I am interested in being informed as to whether the bill conforms to the Morse formula in regard to the transfer of a Federal interest.

Mr. THURMOND. I do not believe there would be any objection under the Morse formula.

Mr. MANSFIELD. Mr. President, while the Senator from Oregon is examining the report, I ask unanimous consent that at this point in the RECORD excerpts from the report on the bill, No. 253, be printed.

The report contains an explanation of the purpose of the measure, the committee amendment, the recommendation, executive reports, and also a letter addressed to Hon. HENRY M. JACKSON, chairman of the Committee on Interior and Insular Affairs, from the Department of the Interior, and also a letter from the Executive Office of the President addressed to the chairman of the committee [Mr. JACKSON], signed by Phillip S. Hughes.

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

PURPOSE OF MEASURE

S. 1326 would require the Secretary of the Interior to sell to the record surface owners the mineral rights reserved by the United States in a tract of 53.3 acres of land located in Anderson County, S.C.

The Federal interests comprise 75 percent of the mineral estate, but the Department of the Interior, both in oral testimony and in its written report, states the subject lands are deemed to be without value for minerals, either metalliferous or nonmetalliferous, and that there are no outstanding Federal mineral leases or applications therefore on them.

The acreage, as a part of a larger tract, was acquired by the Federal Government in 1937 under an emergency relief program. In 1945, the then Farm Security Administration (now the Farmers Home Administration) quitclaimed the land to private individuals, reserving the 75 percent of the mineral estate to the Federal Government. In 1950, the tract was conveyed to the present titleholder.

Just prior to this conveyance, Congress by the act of September 6, 1950 (found in 7 U.S.C. 1033–1039) authorized the Secretary of Agriculture to dispose of such mineral estates to the surface owner if application therefor was filed within 7 years from the effective date of the law or from the date of the acquisition of the minerals estate by the United States, whichever is later. In areas where the Secretary of Agriculture determined, after consultation with this Department and competent local authorities, that there was no active mineral development or leasing, the mineral interests covered by a single application would be sold for $1. In other areas, the mineral interests were to be sold at their fair market value.

Any mineral estates not conveyed to the surface owners under the act of September 6, 1950, were transferred to the Secretary of the Interior after the expiration of such periods, and now are available for leasing under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359).

While enactment of the statute and publication of implementing regulations were public acts and personal notice given owners in most instances, it appears that in some cases successor surface owners did not have actual knowledge of their rights. The time for exercise of those rights now has expired, and hence special legislation for specific, individual cases such as the instant one is necessary.

Senator THURMOND informed the committee that although the present owner's predecessor in title was given personal notice of his rights to acquire the whole of the mineral estate, such notice was not in fact served upon the then actual owner.

The surface owner now desires to build a house on his land, but finds that the outstanding Federal reservation constitutes a cloud upon his title and makes financing extremely difficult. Thus, unless the owner is permitted to clear his title, in effect he is foreclosed from building a home on his land.

THE COMMITTEE AMENDMENT

The committee adopted an amendment recommended by the Department of the Interior at the suggestion of the Comptroller General to provide that the surface owner should pay full costs of conveyancing. The committee went into the matter of probable amount of such costs with some care and was assured that in this case it was unlikely that costs would amount to as much as the $200 called for in the bill as introduced.

RECOMMENDATION

The committee finds that the Federal Government's reservation of 75 percent of the mineral estate in the subject lands are of no probable or foreseeable value to the Federal Government, and recommends enactment of S. 1326, thus enabling the surface owner to develop his land. No appropriation or cost to the Federal Government is called for under the bill.

EXECUTIVE REPORTS

The "no objection" reports of the Department of the Interior and the Bureau of the Budget are herein set forth in full.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., May 10, 1963.*

Hon. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,*
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: Your committee has requested a report on S. 1326, a bill to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property.

We would not object to the enactment of the bill, subject to the committee's consideration of our recommendations below.

The bill would require the Secretary of the Interior to convey to the surface owners all of the rights of the United States in and to the minerals contained in 53.3 acres of land located in Anderson County, S.C. The bill requires that application for the conveyance must be filed within 1 year after enactment of the bill and that the surface owners shall pay to the United States the sum of the fair market value of its interest, as determined by the Secretary of the Interior, and $200 to reimburse the United States for the administrative costs of the conveyance.

We have been apprised that the Farm Security Administration (now the Farmers Home Administration) quitclaimed on January 6, 1945, a tract of land to Gus and Ola Loskoski, reserving to the United States a 75-percent interest in the mineral estate. A portion of the tract was conveyed by the Loskoskis to L. T. and Sheron K. Vaughn on October 13, 1950.

The act of September 6, 1950, 7 U.S.C. 1033–1039, authorized the Secretary of Agriculture to dispose of such mineral estates to the surface owner if application therefor was filed within 7 years from the effective date of the law or from the date of the acquisition of the minerals estate by the United States, whichever is later. In areas where the Secretary of Agriculture determined, after consultation with this Department and competent local authorities that there was no active mineral development or leasing, the mineral interests covered by a single application would be sold for $1. In other areas, the mineral interests were to be sold at their fair market value. Any mineral estates not conveyed to the surface owners under the act of September 6, 1950, were transferred to the Secretary of the Interior after the expiration of such periods. Our Geological Survey states that although the land is located in an area where deposits of mica and monazite are known to occur, this specific land is believed to be without value for minerals, either metalliferous or nonmetalliferous.

Our only interest in this matter stems from our authority to issue mineral leases pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) and section 402 of the Reorganization Plan of 1946 (60 Stat. 1099). The records of our Bureau of Land Management indicate that there are no outstanding leases or applications covering the Government's interest in the minerals.

If the committee finds that there are justifiable reasons for the failure of the surface owners to avail themselves of the act of September 6, 1950, supra, or that the existence of the mineral interest owned by the United State militates against intensive development of the land, we would interpose no objection to the enactment of S. 1326, subject to the following amendment. We believe that the Government should be compensated in full for the administrative costs attendant upon making the conveyance. We, therefore, suggest that the bill be amended on page 2, lines 6 and 7, by substituting for the words "the sum of $200" the following: "such sum as may be fixed by the Secretary." With respect to similar legislation, the Comptroller General's office informally has posed the question whether the sum of $200 is sufficient to cover the costs relating to appraisal of the mineral estate and the issuance of the document of transfer. The suggested amendment would permit the Government to recover its costs in full.

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

Sincerely yours,

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D.C., May 17, 1963.*

Hon. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on S. 1326, a bill to provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property.

The report which the Secretary of the Interior is submitting sets forth the facts in this case and raises no objection to enactment of the bill subject to consideration of certain recommendations.

The Bureau of the Budget would have no objection to the enactment of S. 1326 if amended as suggested by the Secretary of the Interior.

Sincerely yours,

PHILLIP S. HUGHES,
*Assistant Director for Legislative Reference.*

Mr. MORSE. Mr. President, I have checked with the Senator from South Carolina and I have read the bill. I am advised—and the report seems to indicate that it is true—that there is no Federal value involved. The report states:

In areas where the Secretary of Agriculture determined, after consultation with this Department and competent local authorities, that there was no active mineral development or leasing, the mineral interests covered by a single application would be sold for $1. In other areas, the mineral interests were to be sold at their fair market value.

I have been assured that no Federal value for which the Federal Government would be entitled to receive compensation is involved. The Senator from South Carolina can check me carefully on the language I am about to state. The bill is needed in order to place the owners of the property in a position in which their title would be cleared. Is that correct?

Mr. THURMOND. That is correct.

Mr. MORSE. I have no objection. The record will show that the Morse formula is not involved.

Mr. THURMOND. I thank the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

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

## CONVEYANCE OF CERTAIN MINERAL RIGHTS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 234, Senate bill 1154.

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

The LEGISLATIVE CLERK. A bill (S. 1154) to provide for the conveyance of certain mineral rights to Christmas Lake, Incorporated, and Karlson Development Corporation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 6, after the word "and", to strike out "$200" and insert "such sum as may be fixed by the Secretary of the Interior"; in line 9, after the word "Incorporated", to strike out "and Karlson Development Corporation, both"; and in line 10, after the word "Minnesota", to strike out "each as owner of an undivided one-half interest,"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to convey by quitclaim deed, in return for the payment of an amount equal to the sum of the fair market value of the rights conveyed and such sum as may be fixed by the Secretary of the Interior to reimburse the United States for the administrative costs of the conveyance, to Christmas Lake, Incorporated, in Minnesota, all oil, gas, and other mineral rights which are held by the United States in the following described lands situated in Carver County, Minnesota: Tract A, registered land survey numbered 14, files of registrar of titles, Carver County, Minnesota.

Mr. MORSE. Mr. President, I should like to ask the Senator from Minnesota [Mr. HUMPHREY] one question.

Can the Senator from Minnesota tell me whether or not any Federal value is involved in the bill calling for a transfer of mineral rights?

Mr. HUMPHREY. The bill would authorize and direct the Secretary of the Interior to sell for fair market value, plus the administrative costs of conveyance, the mineral rights reserved by the United States in a tract of approximately 56 acres. There are, however, no minerals there.

Mr. MORSE. I thank the Senator. I compliment the Senator. I want him to know how much I appreciate the great respect he has paid to the Morse formula.

Mr. HUMPHREY. The Senator from Minnesota has been in the Senate long enough to fully respect the Morse formula.

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

Mr. HUMPHREY. I yield.

Mr. WILLIAMS of Delaware. Is my understanding correct that the bill deals only with the transfer of mineral rights? Do the people involved already own the land itself?

Mr. HUMPHREY. The Senator is correct. The bill would merely extend the exercise of a law that was placed on the books in 1959.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 254), explaining the purposes of the bill.

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

PURPOSE OF MEASURE

S. 1154 would authorize and direct the Secretary of the Interior to sell, for fair market value plus the administrative costs of conveyancing, the mineral rights reserved by the United States in a tract of some 56 acres in Carver County, Minn., to the surface owners.

Officers of the Department of the Interior testified at the hearings that there were no Federal mineral leases or lease applications pending on the tract, and that the U.S. Geological Survey did not believe the lands to have any mineral values. There is no record of mineral activity in the vicinity.

The subject lands had been owned by the Federal Farm Mortgage Corporation, and were conveyed to the predecessors in title of the Christmas Lake Co. in 1942 with a reservation of 50 percent of the minerals in them. In 1950, Congress enacted general legislation authorizing surface owners of lands the status of which was similar to the subject lands to purchase the reserved mineral rights if application therefor was filed within 7 years from the effective date of the law or from the date of the acquisition of the minerals estate by the United States, whichever is later. In areas where the Secretary of Agriculture determined, after consultation with this Department and competent local authorities that there was no active mineral development or leasing, the mineral interests covered by a single application would be sold for $1. In other areas, the mineral interests were to be sold at their fair market value. Any mineral estates not conveyed to the surface owners under the act of September 6, 1950, were transferred to the Secretary of the Interior after the expiration of the cutoff periods specified in the statute (act of September 6, 1950; found in 7 U.S.C. 1033–1039).

While enactment of the law was of course a matter of public record, and regulations for implementing it were duly published in the Federal Register, individual surface owners were not in every case informed personally of their rights. Hence in some instances such owners failed to avail themselves of the opportunity afforded by the statute because of lack of knowledge.

Christmas Lake, Inc., came into possession of the property in 1959, after the cutoff period provided by the law and after the Federal mineral interests had been conveyed by the Federal Farm Mortgage Corporation for leasing under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), and section 402 of the Reorganization Plan of 1946 (60 Stat. 1099).

The Federal Government's reservation of 50 percent of the mineral rights constitutes a cloud on the title of the surface owner and interferes with title insurance, thus hampering development. The reserved rights appear to be of no probable value to the United States.

THE COMMITTEE AMENDMENTS

At the time S. 1154 was introduced by Senator HUMPHREY, title to the tract was held by Christmas Lakes, Inc., and the Karlson Development Corp. by undivided one-half interest in each. Subsequently, however, Senator HUMPHREY informed the committee that the Karlson Development

Corp.'s one-half interest had been purchased by and conveyed to Christmas Lake, Inc.

Hence, the committee amended the bill to provide for conveyance only to Christmas Lake.

The amendment with respect to payment of the full administrative costs of conveyancing was adopted at the request of the Department of the Interior which stated its recommendation was based upon questions raised by the Comptroller General. The committee was informed that while the Comptroller General advised that $200 might in some instances be insufficient, and that the cost provision should be on an ad hoc basis, there was no reason to believe that in this instance such costs would exceed $200 and well might be less.

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

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

The title was amended, so as to read: "A bill to provide for the sale of certain mineral rights to Christmas Lake, Incorporated, in Minnesota."

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## NATIONAL SERVICE LIFE INSURANCE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 231, H.R. 220, and that the bill be made the pending business.

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

The LEGISLATIVE CLERK. A bill (H.R. 220) to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of national service life insurance to a new modified life plan.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Service Life Insurance Amendment Act of 1963".

SEC. 2. Subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 725. Limited period for acquiring insurance

"(a) Any person (other than a person referred to in subsection (e) of this section) heretofore eligible to apply for National Service Life Insurance after October 7, 1940, and before January 1, 1957, shall upon application in writing made within one year after the effective date of this section, submission of evidence of good health satisfactory to the Administrator at the time of such application, and payment of the required premiums, be granted insurance under the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued or renewed on the term plan after the applicant's fiftieth birthday; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than two years; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years; (4) all cash, loan, and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and all extended term insurance values shall be based on 130 per centum of such table; (5) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3 per centum per annum; (7) all rights under such insurance and any total disability income provision attached thereto, whether in force or lapsed, shall terminate effective upon the date the policyholder enters on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more; (8) the insurance shall not be payable for death which occurs while the insured is on active duty or active duty for training under a call or order to such duty for a period of less than thirty-one days, if dependency and indemnity compensation is payable in such case at the time of death, however, the cash value, if any, less any indebtedness shall be paid to the designated beneficiary, if living, otherwise to the insured's estate; (9) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (10) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund established in the Treasury of the United States and the payments on such insurance and disability provision shall be made directly from such fund.

"(b)(1) There is authorized to be appropriated such sums as may be required to provide capital for the revolving fund to carry out the purpose of this section. Such appropriations shall be advanced to the revolving fund as needed and shall bear interest as determined by the Secretary of the Treasury, taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt and shall be repaid to the Treasury over a reasonable period of time.

"(2) The Administrator is authorized to set aside out of the revolving fund established under subsection (a) of this section such reverse amounts as may be required under accepted actuarial principles to meet all liabilities on insurance issued under subsection (a) of this section and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell, and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield.

"(3) Notwithstanding the provisions of section 782 of this title, there are hereby authorized to be made available for expenditure out of the revolving fund such sums as Congress may deem appropriate to pay the cost of administration of insurance issued under subsection (a) of this section, and any total disability income provision attached thereto, for transfer to the appropriation, 'General operating expenses, Veterans' Administration', or as may otherwise be specified in appropriation Acts.

"(c) Any person who applies for insurance under subsection (a) of this section and who cannot qualify for insurance thereunder solely because of a service-connected disability for which compensation would be payable, if 10 per centum or more in degree, shall be granted insurance under the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued or renewed on the term plan after the applicant's fiftieth birthday (2) an additional premium to cover administrative costs to the Government as determined by the Administrator at the time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years; (3) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis; (4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 3 per centum per annum; (5) all rights under such insurance and any total disability income provision attached thereto, whether in force or lapsed, shall terminate effective upon the date the policyholder enters on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more; (6) the insurance shall not be payable for death which occurs when the insured is on active duty or active duty for training under a call or order to such duty for a period of less than thirty-one days, if dependency and indemnity compensation is payable in such case at the time of death, however, the cash value, if any, less any indebtedness shall be paid to the designated beneficiary, if living, otherwise to the insured's estate; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (8) all premiums and other collections on the insurance and any total disability income provision attached thereto shall be credited directly to the National Service Life Insurance appropriation and any payments on such insurance and total disability income provision attached thereto shall be made directly from such appropriation. Appropriations necessary to carry out the provisions of this subsection are hereby authorized. Notwithstanding the provisions of section 782 of this title, there are hereby authorized to be made available for expenditure out of the National Service Life Insurance appropriation such sums as Congress may deem appropriate to pay the cost of administration of insurance issued under this subsection, and any total disability income provision attached thereto, for transfer to the appropriation 'General operating expenses, Veterans' Administration,' or as may otherwise be specified in appropriation Acts.

"(d) Notwithstanding the provisions of section 782 of this title, a medical examination (including any supplemental examination or tests) when required of an applicant for issuance of insurance under this section or any total disability income provision attached thereto shall be at the applicant's own expense by a duly licensed physician.

"(e) No insurance shall be granted under this section to any person referred to in section 107 of this title or to any person while on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more.

"(f)(1) Whenever insurance issued under this section and any total disability income provision attached thereto is terminated as provided in this section, the cash value, if any, less any indebtedness, of a permanent plan policy shall be paid to the insured. Any person whose term or permanent plan policy, not including a reduced paid-up policy, was so terminated while it was not lapsed may, upon written application and payment of the required premium made within one hundred and twenty days after separation from active duty or active duty for training, replace such policy and any total disability income provision attached thereto which was in force at the time of termination. The policy and provision issued to replace the terminated insurance shall be on the same plan and shall not be in excess of the amount of insurance which was terminated. Any person whose permanent plan policy was so terminated while such insurance was not lapsed may reinstate such insurance and any total disability income provision attached thereto which was in force at time of termination, upon written application, payment of the required premium and reserve within the one hundred and twenty day period specified above. A person whose paid-up policy was so terminated may reinstate such paid-up insurance within the one hundred and twenty day period specified above, and any total disability income provision attached thereto which was in force at time of termination, upon written application and payment of the required premium and reserve. Waiver of premiums and total disability income benefits otherwise authorized under this chapter shall not be denied in any case of reinstatement or replacement of insurance or the disability provision under this paragraph in which it is shown to the satisfaction of the Administrator that the total disability of the applicant began before the date of his application for such reinstatement or replacement. The provisions of the immediately preceding sentence shall not be applicable in any case in which such total disability existed prior to the date of application for, or the effective date of, the insurance originally issued under this section.

"(2) Any person whose rights under a term or permanent plan policy or any total disability income provision attached thereto were terminated under this section, while the insurance and provision were in a lapsed status, may upon separation from active duty or active duty for training, replace such policy and provision on the same plan and not in excess of the amount of insurance terminated, upon written application made within one hundred and twenty days after separation from such duty, payment of the required premium and submission of evidence of good health satisfactory to the Administrator.

"(3) Any person whose rights under a term or permanent plan policy or total disability income provision attached thereto were terminated under this section, whether the insurance and provision were in force or lapsed, may upon separation from active duty or active duty for training (A) reinstate such permanent plan policy and provision upon written application, payment of the required premium and reserve, and submission of evidence of good health satisfactory to the Administrator; or (B) reinstate such term policy and provision (within the term period) upon written application, payment of the required premiums, and submission of evidence of good health satisfactory to the Administrator.

"(4) Five year level premium insurance may be issued under this subsection but not renewed on the term plan after the applicant's fiftieth birthday. Insurance replaced under this subsection shall be issued at the premium rate for the applicant's then attained age."

SEC. 3. Section 704 of title 38, United States Code, is amended (1) by inserting "(a)" immediately before "Insurance"; and (2) by adding at the end thereof the following:

"(b) Under such regulations as the Administrator may promulgate a policy of participating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium.

"(c) Under such regulations as the Administrator may promulgate, a policy of nonparticipating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act of 1940 shall be deemed for the purposes of this subsection to have been issued under section 723(b) of this title; and (2) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any person eligible for insurance under section 722(a), or section 725 of this title may be granted a modified life insurance policy under this subsection which, subject to exception (2) above, shall be issued on the same terms and conditions specified in section 722(a) or section 725, whichever is applicable.

"(d) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted National Service Life Insurance, on an ordinary life plan, without physical examination, in an amount of not less than $500, in multiples of $250, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived under section 712 of this title or he is entitled on that date to waiver under such section he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured."

SEC. 4. The analysis of subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

"725. Limited period for acquiring insurance."

SEC. 5. The amendments made by this Act shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

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## CIVIL RIGHTS AND JOB OPPORTUNITIES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 124)

Mr. MORSE. Mr. President, there is pending at the desk a highly privileged matter, a message from the President of the United States on civil rights issues and proposed legislation.

As I said earlier this afternoon, I think this is a matter of great historic significance in the history of our Republic. In years to come the historians will write of this great message of the President of the United States in veins similar to those of writings on the message of Abraham Lincoln in respect to the Emancipation Proclamation, for the message of President Kennedy today is a message which seeks to put into effect the rights and guarantees of the Emancipation Proclamation in respect to making the Constitution a living instrument of value to the Negro citizens of America.

I indicated earlier this afternoon that I think the highest respect should be paid to the President of the United States and to this message, and that the message should be read in this forum today, rather than merely filed and printed in the RECORD.

The American people are greatly concerned about all the implications of this message. As I have served in this Chamber for many years, I have listened to messages from Presidents read from the clerk's desk of this body when those messages did not have anywhere near the historic significance of the glorious message of President Kennedy today.

Therefore, Mr. President, I respectfully request that this privileged matter be taken up at this time. If my request is granted—I think, parliamentarily, I am entitled to have it granted because of the privileged nature of the message—I suggest the absence of a quorum, and I shall request a live quorum.

The PRESIDING OFFICER laid before the Senate the message from the President of the United States.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

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

[No. 106 Leg.]

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|---|---|---|
| Aiken | Ervin | Miller |
| Anderson | Gore | Morse |
| Bartlett | Gruening | Morton |
| Bayh | Humphrey | Nelson |
| Boggs | Javits | Pell |
| Burdick | Johnston | Prouty |
| Byrd, Va. | Kennedy | Scott |
| Clark | Mansfield | Thurmond |
| Cooper | McCarthy | Williams, Del. |
| Cotton | McClellan | Yarborough |
| Curtis | McNamara | Young, Ohio |

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The PRESIDING OFFICER. A quorum is not present.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BEALL, Mr. BENNETT, Mr. BREWSTER, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARLSON, Mr. CASE, Mr. CHURCH, Mr. COTTON, Mr. DIRKSEN, Mr. DODD, Mr. DOMINICK, Mr. DOUGLAS, Mr. ELLENDER, Mr. ENGLE, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARTKE, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HILL, Mr. HOLLAND, Mr. HRUSKA, Mr. INOUYE, Mr. JACKSON, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. KEATING, Mr. KEFAUVER, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MECHEM, Mr. METCALF, Mr. MONRONEY, Mr. MUNDT, Mr. MUSKIE, Mrs. NEUBERGER, Mr. PASTORE, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SIMPSON, Mr. SMATHERS, Mrs. SMITH, Mr. SPARKMAN, Mr. STENNIS, Mr. SYMINGTON, Mr. TALMADGE, Mr. TOWER, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

The following message from the President of the United States was read and referred to the Committee on the Judiciary:

*To the Congress of the United States:*

Last week I addressed to the American people an appeal to conscience—a request for their cooperation in meeting the growing moral crisis in American race relations. I warned of "a rising tide of discontent that threatens the public safety" in many parts of the country. I emphasized that "the events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them." "It is a time to act," I said, "in the Congress, in State and local legislative bodies and, above all, in all of our daily lives."

In the days that have followed, the predictions of increased violence have been tragically borne out. The "fires of frustration and discord" have burned hotter than ever.

At the same time, the response of the American people to this appeal to their principles and obligations has been reassuring. Private progress—by merchants and unions and local organizations—has been marked, if not uniform, in many areas. Many doors long closed to Negroes, North and South, have been opened. Local biracial committees, under private and public sponsorship, have mushroomed. The mayors of our major cities, whom I earlier addressed, have pledged renewed action. But persisting inequalities and tensions make it clear that Federal action must lead the way, providing both the Nation's standard and a nationwide solution. In short, the time has come for the Congress of the United States to join with the executive and judicial branches in making it clear to all that race has no place in American life or law.

On February 28 I sent to the Congress a message urging the enactment this year of three important pieces of civil rights legislation:

1. Voting: Legislation to assure the availability to all of a basic and powerful right—the right to vote in a free American election—by providing for the appointment of temporary Federal voting referees while voting suits are proceeding in areas of demonstrated need; by giving such suits preferential and expedited treatment in the Federal courts; by prohibiting in Federal elections the application of different tests and standards to different voter applicants; and by providing that, in voting suits pertaining to such elections, the completion of the sixth grade by any applicant creates a presumption that he is literate. Armed with the full and equal right to vote, our Negro citizens can help win other rights through political channels not now open to them in many areas.

2. Civil Rights Commission: Legislation to renew and expand the authority of the Commission on Civil Rights, enabling it to serve as a national civil rights clearing house offering information, advice and technical assistance to any public or private agency that so requests.

3. School desegregation: Legislation to provide Federal technical and financial assistance to aid school districts in the process of desegregation in compliance with the Constitution.

Other measures introduced in the Congress have also received the support of this administration, including those aimed at assuring equal employment opportunity.

Although these recommendations were transmitted to the Congress some time ago, neither House has yet had an opportunity to vote on any of these essential measures. The Negro's drive for justice, however, has not stood still—nor will it, it is now clear, until full equality is achieved. The growing and understandable dissatisfaction of Negro citizens with the present pace of desegregation, and their increased determination to secure for themselves the equality of opportunity and treatment to which they are rightfully entitled, have underscored what should already have been clear: the necessity of the Congress enacting this year—not only the measures already proposed—but also additional legislation providing legal remedies for the denial of certain individual rights.

The venerable code of equity law commands "for every wrong, a remedy." But in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens for which no effective remedy at law is clearly and readily available. State and local laws may even affirmatively seek to deny the rights to which these citizens are fairly entitled—and this can result only in a decreased respect for the law and increased violations of the law.

In the continued absence of congressional action, too many state and local officials as well as businessmen will remain unwilling to accord these rights to all citizens. Some local courts and local merchants may well claim to be uncertain of the law, while those merchants who do recognize the justice of the Negro's request (and I believe these constitute the great majority of merchants, North and South) will be fearful of being the first to move, in the face of official, customer, employee or competitive pressures. Negroes, consequently, can be expected to continue increasingly to seek the vindication of these rights through organized direct action, with all its potentially explosive consequences, such as we have seen in Birmingham, in Philadelphia, in Jackson, in Boston, in Cambridge, Md., and in many other parts of the country.

In short, the result of continued Federal legislative inaction will be continued, if not increased, racial strife—causing the leadership on both sides to pass from the hands of reasonable and responsible men to the purveyors of hate and violence, endangering domestic tranquillity, retarding our Nation's economic and social progress and weakening the respect with which the rest of the world regards us. No American, I feel sure, would prefer this course of tension, disorder and division—and the great majority of our citizens simply cannot accept it.

For these reasons, I am proposing that the Congress stay in session this year until it has enacted—preferably as a single omnibus bill—the most responsible, reasonable and urgently needed solutions to this problem, solutions which should be acceptable to all fair-minded men. This bill would be known as the "Civil Rights Act of 1963," and would include—in addition to the aforementioned provisions on voting rights and the Civil Rights Commission—additional titles on public accommodations, employment, Federally assisted programs, a Community Relations Service, and education, with the latter including my previous recommendation on this subject. In addition, I am requesting certain legislative and budget amendments designed to improve the training, skills and economic opportunities of the economically distressed and discontented, white and Negro alike. Certain executive actions are also reviewed here; but legislative action is imperative.

I. EQUAL ACCOMMODATIONS IN PUBLIC FACILITIES

Events of recent weeks have again underlined how deeply our Negro citizens resent the injustice of being arbitrarily denied equal access to those facilities and accommodations which are otherwise open to the general public. That is a daily insult which has no place in a country proud of its heritage—the heritage of the melting pot, of equal rights, of one nation and one people. No one has been barred on account of his race from fighting or dying for America—there are no "white" or "colored" signs on the foxholes or graveyards of battle. Surely, in 1963, 100 years after emancipation, it should not be necessary for any American citizen to demonstrate in the streets for the opportunity to stop at a hotel, or to eat at a lunch counter in the very department store in which he is shopping, or to enter a motion picture house, on the same terms as any other customer. As I stated in my message to the Congress of February 28, "no action is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro 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 U.S. Government has taken action through the courts and by other means to protect those who are peacefully demonstrating to obtain access to these public facilities; and it has taken action to bring an end to discrimination in rail, bus and airline terminals, to open up restaurants and other public facilities in all buildings leased as well as owned by the Federal Government, and to assure full equality of access to all federally owned parks, forests, and other recreational areas. When uncontrolled mob action directly threatened the nondiscriminatory use of transportation facilities in May 1961, Federal marshals were employed to restore order and prevent potentially widespread personal and property damage. Growing nationwide concern with this problem, however, makes it clear that further Federal action is needed now to secure the right of all citizens to the full enjoyment of all facilities which are open to the general public.

Such legislation is clearly consistent with the Constitution and with our concepts of both human rights and property rights. The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest. While the legal situations are not parallel, it is interesting to note that Abraham Lincoln, in issuing the Emancipation Proclamation 100 years ago, was also accused of violating the property rights of slave-owners. Indeed, there is an age-old saying that "property has its duties as well as its rights"; and no property owner who holds those premises for the purpose of serving at a profit the American public at large can claim any inherent right to exclude a part of that public on grounds of race or color. Just as the law requires common carriers to serve equally all who wish their services, so it can require public accommodations to accommodate equally all segments of the general public. Both human rights and property rights are foundations of our society—and both will flourish as the result of this measure.

In a society which is increasingly mobile and in an economy which is increasingly interdependent, business establishments which serve the public—such as hotels, restaurants, theaters, stores and others—serve not only the members of their immediate communities but travelers from other States and visitors from abroad. Their goods come from all over the Nation. This participation in the flow of interstate commerce has given these business establishments both increased prosperity and an increased responsibility to provide equal access and service to all citizens.

Some 30 States,[1] the District of Columbia and numerous cities—covering some two-thirds of this country and well over two-thirds of its people—have already enacted laws of varying effectiveness against discrimination in places of public accommodation, many of them in response to the recommendation of President Truman's Committee on Civil Rights in 1947. But while their efforts indicate that legislation in this area is not extraordinary, the failure of more States to take effective action makes it clear that Federal legislation is necessary. The State and local approach has been tried. The voluntary approach has been tried. But these approaches are insufficient to prevent the free flow of commerce from being arbitrarily and inefficiently restrained and distorted by discrimination in such establishments.

Clearly the Federal Government has both the power and the obligation to eliminate these discriminatory practices: first, because they adversely affect the national economy and the flow of interstate commerce; and secondly, because Congress has been specifically empowered under the Fourteenth Amendment to enact legislation making certain that no State law permits or sanctions the unequal protection or treatment of any of its citizens.

There have been increasing public demonstrations of resentment directed against this kind of discrimination—demonstrations which too often breed tension and violence. Only the Federal Government, it is clear, can make these demonstrations unnecessary by providing peaceful remedies for the grievances which set them off.

[1] Alaska, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, Wyoming. Cities with public accommodations ordinances which are outside the above States include Washington, D.C., Wilmington, Del., Louisville, Ky., El Paso, Tex., Kansas City, Mo., and St. Louis, Mo.

For these reasons, I am today proposing, as part of the Civil Rights Act of 1963, a provision to guarantee all citizens equal access to the services and facilities of hotels, restaurants, places of amusement and retail establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure. The proposal would give the person aggrieved the right to obtain a court order against the offending establishment or persons. Upon receiving a complaint in a case sufficiently important to warrant his conclusion that a suit would materially further the purposes of the act, the Attorney General—if he finds that the aggrieved party is unable to undertake or otherwise arrange for a suit on his own (for lack of financial means or effective representation, or for fear of economic or other injury)—will first refer the case for voluntary settlement to the Community Relations Service described below, give the establishment involved time to correct its practices, permit State and local equal access laws (if any) to operate first, and then, and only then, initiate a suit for compliance. In short, to the extent that these unconscionable practices can be corrected by the individual owners, localities and States (and recent experience demonstrate how effectively and uneventfully this can be done), the Federal Government has no desire to intervene.

But an explosive national problem cannot await city-by-city solutions; and those who loudly abhor Federal action only invite it if they neglect or evade their own obligations.

This provision will open doors in every part of the country which never should have been closed. Its enactment will hasten the end to practices which have no place in a free and united nation, and thus help move this potentially dangerous problem from the streets to the courts.

II. DESEGREGATION OF SCHOOLS

In my message of February 28, while commending the progress already made in achieving desegregation of education at all levels as required by the Constitution, I was compelled to point out the slowness of progress toward primary and secondary school desegregation. The Supreme Court has recently voiced the same opinion. Many Negro children entering segregated grade schools at the time of the Supreme Court decision in 1954 will enter segregated high schools this year, having suffered a loss which can never be regained. Indeed, discrimination in education is one basic cause of the other inequities and hardships inflicted upon our Negro citizens. The lack of equal educational opportunity deprives the individual of equal economic opportunity, restricts his contribution as a citizen and community leader, encourages him to drop out of school and imposes a heavy burden on the effort to eliminate discriminatory practices and prejudices from our national life.

The Federal courts, pursuant to the 1954 decision of the United States Supreme Court and earlier decisions on

institutions of higher learning, have shown both competence and courage in directing the desegregation of schools on the local level. It is appropriate to keep this responsibility largely within the judicial arena. But it is unfair and unrealistic to expect that the burden of initiating such cases can be wholly borne by private litigants. Too often those entitled to bring suit on behalf of their children lack the economic means for instituting and maintaining such cases or the ability to withstand the personal, physical and economic harassment which sometimes descends upon those who do institute them. The same is true of students wishing to attend the college of their choice but unable to assume the burden of litigation.

These difficulties are among the principal reasons for the delay in carrying out the 1954 decision; and this delay cannot be justified to those who have been hurt as a result. Rights such as these, as the Supreme Court recently said, are "present rights. They are not merely hopes to some future enjoyment of some formalistic constitutional promise. The basic guarantees of our Constitution are warrants for the here and now."

In order to achieve a more orderly and consistent compliance with the Supreme Court's school and college desegregation decisions, therefore, I recommend that the Congress assert its specific constitutional authority to implement the 14th amendment by including in the Civil Rights Act of 1963 a new title providing the following:

(A) Authority would be given the Attorney General to initiate in the Federal district courts appropriate legal proceedings against local public school boards or public institutions of higher learning—or to intervene in existing cases—whenever—

(1) he has received a written complaint from students or from the parents of students who are being denied equal protection of the laws by a segregated public school or college; and

(2) he certifies that such persons are unable to undertake or otherwise arrange for the initiation and maintenance of such legal proceedings for lack of financial means or effective legal representation or for fear of economic or other injury; and

(3) he determines that his initiation of or intervention in such suit will materially further the orderly progress of desegregation in public education. For this purpose, the Attorney General would establish criteria to determine the priority and relative need for Federal action in those districts from which complaints have been filed.

(B) As previously recommended, technical and financial assistance would be given to those school districts in all parts of the country which, voluntarily or as the result of litigation, are engaged in the process of meeting the educational problems flowing from desegregation or racial imbalance but which are in need of guidance, experienced help or financial assistance in order to train their personnel for this changeover, cope with new difficulties and complete the job satisfactorily (including in such assistance loans to a district where State or local funds have been withdrawn or withheld because of desegregation).

Public institutions already operating without racial discrimination, of course, will not be affected by this statute. Local action can always make Federal action unnecessary. Many school boards have peacefully and voluntarily desegregated in recent years. And while this Act does not include private colleges and schools, I strongly urge them to live up to their responsibilities and to recognize no arbitrary bar of race or color—for such bars have no place in any institution, least of all one devoted to the truth and to the improvement of all mankind.

III. FAIR AND FULL EMPLOYMENT

Unemployment falls with special cruelty on minority groups. The unemployment rate of Negro workers is more than twice as high as that of the working force as a whole. In many of our larger cities, both North and South, the number of jobless Negro youth—often 20 percent or more—creates an atmosphere of frustration, resentment and unrest which does not bode well for the future. Delinquency, vandalism, gang warfare, disease, slums and the high cost of public welfare and crime are all directly related to unemployment among whites and Negroes alike—and recent labor difficulties in Philadelphia may well be only the beginning if more jobs are not found in the larger northern cities in particular.

Employment opportunities, moreover, play a major role in determining whether the rights described above are meaningful. There is little value in a Negro's obtaining the right to be admitted to hotels and restaurants if he has no cash in his pocket and no job.

Relief of Negro unemployment requires progress in three major areas:

(1) More jobs must be created through greater economic growth. The Negro—too often unskilled, too often the first to be fired and the last to be hired—is a primary victim of recessions, depressed areas, and unused industrial capacity. Negro unemployment will not be noticeably diminished in this country until the total demand for labor is effectively increased and the whole economy is headed toward a level of full employment. When our economy operates below capacity, Negroes are more severely affected than other groups. Conversely, return to full employment yields particular benefits to the Negro. Recent studies have shown that for every 1 percentage point decline in the general unemployment rate there tends to be a 2-percentage-point reduction in Negro unemployment.

Prompt and substantial tax reduction is a key to achieving the full employment we need. The promise of the area redevelopment program—which harnesses local initiative toward the solution of deep-seated economic distress—must not be stifled for want of sufficient authorization or adequate financing. The accelerated public works program is now gaining momentum; States, cities, and local communities should press ahead with the projects financed by this measure. In addition, I have instructed the Departments of Labor, Commerce, and Health, Education, and Welfare to examine how their programs for the relief of unemployment and economic hardship can be still more intensively focused on those areas of hardcore, long-term unemployment, among both white and non-white workers. Our concern with civil rights must not cause any diversion or dilution of our efforts for economic progress—for without such progress the Negro's hopes will remain unfulfilled.

(2) More education and training to raise the level of skills. A distressing number of unemployed Negroes are illiterate and unskilled, refugees from farm automation, unable to do simple computations or even to read a help-wanted advertisement. Too many are equipped to work only in those occupations where technology and other changes have reduced the need for manpower—as farm labor or manual labor, in mining or construction. Too many have attended segregated schools that were so lacking in adequate funds and faculty as to be unable to produce qualified job applicants. And too many who have attended nonsegregated schools dropped out for lack of incentive, guidance or progress. The unemployment rate for those adults with less than 5 years of schooling is around 10 percent; it has consistently been double the prevailing rate for high school graduates; and studies of public welfare recipients show a shockingly high proportion of parents with less than a primary school education.

Although the proportion of Negroes without adequate education and training is far higher than the proportion of whites, none of these problems is restricted to Negroes alone. This Nation is in critical need of a massive upgrading in its education and training effort for all citizens. In an age of rapidly changing technology, that effort today is failing millions of our youth. It is especially failing Negro youth in segregated schools and crowded slums. If we are ever to lift them from the morass of social and economic degradation, it will be through the strengthening of our education and training services—by improving the quality of instruction; by enabling our schools to cope with rapidly expanding enrollments; and by increasing opportunities and incentives for all individuals to complete their education and to continue their self-development during adulthood.

I have therefore requested of the Congress and request again today the enactment of legislation to assist education at every level from grade school through graduate school.

I have also requested the enactment of several measures which provide, by various means and for various age and educational groups, expanded job training and job experience. Today, in the new and more urgent context of this message, I wish to renew my request for these measures, to expand their prospective operation and to supplement them with additional provisions. The additional $400 million which will be required beyond that contained in the January

budget is more than offset by the various budget reductions which I have already sent to the Congress in the last 4 months. Studies show, moreover, that the loss of 1 year's income due to unemployment is more than the total cost of 12 years of education through high school; and, when welfare and other social costs are added, it is clear that failure to take these steps will cost us far more than their enactment. There is no more profitable investment than education, and no greater waste than ill-trained youth.

Specifically, I now propose:

(A) That additional funds be provided to broaden the manpower development and training program, and that the act be amended, not only to increase the authorization ceiling and to postpone the effective date of State matching requirements, but also (in keeping with the recommendations of the President's Committee on Youth Employment) to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program;

(B) That additional funds be provided to finance the pending youth employment bill, which is designed to channel the energies of out-of-school, out-of-work youth into the constructive outlet offered by hometown improvement projects and conservation work;

(C) That the pending vocational education amendments, which would greatly update and expand this program of teaching job skills to those in school, be strengthened by the appropriation of additional funds, with some of the added money earmarked for those areas with a high incidence of school drop-outs and youth unemployment, and by the addition of a new program of demonstration youth training projects to be conducted in these areas;

(D) That the vocational education program be further amended to provide a work-study program for youth of high-school age, with Federal funds helping their school or other local public agency employ them part time in order to enable and encourage them to complete their training;

(E) That the ceiling be raised on the adult basic education provisions in the pending education program, in order to help the States teach the fundamental tools of literacy and learning to culturally deprived adults. More than 22 million Americans in all parts of the country have less than 8 years of schooling; and

(F) That the public welfare work-relief and training program, which the Congress added last year, be amended to provide Federal financing of the supervision and equipment costs, and more Federal demonstration and training projects, thus encouraging State and local welfare agencies to put employable but unemployed welfare recipients to work on local projects which do not displace other workers.

To make the above recommendations effective, I call upon more States to adopt enabling legislation covering unemployed fathers under the aid-to-dependent children program, thereby gaining their services for "work-relief" jobs, and to move ahead more vigorously in implementing the manpower development and training program. I am asking the Secretaries of Labor and HEW to make use of their authority to deal directly with communities and vocational schools whenever State cooperation or progress is insufficient, particularly in those areas where youth unemployment is too high. Above all, I urge the Congress to enact all of these measures with alacrity and foresight.

For even the complete elimination of racial discrimination in employment—a goal toward which this Nation must strive (as discussed below)—will not put a single unemployed Negro to work unless he has the skills required and unless more jobs have been created—and thus the passage of legislation described above (under both sections (1) and (2)) is essential if the objectives of this message are to be met.

(3) Finally racial discrimination in employment must be eliminated. Denial of the right to work is unfair, regardless of its victim. It is doubly unfair to throw its burden on an individual because of his race or color. Men who served side by side with each other on the field of battle should have no difficulty working side by side on an assembly line or construction project.

Therefore, to combat this evil in all parts of the country,

(A) The Committee on Equal Employment Opportunity under the chairmanship of the Vice President, should be given a permanent statutory basis, assuring it of adequate financing and enforcement procedures. That Committee is now stepping up its efforts to remove racial barriers in the hiring practices of Federal departments, agencies, and Federal contractors, covering a total of some 20 million employees and the Nation's major employers. I have requested a company-by-company, plant-by-plant, union-by-union report to assure the implementation of this policy.

(B) I will shortly issue an Executive order extending the authority of the Committee on Equal Employment Opportunity to include the construction of buildings and other facilities undertaken wholly or in part as a result of Federal grant-in-aid programs.

(C) I have directed that all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training.

(D) I have directed the Secretary of Labor, in the conduct of his duties under the Federal Apprenticeship Act and Executive Order No. 10925, to require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis.

(E) I have directed the Secretary of Labor to make certain that the job counseling and placement responsibilities of the Federal-State Employment Service are carried out on a nondiscriminatory basis, and to help assure that full and equal employment opportunity is provided all qualified Negro applicants. The selection and referral of applicants for employment and for training opportunities, and the administration of the employment offices' other services and facilities, must be carried on without regard to race or color. This will be of special importance to Negroes graduating from high school or college this month.

(F) The Department of Justice has intervened in a case now pending before the NLRB involving charges of racial discrimination on the part of certain union locals.

(G) As a part of its new policy on Federal employee organizations, this Government will recognize only those that do not discriminate on grounds of race or color.

(H) I have called upon the leaders of organized labor to end discrimination in their membership policies; and some 118 unions, representing 85 percent of the AFL-CIO membership, have signed nondiscrimination agreements with the Committee on Equal Employment Opportunity. More are expected.

(I) Finally, I renew my support of pending Federal Fair Employment Practices legislation, applicable to both employers and unions. Approximately two-thirds of the Nation's labor force is already covered by Federal, State and local equal employment opportunity measures—including those employed in the 22 States and numerous cities which have enacted such laws as well as those paid directly or indirectly by Federal funds. But, as the Secretary of Labor testified in January 1962, Federal legislation is desirable, for it would help set a standard for all the Nation and close existing gaps.

This problem of unequal job opportunity must not be allowed to grow, as the result of either recession or discrimination. I enlist every employer, every labor union, and every agency of Government—whether affected directly by these measures or not—in the task of seeing to it that no false lines are drawn in assuring equality of the right and opportunity to make a decent living.

IV. COMMUNITY RELATIONS SERVICE

I have repeatedly stressed the fact that progress in race relations, while it cannot be delayed, can be more solidly and more peacefully accomplished to the extent that legislation can be buttressed by voluntary action. I have urged each member of the U.S. Conference of Mayors to establish biracial human relations committees in every city; and I hope all communities will establish such a group, preferably through official action. Such a board or committee can provide invaluable services by identifying community tensions before they reach the crisis stage, by improving cooperation and communication between the races, and by advising local officials, merchants, and organizations on the steps which can be taken to insure prompt progress.

A similar agency is needed on the Federal level—to work with these local committees, providing them with advice and assistance—to work in those communities

which lack a local committee—and generally to help ease tensions and suspicions, to help resolve interracial disputes, and to work quietly to improve relations in any community threatened or torn with strife. Such an effort is in no way a substitute for effective legislative guarantees of human rights. But conciliation and cooperation can facilitate the achievement of those rights, enabling legislation to operate more smoothly and more effectively.

The Department of Justice and its Civil Rights Division have already performed yeoman service of this nature, in Birmingham, in Jackson, and throughout the country. But the problem has grown beyond the time and energies which a few otherwise burdened officials can make available—and, in some areas, the confidence of all will be greater in an intermediary whose duties are completely separated from departmental functions of investigation or litigation.

It is my intention, therefore, to establish by Executive order (until such time as it can be created by statute) an independent Community Relations Service—to fulfill the functions described above, working through regional, State and local committees to the extent possible, and offering its services in tension-torn communities either upon its own motion or upon the request of a local official or other party. Authority for such a service is included in the proposed omnibus bill. It will work without publicity and hold all information imparted to its officers in strict confidence. Its own resources can be preserved by its encouraging and assisting the creation of State and local committees, either on a continuing basis or in emergency situations.

Without powers of enforcement or subpena, such a service is no substitute for other measures; and it cannot guarantee success. But dialog and discussion are always better than violence—and this agency, by enabling all concerned to sit down and reason together, can play a major role in achieving peaceful progress in civil rights.

V. FEDERAL PROGRAMS

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination. Direct discrimination by Federal, State or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. Congress and the Executive have their responsibilities to uphold the Constitution also; and, in the 1960's the executive branch has sought to fulfill its responsibilities by banning discrimination in federally financed housing, in NDEA and NSF institutes, in federally affected employment, in the Army and Air Force Reserve, in the training of civilian defense workers and in all federally owned and leased facilities.

Many statutes providing Federal financial assistance, however, define with such precision both the Administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable. No administrator has the unlimited authority to invoke the Constitution in opposition to the mandate of the Congress. Nor would it always be helpful to require unconditionally—as is often proposed—the withdrawal of all Federal funds from programs urgently needed by Negroes as well as whites; for this may only penalize those who least deserve it without ending discrimination.

Instead of permitting this issue to become a political device often exploited by those opposed to social or economic progress, it would be better at this time to pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guaranty, insurance, or otherwise—to any program or activity in which racial discrimination occurs. This would not permit the Federal Government to cut off all Federal aid of all kinds as a means of punishing an area for the discrimination occurring therein—but it would clarify the authority of any administrator with respect to Federal funds or financial assistance and discriminatory practices.

CONCLUSION

Many problems remain that cannot be ignored. The enactment of the legislation I have recommended will not solve all our problems of race relations. This bill must be supplemented by action in every branch of government at the Federal, State, and local level. It must be supplemented as well by enlightened private citizens, private businesses and private labor and civic organizations, by responsible educators and editors, and certainly by religious leaders who recognize the conflict between racial bigotry and the Holy Word.

This is not a sectional problem—it is nationwide. It is not a partisan problem. The proposals set forth above are based on a careful consideration of the views of leaders of both parties in both Houses of Congress. In 1957 and 1960, members of both parties rallied behind the civil rights measures of my predecessor; and I am certain that this tradition can be continued, as it has in the case of world crises. A national domestic crisis also calls for bipartisan unity and solutions.

We will not solve these problems by blaming any group or section for the legacy which has been handed down by past generations. But neither will these problems be solved by clinging to the patterns of the past. Nor, finally, can they be solved in the streets, by lawless acts on either side, or by the physical actions or presence of any private group or public official, however appealing such melodramatic devices may seem to some.

During the weeks past, street demonstrations, mass picketing and parades have brought these matters to the Nation's attention in dramatic fashion in many cities throughout the United States. This has happened because these racial injustices are real and no other remedy was in sight. But, as feelings have risen in recent days, these demonstrations have increasingly endangered lives and property, enflamed emotions and unnecessarily divided communities. They are not the way in which this country should rid itself of racial discrimination. Violence is never justified; and, while peaceful communication, deliberation and petitions of protest continue, I want to caution against demonstrations which can lead to violence.

This problem is now before the Congress. Unruly tactics or pressures will not help and may hinder the effective consideration of these measures. If they are enacted, there will be legal remedies available; and, therefore, while the Congress is completing its work, I urge all community leaders, Negro and white, to do their utmost to lessen tensions and to exercise self-restraint. The Congress should have an opportunity to freely work its will. Meanwhile, I strongly support action by local public officials and merchants to remedy these grievances on their own.

The legal remedies I have proposed are the embodiment of this Nation's basic posture of common sense and common justice. They involve every American's right to vote, to go to school, to get a job and to be served in a public place without arbitrary discrimination—rights which most Americans take for granted.

In short, enactment of the Civil Rights Act of 1963 at this session of the Congress—however long it may take and however troublesome it may be—is imperative. It will go far toward providing reasonable men with the reasonable means of meeting these problems; and it will thus help end the kind of racial strife which this Nation can hardly afford. Rancor, violence, disunity and national shame can only hamper our national standing and security. To paraphrase the words of Lincoln: "In giving freedom to the Negro, we assure freedom to the free—honorable alike in what we give and what we preserve."

I therefore ask every Member of Congress to set aside sectional and political ties and to look at this issue from the viewpoint of the Nation. I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans; a sense of justice. In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquillity—but, above all, because it is right.

JOHN F. KENNEDY.

THE WHITE HOUSE, *June 19, 1963.*

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## CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. Mr. President, I send to the desk, on behalf of the distinguished minority leader [Mr. DIRSKEN] and myself, a bill, and ask that it be appropriately referred.

Mr. DIRKSEN subsequently said: Mr. President, I ask unanimous consent, with respect to the bill that the majority leader just introduced, that it lie on the desk until the end of the work day on Monday, for cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, under the order previously entered, printed in the RECORD; and, without objection, the bill will lie on the desk as requested.

The bill (S. 1750) to enforce the constitutional right to vote, to establish a Commission on Equal Employment Opportunity, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. DIRKSEN), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Civil Rights Act of 1963."

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law to vote in any Federal election apply any standard, practice, or procedure different from the standards, practices, or procedures applied to individuals similarly situated who have been found by State officials to be qualified to vote.

"(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his written request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the words 'Federal election' shall have the same meaning as in subsection (f) of this section; and

"(C) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact it shall be presumed that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory or the District of Columbia where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election as defined in subsection (f) of this section."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) Whenever in any proceeding instituted pursuant to subsection (c) the complaint requests a finding of a pattern or practice pursuant to subsection (e), and such complaint, or a motion filed within twenty days after the effective date of this Act in the case of any proceeding which is pending before a district court on such effective date, (1) is signed by the Attorney General (or in his absence the Acting Attorney General), and (2) alleges that in the affected area fewer than 15 per centum of the total number of voting age persons of the same race as the persons alleged in the complaint to have been discriminated against are registered (or otherwise recorded as qualified to vote), any person resident within the affected area who is of the same race as the persons alleged to have been discriminated against shall be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any Federal or State election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote: *Provided,* That in the event it is determined upon final disposition of the proceeding, including any review, that no pattern or practice of deprivation of any right secured by subsection (a) exists, the order shall thereafter no longer qualify the applicant to vote in any subsequent election.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote as provided herein. The Attorney General shall cause to be transmitted certified copies of any order declaring a person qualified to vote to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so qualified to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as temporary voting referees, to receive applications pursuant to this subsection and to take evidence and report to the court findings as to whether at any election or elections (1) any applicant entitled under this subsection to apply for an order declaring him qualified to vote is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. The procedure for processing applications under this subsection and for the entry of orders shall be the same as that provided for in the fourth and fifth paragraphs of subsection (e).

"In appointing a temporary voting referee the court shall make its selection from a panel provided by the Judicial Conference of the circuit. Any temporary voting referee shall be a resident and a qualified voter of the State in which he is to serve. He shall subscribe to the oath of office required by section 1757 of the Revised Statutes (5 U.S.C. 16), and shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed any persons appointed by the district court pursuant to this subsection shall be fixed by the court and shall be payable by the United States. In the event that the district court shall appoint a retired officer or employee of the United States to serve as a temporary voting referee, such officer or employee shall continue to receive, in addition to any compensation for services rendered pursuant to this subsection, all retirement benefits to which he may otherwise be entitled.

"The court or temporary voting referee shall entertain applications and the court shall issue orders pursuant to this subsection until final disposition of the proceeding under subsection (c), including any review, or until the finding of a pattern or practice pursuant to subsection (e), whichever shall first occur. Applications pursuant to this subsection shall be determined expeditiously, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in this subsection, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice-President, presidential elector, Member of the Senate, or Member of the House of Representatives; the words 'State election' shall mean any other general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for public office; the words 'affected area' shall mean that county, parish, or similar subdivision of the State in which the laws of the State relating to voting are or have been administered by a person who is a defendant in the proceeding instituted under subsection (c) on the date the original complaint is filed; and the words 'voting age persons' shall mean those persons who meet the age requirements of State law for voting."

(d) Add the following subsection "h":

"(h) In any civil action brought in any district court of the United States under this section or title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88) wherein the United States or the Attorney General is plaintiff, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY

SEC. 201. The President is authorized to establish a Commission to be known as the "Commission on Equal Employment Opportunity," hereinafter referred to as the Commission. It shall be the function of the Commission to prevent discrimination against employees or applicants for employment because of race, color, religion, or national origin by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the United States Government is provided by way of grant, contract, loan, insurance, guaranty, or otherwise. The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President. The President may also confer upon the Commission such powers as he deems appropriate to prevent discrimination on the ground of race, color, religion, or national origin in Government employment.

SEC. 202. The Commission shall consist of the Vice President, who shall serve as Chairman, the Secretary of Labor, who shall serve as Vice Chairman, and not more than 15 other members appointed by and serving at the pleasure of the President. Members of the Commission, while attending meetings or conferences of the Commission or otherwise serving at the request of the Commission, shall be entitled to receive compensation at a rate to be fixed by it but not exceeding $75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 73b–2 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 203. (a) There shall be an Executive Vice Chairman of the Commission who shall be appointed by the President and who shall be ex officio a member of the Commission. The Executive Vice Chairman shall assist the Chairman, the Vice Chairman, and the members of the Commission and shall be responsible for carrying out the orders and recommendations of the Commission and for performing such other functions as the Commission may direct.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Executive Vice Chairman, Commission on Equal Employment Opportunity."

(c) The Commission is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable it to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, and is authorized to procure services as authorized by section 14 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $50 a day.

TITLE III—DESEGREGATION OF PUBLIC EDUCATION

*Definitions*

SEC. 301. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

*Assistance to facilitate desegregation*

SEC. 302. The Commissioner shall conduct investigations and make a report to the President and the Congress, within two years of the enactment of this title, upon the extent to which equal educational opportunities are denied to individuals by reason of race, color, religion or national origin in public education institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

SEC. 303. (a) The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit, to render technical assistance in the preparation, adoption and, implementation of plans for the desegregation of public schools or other plans designed to deal with problems arising from racial imbalance in public school systems. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation or racial imbalance, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

(b) The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation or measures to adjust racial imbalance in public school systems. Individuals who attend such an institute may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for dependents and including allowances for travel to attend such institute.

SEC. 304. (a) A school board which has failed to achieve desegregation in all public schools within its jurisdiction, or a school board which is confronted with problems arising from racial imbalance in the public schools within its jurisdiction, may apply to the Commissioner, either directly or through another governmental unit, for a grant or loan, as hereinafter provided, for the purpose of aiding such school board in carrying out desegregation or in dealing with problems of racial imbalance.

(b) The Commissioner may make a grant under this section, upon application therefor, for—

(1) the cost of giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation or racial imbalance in public schools; and

(2) the cost of employing specialists in problems incident to desegregation or racial imbalance and of providing other assistance to develop understanding of these problems by parents, schoolchildren, and the general public.

(c) Each application made for a grant under this section shall provide such detailed information and be in such form as the Commissioner may require. Each grant under this section shall be made in such amounts and on such terms and conditions as the Commissioner shall prescribe, which may include a condition that the applicant expend certain of its own funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation or racial imbalance, and such other factors as he finds relevant.

(d) The Commissioner may make a loan under this section, upon application, to any school board or to any local government within the jurisdiction of which any school board operates if the Commissioner finds that—

(1) part or all of the funds which would otherwise be available to any such school board, either directly or through the local government within whose jurisdiction it operates, have been withheld or withdrawn by State or local governmental action because of the actual or prospective desegregation, in whole or in part, of one or more schools under the jurisdiction of such school board;

(2) such school board has authority to receive and expend, or such local government has authority to receive and make available for the use of such board, the proceeds of such loan; and

(3) the proceeds of such loan will be used for the same purposes for which the funds withheld or withdrawn would otherwise have been used.

(e) Each application made for a loan under this section shall provide such detailed information and be in such form as the Commissioner may require. Any loan under this section shall be made upon such terms and conditions as the Commissioner shall prescribe.

(f) The Commissioner may suspend or terminate assistance under this section to any school board which, in his judgment, is failing to comply in good faith with the terms and conditions upon which the assistance was extended.

SEC. 305. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, and on such conditions, as the Commissioner may determine.

SEC. 306. The Commissioner shall prescribe rules and regulations to carry out the provisions of sections 301 through 305 of this title.

*Suits by the Attorney General*

SEC. 307. (a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General certifies that in his judgment the signer or signers of such complaint are unable to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in a district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are

or become necessary to the grant of effective relief hereunder.

(b) A person or persons shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

(c) Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws by reason of the failure of a school board to achieve desegregation, or of a public college to admit or permit the continued attendance of an individual, the Attorney General for or in the name of the United States may intervene in such action if he certifies that, in his judgment, the plaintiffs are unable to maintain the action for any of the reasons set forth in subsection (b) of this section, and that such intervention will materially further the orderly progress of desegregation in public education. In such an action the United States shall be entitled to the same relief as if it had instituted the action under subsection (a) of this section.

(d) The term "parent" as used in this section includes other legal representatives.

SEC. 308. Nothing in this title shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States under existing law to institute or intervene in any action or proceeding.

SEC. 309. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 310. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

TITLE IV—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 401. There is hereby established a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint such additional officers and employees as he deems necessary to carry out the purposes of this title.

SEC. 402. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever in its judgment peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate local official or other interested person.

SEC. 403. (a) The Service shall whenever possible in performing its functions under this title seek and utilize the cooperation of the appropriate State or local agencies and may seek and utilize the cooperation of any nonpublic agency which it believes may be helpful.

(b) The activities of all officers and employees of the Service in providing assistance under this title shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions for any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

SEC. 404. Subject to the provisions of section 403(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year. Such report shall also contain information with respect to the internal administration of the Service and may contain recommendations for legislation necessary for improvements in such internal administration.

TITLE V—COMMISSION ON CIVIL RIGHTS

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"RULES OF PROCEDURE OF THE COMMISSION, HEARINGS

"SEC. 102. (a) The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

"(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. In the event the Commission determines that such evidence or testimony shall be given at a public session, it shall afford such person an opportunity voluntarily to appear as a witness and receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $6 a for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process."

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2; 60 Stat. 808)."

SEC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expense Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166)."

SEC. 504. Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c; 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and

"(4) serve as a national clearinghouse for information, and provide advice and technical assistance to Government agencies, communities, industries, organizations, or individuals in respect to equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

The Commission may, for such periods as it deems necessary, concentrate performance of its duties on those specified in either paragraph (1), (2), (3), or (4) and may further concentrate the performance of its

duties under any of such paragraphs on one or more aspects of the duties imposed therein.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than September 30, 1967.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist."

SEC. 505. (a) Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975(d); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof "75 per diem."

SEC. 506. Section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975(g); 71 Stat. 636) is amended to read as follows:

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States Court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as it deems necessary to carry out the purposes of this Act."

TITLE VI—NON DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such conditions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin.

TITLE VII—MISCELLANEOUS

SEC. 701. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 702. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

## CIVIL RIGHTS LEGISLATION

Mr. HUMPHREY. Mr. President, we are indebted to the distinguished Senator from Oregon for reminding us that this historic and courageous message of President Kennedy, on proposals and programs to strengthen human rights, has been read in the Senate. Of course, it is now a matter of public record, not only for the Congress, but throughout every country in the world, and for the ages.

Mr. President, I feel that this message is not only courageous and forceful, but wise. It is designed to meet the needs of the times, and, as has been said so frequently and eloquently here today, it is designed to bring the fulfillment and and achievement of the promise of the Emancipation Proclamation that was made 100 years ago.

In President Kennedy's historic message to Congress concerning our crisis of race relations in the United States, he has wisely stressed both the moral and legal aspects of the crisis. He has reminded us that we are faced with an urgent crisis to secure for every American full political and legal equality and full citizenship. This is what he meant by the so-called civil rights of every citizen.

Such civil rights include, among others, the right to vote, the right to attend nonsegregated schools, the right of access to public accommodations, the right of peaceful assembly and petition.

The exercise of these freedoms and rights is regarded, quite properly, as the foundations of American citizenship. They cannot be denied to any citizen of this Nation. The Civil Rights Act of 1963, introduced today by the majority leader [Mr. MANSFIELD], and cosponsored by a substantial number of Senators, provides the means to end such denials.

But even if every trace of civil inequality suddenly were to vanish from this land, there would still exist vast barriers of inequality, discrimination, and segregation that would constitute great barriers to racial tranquillity and harmony. Thus, the President forthrightly outlined the need for concurrent action to remove the barriers of job discrimination, educational incapacity, technical illiteracy, and social instability. One of the most tragic evidences of generations of flagrant racial discrimination in every section of America is the vast gap that exists between too many white and Negro Americans in job training and opportunity. The facts are patently clear: the Negro American, as a group, has been systematically denied the opportunity for equal academic, vocational, and technical education in many areas of America; thereby he is poorly equipped to maintain steady employment in our industrialized economy. Moreover, he has also been systematically denied access to the more desirable jobs that certain Negroes are prepared, by education and training, to perform. The self-perpetuating and self-reinforcing system of job discrimination and training discrimination has made the economic prospects for our Negro citizens very dim indeed.

This system must be broken; and it is being broken today. The racial crisis in America will never be resolved until this system is finally destroyed.

The President has recognized this fact by recommending a massive program of job training designed specifically for untrained and unemployable Negroes throughout the United States.

When I say "unemployable" I mean unemployable because they have been denied the education and training that should have been accorded to them. The President has recommended legislation to remove all racial barriers from job opportunities. I am hopeful that the Committee on Labor and Public Welfare will report to the Senate a fair unemployment practice bill providing for full equality of opportunity in employment. It was my privilege to sponsor such a bill several years ago and I am currently working on a totally new version. An earlier version of FEPC legislation was reported favorably by the committee, but, regrettably, it failed to pass the Senate.

I believe the times are different today. There is a different temperament in America. The country feels differently today about the necessity for the enactment of effective civil rights legislation.

I am now preparing fair employment legislation which will offer a totally new approach to the problems of fair employment opportunities. I sincerely hope the Senate will give this legislation full and complete consideration when it is introduced.

It was my privilege, as mayor of a great city, in the year 1946, to propose the first municipal fair employment practice ordinance, with enforcible provisions. That ordinance was presented to the city council, and was made the law of the city. It has been operative for 17 years. It has worked advantageously for employer and employee alike, and has been of substantial benefit to the community.

Therefore I say that in the immediate future I will spell out the details of the new proposed legislation. In line with the President's emphasis in today's message, fair employment legislation must permit employers to develop maximum employment opportunities for every American, as opposed to providing merely for the enforcement of nondiscrimination in employment. This distinction is most important. Only through such a comprehensive approach to fair employment practices, which is, after all, an integral part of the total employment process, can we ever hope to bring the Negro into our economic system in such a manner that his talents can be developed and utilized to the fullest.

We have passed the point in history where this Nation can afford to throw away the productive labors of any specific group on the basis of institutionalized and outdated habits of employment.

This is the challenge we face; and I believe the 88th Congress has the historic opportunity to respond to this challenge.

I emphasize, for the moment, the employment aspects, because I believe this is one of the important problems we

face. However, let me be crystal clear that the American citizen wants more than a job; he wants to be treated in a way in which he has every right to be treated.

When I speak of the American as a citizen, I do not speak only of the American Negro, who has been discriminated against, but I speak also of every minority group. I speak of the Indians. I speak of the Spanish-speaking people. I speak of people of Mexican descent. I speak of all people who too frequently have not been given the opportunity which they so justly and richly deserve.

I will be saying a great deal more about the new approach to fair employment that is required in light of present circumstances and past experience.

We are speaking of only one kind of citizenship, and that is full American citizenship; of only one kind of opportunity, and that is equal opportunity; of only one kind of education, and that is the best that this Nation can offer to all its people.

When we start to think in terms of Americans rather than national or ethnic groups, when we begin to speak in terms of one constitution, the Constitution of the United States of America, instead of 50 State constitutions, we will begin to find solutions to the grave national problems that confront us in this area of human relations.

All Americans should feel great personal pride in the actions proposed today by their President, John F. Kennedy. This is a memorable day. This is a historic occasion. This day will go down in the history of our country as one of the great days of freedom. It will be a day like July 4, 1776, when a whole people declared themselves free and independent. It will be a day like January 1, 1863, when the President of the United States proclaimed the end of slavery and the emancipation of a race of people.

It will go down in history as one of the truly great landmarks in the attainment of full democracy and full freedom.

The President of the United States has displayed great personal courage and determination in making these numerous proposals to Congress. No one harbors any illusions about the difficult weeks and months that lie ahead. However, as I have previously said, the die is cast. The promise of emancipation can no longer be postponed or denied. Americans of every race and section of the country must face this challenge with the sense of justice noted in the President's closing remarks. Let me repeat these historic words:

> In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquillity—but, above all, because it is right.

Mr. President, to illustrate the great importance of providing fair employment opportunities for Negroes, in combination with expanded education and training opportunities, I ask unanimous consent to have printed in the RECORD an article which appeared in yesterday's New York Times relating to the urgent need for jobs and job training.

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

NEGROES HERE HELD MORE UPSET OVER JOBS THAN SEGREGATION—SURVEY FINDS MANY TOO POORLY EDUCATED TO COMPETE FOR WORK—NAACP AND URBAN LEAGUE CRITICIZED

(By Martin Arnold)

The northern Negro is more concerned with finding a job than with the problems of Birmingham, according to a study being made for the Fund for the Republic.

Joseph P. Lyford, a staff member of the Center for the Study of Democratic Institutions, is making the survey. He said yesterday:

"I think the Negro on the West Side of New York is beginning to see his problems as not exclusively arising from racial discrimination but from the fact that he is poor."

The center was financed by the Fund for the Republic. One of its projects is a series of studies of American communities and the American character.

"We are trying to do the job not by speaking to experts or compiling studies or talking to community leaders," Mr. Lyford said. "But by speaking to the people themselves."

STUDIES 40 BLOCKS

The first in the series, "The Talk in Vandalia," a profile of a small town in Illinois, was published last year. Since last August Mr. Lyford has been studying a 40-block area on the upper West Side of Manhattan.

Mr. Lyford estimates that 35,000 to 40,000 persons live in the area, and that at least 25 percent of them are Negroes, most of them with low incomes.

"They [the Negroes in New York] have different preoccupations than the Birmingham Negro who is striking for recognition of the most fundamental rights of human life, many of which the New York Negro has had for a long time," he said.

POOR EDUCATION CITED

Mr. Lyford said that the Northern Negro's "real problem is not racial discrimination per se but that he is becoming permanently unemployed."

"He has been crippled by the fraudulent education in the South, which has prepared him for nothing," Mr. Lyford said. "This fact alone should prove that equal but separate education is a fraud."

Mr. Lyford found that most of the Negroes he interviewed in the West Side, because of their education, "can't get far enough along in the hiring process to really find out if discrimination exists."

Unskilled workers are nearly all being replaced by automation, he found, and the semiskilled factory worker also is rapidly being replaced by machinery.

"This plus the fact that the unions—such as those in the buildings and garment trades—discriminate against Negroes makes it very difficult for the Negro to develop qualifications for a trade."

He found that the only Negroes who were not suffering economically in the West Side were the professional people—doctors, lawyers, and architects.

"And many middle-class Negroes line up with the whites on given issues," he said, "so that the poorer Negroes have no one to help them.

He criticized the larger groups such as the National Association for the Advancement of Colored People and the Urban League as "doing nothing for these people."

Political leaders and city commissioners promise the Negro everything from jobs to housing, Mr. Lyford said, but "deliver nothing."

The NAACP and the Urban League "do nothing for the West Side Negro on the local level such as code enforcement in housing so the Negro is left defenseless."

The single exception to local indifference that Mr. Lyford found was the school system.

Mr. Lyford said that the primary concern that the Negro family has about education is that the "children get a good one, not whether there are 20 percent whites in the class."

He said that in the North the Negro is concerned over whether his child likes the school and the teacher and whether the child is learning to read and write.

The Negro family does not want his child in a segregated school in the North, he said, "but is not as terribly concerned about that question as he is over the quality of the education."

"I have found that there are three excellent elementary schools in this area, and the parents are very happy with the schooling."

HOPES IN CHILDREN

Mr. Lyford said that the Negro adult in the North had "given up."

"All his hopes are in his children," he said. "While the parent doesn't want discrimination in school, he is mainly concerned that his child gets a good education."

The question is, according to Mr. Lyford, what happens "if the child gets a good education and then can't find a job?"

His survey has found that while the Northern Negro admires and respects Dr. Martin Luther King, Jr.'s work in the South, "he feels the need for a Dr. King in the North."

"Only when the Negroes have sit-in demonstrations in New York—when they lie down on the stairways in some of the slums in which they live—will they get better housing," he said.

The area that Mr. Lyford is studying is bounded, roughly, by the middle 80's and 110th Street between Central Park West and Riverside Drive.

Mr. Lyford lives in the area, on 105th Street. His study will include among other things the whites and the Puerto Ricans on the West Side, police protection, narcotics and housing.

It should be completed in about a month and published soon after.

Mr. Lyford has been a staff member of the Fund for the Republic since 1955. Before that he had been a newspaper reporter and twice was an unsuccessful Democratic candidate for Congress from Connecticut.

Mr. HUMPHREY. Mr. President, last evening it was my privilege to address a meeting of the alumni and friends of Brandeis University. It was attended by the Chief Justice of the United States and by several of our colleagues in the Senate, and also by that great educator, Dr. Sachar, president of Brandeis University.

It was a great privilege to be one of those who have received an honorary degree by Brandeis University, which is currently celebrating its 15th anniversary. I could not help noting that it came into being as a university in 1948, at about the same time and about the same month that a very important political convention was taking place in Philadelphia.

I noted in my address last night that a recent Gallup poll had indicated that about 36 percent of the people believed that the administration was moving too fast on civil rights. My response last night was the same that I gave 15 years ago in Philadelphia; namely, that this Nation has been moving too slowly.

Fifteen years ago, in the summer of 1948, I spoke on this subject at the Democratic National Convention in Philadelphia.

I see in the Chamber my good friend, the Senator from Illinois [Mr. DOUGLAS]. He was the first to take up the standard of the great State of Illinois and lead that State in the parade and subsequently in the roll call that made possible a minority report on civil rights which became the majority report and commitment of the Democratic Party at that convention.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. In my judgment, the eloquent speech of the then mayor of Minneapolis, now the senior Senator from Minnesota, was the greatest political oration in the history of the country, with the possible exception of William Jennings Bryan's "Cross of Gold" speech. The speech had a strong influence not only on the Democratic platform, but on the development throughout the country of a proper feeling on the question of civil rights.

Mr. HUMPHREY. I thank my good friend from Illinois, who has never for a moment faltered in his dedication and devotion to the principles of human rights and civil rights. He has been as true as a man ever could be to his convictions and ideals. I know he feels today as I do, a moment of exhilaration and happiness.

I recall that when I came to the Senate 14 years ago if one stood up for civil rights, he was frowned upon; indeed, he was fortunate if that was all that happened to him. It was an unpopular position. I can say tonight that the need for civil rights legislation is so imperative that not only is it more popular to be for it, but now, as then, it is right. Congress will not adjourn until the President's program, which is minimum legislation, is adopted. We are prepared for the struggle for which many of us have waited during these years, and we are prepared for it because there is no other answer, there is no other means, there is no other alternative. The people of the United States want Congress to act in a forthright and effective manner on civil rights legislation. And we will act.

The American Negro has waited too long. He is not only asking for his rights and his full citizenship; he is demanding them and fighting for them. He ought to know that he has loyal allies in his fellow citizens in vast areas of the Nation.

Fifteen years ago, I said these words:

There are those who say to you, "We are rushing this issue of civil rights." I say we are 172 years too late.

There are those who say, "This issue of civil rights is an infringement of State's rights." The time has arrived to get out of the shadow of State's rights and walk forthrightly in the bright sunshine of human rights.

People—human beings—this is the issue of the 20th century. People—all kinds and sorts of people—look to America for leadership, for help, for guidance.

I ask you for a calm consideration of our historic opportunity. Let us forget the evil passions, the blindness of the past. In these times of world economic, political, and spiritual crisis, we cannot—we must not—turn from the path so plainly before us.

Mr. President, those words are as true today as they were then. I still ask, as a Senator and as the assistant majority leader of this body, for a calm consideration of our historic opportunity. I hope and pray that we shall not have to go through the unsightly experience of a filibuster to obtain legislation that is so fundamental to human dignity. But if a filibuster should be forced upon us, let it be known that we are prepared for the test. We will be on this line, if need be, until the end of this year and into the next, because the decision has been made, not only by some of us in Congress, but by the American people, that the issue of human rights can no longer be delayed. We must face it, and we must answer it.

Our forefathers declared that there are such things as inalienable rights, natural rights, of life, liberty, and the pursuit of happiness. They enunciated the doctrine of human equality. Our Constitution proclaimed the supreme citizenship of a citizen of the United States. The Constitution provided that no State may deprive any citizen of life, liberty, or property without due process of law. Slavery was abolished. The doctrine of equal rights and equal opportunities, privileges, and immunities for all citizens was proclaimed. There is nothing in the Constitution that speaks of Jew or gentile, of Negro or white. The Constitution speaks only of a Nation or a Union of States, of a Republic of the United States of America, of one people, one law, and one citizenship.

This great American dream must become a living force. That living force needs, today and in the months ahead, the sustenance and encouragement of action by Congress.

There have been many gaps, as I indicated to my friends last evening. Congress has become very emotional over what is called the missile gap in our contest with the Russians. Many speeches have been made from the floor of the Senate about the missile gap. Billions of dollars have been appropriated to overcome the missile gap. Now it is said that there is no missile gap; that we have closed it. It is said that we are ahead.

Today we worry about being behind in space. We refer to the space gap.

In truth, the greatest weakness in America, the greatest danger, is the citizenship gap, the gap between the promise of citizenship and its actuality. The citizenship gap is being closed by the message of the President of the United States and the proposals he has sent to Congress. I am not sure that those proposals are all that is needed; but I know they will go a long way toward closing the gap between the promise of American citizenship and its reality for millions of people.

Today I feel as one who has come into a great victory, because I see a leader in our Nation, giving us not only leadership in Congress—political leadership—but great moral leadership. The President of the United States has told us that the struggle is on, that the die is cast, and that there will be no retreat from the position that has been taken, the position of full, responsible citizenship for every American, without regard to race, color, creed, or national origin.

I am confident that victory will crown the efforts of those in this body who seek to pass the proposed legislation and make it a reality.

I ask unanimous consent to have printed at this point in the RECORD excerpts from my remarks of last evening. I was most appreciative of the presence of the distinguished junior Senator from Massachusetts [Mr. KENNEDY].

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

EXCERPTS OF REMARKS BY SENATOR HUBERT H. HUMPHREY, BRANDEIS UNIVERSITY DINNER, WASHINGTON, D.C., JUNE 18, 1963

The issue of freedom has come home, and it's always painful. Almost 200 years ago, our Nation was born with a cry for freedom which still echoes across every continent.

Our American Revolution set a new and attainable goal for all men who aspired to freedom. It was a warning to the tyrants who sponsored oppression, and to the indifferent who tolerated injustice.

The idea of our Revolution took root in other lands, and spread. Over the years, we have watched the results as the people of other countries stood up and demanded freedom for themselves.

Our American idea of freedom for all men has circled the earth, moulded new nations and shaped history.

Idea of freedom has now returned to this land with vitality and force—to challenge us again or to haunt us.

The Negro—the American Negro—wants full freedom. And he is standing up to demand it and he is fighting for it. Nor should we be surprised by his demand or by the steps he is taking to win his rights. The surprise is that he had enough patience to wait so long. And the Negro's demand for full freedom is not new; nor does it represent some alien philosophy. It's 100 percent American. Our forefathers gave him the idea almost 200 years ago, with our Declaration of Independence. We promised him realization of the idea 100 years ago, with the Emancipation Proclamation.

But today, there is a tragic gap between the promise and the fulfillment of the Emancipation Proclamation. It is that gap which is now being closed.

As a nation, we have in recent years been preoccupied with the contest with communism.

We have poured our resources and energies into a massive effort to close what we called the missile gap, and now the space gap.

But, we have neglected the most tragic failure of America—the citizenship gap.

There is a gap between what we should be and what we are. All of our people are proud to be Americans. But many of our people have not been respected as Americans. All of our people are, by the words of the Constitution, free and equal citizens. But many of our people have not enjoyed full citizenship privileges, rights, and duties. The gap exists—and it is wide. It must be closed.

America is behind in guaranteeing first-class citizenship to every American.

America is behind in guaranteeing voting opportunities to Negro citizens.

America is behind in opening educational opportunities to Negro citizens.

America lags in assuring equal job opportunities to Negro citizens; also lags in training them.

America, in short, is short on the freedom about which it boasts.

Our Nation suffers from a lingering disease—a corroding and crippling disease of prejudice, bigotry, and discrimination which take its toll in poverty, illiteracy, and social injustice.

We must dedicate ourselves, our energies and our knowledge to the imperative task of closing America's citizenship gap.

We must remove the disease of discrimination through new laws, new practices, through our communities and States—and with Federal standards.

Discrimination is not a local problem, or the problem of one State or area of the country. This is a national problem—and in some ways, international. It weakens us at home and embarrasses us abroad.

The basic issue today is not whether the wrongs of discrimination will be righted—they will be.

The issue is not even when equality and full freedom will be realized for every American—that time is now, this year.

The basic issue is how first-class citizenship will be won for all Americans.

This is the question: Will full citizenship rights be won and assured for every American by law and by practice or by violence, disorder, and demagogery?

Tomorrow, President Kennedy will offer part of the answer to this question. He will give to the Congress and the country a courageous, comprehensive and strong message on the steps needed to bring first-class citizenship to every American. His proposals will represent a massive effort to resolve the major issue of our time by orderly, legislative steps.

There will be a long and difficult debate in the Congress on the administration's civil rights program. I pledge my energies and whatever legislative ability I may have to securing congressional approval for that program. It must be approved; and it will be approved.

A Gallup poll of this week reports that 36 percent of the people believe that the administration is moving "too fast," on civil rights. But, I believe that this Nation has moved too slowly.

Fifteen years ago, in the summer of 1948, I spoke these words at the Democratic National Convention in Philadelphia:

"There are those who say to you, 'We are rushing this issue of civil rights.' I say we are 172 years too late.

"There are those who say, 'This issue of civil rights is an infringement of States rights.' The time has arrived * * * to get out of the shadow of States rights and walk forthrightly into the bright sunshine of human rights.

"People—human beings—this is the issue of the 20th century. People—all kinds and sorts of people—look to America for leadership, for help, for guidance.

"I ask you for a calm consideration of our historic opportunity. Let us forget the evil passions, the blindness of the past. In these times of world economic, political and spiritual crisis, we cannot—we must not—turn from the path so plainly before us.

* * * * *

"For all of us here, for the millions who have sent us, for the whole 2 billion members of the human family—our land is now, more than ever, the last best hope on earth. I know that we can—I know that we shall—begin here the fuller and richer realization of that hope—that promise of a land where all men are free and equal, and each man uses his freedom and equality wisely and well."

We did make a new beginning in that summer 15 years ago. Much has been done in those 15 years to advance the cause of civil rights and human rights in the United States.

I am confident now that more will be done in the next 15 months than in the past 15 years.

I am confident that the promise of the Emancipation Proclamation will be matched by performance in the next 15 months.

My confidence is based on trust in the people of the United States—in their basic goodness, their intrinsic decency, their enduring respect for the principles which shaped this Nation's philosophy of freedom.

And my confidence is based on the sense of a new climate in America—an awareness of the moral crisis we face, and a determination to resolve it.

In this new climate, indifference has changed to concern and personal involvement.

All of us, every citizen of this Nation, are concerned today about the moral crisis of civil rights and human rights. All of us must recognize that we are personally involved in this crisis—no matter what part of the country is our home.

Edmund Burke said it best to the House of Commons:

"All that is necessary for the forces of evil to win in the world," he said, "is for enough good men to do nothing."

We have the good men. And today, they are doing something.

Mr. DOUGLAS. Mr. President, the President of the United States deserves the praise and support of all Americans for the very thoroughgoing program which he has laid before Congress in his message on civil rights and job opportunities. The message deals with virtually every phase of the difficulties which the Negro race and other minority groups experience in the United States. It strengthens the provisions for voting rights, for school desegregation and, at the same time, urges more adequate financing for schools and for the vocational and general training of those who, in the past, have not had the advantages of adequate education.

The President's program provides also for Federal protection of the right of all Americans to be served without discrimination on the basis of color in places of public accommodation. It lays down a program to assist in securing equal opportunities in employment for all Americans. What the President is trying to accomplish is the legal affirmation and protection that men may be judged on their own merits.

What the President is urging is that men may have a chance to be judged on their own merits and be really free to succeed or not succeed in proportion to their abilities and their character. In this effort we should give him not only our commendations today, but our support in the difficult months, and perhaps years, which lie ahead.

Protection of the right to vote, protection of the right to a decent education, without forced segregation, protection of the right to be served in places of public accommodation, protection of the right to be considered on one's own merits in obtaining employment—these would seem to be standards to which honest and conscientious Americans of all races should rally.

I know the President will be criticized for laying down such a thoroughgoing program as this; and it will be charged that by asking for so much, it will be difficult for him to obtain very much. The point is that we have slept on this job for more than a century—in particular, for the last 85 years. The Nation stood aside despite the Constitution and permitted the Southern States to disfranchise the Negro population. It stood aside and permitted the Southern States and municipalities, and, indeed, some Northern States and municipalities, to segregate Negroes in schools and in public places. This action of the South was indeed blessed by the Supreme Court in 1895, in the famous case of Plessy against Ferguson, to which there was only one dissent—that of the sturdy and heroic Associate Justice John Marshall Harlan, of Kentucky. Only in the last 20 years has America begun to wake up on this question; and, as the Senator from Minnesota has said, the 15 years of battling which some of us have conducted on the floor of this body have not been productive of very much legislation on the part of Congress.

If we had provided more adequate education for the freed slaves of the South; if we had treated them more as human beings and less as inferior persons; if we had lived up to the pledges of the 14th amendment that no State should discriminate against individuals or deny to any person the equal protection of the laws; if we had moved earlier in the field of voting; if we had tried to improve public education; if we had tried to open up employment on the basis of ability, then possibly these reforms could have been introduced gradually, and in this country there might have been adjustments without violence and without disturbance.

But, no, the dominant forces of the country and in the Congress refused to act; and, as a result, the tides of change were arrested; and Congress and the National Government remained largely isolated from the streams of thought. So—as was inevitable—the forces of change have boiled up in an open manner; and today measures which might have produced unity 85 years ago, 75 years ago, 50 years ago, 25 years ago, 15 years ago, 10 years ago, 5 years ago, are no longer adequate.

The 18 million to 20 million Negro citizens have lost a great deal of the fear of the white man which formerly restrained them. They have lost the servility which formerly characterized them. The inferiority complex which many felt in the presence of white civilization has departed. They have been inspired by the creation of approximately 30 new African republics. They have been heartened by the development of able members of their race who, even with all the disadvantages under which they have suffered, have nevertheless demonstrated their ability; and through the Negro population of the country there now runs a deep demand for change—for thoroughgoing change—and for no compromise.

Let me say that I think it is extraordinary that thus far these protests have taken place with so little violence and with so few threats of violence on the part of the Negro race. They have suffered under great wrongs. What have been their methods? Peaceful parading, in the main; peaceful petitioning—supposedly guaranteed by the first amendment to the Constitution; nonresistance,

or perhaps I should say physical nonresistance, but spiritual super-resistance. For the new and young leaders of the Negro race have adopted the methods of Ghandi, and have practiced moral protests and spiritual super-resistance, in an effort to pierce the conscience of the white race and to effect a peaceful change—but a thoroughgoing change.

The NAACP has given and is giving heroic service not only in its noble work to free Negroes from the legal disabilities which have hampered them, but also in the struggles for civil rights here in Congress and in the various State legislatures and city councils. They have laid the foundations for the developments which are taking place today. I want to pay my tribute to them and to the unselfish leaders who have truly worked for their people.

I have also tried to study not only the speeches and writings, but also the actions, of Martin Luther King and his great associates, Ralph Abernathy and Fred Shuttleworth and the host of followers they have attracted.

I have never found one word of hatred in what they have uttered. They have spoken of the necessity of loving white people and cooperating with white people. They have emphasized the need for whites and blacks to work together. But they have been adamant in their demands that the Negro should not be content with the position to which he has been assigned. So has been the NAACP.

Thus far these groups have been amazingly successful in restraining their fellow Negroes. I believe it is probably true that we would not have had the message from the President, and we would not have had the wide support which that message has called forth, if it had not been for these mass demonstrations. If the Negroes had continued in their former habits of servility, if they had maintained what some members of the Negro race call the "Uncle Tom attitude," I do not think we would have had any proposals of the type now offered.

So the method of Gandhi—and I believe it is also the method of Jesus—has caught fire and has touched the hearts of many members of the white race as well. We hope that it will penetrate farther.

But while I rejoice in the message of the President, we should all be aware of the long, difficult course which lies ahead.

Four leading Senators from the Southern States have publicly announced that they will oppose these measures with all their strength, and that they will carry out, if necessary, a prolonged filibuster to defeat them. That is a frank statement. The men who make such statements are skilled parliamentarians who know every crevice and every delaying device in the Senate rules and procedures. I think we can be quite certain that all of them will be employed.

I notice that three bills have been introduced. I have them here on my desk. Two of them seem to be administration bills, one an omnibus bill dealing with all the subjects which the President outlined in his message, including the right of accommodation in public places, and the second dealing only with the matter of public accommodations. A cursory examination makes me somewhat uncertain as to the reason for the second bill in view of the first bill. This duality may appear to be well founded upon closer analysis. But these two bills are separated at their very origin. The first, the omnibus bill, is being referred to the Judiciary Committee. It contains, as I have said, sections on public accommodations. But the bill which concentrates exclusively on public accommodations is being referred to the Committee on Commerce. So these two bills seem to move in different directions.

Then there is a third bill which only a few minutes ago was jointly introduced by the minority leader, the Senator from Illinois [Mr. DIRKSEN], and the majority leader, the Senator from Montana [Mr. MANSFIELD]. I have not had sufficient time to examine that bill in minute detail. But it seems to leave out all reference to public accommodations.

The question which immediately arises is which of the bills is the Senate leadership supporting? Is it supporting the President's omnibus bill, which deals with public accommodations, or is it supporting the Mansfield-Dirksen bill, which omits reference to public accommodations? We should have a clarification on that point before we go much further, because we may find that it is the first movement of attrition or erosion being conducted against the administration program.

I make no charges in that connection, but it seems to me extraordinary that the two leaders should introduce a bill which omits the vital feature of public accommodations, if I read the bill correctly.

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

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. At the very minimum, eight Republicans and eight Democrats have joined in the omnibus bill as well as in the single bill on public accommodations, both of which have been introduced, one by the Senator from Montana [Mr. MANSFIELD] and the other by the Senator from Montana [Mr. MANSFIELD] and the Senator from Washington [Mr. MAGNUSON].

When the Senator asks the question about the leadership, I think this pictures the situation: as I see it, the minority and majority leaders have gotten together as much as they, as individual Senators, can get together, on the bill omitting public accommodations.

Mr. DOUGLAS. Then I am correct in stating that the so-called Mansfield-Dirksen bill omits reference to public accommodations.

Mr. JAVITS. It does. A bipartisan group, which we think will grow, but which, as I say, at the very minimum starts with 8 on each side, supports the Senator from Montana [Mr. MANSFIELD] in his omnibus bill and in his public accommodations bill. The significance of that is that, when the Senator speaks about the leadership, there is always implied a solid phalanx of a party which is following a leader. We well understand the southern situation on the other side of the aisle. But what I have stated indicates that on our side there is great support—and I think it will be a growing support—for the total administration package. Therefore, I think it is extremely important that those facts be made clear, because they are just as pertinent as is the question of the Senator from Illinois: "Where, oh where, is the leadership, and what will it be?"

Mr. DOUGLAS. I thank the Senator from New York. His concern and his frankness are characteristic of him. I hope that, like Abou Ben Adhem, his tribe will increase.

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

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I have been privileged to participate in many, if not all, of the conversations relating to the proposed legislation as it was developed and as the message of the President was developed. The majority leader is unqualifiedly in support of the administration bill.

Mr. DOUGLAS. Including public accommodations?

Mr. HUMPHREY. Including public accommodations. I make that statement because I have explicity discussed the question with the majority leader. When the majority leader today introduced the administration bill, he did so because he desired that it be clear to all persons that his support was for the total package.

As Senators may recall, he also introduced the public accommodations feature, which is title II of the administration bill, so that it could be the subject of separate hearings before the Committee on Commerce. He was joined in the introduction of that bill by the Senator from Washington [Mr. MAGNUSON]. The situation relating to the bill that has been introduced by the majority leader and the minority leader—the Mansfield-Dirksen proposal—is as follows:

The junior Senator from Illinois [Mr. DIRKSEN] did not fully agree at this time with the administration's proposal on public accommodations. He did feel that there was need for some legislation in that area. The majority leader, the Senator from Montana [Mr. MANSFIELD], knowing full well that we may be faced with a cloture vote in this body, was seeking, as a leader, to maintain the broadest possible support for the time when we may have to apply cloture.

Therefore, he has worked carefully and painstakingly with the minority leader in an effort to arrive at the broadest area of agreement. Interestingly enough, all the administration proposals are supported by the minority and majority leaders in the Mansfield-Dirksen bill with the one exception of excluding public accommodations. I do not minimize that section. It is very important.

In the light of the meetings I have attended—and I believe it is fair to say that I have attended most, if not all, of them—an effort has been made, and is still being made, on the part of the minority leader and majority leader to find the language, as a result of hearings which will be held, so that whatever bill is ultimately reported can have the

wholehearted support, in public accommodations as well as other areas, of both leaders.

I think the present situation lends itself to some confusion. The Senator from Illinois has appropriately and properly and rightly pointed this out. This has been discussed at length.

One of the reasons why I was so pleased today with the action by the majority leader in introducing the administration bill, and by the broad cosponsorship of it, is the fact that it should be noted that this is the position of the leader. This is a bipartisan position for a large number of Senators—a number which is growing. It is my view that before Monday there will be more than 50 cosponsors for the administration bill, and many of them from the Republican side of the aisle.

In my judgment there will also be a public accommodations bill on the calendar when the Senate Committee on Commerce shall have completed its hearings. So there can be no doubt of what is the position of responsible Members of this body. I have a feeling that, by the time civil rights legislation is enacted, there will be broad agreement.

If the Senator, who has been very generous with time, will permit me to take a moment more, I should like to make one additional comment.

Mr. DOUGLAS. Certainly.

Mr. HUMPHREY. It is my view that the House will pass the administration bill pretty much as it is, judging from consultations with House Members. In other words, the House will pass a strong civil rights bill in one package.

That bill will come to the Senate from the House. I would hope we could have reported from the Committee on the Judiciary of the Senate to the Senate Calendar the full and comprehensive bill. But, if that should not be the case, we shall have the option of using rule XIV, which permits the Senate to intercept a bill as it comes from the House, place it on the calendar, and then either consider it from the calendar or refer it to a committee for a limited number of days and for a report on a day certain.

In the meantime, there will have been hearings on all proposals in the Senate committees, so that no Senator will be able to say that there have been no hearings or that this is new material and we know nothing about it. By majority vote we shall be able to do that.

I wish to make the record clear that these matters have been thought through very carefully, and the President has been involved in these discussions, as have the Vice President and the leadership on both sides, as well as members of certain committees.

I have been impressed with the degree of cooperation we have received. I regret that there was not a fuller understanding and agreement on the public accommodations feature, but I believe that the majority of this body favors a strong public accommodations feature, as will be indicated by the number of cosponsors on the administration bill.

I reassure my colleague from Illinois that the majority leader has no doubt as to his position. I wish he were present to speak for himself, but in this instance I know he will permit me to do so, because this question was brought up yesterday in conversation and in conference. I believe not only that I am permitted to say, but that the majority leader would want me to say, that he sponsored the comprehensive bill and the separate public accommodations bill as a clear demonstration of his unqualified, open support of that proposal.

Mr. DOUGLAS. I appreciate the statement made by the whip on our side of the aisle. I think his statement will be reassuring. I think, however, that the presence of the two bills, with sponsorship of this peculiar nature, tends to lead to public confusion. I welcome this reassurance on the part of the Senator from Minnesota. I hope it will be reflected in vigorous action and leadership on the part of others.

Mr. JAVITS. Mr. President, does the Senator from Illinois find it convenient to yield for one moment further?

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. I should like to state to the Senator, because the Senator from Minnesota was too modest to state it himself, that the two architects of a good deal of the bipartisanship which has entered into this matter have been the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL]. I do not think the record would be complete, especially on my part, since, like the Senator from Illinois, I have been so deeply concerned, if I did not pay those Senators the respect and honor which they deserve for great skill and patience in working through this labyrinth and coming out as well as they have.

As I am sure the Senator from Illinois understands, there are possibilities of confusion; nevertheless this bipartisan base on the main issue is most helpful and extremely important, and will represent the reason why we shall succeed rather than fail.

While I am on my feet, I wish to say to the Senator that I listened with the greatest of respect to his historical analysis of the situation. I feel that the Senator has put his finger on what will be supremely important in the days ahead; that is, that we are no longer talking about what will mollify the Southern Senators and happily induce them not to press their powers of filibuster to the very outermost limit, but that this time we shall be thinking about what will produce order, tranquillity, and justice in the United States. I believe that is the way the vote will go. That in itself is a revolution in civil rights in the Congress.

Mr. DOUGLAS. I thank the Senator from New York. He has been a leader in this movement. The great Senators from California and Minnesota have played magnificent parts, and I am sure they will continue to do so.

I should like to emphasize, however, that there is a very long and difficult road ahead of us. Verbal support for the President's program on the 19th of June, however desirable, does not necessarily mean that we shall be able to pass a civil rights bill, because we can look forward to the prospect that every parliamentary obstacle which can be thrown in the way of action will be carried out. The experience of the past 25 years so indicates.

The Senator from Minnesota correctly said that it might be better strategy to let a bill first come from the House, and then either consider it directly or, if it is to be referred to a committee, refer it to the Judiciary Committee with instructions to report on a given date.

That was tried in 1956. The Senator from Illinois made such a proposal in connection with a civil rights bill which came from the House. I remember that there were only six votes against a tabling motion, then made by the leader of the Democratic Party in the Senate, the then Senator from Texas. I cast one of these and there were only five others.

If we do get a bill to the floor of the Senate—and it is by no means certain that we shall be able to get such a bill to the floor—we shall then face the possibility, and probability, of two filibusters: The first on the motion to take up, or proceed to take up, and the second on the bill itself.

These filibusters will be determined and skillful. Judging by past experience, they will probably be supported by at least 18 Senators. Those Senators, divided into teams of two, each one taking 4 hours, will mean that a man will have to speak only once in 2 days, while his scout, or "lookout," can protect him on the floor. And if the Senate goes into round-the-clock sessions, which have been urged as a means of breaking the filibuster, judging by past experience, the scout, or "lookout" can ask for quorum calls every 2 hours, at 6 o'clock p.m., 8 o'clock p.m., 10 o'clock p.m., 12 o'clock midnight, 2 o'clock in the morning, 4 o'clock in the morning, 6 o'clock in the morning, 8 o'clock in the morning, 10 o'clock in the morning, noon, 2 o'clock in the afternoon, and 4 o'clock in the afternoon. The burden of obtaining a quorum of 51 Senators will then fall on those who believe in civil rights.

The 20 Senators who openly oppose civil rights can absent themselves and sleep, but those in favor of civil rights will have to show up. And if by chance any Senator who favors civil rights but is exhausted by lack of sleep fails to answer to a quorum call, we can be certain that official voices will denounce him as not being interested in civil rights. The opprobrium of failing to maintain a quorum will fall upon those who are really interested, and powerful and influential voices will be raised, judging by the comments of last summer, against them. So, to maintain quorums against the filibuster will be very difficult.

When the vote finally comes as to whether debate should be limited and thereafter Senators be restricted to an hour each, it will be necessary to get not a majority, but a two-thirds vote. Thirty-four Senators, by voting against the limitation of debate, can, under our present rule XXII, permit the filibuster to go on.

A few weeks ago I commented on the difficulties of breaking a filibuster under the two-thirds rule. On that question, in all probability the 22 Southern Senators would vote against breaking the fili-

buster. In the past, the Senators from the Southwest, and a goodly percentage from the Mountain States, have also voted against limiting debate. There are also crypto-sympathizers with the anti-civil-rights group who, while they would not themselves vote against a civil rights measure, would vote against a cloture motion in the name of full and unlimited debate.

As in the past, Senators who believe in a genuine civil rights measure will probably be very lonely as we work here on the Senate floor. I hope there may have been a sufficient change in public opinion and a sufficient realization of the severity of the issue, so that the precedents of the past will no longer apply to the future.

I pride myself on being not only an advocate of civil rights, but also on being a realist with an understanding of some of the difficulties which we face. As such difficulties develop, there will be those who will say, "Yes, you can get a bill through, provided you strike out the provisions on public accommodations." It will be remembered how, in the civil rights debate of 1957, under such siren calls, part III was eliminated.

There will be those who will say, "Eliminate the provisions on public accommodations. Then we can get an antifilibuster vote, but you never can get it as long as you keep the public accommodations section in the bill." I only hope that the strange combinations of sponsorships which have been revealed today are not harbingers of such tactics.

When that section is thrown overboard it will then be said, "We can get the bill through provided you eliminate the fair and full employment practices provision"—just as the provisions, under equity proceedings, for punishing violations of injunctions were thrown out in 1957 under the plea that our southern friends and their sympathizers would never consent to that.

Then there will be the cry, "Eliminate part III. Eliminate the right of the Attorney General, in school desegregation cases, to intervene. You never can get by with that."

So gradually movements will be made to strip the bill of all meaning, with the final result that a bill may emerge that will be completely innocuous and completely ineffective. And then it will be hailed by some as a great victory for civil rights.

It might have been possible to get by with that in 1957 and 1959, but I do not think it is possible today, because what the leadership is dealing with now is not merely a group of liberals in the Senate. What they are dealing with now is the alarmed and deeply concerned public opinion of the vast majority of the Nation; and the little parliamentary tricks and devices, the backroom whisperings, and the cloakroom deals will not be effective in meeting this situation out in the country.

What we need is a stern determination. We are encompassed by opponents. We are encompassed by persons who will try to rob this measure of all real meaning. We must be faithful to the principles, work for the President's program and resist all the efforts and blandishments to emasculate the measure.

We will debate without bitterness, without malice, without any false sense of sectional superiority, but some of us, at least, will insist that the principles of the Declaration of Independence and of the 14th and 15th amendments to the Constitution be applied all over the Nation. And in this we are not disturbers, nor are we, as some columnists have said, "knee-jerk liberals."

We believe in the rights of man. We believe in the eternal principles upon which this Republic was founded. Since when are those principles to be sneered at?

I am not too optimistic about the outcome, but if we fail, if either no bill or a badly emasculated bill emerges, it will be a great blow inside the Nation to the cause of righteousness. It will be a great blow to the standing of the United States in the public opinion of the world. If we go on month after month with a filibuster and a progressive whittling down of the program, we shall make ourselves not only ridiculous, but despicable, in the sight of the whole world. Our enemies will take full advantage of that fact.

American prestige will be lowered. We must make the decision. Do we believe in Thomas Jefferson's preamble to the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

Do we believe in Lincoln's Gettysburg Address, that this is a government not only of the people, but by the people and for the people? Do we believe in the 14th amendment to the Constitution, which provides that no State shall deprive any citizen of the equal protection of the laws; that all persons born or naturalized in the United States are not only citizens of a particular State but also citizens of the United States, and that no person shall be deprived of life, liberty, or property without due process of law? There is no room for second-class citizenship under the 14th amendment.

These are things we talk about on the Fourth of July. These are subjects for orations. However, do we really believe in these principles? The test is coming. We must stand fast behind the program which the President of the United States has laid down, resist the processes of erosion which inevitably will be employed, and answer quorum calls, even to the point of dropping from fatigue. Without indulging in mock heroics, it may be from something else than fatigue.

We must do this without bitterness or any imitating air of moral superiority. We recognize that our Southern friends—and they are our friends—are in fact prisoners of history and geography, and that an evil system was fastened upon them—slavery—which was bad and terrible for the slave, and bad and terrible for the master. When the slaves were freed, the social conditions which had prevailed under slavery continued, and they poisoned the life of the South and the life of the North.

Now at a tardy hour we are seeking to make atonement. Therefore, I wish to commend the President of the United States for his brave and sweeping and comprehensive message.

I pray to God that in the difficult months which are to follow we will resist the temptations of expediency and seek to do what is right, and to remember the hymn of Isaac Watts, which we used to sing in Sunday School and church:

> Tasks in hours of insight willed
> May be in hours of gloom fulfilled.

The hours of gloom will soon set upon us. I hope that the inspiration of this hour, the stirring words of our President, may be carried out in the months of gloom which I fear lie ahead.

Mr. HUMPHREY. Mr. President, I rise only to say to the distinguished Senator from Illinois how much I have been moved by his address, which was truly a great address, and his recitation of things as they were in the past and as they are historically, and regrettably true. However, his understanding of things as they are now is equally true. The same parliamentary tactics which have defeated many efforts in this body throughout the years of yesterday will not be effective in the present situation.

Mr. DOUGLAS. I hope they will not be.

Mr. HUMPHREY. The reason they will not be is that the country feels differently. There has been an awakening. The specter of innocent people peacefully demonstrating being set upon by the police, and the ugly scene on television and in the newspaper photographs of a police dog bitting the arm of an American citizen who sought only the privilege of citizenship, who had committed no crime, who had incited no person, who in no way was intruding upon anyone else's privileges or rights, have shaken the American people.

Americans were somewhat accustomed to seeing such scenes in other countries. When the fight for freedom came home, and when the evil practices of yesterday and today were used to subdue the legitimate demands of people who sought only their constitutional rights, the American people said, "We have had enough." They want Congress to act morally and equitably and promptly. There is no doubt about it. This situation is no more comparable to what existed a year ago than the world before the atomic bomb was comparable to the world after the atomic bomb; or the age of space compared with the age of the covered wagon.

It is an entirely different period of human history. The change has taken place almost within a fortnight. It took place in one afternoon at Birmingham. It had been taking place in many other scenes, but all at once public sentiment was crystalized. There was a climactic moment when every man knew that in the affairs of men as in the affairs of the Nation there is what we call timing. This time, today, is the time for the American people to act.

They are acting through their representatives.

I say to my friend from Illinois that if we were only going through another effort on civil rights, and if that were all that were involved, it would be a shameful mockery. Not only that, but we would be unworthy of the responsibilities and honors that the office of Senator or Representative places upon us. The simple truth is that it is not a question of whether these wrongs and discriminations are to be corrected, because they are. It is not a question of when they are to be corrected, because they are going to be corrected now. The only question is, and the only issue is how the correction is to be made. Will the situation be corrected out on the streets, where a peaceful demonstration turns into a disaster, or is it going to be corrected by a representative government? Is it going to be corrected by legal processes or by individual action?

In the last month we have seen more advance in the cause of civil liberties and civil rights and constitutional guarantees than we have seen in the preceding 10 years. I submit that more will be accomplished in the next 15 months than was accomplished in the last 15 years. That is my honest judgment.

Mr. DOUGLAS. I appreciate the statement of the Senator from Minnesota. I realize that it is necessary to have optimism about these matters.

However, after 15 years' experience in seeing how the organization of the Senate and the rules of the Senate and the leadership of both parties in effect have been successful in defeating every civil rights measure, virtually, that has come before the Senate, with the exception of the innocuous bills of 1957 and 1960, I must admit that I am skeptical. I have seen us lose the ball game, year after year, when we have refused to change rule XXII.

Many of us have argued for years that with the sectional composition of the Senate as it is, with the equal representation of the States, with the alliance among the South, Southwest, Mountain States, and sections of the Republican Party, it is almost impossible to get a two-thirds vote. If we could bring these measures to a vote, of course, we would get a majority.

But the difficulty will be to bring the bill to a vote. I hope that people will realize now that we are being afforded another chance, a chance which we lost when we refused to change rule XXII, and were accused of being "knee-jerk liberals" because we advocated such a change.

Arthur Krock, the highly conservative columnist of the New York Times, has said, and said truthfully, that the Senate is the graveyard of civil rights legislation, and that rule XXII is the gravedigger. I think we may have lost the ball game last January and February when the Senate refused to change rule XXII, and when rulings were made from the chair which made it almost impossible for us to bring the proposal to a vote.

I shall not indulge in recriminations about the past. There is always a chance for people to change; and we always hope that there will be a change. I simply say that to date the Senate has devoted its abilities, ingenuity, and energy to preventing the passage of civil rights legislation. A thorough breach with past practices is needed. A certain sense of direction would be helpful. A desire to reform is important. But if we are to go through with the political shilly-shallying and maneuvering that we have gone through for 15 years, I personally do not expect great progress.

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

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I do not think we are going to go through a political shilly-shally. I understand the reasons for the Senator's concern. I will not say it is pessimism, because I think in a very real sense it is realism—at least, so far as the history of this body is concerned.

But we have seen several things happen. Never before has a President of the United States met day after day with great leaders from every segment of our society on the question of civil rights. Those leaders come from all walks of life. When they come, while they are there, and when they go home, they now understand that the America of June 1963, is a different America; it is an aroused America. The people who were docile and quiet, who were willing to suffer under economic and social oppression, are no longer willing to do so. They are standing up and fighting.

Mr. DOUGLAS. Pray God that this may be so.

Mr. HUMPHREY. I think it is so. When the galleries of this Chamber are filled with our fellow Americans as we debate these measures, they will not be that filled with people who are looking down upon us and wondering why this is going on; they will be looking at us and saying, "Get on with the job."

Many a Senator weakened in the cause of civil rights in the City of Washington, which is basically a Southern city, because he found it very undesirable, very unhappy for him to be fighting on that side. But now the whole situation is changed. There is not a Member of this body who does not know that he cannot go home and face his own people, wherever they may be in any section of the country, unless he faces up to this question. So the issue is a different one. It is no longer merely a platform commitment in political terms. It is no longer merely the introduction of a bill. Bills are introduced with conviction; yes, with sincerity. In a very real sense, this is a struggle. We are now fighting against the basic bad practices of the past. They must be removed from the American scene. This is why the President has carefully sought the guidance and counsel of many people.

There were those of us a month and a half ago who sat down and discussed the proposed legislation. At that time our thought was that we should not move precipitately, but should move carefully, prudently, and wisely, after broad consultation, seeking the advice of others, and informing the people of what we hoped to do. We are proposing to build stone by stone, step by step.

As those legislative meetings have been held, the President of the United States has been meeting, as he is today with some three or four hundred educators, and yesterday or the day before yesterday with persons who are virtually the leaders of our country, including labor leaders, leaders on the industrial scene, and religious leaders.

We shall win this fight because the battle is being won for us. It is being won for us by the people. We are merely being asked to ratify it. The victory is being won in many places in America. It is being won in the towns, villages, counties, and States. It is being won by thousands of persons in restaurants, theaters, and hotels across the land. Right now, the only question is whether Congress will catch up. I hope it will, because it has no other choice. If it does not catch up, there will be many new faces in a new Congress, because the people have made up their minds that America will "get right" on this issue.

I think we shall be faced with that issue promptly, and we shall answer it right here.

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

Mr. DOUGLAS. I yield.

Mr. JAVITS. I know that I shall save much of the Senator's and the Senate's time by associating myself with the remarks of my dear friend, the distinguished Senator from Minnesota, and I do so. I have said these things many times, as we all know, because I feel very deeply on this subject.

At this moment I wish to pay a tribute to the senior Senator from Illinois, who is a veteran fighter in the struggle for civil rights. This is his crown of glory, especially today, because he demonstrates that he never tires, and so far as we can see, he never will. I pray God that that may be so.

Mr. DOUGLAS. I thank the Senator from New York, who has given inestimable service to this cause.

## INTEREST RATES ON CONSUMER LOANS

Mr. DOUGLAS. Mr. President, it gives me a great deal of satisfaction to ask unanimous consent to have printed in the body of the RECORD a letter which I have just received from the executive vice president of the District of Columbia National Bank, Mr. William F. Collins, a former banker and resident of my city of Chicago. It is most reassuring to have the newest bank in our Nation's Capital take the lead in helping to bring about realistic and fair interest rates for consumer loans. To my knowledge, the District of Columbia National Bank is the only bank in this area to recognize that the 8 percent maximum interest rate established by the antiusury statute of the District of Columbia is applicable to consumer loans. I have every expectation that this forward-looking policy will in the end prove beneficial to that bank, and I hope that its practice will be followed in short order by a change in policy in all the other banks in Washington. It is highly improper to have an interest rate practice which penalizes

those consumers who most need the borrowing facilities of a bank.

I commend the officers and directors of the District of Columbia National Bank for their foresight in demonstrating that proper banking practices in our community can be perfectly consistent with fulfilling proper responsibilities of good citizenship.

Approximately 4 weeks ago I addressed a letter to Mr. Walter Tobriner, Commissioner of the District of Columbia, asking why many banks and department stores in Washington, D.C., were openly and regularly charging an annual rate of interest on credit transactions of 12 to 18 percent, when the District of Columbia usury law permits only a maximum rate of 8 percent per year. This matter was referred by the Commissioners of the District of Columbia to the Corporation Counsel for study and a reply.

Over a week ago, having received no reply from the Corporation Counsel, I publicly, on the floor of the Senate, asked the Corporation Counsel for a reply to my inquiry.

I still have not heard from the Corporation Counsel of the District of Columbia, so once again I publicly request that the Corporation Counsel explain why so many banks and department stores have been permitted for so many years to charge a 12- to 18-percent rate on personal loans and installment credit, when the District of Columbia usury law does not permit an interest rate in excess of 8 percent per annum to be charged. The Corporation Counsel has had all the time in the world to study this matter.

Is he stalling? Does he hope to wear me out by his refusal to answer? I serve notice on him that I shall not stop in this battle, and that until he answers, I shall periodically bring this matter up on the floor of the Senate and demand that he answer, one way or the other.

The citizens of the District of Columbia, and particularly those who regularly borrow from commercial banks and buy on department store revolving credit accounts, have a right to know whether or not they are being overcharged for the credit that they are using.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Illinois?

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

DISTRICT OF COLUMBIA NATIONAL BANK,
*Washington, D.C., June 13, 1963.*

Hon. PAUL H. DOUGLAS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR: We were pleased to learn of your discussion with the chairman of our executive committee, Dr. Max M. Kampelman, who shared with us your concern with respect to the interest rate structure governing consumer loans within the District of Columbia. It is indeed my pleasure to reaffirm in writing that the District of Columbia National Bank, by order of its board of directors, has resolved to establish maximum interest rates and finance charges for all consumer loans within the permissible 8 percent level on unpaid balances established by title 28, section 2702 of the District of Columbia Code.

We are aware of the legal differences of opinion as to the application of the statute to the practices that have become universal for financial institutions in the consumer loan field. The well-established add-on or discount features of consumer loans, together with the finance charges that have habitually attached to those loans in order to cover additional expenses to the bank in administering them, have in reality resulted in costs to the consumer substantially higher than the equivalent 8 percent interest provided by statute. This practice was further encouraged by the FHA home improvement loan procedures established by the Federal Government. Whatever the technical reading of the statute may produce, however, the District of Columbia National Bank desires that its practices be consistent with the spirit of the antiusury statute.

Our bank is today the newest bank doing business in the District of Columbia and the first to receive a charter here in more than 29 years. We opened our doors on October 3, 1962. Our policy of providing interest rates for consumer loans that are lower than those prevailing in the community may result in momentary reduced earnings to the bank. We believe, however, that this service to the consumer will in the long run prove beneficial to us and enlarge the respect with which banks are regarded in our community.

I have been authorized by our bank's board of directors to commend you for your efforts. I am particularly pleased to do so as a recent resident in this area after a lifetime career in banking in your own city of Chicago.

Sincerely,

WILLIAM F. COLLINS,
*Executive Vice President.*

## CIVIL RIGHTS LEGISLATION—COSPONSORS

Mr. HUMPHREY. Mr. President, earlier today, at the time when the majority leader introduced the administration's civil-rights bill, I announced that the distinguished Senator from California [Mr. KUCHEL] and I had undertaken to add as cosponsors a bipartisan group. This had been cleared with the distinguished Senator from Montana [Mr. MANSFIELD], the majority leader.

I now announce the cosponsors, with Senator MANSFIELD, of the so-called package civil-rights bill, the administration's bill. The list will read as follows—and I ask that their names be printed on the bill: Senators HUMPHREY, KUCHEL, MORSE, KEATING, DOUGLAS, SCOTT, SYMINGTON, BEALL, CLARK, FONG, HART, JAVITS, YOUNG of Ohio, CASE, DODD, and COOPER.

I also ask that the names of the following Senators be added as cosponsors; they are Senators who were contacted prior to the introduction of the bill, and were very instrumental in helping us bring about bipartisan cooperation—and at this moment I should point out that other Senators, on both sides of the aisle, will join in sponsoring the bill; and it will be recalled that the majority leader asked that the bill be held at the desk until Monday, for additional cosponsors: Senators BAYH, BREWSTER, BURDICK, ENGLE, GRUENING, HARTKE, INOUYE, JACKSON, KENNEDY, LONG of Missouri, MAGNUSON, MCCARTHY, MCGOVERN, MCINTYRE, MCNAMARA, METCALF, MUSKIE, NELSON, NEUBERGER, PASTORE, PELL, PROXMIRE, RANDOLPH, RIBICOFF, and WILLIAMS of New Jersey.

It is my understanding that this means there are presently 42 Senators—the sponsor and 41 cosponsors—who are sponsors of the administration's proposal; and I have reason to believe that tomorrow there will be several more, so that by Monday of next week we should have a majority—and better than a majority—of the Members of the Senate as cosponsors.

Again I wish to pay my respects to the Senator from California [Mr. KUCHEL], who has been most cooperative in connection with this matter, and, of course, also to the majority leader [Mr. MANSFIELD], who permitted us to join with him as cosponsors.

I have made this announcement because the 16 Senators I named first were the ones who had joined originally as cosponsors; and the others have joined us today—for which we are most grateful.

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

Mr. HUMPHREY. I yield.

Mr. JAVITS. I am grateful to the Senator from Minnesota for his announcement, which puts the matter into focus and is most helpful in connection with the bipartisan cooperation which will bring about the desired result.

I may state that the announcement applies to both the so-called package bill introduced by the Senator from Montana [Mr. MANSFIELD], and the public-accommodations bill introduced by the Senator from Montana [Mr. MANSFIELD], for himself and the Senator from Washington [Mr. MAGNUSON].

Mr. HUMPHREY. Yes; I was asked to have the same list, in the same order, included for the so-called public-accommodations bill introduced by the Senator from Montana [Mr. MANSFIELD], for himself and the Senator from Washington [Mr. MAGNUSON].

Mr. JAVITS. Mr. President, if the Senator from Minnesota will yield again, let me pay my respects for the magnificent job done in connection with the first step of putting a solid platform under this great effort, which has been participated in so effectively by the distinguished deputy majority leader, the Senator from Minnesota [Mr. HUMPHREY], and the distinguished deputy minority leader, the Senator from California [Mr. KUCHEL]. I am deeply gratified; and it is one of the finest jobs I have seen done in this bipartisan area, in which I, myself, have been active so long. I think I know a good job when I see one; and this was extremely well done. So I thank the Senator.

Mr. HUMPHREY. I thank the Senator from New York.

## ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

### LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting majority leader about the schedule for the remainder of the week and, if possible—if he knows—about what will obtain during the following week.

Mr. HUMPHREY. It is our plan to take up, tomorrow, Calendar No. 216, Senate bill 684, to clarify certain provisions of the Interstate Commerce Act. If there are to be any yea-and-nay votes or if amendments which necessitate yea-and-nay votes are offered, we shall put off the yea-and-nay votes until next Monday. However, we shall attempt to complete all other legislative action on that bill by Thursday, tomorrow—but if we are unable to do so, we shall have to meet on Friday—with the exception of legislative action by means of yea-and-nay votes. In other words, in connection with Calendar No. 216, Senate bill 684, on tomorrow we shall try to take final action on all matters which do not require yea-and-nay votes; but if we are unable to do so, we shall have to have a session on Friday. However, I do not think we shall have to face that possibility. On Monday, we shall have the yea-and-nay votes, if such are required.

Mr. DIRKSEN. Mr. President, will the acting majority leader yield further?

Mr. HUMPHREY. Of course.

Mr. DIRKSEN. Is it the plan, then, to go from Thursday to Monday?

Mr. HUMPHREY. Yes.

When we complete our business today, I shall move that the Senate adjourn until noon, tomorrow.

### ORDER FOR ADJOURNMENT TO NOON, TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, at noon.

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

### LEGISLATIVE PROGRAM

Mr. HUMPHREY. From Thursday, we shall go over until Monday, if on Thursday we finish all but the yea-and-nay votes—if any there be—on Calendar No. 216, Senate bill 684.

In response to the question asked by the minority leader, I may say that we hope to take up, next week, the Export-Import Bank bill. It has recently been reported, and is on the calendar.

There is also the possibility that we shall take up Calendar No. 230, Senate bill 1163, to amend certain provisions of the Area Redevelopment Act.

These are the two key measures which we would hope to dispose of next week.

Mr. DIRKSEN. I understood the latter measure was set for Tuesday.

Mr. HUMPHREY. We have tentatively set the area redevelopment bill for Tuesday. That is subject to change; and we shall know by tomorrow.

Mr. DIRKSEN. Yes.

### ADJOURNMENT

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment, under the order previously entered, until tomorrow, at 12 o'clock noon.

The motion was agreed to; and (at 7 o'clock and 9 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, June 20, 1963, at 12 o'clock meridian.

### NOMINATIONS

Executive nominations received by the Senate June 17, 1963:

POST OFFICE DEPARTMENT

Sidney W. Bishop, of California, to be Deputy Postmaster General, vice H. W. Brawley.

DEPARTMENT OF THE AIR FORCE

Alexander Henry Flax, of New York, to be an Assistant Secretary of the Air Force, vice Brockway McMillan.

### CONFIRMATIONS

Executive nominations confirmed by the Senate June 19, 1963:

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Michael Canelis to be senior surgeon, and ending Bernard W. Dahl to be assistant sanitary engineer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 4, 1963; and

The nominations beginning Alfred S. Nelson to be senior surgeon, and ending Richard A. Mackey to be senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 4, 1963; and

The nominations beginning Alice M. Waterhouse to be medical director, and ending Heber J. R. Stevenson to be senior health service officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 11, 1963.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 19, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Thessalonians 3: 12: *The Lord make you to increase and abound in love one toward another and toward all men.*

Most merciful and gracious God, give us this day a clear insight into what is worthwhile and a scale of moral values that we can carry into the tasks and struggles of each new day.

Make us more sensitive and responsive to our high calling to respect and reverence human personality and advance its welfare.

Grant that we may give to all the members of the human family an equal opportunity and chance to develop their inborn capacities to the utmost.

May we have broad horizons that will link our life with the whole social order, made up not only of the life of our fellow men around us but also of those who have lived before us and those yet unborn.

Show us how we may release our minds from every trace of suspicion, prejudice, race-hatred, and from all those animosities which destroy happiness and impede the world's progress toward a nobler civilization.

In Christ's name we offer our prayer. Amen.

### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on June 13, 1963, the President approved and signed bills of the House of the following titles:

H.R. 249. An act to amend section 632 of title 38, United States Code, to provide for an extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans; and

H.R. 5366. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1964, and for other purposes.

### COMMITTEE ON APPROPRIATIONS—REPORT ON DEPARTMENT OF DEFENSE APPROPRIATION BILL

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, June 21, to file a privileged report on the bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1964.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FORD reserved all points of order on the bill.

### CIVIL RIGHTS AND JOB OPPORTUNITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 124)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

*To the Congress of the United States:*

Last week I addressed to the American people an appeal to conscience—a request for their cooperation in meeting the growing moral crisis in American race relations. I warned of "a rising tide of discontent that threatens the public safety" in many parts of the country. I emphasized that "the events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them." "It is a time to act," I said, "in the Congress, in

State and local legislative bodies, and, above all, in all of our daily lives."

In the days that have followed, the predictions of increased violence have been tragically borne out. The "fires of frustration and discord" have burned hotter than ever.

At the same time, the response of the American people to this appeal to their principles and obligations has been reassuring. Private progress—by merchants and unions and local organizations—has been marked, if not uniform, in many areas. Many doors long closed to Negroes, North and South, have been opened. Local biracial committees, under private and public sponsorship, have mushroomed. The mayors of our major cities, whom I earlier addressed, have pledged renewed action. But persisting inequalities and tensions make it clear that Federal action must lead the way, providing both the Nation's standard and a nationwide solution. In short, the time has come for the Congress of the United States to join with the executive and judicial branches in making it clear to all that race has no place in American life or law.

On February 28, I sent to the Congress a message urging the enactment this year of three important pieces of civil rights legislation:

1. Voting: Legislation to assure the availability to all of a basic and powerful right—the right to vote in a free American election—by providing for the appointment of temporary Federal voting referees while voting suits are proceeding in areas of demonstrated need; by giving such suits preferential and expedited treatment in the Federal courts; by prohibiting in Federal elections the application of different tests and standards to different voter applicants; and by providing that, in voting suits pertaining to such elections, the completion of the sixth grade by any applicant creates a presumption that he is literate. Armed with the full and equal right to vote, our Negro citizens can help win other rights through political channels not now open to them in many areas.

2. Civil Rights Commission: Legislation to renew and expand the authority of the Commission on Civil Rights, enabling it to serve as a national civil rights clearinghouse offering information, advice, and technical assistance to any public or private agency that so requests.

3. School desegregation: Legislation to provide Federal technical and financial assistance to aid school districts in the process of desegregation in compliance with the Constitution.

Other measures introduced in the Congress have also received the support of this administration, including those aimed at assuring equal employment opportunity.

Although these recommendations were transmitted to the Congress some time ago, neither House has yet had an opportunity to vote on any of these essential measures. The Negro's drive for justice, however, has not stood still—nor will it, it is now clear, until full equality is achieved. The growing and understandable dissatisfaction of Negro citizens with the present pace of desegregation, and their increased determination to secure for themselves the equality of opportunity and treatment to which they are rightfully entitled, have underscored what should already have been clear: the necessity of the Congress enacting this year—not only the measures already proposed—but also additional legislation providing legal remedies for the denial of certain individual rights.

The venerable code of equity law commands "for every wrong, a remedy." But in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens for which no effective remedy at law is clearly and readily available. State and local laws may even affirmatively seek to deny the rights to which these citizens are fairly entitled—and this can result only in a decreased respect for the law and increased violations of the law.

In the continued absence of congressional action, too many State and local officials as well as businessmen will remain unwilling to accord these rights to all citizens. Some local courts and local merchants may well claim to be uncertain of the law, while those merchants who do recognize the justice of the Negro's request—and I believe these constitute the great majority of merchants, North and South—will be fearful of being the first to move, in the face of official, customer, employee, or competitive pressures. Negroes, consequently, can be expected to continue increasingly to seek the vindication of these rights through organized direct action, with all its potentially explosive consequences, such as we have seen in Birmingham, in Philadelphia, in Jackson, in Boston, in Cambridge, Md., and in many other parts of the country.

In short, the result of continued Federal legislative inaction will be continued, if not increased, racial strife—causing the leadership on both sides to pass from the hands of reasonable and responsible men to the purveyors of hate and violence, endangering domestic tranquillity, retarding our Nation's economic and social progress, and weakening the respect with which the rest of the world regards us. No American, I feel sure, would prefer this course of tension, disorder, and division—and the great majority of our citizens simply cannot accept it.

For these reasons, I am proposing that the Congress stay in session this year until it has enacted—preferably as a single omnibus bill—the most responsible, reasonable and urgently needed solutions to this problem, solutions which should be acceptable to all fair-minded men. This bill would be known as the Civil Rights Act of 1963, and would include—in addition to the aforementioned provisions on voting rights and the Civil Rights Commission—additional titles on public accommodations, employment, federally assisted programs, a community relations service, and education, with the latter including my previous recommendation on this subject. In addition, I am requesting certain legislative and budget amendments designed to improve the training, skills and economic opportunities of the economically distressed and discontented, white and Negro alike. Certain executive actions are also reviewed here; but legislative action is imperative.

I. EQUAL ACCOMMODATIONS IN PUBLIC FACILITIES

Events of recent weeks have again underlined how deeply our Negro citizens resent the injustice of being arbitrarily denied equal access to those facilities and accommodations which are otherwise open to the general public. That is a daily insult which has no place in a country proud of its heritage—the heritage of the melting-pot, of equal rights, of one nation and one people. No one has been barred on account of his race from fighting or dying for America—there are no "white" or "colored" signs on the foxholes or graveyards of battle. Surely, in 1963, 100 years after emancipation, it should not be necessary for any American citizen to demonstrate in the streets for the opportunity to stop at a hotel, or to eat at a lunch counter in the very department store in which he is shopping, or to enter a motion picture house, on the same terms as any other customer. As I stated in my message to the Congress of February 28, "no action is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro 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 U.S. Government has taken action through the courts and by other means to protect those who are peacefully demonstrating to obtain access to these public facilities; and it has taken action to bring an end to discrimination in rail, bus, and airline terminals, to open up restaurants and other public facilities in all buildings leased as well as owned by the Federal Government, and to assure full equality of access to all federally owned parks, forests, and other recreational areas. When uncontrolled mob action directly threatened the nondiscriminatory use of transportation facilities in May 1961, Federal marshals were employed to restore order and prevent potentially widespread personal and property damage. Growing nationwide concern with this problem, however, makes it clear that further Federal action is needed now to secure the right of all citizens to the full enjoyment of all facilities which are open to the general public.

Such legislation is clearly consistent with the Constitution and with our concepts of both human rights and property rights. The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest. While the legal situations are not parallel, it is interesting to note that Abraham Lincoln, in issuing the Emancipation Proclamation 100 years ago, was also accused of violating the property

rights of slaveowners. Indeed, there is an age-old saying that "property has its duties as well as its rights"; and no property owner who holds those premises for the purpose of serving at a profit the American public at large can claim any inherent right to exclude a part of that public on grounds of race or color. Just as the law requires common carriers to serve equally all who wish their services, so it can require public accommodations to accommodate equally all segments of the general public. Both human rights and property rights are foundations of our society—and both will flourish as the result of this measure.

In a society which is increasingly mobile and in an economy which is increasingly interdependent, business establishments which serve the public—such as hotels, restaurants, theaters, stores, and others—serve not only the members of their immediate communities but travelers from other States and visitors from abroad. Their goods come from all over the Nation. This participation in the flow of interstate commerce has given these business establishments both increased prosperity and an increased responsibility to provide equal access and service to all citizens.

Some 30 States,[1] the District of Columbia and numerous cities—covering some two-thirds of this country and well over two-thirds of its people—have already enacted laws of varying effectiveness against discrimination in places of public accommodation, many of them in response to the recommendation of President Truman's Committee on Civil Rights in 1947. But while their efforts indicate that legislation in this area is not extraordinary, the failure of more States to take effective action makes it clear that Federal legislation is necessary. The State and local approach has been tried. The voluntary approach has been tried. But these approaches are insufficient to prevent the free flow of commerce from being arbitrarily and inefficiently restrained and distorted by discrimination in such establishments.

Clearly the Federal Government has both the power and the obligation to eliminate these discriminatory practices: First, because they adversely affect the national economy and the flow of interstate commerce; and secondly, because Congress has been specifically empowered under the 14th amendment to enact legislation making certain that no State law permits or sanctions the unequal protection or treatment of any of its citizens.

There have been increasing public demonstrations of resentment directed against this kind of discrimination—demonstrations which too often breed tension and violence. Only the Federal Government, it is clear, can make these demonstrations unnecessary by providing peaceful remedies for the grievances which set them off.

For these reasons, I am today proposing, as part of the Civil Rights Act of 1963, a provision to guarantee all citizens equal access to the services and facilities of hotels, restaurants, places of amusement, and retail establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure. The proposal would give the person aggrieved the right to obtain a court order against the offending establishment or persons. Upon receiving a complaint in a case sufficiently important to warrant his conclusion that a suit would materially further the purposes of the act, the Attorney General—if he finds that the aggrieved party is unable to undertake or otherwise arrange for a suit on his own (for lack of financial means or effective representation, or for fear of economic or other injury)—will first refer the case for voluntary settlement to the Community Relations Service described below, give the establishment involved time to correct its practices, permit State and local equal access laws (if any) to operate first, and then, and only then, initiate a suit for compliance. In short, to the extent that these unconscionable practices can be corrected by the individual owners, localities and States (and recent experience demonstrates how effectively and uneventfully this can be done), the Federal Government has no desire to intervene.

But an explosive national problem cannot await city-by-city solutions; and those who loudly abhor Federal action only invite it if they neglect or evade their own obligations.

This provision will open doors in every part of the country which never should have been closed. Its enactment will hasten the end to practices which have no place in a free and united nation, and thus help move this potentially dangerous problem from the streets to the courts.

II. DESEGREGATION OF SCHOOLS

In my message of February 28, while commending the progress already made in achieving desegregation of education at all levels as required by the Constitution, I was compelled to point out the slowness of progress toward primary and secondary school desegregation. The Supreme Court has recently voiced the same opinion. Many Negro children entering segregated grade schools at the time of the Supreme Court decision in 1954 will enter segregated high schools this year, having suffered a loss which can never be regained. Indeed, discrimination in education is one basic cause of the other inequities and hardships inflicted upon our Negro citizens. The lack of equal educational opportunity deprives the individual of equal economic opportunity, restricts his contribution as a citizen and community leader, encourages him to drop out of school and imposes a heavy burden on the effort to eliminate discriminatory practices and prejudices from our national life.

The Federal courts, pursuant to the 1954 decision of the U.S. Supreme Court and earlier decisions on institutions of higher learning, have shown both competence and courage in directing the desegregation of schools on the local level. It is appropriate to keep this responsibility largely within the judicial arena. But it is unfair and unrealistic to expect that the burden of initiating such cases can be wholly borne by private litigants. Too often those entitled to bring suit on behalf of their children lack the economic means for instituting and maintaining such cases or the ability to withstand the personal, physical and economic harassment which sometimes descends upon those who do institute them. The same is true of students wishing to attend the college of their choice but unable to assume the burden of litigation.

These difficulties are among the principal reasons for the delay in carrying out the 1954 decision; and this delay cannot be justified to those who have been hurt as a result. Rights such as these, as the Supreme Court recently said, are "present rights. They are not merely hopes to some future enjoyment of some formalistic constitutional promise. The basic guarantees of our Constitution are warrants for the here and now."

In order to achieve a more orderly and consistent compliance with the Supreme Court's school and college desegregation decisions, therefore, I recommend that the Congress assert its specific constitutional authority to implement the 14th amendment by including in the Civil Rights Act of 1963 a new title providing the following:

(A) Authority would be given the Attorney General to initiate in the Federal district courts appropriate legal proceedings against local public school boards or public institutions of higher learning—or to intervene in existing cases—whenever

(1) he has received a written complaint from students or from the parents of students who are being denied equal protection of the laws by a segregated public school or college; and

(2) he certifies that such persons are unable to undertake or otherwise arrange for the initiation and maintenance of such legal proceedings for lack of financial means or effective legal representation or for fear of economic or other injury; and

(3) he determines that his initiation of or intervention in such suit will materially further the orderly progress of desegregation in public education. For this purpose, the Attorney General would establish criteria to determine the priority and relative need for Federal action in those districts from which complaints have been filed.

(B) As previously recommended, technical and financial assistance would be given to those school districts in all parts of the country which, voluntarily or as the result of litigation, are engaged in the process of meeting the educational problems flowing from desegregation or racial imbalance but which are in need of guidance, experienced help or financial assistance in order to train their personnel for this changeover,

[1] Alaska, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, Wyoming. Cities with public accommodations ordinances which are outside the above States include Washington, D.C., Wilmington, Del., Louisville, Ky., El Paso, Tex., Kansas City, Mo., and St. Louis, Mo.

cope with new difficulties and complete the job satisfactorily (including in such assistance loans to a district where State or local funds have been withdrawn or withheld because of desegregation).

Public institutions already operating without racial discrimination, of course, will not be affected by this statute. Local action can always make Federal action unnecessary. Many school boards have peacefully and voluntarily desegregated in recent years. And while this act does not include private colleges and schools, I strongly urge them to live up to their responsibilities and to recognize no arbitrary bar of race or color—for such bars have no place in any institution, least of all one devoted to the truth and to the improvement of all mankind.

III. FAIR AND FULL EMPLOYMENT

Unemployment falls with special cruelty on minority groups. The unemployment rate of Negro workers is more than twice as high as that of the working force as a whole. In many of our larger cities, both North and South, the number of jobless Negro youth—often 20 percent or more—creates an atmosphere of frustration, resentment and unrest which does not bode well for the future. Delinquency, vandalism, gang warfare, disease, slums and the high cost of public welfare and crime are all directly related to unemployment among whites and Negroes alike—and recent labor difficulties in Philadelphia may well be only the beginning if more jobs are not found in the larger Northern cities in particular.

Employment opportunities, moreover, play a major role in determining whether the rights described above are meaningful. There is little value in a Negro's obtaining the right to be admitted to hotels and restaurants if he has no cash in his pocket and no job.

Relief of Negro unemployment requires progress in three major areas:

(1) More jobs must be created through greater economic growth: The Negro—too often unskilled, too often the first to be fired and the last to be hired—is a primary victim of recessions, depressed areas and unused industrial capacity. Negro unemployment will not be noticeably diminished in this country until the total demand for labor is effectively increased and the whole economy is headed toward a level of full employment. When our economy operates below capacity, Negroes are more severely affected than other groups. Conversely, return to full employment yields particular benefits to the Negro. Recent studies have shown that for every 1 percentage point decline in the general unemployment rate there tends to be a 2-percentage point reduction in Negro unemployment.

Prompt and substantial tax reduction is a key to achieving the full employment we need. The promise of the area redevelopment program—which harnesses local initiative toward the solution of deep-seated economic distress—must not be stifled for want of sufficient authorization or adequate financing. The accelerated public works program is now gaining momentum; States, cities, and local communities should press ahead with the projects financed by this measure. In addition, I have instructed the Departments of Labor, Commerce, and Health, Education, and Welfare to examine how their programs for the relief of unemployment and economic hardship can be still more intensively focused on those areas of hard-core, long-term unemployment, among both white and nonwhite workers. Our concern with civil rights must not cause any diversion or dilution of our efforts for economic progress—for without such progress the Negro's hopes will remain unfulfilled.

(2) More education and training to raise the level of skills: A distressing number of unemployed Negroes are illiterate and unskilled, refugees from farm automation, unable to do simple computations or even to read a help-wanted advertisement. Too many are equipped to work only in those occupations where technology and other changes have reduced the need for manpower—as farm labor or manual labor, in mining or construction. Too many have attended segregated schools that were so lacking in adequate funds and faculty as to be unable to produce qualified job applicants. And too many who have attended nonsegregated schools dropped out for lack of incentive, guidance, or progress. The unemployment rate for those adults with less than 5 years of schooling is around 10 percent; it has consistently been double the prevailing rate for high school graduates; and studies of public welfare recipients show a shockingly high proportion of parents with less than a primary school education.

Although the proportion of Negroes without adequate education and training is far higher than the proportion of whites, none of these problems is restricted to Negroes alone. This Nation is in critical need of a massive upgrading in its education and training effort for all citizens. In an age of rapidly changing technology, that effort today is failing millions of our youth. It is especially failing Negro youth in segregated schools and crowded slums. If we are ever to lift them from the morass of social and economic degradation, it will be through the strengthening of our education and training services—by improving the quality of instruction; by enabling our schools to cope with rapidly expanding enrollments; and by increasing opportunities and incentives for all individuals to complete their education and to continue their self-development during adulthood.

I have therefore requested of the Congress and request again today the enactment of legislation to assist education at every level from grade school through graduate school.

I have also requested the enactment of several measures which provide, by various means and for various age and educational groups, expanded job training and job experience. Today, in the new and more urgent context of this message, I wish to renew my request for these measures, to expand their prospective operation and to supplement them with additional provisions. The additional $400 million which will be required beyond that contained in the January budget is more than offset by the various budget reductions which I have already sent to the Congress in the last 4 months. Studies show, moreover, that the loss of 1 year's income due to unemployment is more than the total cost of 12 years of education through high school; and, when welfare and other social costs are added, it is clear that failure to take these steps will cost us far more than their enactment. There is no more profitable investment than education, and no greater waste than ill-trained youth.

Specifically, I now propose:

(A) That additional funds be provided to broaden the manpower development and training program, and that the act be amended, not only to increase the authorization ceiling and to postpone the effective date of State matching requirements, but also (in keeping with the recommendations of the President's Committee on Youth Employment) to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program;

(B) That additional funds be provided to finance the pending youth employment bill, which is designed to channel the energies of out-of-school, out-of-work youth into the constructive outlet offered by hometown improvement projects and conservation work;

(C) That the pending vocational education amendments, which would greatly update and expand this program of teaching job skills to those in school, be strengthened by the appropriation of additional funds, with some of the added money earmarked for those areas with a high incidence of school dropouts and youth unemployment, and by the addition of a new program of demonstration youth training projects to be conducted in these areas;

(D) That the vocational education program be further amended to provide a work-study program for youth of high school age, with Federal funds helping their school or other local public agency employ them part time in order to enable and encourage them to complete their training;

(E) That the ceiling be raised on the adult basic education provisions in the pending education program, in order to help the States teach the fundamental tools of literacy and learning to culturally deprived adults. More than 22 million Americans in all parts of the country have less than 8 years of schooling; and

(F) That the public welfare work-relief and training program, which the Congress added last year, be amended to provide Federal financing of the supervision and equipment costs, and more Federal demonstration and training projects, thus encouraging State and local welfare agencies to put employable but unemployed welfare recipients to work on local projects which do not displace other workers.

To make the above recommendations effective, I call upon more States to

adopt enabling legislation covering unemployed fathers under the aid-to-dependent children program, thereby gaining their services for work-relief jobs, and to move ahead more vigorously in implementing the manpower development and training program. I am asking the Secretaries of Labor and Health, Education, and Welfare to make use of their authority to deal directly with communities and vocational schools whenever State cooperation or progress is insufficient, particularly in those areas where youth unemployment is too high. Above all, I urge the Congress to enact all of these measures with alacrity and foresight.

For even the complete elimination of racial discrimination in employment—a goal toward which this Nation must strive (as discussed below)—will not put a single unemployed Negro to work unless he has the skills required and unless more jobs have been created—and thus the passage of the legislation described above (under both sections (1) and (2)) is essential if the objectives of this message are to be met.

(3) Finally racial discrimination in employment must be eliminated: Denial of the right to work is unfair, regardless of its victim. It is doubly unfair to throw its burden on an individual because of his race or color. Men who served side by side with each other on the field of battle should have no difficulty working side by side on an assembly line or construction project.

Therefore, to combat this evil in all parts of the country,

(A) The Committee on Equal Employment Opportunity, under the chairmanship of the Vice President, should be given a permanent statutory basis, assuring it of adequate financing and enforcement procedures. That Committee is now stepping up its efforts to remove racial barriers in the hiring practices of Federal departments, agencies, and Federal contractors, covering a total of some 20 million employees and the Nation's major employers. I have requested a company-by-company, plant-by-plant, union-by-union report to assure the implementation of this policy.

(B) I will shortly issue an Executive order extending the authority of the Committee on Equal Employment Opportunity to include the construction of buildings and other facilities undertaken wholly or in part as a result of Federal grant-in-aid programs.

(C) I have directed that all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training.

(D) I have directed the Secretary of Labor, in the conduct of his duties under the Federal Apprenticeship Act and Executive Order No. 10925, to require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis.

(E) I have directed the Secretary of Labor to make certain that the job counseling and placement responsibilities of the Federal-State Employment Service are carried out on a nondiscriminatory basis, and to help assure that full and equal employment opportunity is provided all qualified Negro applicants. The selection and referral of applicants for employment and for training opportunities, and the administration of the employment offices' other services and facilities, must be carried on without regard to race or color. This will be of special importance to Negroes graduating from high school or college this month.

(F) The Department of Justice has intervened in a case now pending before the NLRB involving charges of racial discrimination on the part of certain union locals.

(G) As a part of its new policy on Federal employee organizations, this Government will recognize only those that do not discriminate on grounds of race or color.

(H) I have called upon the leaders of organized labor to end discrimination in their membership policies; and some 118 unions, representing 85 percent of the AFL–CIO membership, have signed nondiscrimination agreements with the Committee on Equal Employment Opportunity. More are expected.

(I) Finally, I renew my support of pending Federal fair employment practices legislation, applicable to both employers and unions. Approximately two-thirds of the Nation's labor force is already covered by Federal, State, and local equal employment opportunity measures—including those employed in the 22 States and numerous cities which have enacted such laws as well as those paid directly or indirectly by Federal funds. But, as the Secretary of Labor testified in January 1962, Federal legislation is desirable, for it would help set a standard for all the Nation and close existing gaps.

This problem of unequal job opportunity must not be allowed to grow, as the result of either recession or discrimination. I enlist every employer, every labor union, and every agency of government—whether affected directly by these measures or not—in the task of seeing to it that no false lines are drawn in assuring equality of the right and opportunity to make a decent living.

IV. COMMUNITY RELATIONS SERVICE

I have repeatedly stressed the fact that progress in race relations, while it cannot be delayed, can be more solidly and more peacefully accomplished to the extent that legislation can be buttressed by voluntary action. I have urged each member of the U.S. Conference of Mayors to establish biracial human relations committees in every city; and I hope all communities will establish such a group, preferably through official action. Such a board or committee can provide invaluable services by identifying community tensions before they reach the crisis stage, by improving cooperation and communication between the races, and by advising local officials, merchants, and organizations on the steps which can be taken to insure prompt progress.

A similar agency is needed on the Federal level—to work with these local committees, providing them with advice and assistance—to work in those communities which lack a local committee—and generally to help ease tensions and suspicions, to help resolve interracial disputes and to work quietly to improve relations in any community threatened or torn with strife. Such an effort is in no way a substitute for effective legislative guarantees of human rights. But conciliation and cooperation can facilitate the achievement of those rights, enabling legislation to operate more smoothly and more effectively.

The Department of Justice and its Civil Rights Division have already performed yeoman service of this nature, in Birmingham, in Jackson, and throughout the country. But the problem has grown beyond the time and energies which a few otherwise burdened officials can make available—and, in some areas, the confidence of all will be greater in an intermediary whose duties are completely separated from departmental functions of investigation or litigation.

It is my intention, therefore, to establish by Executive order (until such time as it can be created by statute) an independent Community Relations Service—to fulfill the functions described above, working through regional, State, and local committees to the extent possible, and offering its services in tension-torn communities either upon its own motion or upon the request of a local official or other party. Authority for such a Service is included in the proposed omnibus bill. It will work without publicity and hold all information imparted to its officers in strict confidence. Its own resources can be preserved by its encouraging and assisting the creation of State and local committees, either on a continuing basis or in emergency situations.

Without powers of enforcement or subpena, such a Service is no substitute for other measures; and it cannot guarantee success. But dialog and discussion are always better than violence—and this agency, by enabling all concerned to sit down and reason together, can play a major role in achieving peaceful progress in civil rights.

V. FEDERAL PROGRAMS

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. Congress and the Executive have their responsibilities to uphold the Constitution also; and, in the 1960's, the executive branch has sought to fulfill its responsibilities by banning discrimination in federally financed housing, in NDEA and NSF institutes, in federally affected employment, in the Army and Air Force Reserve, in the training of civilian defense workers, and in all federally owned and leased facilities.

Many statutes providing Federal financial assistance, however, define with such precision both the Administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable. No administrator has the unlimited authority to invoke the Constitution in opposition to the mandate of the Congress. Nor would it always be helpful to require unconditionally—as is often proposed—the withdrawal of all Federal funds from programs urgently needed by Negroes as well as whites; for this may only penalize those who least deserve it without ending discrimination.

Instead of permitting this issue to become a political device often exploited by those opposed to social or economic progress, it would be better at this time to pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guarantee, insurance, or otherwise—to any program or activity in which racial discrimination occurs. This would not permit the Federal Government to cut off all Federal aid of all kinds as a means of punishing an area for the discrimination occurring therein—but it would clarify the authority of any administrator with respect to Federal funds or financial assistance and discriminatory practices.

CONCLUSION

Many problems remain that cannot be ignored. The enactment of the legislation I have recommended will not solve all our problems of race relations. This bill must be supplemented by action in every branch of government at the Federal, State, and local level. It must be supplemented as well by enlightened private citizens, private businesses and private labor and civic organizations, by responsibile educators and editors, and certainly by religious leaders who recognize the conflict between racial bigotry and the Holy Word.

This is not a sectional problem—it is nationwide. It is not a partisan problem. The proposals set forth above are based on a careful consideration of the views of leaders of both parties in both Houses of Congress. In 1957 and 1960, members of both parties rallied behind the civil rights measures of my predecessor; and I am certain that this tradition can be continued, as it has in the case of world crises. A national domestic crisis also calls for bipartisan unity and solutions.

We will not solve these problems by blaming any group or section for the legacy which has been handed down by past generations. But neither will these problems be solved by clinging to the patterns of the past. Nor, finally, can they be solved in the streets, by lawless acts on either side, or by the physical actions or presence of any private group or public official, however appealing such melodramatic devices may seem to some.

During the weeks past, street demonstrations, mass picketing and parades have brought these matters to the Nation's attention in dramatic fashion in many cities throughout the United States. This has happened because these racial injustices are real and no other remedy was in sight. But, as feelings have risen in recent days, these demonstrations have increasingly endangered lives and property, enflamed emotions and unnecessarily divided communities. They are not the way in which this country should rid itself of racial discrimination. Violence is never justified; and, while peaceful communication, deliberation, and petitions of protest continue, I want to caution against demonstrations which can lead to violence.

This problem is now before the Congress. Unruly tactics or pressures will not help and may hinder the effective consideration of these measures. If they are enacted, there will be legal remedies available; and, therefore, while the Congress is completing its work, I urge all community leaders, Negro and white, to do their utmost to lessen tensions and to exercise self-restraint. The Congress should have an opportunity to freely work its will. Meanwhile, I strongly support action by local public officials and merchants to remedy these grievances on their own.

The legal remedies I have proposed are the embodiment of this Nation's basic posture of commonsense and common justice. They involve every American's right to vote, to go to school, to get a job, and to be served in a public place without arbitrary discrimination—rights which most Americans take for granted.

In short, enactment of the Civil Rights Act of 1963 at this session of the Congress—however long it may take and however troublesome it may be—is imperative. It will go far toward providing reasonable men with the reasonable means of meeting these problems; and it will thus help end the kind of racial strife which this Nation can hardly afford. Rancor, violence, disunity, and national shame can only hamper our national standing and security. To paraphrase the words of Lincoln: "In giving freedom to the Negro, we assure freedom to the free—honorable alike in what we give and what we preserve."

I therefore ask every Member of Congress to set aside sectional and political ties, and to look at this issue from the viewpoint of the Nation. I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans; a sense of justice. In this year of the emancipation centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquillity—but, above all, because it is right.

JOHN F. KENNEDY.

THE WHITE HOUSE, *June 19, 1963.*

## CIVIL RIGHTS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, in the message just submitted to the Congress, the President has laid it on the line. He has set forth the guidelines of a program which can produce justice for all Americans this year. If this Congress can pass this measure, it will have made a monumental contribution. In the area of human rights this could be the most productive Congress of the century.

The President has set the tempo of our work and we should proceed without delay.

## THE PRESIDENT'S MESSAGE ON CIVIL RIGHTS

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, I have just heard with interest the reading of the message of the President on civil rights. I rise to comment briefly upon it, because I fear that this message is in keeping with the thinking of too many people who are ignoring the rights of the majority in our country.

As the message was read, I noted the recommendation that the commerce clause be extended and stretched in a method never contemplated by the writers of the Constitution. I heard also reference to implementing the 14th amendment to the Constitution in a way which I believe even those who voted for it freely—as well as those who voted for it under force—never contemplated. I was impressed by the fact that in the message there was not the slightest reference to the 10th amendment to the Constitution and that is an equally important section of our Constitution.

The 10th amendment is brief and clear. It says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In my judgment, the proposals contained in the President's message would, if enacted into law, constitute a usurpation of the powers, rights, and privileges of the States and the people.

## CONSTITUTIONAL AMENDMENT TO PERMIT PRAYER IN PUBLIC SCHOOLS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, for 19 years as a member of the New York State Legislature and as a Member of the Congress of the United States, I have pursued the policy of never voting for a motion to discharge a committee or signing a petition to discharge a committee from consideration of a piece of legislation affecting our material wants. But, with the Supreme Court decision of June 25, 1962, and the Supreme Court decision on Monday of this week which intends to and will bar prayer from public schools in the United States, I intend for the first time to give the Congress of the United States, the House of Representatives, and the people of the various State legislatures the right to determine whether the Constitution shall be amended to permit prayer in public schools and in all public places.

To this end, today I have for the first time in my history as a legislator presented a resolution to the House that will discharge the Committee on Rules from consideration of my resolution, House Joint Resolution 9, to so permit prayer in our public schools.

After the expiration of 7 legislative days, I will place a petition at the desk to give the Members of this House the opportunity to sign it and to bring before this House and let the American people have the opportunity to have a constitutional amendment which, I believe, they are entitled to.

## THE PRESIDENT'S CIVIL RIGHTS MESSAGE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, I want to comment on one aspect of the President's message which we have just heard here in the House of Representatives. That is the necessity for any legislation affecting civil rights to be of a bipartisan nature.

Mr. Speaker, it is my opinion that this is certainly an area where bipartisan action is essential. There have been too many instances of playing politics with the inherent civil and constitutional rights of individuals in this country. Certainly the President must have some assurance that there is strong Republican support and strong Democratic support for civil rights legislation of a moderate and a reasonable nature.

Mr. Speaker, while serving in the legislature of the State of Illinois I had an opportunity to help make equal job opportunity legislation a bipartisan issue there. I know that the great majority of the Members of this Congress recognize that the time for equal opportunity, the time for equal citizenship for all, is here and now. We should see to it that this subject of legislation is placed on a bipartisan level in order that we can work together as Members of this Congress in supporting reasonable legislation.

## BETTER TAKE A "PRO'S" ADVICE

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, after having listened to the reading of the President's message, I would predict that during the next few weeks it will become abundantly clear that the President might well have followed the advice of a real pro, former President Truman, who only last week stated that in his opinion no further civil rights legislation was needed, only the enforcement of laws presently on the books and the Constitution.

## CIVIL RIGHTS LEGISLATION

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, the administration, abetted by the Republican leadership, seeks to stampede Congress into enacting the most far reaching racial legislation since reconstruction.

It is common knowledge that until a month ago neither the administration nor the Republican leadership had any plans to advance so-called civil rights legislation at this session of Congress. A tragic day has arrived in American history when mob action can drive the Nation's political leadership into proposing hasty, ill-considered legislative programs.

It remains for the American people, from all parts of the country, to resist this political descent into mobocracy. Those of us in Congress who plan to fight this bill will need all possible help. Americans everywhere—North and South, Democrats and Republicans—must act now to let their Washington leaders know of their objection to this force legislation.

## CIVIL RIGHTS LEGISLATION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I listened with great interest to the President's message on civil rights. I believe he has made a sincere, courageous, and statesmanlike message.

The President strikes out boldly to attack segregation on many fronts. He wisely asks for bipartisan support of this program, and I hope he shall receive it.

He recognizes that present wrongs require legal remedies too long delayed. He generally seeks to restore peace and tranquillity to our land, and to quell the fires of frustration and discontent. He wishes to prevent extremists from taking leadership of the malcontents of certain elements in our population.

Undoubtedly the message and the bill accompanying it will be referred to the Committee on the Judiciary. I hope to renew hearings on this important message and bill this coming week.

## HAPPY BIRTHDAY, WEST VIRGINIA

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, exactly 100 years ago tomorrow, June 20, 1863, West Virginia achieved statehood.

Our wild forests, rugged mountains, and trickling streams make West Virginia an ideal spot for hunting, fishing, and vacationing. There is lots of elbow room in West Virginia, and the State is easily accessible to the major population centers of the Atlantic seaboard and the Middle West. There are tremendous industrial opportunities in all areas of the State, and the most rapid growth has been scored in the Ohio River and Kanawha River Valleys.

A mark of West Virginia's participation in the space age is the National Radio Astronomy Laboratory at Green Banks, W. Va.

During the Civil War, a delegation called on President Abraham Lincoln and asked whether the materials being used to complete the Capitol dome might not better be used as sinews of war. President Lincoln quickly answerd that the work on the Capitol should go on as a symbol that the Union would go on. When the Statue of Freedom was hoisted to the top of the Capitol in December 1863, 35 guns boomed out in salute. The 35th gun was fired in honor of West Virginia, which had 6 months earlier been admitted as the 35th State in the Union.

Tomorrow, it is entirely fitting that President Kennedy should return to West Virginia. The President of the United States will fly to Charleston, W. Va. to help us celebrate our 100th birthday. To my colleagues and to everyone throughout the Nation, may I say: Please come to West Virginia during our centennial year. Come and relax with the most friendly, courteous, and unselfish people in the world. You will want to stay in West Virginia—a land of unlimited opportunity where you can share the fruits of freedom with those who live under our banner which proclaims: "Mountaineers are always free."

## CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 84]

| | | |
|---|---|---|
| Ashley | Hébert | Rains |
| Ayres | Hosmer | Reuss |
| Bolling | Joelson | Roberts, Ala. |
| Brown, Ohio | Jones, Ala. | Roosevelt |
| Buckley | Karth | St Germain |
| Colmer | Kee | St. Onge |
| Corman | Kilburn | Schadeberg |
| Curtis | King, Calif. | Scott |
| Davis, Tenn. | McMillan | Shelley |
| Diggs | MacGregor | Sheppard |
| Ellsworth | May | Siler |
| Forrester | Meader | Sisk |
| Giaimo | Miller, N.Y. | Tupper |
| Grabowski | Moss | Ullman |
| Grant | Norblad | Willis |
| Hall | Powell | |

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

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## SUSPENSION OF EQUAL TIME PROVISIONS OF THE COMMUNICATIONS ACT FOR 1964 PRESIDENTIAL CAMPAIGN

Mr. SMITH of Virginia. Mr. Speaker, on behalf of my colleague, the gentleman from Missouri [Mr. BOLLING], and by direction of the Committee on Rules, I call up the resolution, House Resolution 402, and ask for its present consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. AVERY], and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order House Joint Resolution 247 relating to radio and television time in presidential campaigns. It will be recalled, Mr. Speaker, that a couple of years ago there was some embarrassment and trouble precipitated by the fact that under the law if time is given to one candidate for an office then equal time must be given to his opponent. There was an effort apparently in which certain people who were candidates for the Presidency and for the Vice Presidency who were not legally qualified candidates desired to get time and it therefore created some trouble.

Mr. Speaker, we passed a joint resolution at that time providing that that general provision should not prevail during the 1960 campaign; in other words, that candidates must be qualified party candidates in order to be recognized for this equal-time provision of radio and television. That applied only to the 1960 election.

Now, Mr. Speaker, the 1964 election is approaching and it has been thought advisable that it should be extended and made to apply to the 1964 election. So, with minor amendments, this is merely the resolution that was adopted by the Congress for the 1960 presidential election.

Mr. Speaker, the rule provides for 1 hour of general debate. There was no objection to the granting of the rule in the Rules Committee when we had the hearing.

Mr. Speaker, I reserve the balance of my time.

Mr. AVERY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think the gentleman from Virginia [Mr. SMITH] explained the resolution itself and the effect of it, if adopted. Perhaps a little more information on the background might be of interest, particularly to some of the newer Members of the House who were not here when this first suspension of section 315 was approved by the Congress previous to the 1960 election.

Mr. Speaker, section 315 of the Federal Communications Act of 1934 of course provides that whatever broadcasting facilities are made available to one candidate, the same facilities and opportunities must be available to every other qualified candidate for that same office and in the same manner.

Even though this provision has been in the act since 1934, it was just presumed that the networks and the licensees could broadcast the national political convention proceedings of the two major parties and provide equal time to the candidates of the two major parties, without giving serious concern to any other candidates from any other party. This seemed to meet with popular acceptance. So this practice—and it was just a practice—was not challenged. However, in 1959 when present Mayor Richard Daley was a candidate for reelection as mayor of the city of Chicago another candidate by the name of Lar Daley requested equal time to compensate for some news coverage that had been afforded Mayor Richard Daley. The station denied that request. Candidate Lar Daley appealed to the Federal Communications Commission and they—the Commission—held in his favor, that he should be permitted although he was not a major candidate for the office in the eyes of the licensee involved, to have equal time. Equal time was given to him. It was on viewing the film as to how he utilized that equal time award that persuaded me to support suspension of the equal-time provision in section 315 for the 1960 election. Then the Congress proceeded by a resolution to suspend this provision for the 1960 campaign. Obviously we are now approaching the 1964 campaign. So this proposal is again before the House.

Let me direct my remarks now over on the Republican side of the aisle. I notice some opposition on our side of the aisle. You perhaps believe, and I think, and Attorney General Kennedy has said publicly, if it had not been for the television coverage of the 1960 candidate debate the now President Kennedy would not have been elected. So this naturally brings up some reservations over here whether or not this is in our party interest and whether this is in the public interest to approve this suspension.

Mr. Speaker, we have two things to consider, and again I am directing my remarks pretty much to those on our side of the aisle. I think there are two aspects to this.

In 1960 our candidate obviously had the responsibility for all the problems that were then prevalent, and he undertook to defend them; whereas the challenging candidate, then Senator Kennedy, had no responsibility and could criticize without having to take the responsibility for any of the misfortunes or any of the undesirable developments that had transpired in the previous 8 years.

This time it is going to be turned around. I say this to my friends on my right: In 1964 the situation is going to be reversed, because the Republican candidate, whoever he may be, and he will be a good one and probably a very successful candidate, but as to what his identity is by name I cannot say, will not have the responsibility of explaining all of the misfortunes and mistakes in the last 4 years.

I think the public interest will be well served. Regardless of the political responsibility on our side of the aisle or the other side of the aisle, every licensee, of course, has a public responsibility as well, and that is to use his privilege as a broadcaster in order to bring such public events to the attention of his listeners or his viewers, as the case may be, or as he deems to be in the public interest, and to fulfill his responsibility as a public licensee.

So on that basis, Mr. Speaker, I urge adoption of the rule, and I recommend approval of the resolution after it has been fully considered in the Committee of the Whole. I was a member of the Committee on Interstate and Foreign Commerce when this matter was first considered by that committee in 1959. I supported the suspension at that time, and I remain in that position today.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The resolution was agreed to.

## CONSTRUCTION OF VA HOSPITALS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 403.

The Clerk read the resolution, as follows:

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4347) to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, House Resolution 403 provides for consideration of H.R. 4347, a bill to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals. The resolution provides an open rule with 1 hour of general debate.

According to the testimony presented to the Committee on Rules, under existing law, whenever the Veterans' Administration desires to build a new hospital, it submits appropriate plans and specifications to the Bureau of the Budget and after approval by the Bureau of the Budget, the proposal is then submitted to the President. If and when the President gives his concurrence, funds are requested in the next budget for the specific project and if voted as a part of the Independent Offices Appropriation Act, then the hospital is built in accordance with the plans previously agreed upon by the Veterans' Administration and the Bureau of the Budget.

As the committee report points out, in 1961 the Committee on Veterans' Affairs made a detailed study of the medical program of the Veterans' Administration, and there was developed a long-range program for construction of new hospitals, and for modernization and improvement of the existing hospital facilities of the Veterans' Administration. No changes were required to be made in the law for this program to be carried out, but it was generally understood according to the committee report that the committee would keep in close touch with the program as it developed.

The committee report further states that recently the Veterans' Administration has, on its own, initiated changes in this long-range program without any advance consultation with the Veterans' Affairs Committee, and in some instances, without any advance notice. The Committee on Veterans' Affairs contends that this trend endangers the successful accomplishment of the long-range program already worked out, and that the law should clearly reflect the right of the Committee on Veterans' Affairs to be notified in advance and consulted about changes proposed to be made in the program.

Under H.R. 4347, as reported, future major hospital construction or alteration by the Veterans' Administration must be justified in advance to the Committee on Veterans' Affairs, and the committee must affirmatively approve such construction or alteration.

Mr. Speaker, I know of no opposition to the adoption of House Resolution 403.

Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 403 provides for 1 hour of general debate, with an open rule, for the consideration of H.R. 4347, a bill entitled "Construction of Veterans' Administration Hospitals."

Mr. Speaker as a former member of the Committee on Veterans' Affairs, I rise in support of the rule providing for the consideration of H.R. 4347.

This bill simply stated seeks to give the Congress the power of review over the location of new Veterans' Administration hospitals and the renovation and modernization of existing structures. I think this is entirely appropriate and a very reasonable proposal.

There are 168 hospitals in the Veterans' Administration medical system and 17 domiciliaries in addition. On any given day, approximately 110,000 veterans are hospitalized in the Veterans' Administration system and approximately 17,000 members are in its domiciliaries.

At the present time, the location of Veterans' Administration hospitals and the renovation and modernization of existing structures is entirely at the discretion of the executive branch of the Government. This bill, H.R. 4347 which is patterned on existing law applicable to public buildings programs and which has been tested in the courts, is a desirable step in order to give the Congress a greater control over the expenditure of public funds.

Having served on the Committee on Veterans' Affairs, I am sure that this bill when enacted into law will not result in the delay in approval of any worthwhile project sought by the Administrator of Veterans' Affairs. I submit, Mr. Speaker, that when it is considered that the capital value of the existing structures in the Veterans' Administration medical system is estimated at in excess of $2½ billion and further that each new bed constructed in the Veterans' Administration costs between $15,000 and $30,000, controls by the Congress are not only reasonable and proper, but essential. I know of no objection to the rule. I urge adoption of the rule and the passage of H.R. 4347. I reserve the balance of my time, Mr. Speaker.

Mr. THORNBERRY. Mr. Speaker, I move the previous question on the resolution.

The motion was agreed to.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SUSPENSION OF EQUAL-TIME PROVISIONS

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 247, to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 247, with Mr. DENTON in the Chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

Mr. HARRIS. Mr. Chairman, I am pleased at this time to yield 10 minutes to the gentleman from Texas [Mr. ROGERS], chairman of the subcommittee conducting hearings on this legislation.

Mr. ROGERS of Texas. Mr. Chairman, this legislation, House Joint Resolution 247, is actually very simple. I would call to your attention in the report on page 3 the letter from the Deputy Attorney General addressed to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS]. In the first portion of that letter he sets out section 315 of the Communications Act of 1934. That section reads as follows:

If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station.

The legislation presently pending before the committee simply suspends the application of section 315 during the anticipated presidential campaigns in 1964.

There are two amendments that were adopted by the committee to the original resolution as it was originally introduced. One of those was an amendment limiting the time of suspension on an exact time basis; that is, the language in the original proposal was not clear as to how long this suspension would be in effect—when a campaign begins and when it ends. We know a campaign usually ends on election day, but no one knows when it begins.

So the committee felt that 75 days prior to the election would be sufficient time for the suspension of this section of the Communications Act. That is one of the committee amendments.

It begins on August 20, 1964, and ends on November 2, 1964.

The other has to do with a word; a word that was in the original proposal that referred to nominees who were running for the office of President and Vice

President. This was changed to "legally qualified" candidates. There has been quite a bit of discussion why this was done and what the difference is. The reason it was done is very simple. If you will refer to the language of the Communications Act itself you will find that the term therein used is "legally qualified candidates." That is the reason for this suggested change in the language of the resolution, which was changed to conform to the act so there would be no misunderstanding.

There were quite a number of people who came before the subcommittee on this measure and if you will refer to page 2 of the report you will see them listed; the National Committees of both the Democratic and Republican Parties, the National Association of Broadcasters, the three television networks, together with a number of other people who came before the subcommittee in favor of this legislation.

There was some opposition to the legislation. Witnesses representing the Socialist Labor Party of America, the International Brotherhood of Teamsters and the American Civil Liberties Union testified in opposition to the legislation.

I might say at this point that there are others who are opposed to this legislation for various and sundry reasons. But the point is simply this, that if the people of the United States are going to have the opportunity of seeing their candidates in the coming presidential election—unless this resolution is adopted I am afraid they will be denied that opportunity, primarily because there are so many small parties, some of them frivolous, some of them very serious, but all having their candidates. In many instances the people in California do not know about the man who is running on a New York party ticket because they never heard of the party or the candidate. The broadcasting people, radio and television, cannot subject their facilities to demands by all of these people from these parties that can be gotten up overnight to nominate a man for President or Vice President of the United States.

So it was the feeling of those of us on the committee who were in support of this legislation that we ought to make it possible for the people in this country to have the opportunity to view the man or the men who were running for President and Vice President, the highest offices in this land, without the broadcasters being subjected to unfair demands and abuses.

I grant you there are many arguments against the legislation and you are going to hear some today. One of those is that sometimes television is not fair, it is too tough a taskmaster; a man may be an excellent fellow, but he does not make a good appearance on television. That may be a good argument, but the fact of the matter is that television is here and it is here to stay. It would be my recommendation to any political party nominating a candidate for President or Vice President, that they do not nominate somebody who does not make a pretty good appearance on television because he is going to end up there sooner or later, whether he likes it or not. Some of these people, especially in the broadcasters' field and in the networks' field, came in and wanted section 315 wholly repealed; that is, wiped out.

If this should be done, a broadcasting station, whether it be a network broadcasting station, a single TV station, or a remote radio station, could permit the use of their facilities by any political candidate they wanted to on such terms as they wanted to, and not be responsible to afford equal opportunities, as is now required by law, to other candidates for that same position, whether the office be Governor, representative in the State legislature, or President of the United States.

This is a question that is entirely controversial, as you can all appreciate. It is a continuing question, that is going to be with us for some time. I may say that in this regard the Communications Subcommittee hopes to hold some hearings in the near future with regard to the overall problem, but the problem and the issue here today is not the repeal of section 315 insofar as equal rights is concerned; it is simply the suspension of this section of the law for 75 days next year in order to permit the American people to see for whom they are being asked to vote for President and Vice President of the United States.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. If there is merit to the gentleman's argument as it applies to the President and Vice President, why not carry it right on down to other candidates?

Mr. ROGERS of Texas. There are several reasons for that. The President and Vice President are candidates for national jobs, that is, jobs that cover the entire country. The other areas involve limited areas such as your congressional district. Airways or beams, whatever you want to call them, television or radio beams, are no respecters of the boundary lines of the districts, so this would create many, many complex problems if you tried to do that. The gentleman understands that this does not deny the candidates of these smaller parties, or these splinter parties, for want of a better name, access to the radio, but it makes it possible for the major candidates to be seen and heard by the people without subjecting these broadcasting stations to the abuses that would be visited upon them as was the case several years ago.

Mr. GROSS. Up to this point I have heard of only one case which you can really hang your hat on in asking for this suspension for the President and Vice President. I have yet to be convinced that one swallow makes a spring.

Mr. ROGERS of Texas. What case is that?

Mr. GROSS. The Lar Daly case in Chicago.

Mr. ROGERS of Texas. Yes. If the gentleman will refer to the hearings, I think he will find a source of information there where he can find there are other situations on a similar scale which have arisen that created problems. I grant you that there is definitely a problem. We are going to try to get this worked out. But when we open up the airways which are heard by the public, in the manner which the broadcasting companies or the owners want to handle them, we are treading on dangerous ground. The minority report expressed that danger very well, I think.

Mr. GROSS. Let me clarify the record. Let me say I am not advocating a waiver for anyone, I mean for any of the broadcasting stations, for any candidate. Let me make that clear. I am opposed to this bill.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Could the gentleman tell me if section 315 of the Communications Act of 1934 were suspended as recommended in this resolution who would benefit or be discriminated against from this suspension?

Mr. ROGERS of Texas. I think generally you could say that the American people would benefit from the suspension because it would make it possible for them to see and to hear these candidates on the national networks. I do not know what the gentleman is referring to, but if he is referring to the networks benefiting, I just do not follow the gentleman's question.

Mr. WAGGONNER. Perhaps the gentleman does not understand the question. I will forgo that question only because time is limited simply to make this statement and maybe to define for you and set out to you and the committee what my thinking is. I hold in my hand here a copy of the President's message delivered to the Congress today on civil rights setting forth the fact that all Americans everywhere and at every instant of the day and night should have equality in every walk of life, and it is inconceivable to me that this administration or anyone else should bring in on this same day a piece of legislation, House Joint Resolution 247, and ask that equality for somebody who seeks political office should be denied. The report says the administration approves this legislation.

Mr. ROGERS of Texas. I must decline to yield further to the gentleman on that. Let me straighten the gentleman out right here and now with reference to it.

The administration did not bring this bill to this committee or to this House of Representatives and it was not introduced in the first instance at the request of the administration. This resolution has been discussed for a long, long time. The same resolution was adopted during the past presidential campaign. This proposal was considered by the subcommittee; it was considered by the full committee; it was taken before the Committee on Rules and it has been brought to the House in the regular order.

Mr. BENNETT of Michigan. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, when this legislation was before us 2 years ago, I expressed concern that the networks, having had

the benefit of the suspension of equal time provisions of law for the 1960 campaign, would be back shortly to ask for a complete repeal of section 315.

Mr. Chairman, if we may have order, I realize I am in the minority on this and probably that is why I have concern for the minority who are excluded from consideration by virtue of this suspension.

Mr. Chairman, my point is this. The fears that I expressed about the networks' desire to control political time given to candidates of all parties in this country have been borne out by the recent hearings of our subcommittee. Everyone from the networks and the National Association of Broadcasters came before us and asked not for the suspension which this bill provides, but for complete repeal of section 315 which at the present time guarantees candidates for political office the right equal to that given to their opposition by a radio or television station. Now that is an American right, an American privilege and an American heritage. What we are doing here is the same thing we did in 1960, whittling away at these rights. It is curious that in 1960 the networks said they were not able to provide the major parties with the amount of time without the suspension that they would provide them, if the suspension were granted. I have contacted the FCC to get the figures on the time that was given to the presidential candidates or their spokesmen—Republicans and Democrats. These figures have to do with 1956 and that is before this suspension went into effect and when the equal time provisions of section 315 were in full operation.

Mr. Chairman, in 1956 the radio networks gave the Democrats 9 hours and 3 minutes. They gave the Republicans 11 hours and 45 minutes. All other candidates for President and Vice President were given 11 hours and 45 minutes. Now, in 1960, after we suspended this provision, they gave the Democrats 10 hours and 48 minutes, and the Republicans 10 hours and 48 minutes. So from the standpoint of actual time consumption there is very little difference in the radio time given the two major parties in the 1956 and 1960 campaigns. Remember the big argument used by the networks was that "if you suspend this we will be able to give the Republican and Democratic Parties more time because we will not have to devote this time to the fringe parties, to the minority groups, and we will give it all to the major groups."

Well, Mr. Chairman, they did not do it. They gave them practically the same amount of time in 1956 as they did in 1960.

Mr. Chairman, here is what they did in television: In 1956 they gave the Democrats 8 hours and 25 minutes. In that same year they gave the Republicans 10 hours and 43 minutes. They gave all others 10 hours and 30 minutes.

Now, in 1960 they gave the Democrats 8 hours and the Republicans 8 hours, and all other parties 1 hour and 20 minutes.

In 1960 over the radio networks they gave all other parties 51 minutes. For all practical purposes no advantage was taken of the argument used as the main basis for granting this suspension.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield myself an additional 5 minutes.

It boils down to the fact that the radio and television networks of this country want to control all political time.

Mr. Chairman, if Congress wants to give them that right I guess that is what Congress can do. But I doubt very much that the American people want the television and radio networks, an industry in this country, to control political time. I believe they agree with the provisions of section 315, which provide for equality.

So, Mr. Chairman, it is too bad if some crackpot candidate like Lar Daley was given 5 or 10 minutes on radio or television. It is too bad, is it not, in a democracy that someone who disagrees with the majority view is given an opportunity for a few moments to express his viewpoint? Certainly in all of our history—and if you will look it over carefully you will find not only in the history of the debates in this great body, but in the debates that took place by candidates over the years—that very often time demonstrated that the minority view was the right view and it later became the prevailing view.

So, Mr. Chairman, when you deprive a minority group, regardless of who makes it up, of the right to be heard—and that is what the networks did in 1960—we are not following the spirit of the American concept. They gave all candidates for President and Vice President, other than the two major parties, 51 minutes on the radio and they gave all parties other than the Republican and Democratic Parties 1 hour and 20 minutes on television. Granted, I personally think that most of those minority parties are crackpots, and I disagree completely with their philosophy, but I say, like Voltaire, they have a right to be heard. We are depriving them of that right if we approve this legislation. Even though we only suspend it for the presidential campaign, I think, Mr. Chairman, it is the wrong thing to do.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. The gentleman has cited some figures indicating the performance in the last campaign in regard to the Democratic and Republican Parties. May I inquire of the gentleman, if this suspension goes through will there be any assurance in law that any of these broadcasters will be compelled to assure equality of time as between the two major parties?

Mr. BENNETT of Michigan. No.

Mr. HUTCHINSON. Will it say they must give the Republican Party the same as they give the Democratic Party?

Mr. BENNETT of Michigan. No. It is left to the discretion of the network or station. The section of the law providing equal time is suspended. We are merely giving the networks a little easier way to present the candidates of the major parties. I indicated that even after the 1960 suspension they did not give more time than they did in 1956.

But here is another thing that should be considered. There are plenty of programs today of the news and interview type, such as "Meet the Press," "Face the Nation," and a half dozen others, produced by the networks which are perfectly logical and perfectly good formats and upon which a Republican or Democrat candidate for President can appear and present his views to the American people without violating the provisions of section 315. As long as it is done on regular news interviews or regular news documentaries it is completely exempt under present law. But they are not satisfied with being exempt. They want to be exempt in their own way. They want to control the distribution of the political time in their discretion.

Mr. Chairman, I say it is unfair and un-American to permit them to do so.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I agree with the gentlemen about the section protecting the rights of the minority. We should do that and look ahead and try to take care of ourselves.

I am particularly interested in a phrase used by the minority in its report. I would like to read it and ask the gentleman a question:

> Our friends in the broadcasting industry, having been given merely a glimpse of power in the political arena, are now hungrily pursuing its ultimate; the right to hound people out of office who do not please them, the right to openly groom a successor for an official in disfavor, the right to control completely what an official or candidate may say to his audience in his own behalf, the right to use the airwaves to argue for its own political point of view, its own candidates, and with impunity. A license renewal each 3 years is no defense against the mischief possible under such conditions. Damage done cannot be undone and history indicates that the probabilities of the loss of a license are too small to create a deterrent.

The implication there is that you can buy a radio station and give a broadcast and not give another person the right to be heard. Would that necessarily follow in small stations around the country?

Mr. BENNETT of Michigan. As far as the presidential and vice-presidential candidates are concerned, it would.

Here is another thing to which I would like to call attention. Inequality under the present rulings of the Federal Communications Act in the last few years have been referred to. Radio and television stations are now encouraged to editorialize, which means they can express their opinions on any subjects, political or otherwise. If you listen to a television station or a radio station here in Washington editorialize, you will find they are getting into the area of political discussions, criticizing one party and defending another, criticizing one public official and defending another, all under the guise of editorializing. Our committee is going to go into that subject. What can be done about it, I do not know. But I call your attention to these things to indicate the vast freedom that the radio

and television stations have at the present time, the vast power they have at the present time, the additional power we are giving them when we grant this suspension and the even greater power they desire.

Mr. STAGGERS. I would like to ask, if we pass this resolution today, the States to the South cannot use the airways to promote their candidate for President; or if the gentleman's party decides to split, you cannot do it under this?

Mr. BENNETT of Michigan. Yes.

Mr. STAGGERS. The only thing involved is the two major parties.

Mr. BENNETT of Michigan. You cannot be heard unless the network and the radio industry is willing. They can grant or deny time to anybody they please, but, after a suspension was granted to them in 1960 they gave the generous allowance of 51 minutes to all minor parties on radio and 1 hour and 20 minutes on television.

Mr. HARRIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I strongly support this joint resolution. I believe that notwithstanding the problems and the difficulties in the use of these broadcast media, it will be, overall, in the best interests of the American people.

Now, this matter is brought to the attention of the Congress now instead of next year because it is felt that it would be better for it to be considered before we get into the heat of the campaign. I personally felt that it would be a whole lot better to consider it in a calmer atmosphere.

As has been said and explained by the chairman of the subcommittee, who has done such a good job in the explanation of this proposal here, this suspension of section 315 has been tried. We have had the experience in 1960 and we know what the result was. I will say to my distinguished friend from Kansas that consideration is being given to extending the suspension of this provision of law to candidates for Governors and to other State offices, such as the U.S. Senate. There are those who would like to extend it to Members of the House.

As was said by the distinguished gentleman from Michigan, there are those in the broadcast industry that want to repeal section 315 outright. Now, the committee did not feel that we should give them that latitude, and I do not, either. This bill has the strong support of the chairman of the Republican National Committee, who testified before the committee. It has the strong recommendation of the chairman of the Democratic National Committee, who testified before the committee.

Something was said a moment ago about the comparison of the hours that were used in the campaign of 1956 with 1960. Let me read to you what Mr. Sarnoff of the National Broadcasting Co. said in his appearance before the committee:

> The limited suspension in 1960 not only made these debates possible, but it enabled the Democratic and Republican candidates for President and Vice President to appear in other programs. For example, their appearances on the NBC television networks during the 1960 campaign totaled 10½ hours, apart from appearances in paid political programs. If the candidates had been paying time and program charges for these 10½ hours of network presentations, the bill would have come to about $1,700,000. This compares with the $1 million which the major parties spent for all the paid political broadcasts on the NBC television network in 1960.

Now let me read what Dr. Stanton, president of CBS, said:

> In 1960 the CBS radio and television networks devoted a total of 16¼ hours to personal appearances of the Democratic and Republican presidential and vice presidential candidates, at no charge to them. This, compared to 36 minutes in 1956. In 1960, another 16 hours were given supporters of the major candidates. Time costs of these 1960 broadcasts exceeded $2 million, and additional time worth another $700,000 was offered to the candidates but not accepted.

Let me remind you of two things. This is a voluntary provision insofar as the broadcasting industry is concerned. It does not have to give any free time. It is permissive. From a practical standpoint it can work only on the basis of an understanding between the candidates and the broadcasting companies. Therefore, from a practical standpoint it must be worked out on a fair basis.

The second thing is with reference to what the gentleman from West Virginia said a moment ago. This permits any broadcasting facility in any given area, or State, or section, to take advantage of this suspension. They can do it in West Virginia, or they can do it in the South, or it can be done on a national basis. So it seems to me with the experience we have had, this legislation would be in the public interest. I have confidence that if there is a minority candidate for the Office of President and Vice President in any section of this Nation who has a chance to make a substantial impact in the campaign, that the networks or broadcasting facilities will in all fairness have to make time available to such a man.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I will be glad to yield to the gentleman.

Mr. AVERY. Mr. Chairman, I am trying to refresh my memory, but if I do remember correctly when we considered this legislation first in 1960 was there not some testimony as to probably what would have come about in the election of 1948 when we did have a third candidate for President with a substantial amount of support? Of course, in retrospect you could not go back and make a firm determination as to what would or would not have happened, but it was certainly my impression from that discussion that that candidate would have been permitted to have equal time with the two principal candidates.

Mr. HARRIS. I can say to the gentleman that the committee had this in mind when we decided again that this was going to be only temporary. Until we find out from an abundance of experience here just how it will operate I do not think it should be turned loose. For that reason I strongly favor that we make this suspension applicable only for the 1964 campaign. As time goes on and we get more experience then I think we will be in better position to know what to do.

Mr. AVERY. Will the gentleman permit me to say that it certainly is not fair to conclude here today that a third candidate for President or Vice President will be precluded from sharing in time.

Mr. HARRIS. I do not think it would be and that is what I want to see, from experience, just how it turns out. It will have some bearing on my position regarding this matter.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me for a question?

Mr. HARRIS. I will be glad to yield.

Mr. WILLIAMS. By the same token, if this legislation is passed, is there any requirement that would compel the broadcasters to give equal time to this third candidate?

Mr. HARRIS. Nothing except their fairness.

Mr. WILLIAMS. So the question as to whether a person is a major candidate rests entirely in the hands of Frank Stanton and the other broadcasters, rather than in the U.S. Congress, and rather than in the people?

Mr. HARRIS. The Congress cannot administer these broadcasting facilities, we know that. All we do is provide as a matter of policy how it will be used.

Mr. WILLIAMS. Is it not a fact that the broadcasters themselves will become the sole judges of who the major candidates are?

Mr. HARRIS. I think that is true, and I think that was intended here. I think it was intended that they make judgments on the basis of fairness, and if they are not fair they know they will be dealt with in the future.

Mr. AVERY. Mr. Chairman, will the gentleman yield for one moment?

Mr. HARRIS. I will be glad to yield to the gentleman.

Mr. AVERY. The gentleman from Mississippi makes a reference to the president of one of the major networks. As far as the legislation is concerned, the networks per se are not involved. It is the licensee that this legislation is directed to, and it is the licensee that is being held responsible. Is that not correct?

Mr. HARRIS. That is the practical application of it, yes.

Mr. Chairman, as has already been explained so well by the gentleman from Texas [Mr. ROGERS], the chairman of the subcommittee, the purpose of this legislation is exceedingly simple. It is to suspend the equal opportunity requirement of section 315 of the Communications Act of 1934 for the 1964 presidential and vice presidential campaigns.

Section 315 requires a licensee of a broadcasting station who permits a legally qualified candidate for public office to use a broadcasting station to afford equal opportunities to all other candidates for that office in the use of such broadcasting stations.

The legislation is substantially identical with provisions of legislation enacted by the 86th Congress which made possible the joint Kennedy-Nixon appearances on television and radio during the

1960 presidential and vice presidential campaigns.

Under the provisions of the 1960 legislation, the Democratic and Republican candidates for President and Vice President received many hours of free broadcast time which they might not have received if the broadcast licensees had been required to allow equal time to the several fringe candidates for those offices.

The committee adopted two amendments. The first amendment would specify that for purposes of this legislation the period of the 1964 presidential and vice-presidential campaigns shall be the 75-day period immediately preceding November 3, 1964. This, in effect, makes the period of suspension from August 20, 1964, through November 2, 1964, both dates inclusive. The second amendment is a conforming amendment which substitutes the term "legally qualified candidate" for the term "nominee." This conforming amendment brings the language of this legislation in line with the provisions of section 315 which speaks of "legally qualified candidates" rather than "nominees."

I need not remind the Members of this body that television and radio have become integral parts of political campaigns. By suspending the equal opportunity requirement of section 315 for presidential and vice-presidential candidates, better television and radio coverage of the campaigns of major presidential and vice-presidential candidates is made possible.

The minority views which were filed by four members of our committee stress that the Kennedy-Nixon appearances could have been accomplished under the 1959 amendments to section 315 which exempted from the equal time requirement, bona fide news interviews and bona fide news documentaries. While the minority is correct in this contention to a certain extent, it should be pointed out that the format which was adopted by the candidates for their joint appearances during the 1960 campaign would have had to be modified substantially in order to come within the aforementioned two exceptions.

This format was agreed upon by the candidates themselves and the representatives of the networks. Of course, the same will be true in 1964. Agreement will be necessary with regard to the format and such agreement requires concurrence of the candidates themselves.

The minority views also stress that the 1960 legislation had been used by the broadcasters as an argument in favor of outright repeal of section 315. Our committee in favorably reporting House Joint Resolution 247 had no notion of giving any support to the arguments advanced by several of the broadcast witnesses favoring outright repeal.

Furthermore, some warnings were advanced by the minority members with regard to editorializing by radio and television licensees. Of course, the committee in no way desires this legislation to be construed as taking any position with regard to the desirability or undesirability of editorializing by radio and television licensees. This is an entirely separate question and an announcement has already been made that the Subcommittee on Communications and Power will hold hearings on the subject of editorializing.

As I read the minority views, those who concur with these views do not primarily oppose House Joint Resolution 247. They seem to question the motives of the broadcasters who seek outright repeal of section 315 and they urge a review of present policies with regard to editorializing.

I want to stress that this legislation, as was the 1960 legislation, is strictly limited. It applies only to presidential and vice-presidential candidates. Its application is limited to the 1964 election. And, in order to assure that there will not be abuse, by radio licensees or networks, of this legislation it is specifically provided that the Federal Communications Commission shall submit a detailed report to the Congress not later than May 1, 1965, on the effect of the suspension on the 1964 presidential and vice-presidential campaigns including information concerning requests for time, amount of time made available, total charges, rates, editorializing, distribution of time during various phases of campaigns, and clearance by individual stations of network programs concerning the candidates or the issues. In order to enable the Commission to make this report to the Congress the legislation requires broadcast stations and networks to submit such information as may be necessary for the compiling of this report.

The legislation also provides that the temporary suspension shall not be construed as relieving broadcasters from the obligation imposed upon them under the Communications Act to operate in the public interest. I believe the membership of the House will agree that the American people expect to have every opportunity to observe the major presidential and vice-presidential candidates during the 1964 campaign by means of radio and television. It has been estimated that an average of 85 million people watched the joint Kennedy-Nixon television appearances during the 1960 campaigns.

The adoption of this legislation will assure that the 1964 campaigns of the major presidential and vice-presidential candidates will receive equally extensive, if not even greater, television and radio coverage.

I, therefore, urge the membership of the House to support this legislation.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I rise in opposition to this resolution. In retrospect we ought to see what happened the last time. I voted for this resolution in 1960 on the promise that they would have debates. The whole argument was that we would have grand debates similar to the Lincoln-Douglas debates. What did we get? We got only a glorified newspaper interview. That is all it was.

Previously we had exempted such programs as "Meet the Press," "Face the Nation," programs of that kind. They were already exempt. We had taken care of the Lar Daley case by exempting a candidate who appeared in a newscast, where the appearance was incidental to the newscast. So we had taken care of those essential matters. The program that was presented could have been presented on "Meet the Press" or "Face the Nation," which was already exempt and it is still exempt.

The only difference is they had two candidates instead of one appearing on the program. But they could have had two just as well as one. So that from a practical standpoint there is absolutely no necessity for the adoption of this resolution.

I hate to disagree with our excellent chairman about bringing this matter before the Congress at this time, but I think there is a very well thought out program of bringing it to us at this time, for fear that there might well be a third party or a third candidate of some prominence who could be absolutely excluded from any program.

They talk about this being a matter of fairness. Just the other day, if I was informed correctly—I did not see the article, but it was in Mr. Laurent's column in the Post—the present Chairman of the FCC recommended that section 315 be repealed. I want to say to this House that if the time ever comes when you repeal section 315 you are going to put into the hands of the broadcaster the election of your Congress, your Senate and all of your public officials, without any question. If you want to set up in this country a royal family this is the way to do it, without any question. And tack onto that the recommendation of Mr. Minow when he left, to do away with the FCC and to put in an administrator appointed by the President. This is a far-reaching proposal. If you can see what is being done here I do not believe that this Congress at this time should extend this kind of waiver of section 315. Every time you whittle away part of it, you give to those who want to repeal 315 a reason for repealing it. That is certainly what has happened.

The networks came before us with the idea that the networks did so well with the last exemption that now we should repeal section 315.

That is the purpose of this present action. It is the same old story. You never saw an alcoholic who did not take the first drink. It is the same with this. You will never repeal 315 if you hold tight to it and do not chisel it away, but if you start chiseling it away you are surely going to have 315 repealed.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes; I yield gladly to my chairman.

Mr. HARRIS. Does the gentleman not feel that the communications media, which are a public national resource, belong to the people, and are franchised through the Commission for their operation, should be used, then, to the best advantage of all the people?

Mr. YOUNGER. In answering my chairman, I am so strongly in favor of that, and the record will show and the

hearings will show that I disagree with the editorializing. I think that the broadcasters who came before us, want the right to editorialize, and want the same right as newspapers, are just as wrong as rain, and that right should never be granted.

Mr. HARRIS. The gentleman knows that the question of editorializing is not involved here. I will say, though, that on July 15 we are going to initiate hearings in the Subcommittee on Commerce and Power on the question of editorializing and other things involved with the overall problem. As the gentleman remembers, I told the committee that we would have further hearings at the discretion of the subcommittee in order that additional points not involved here may be considered and decided as the committee thinks best.

Mr. YOUNGER. That is true. The gentleman remembers I was going to submit an amendment to this joint resolution, which I withdrew when the chairman of our subcommittee promised to hold hearings on editorializing. My record is rather clear on that, as the chairman of the subcommittee well knows.

Mr. BENNETT of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Chairman, I support the bill to suspend the equal-time provision of the Communications Act with respect to the 1964 presidential campaign. This is a realistic measure, and one which served its purpose well in the past.

This is not, however, a solution to all the problems which may arise concerning the use of radio and television in a presidential campaign. I want to call attention, in particular, to the fact that no solution has been evolved to solve the campaign problem of an incumbent President delivering a speech or making an appearance on radio or television, respecting a subject of national importance. There is a history of controversy on this point which has affected both parties.

In 1936, during an election year Republicans were denied by the networks an opportunity to reply as they chose to President Roosevelt's fireside chats. Yet no action was taken by the FCC. In 1956, President Eisenhower addressed the Nation on the Suez Crisis, an appearance his political opponent Adlai Stevenson considered partisan. A request from the networks for a ruling by the Federal Communications Commission was met with silence at first, the Commission deeming it too complicated an issue for an immediate reply.

Reasonably confused, the networks of their own accord then offered the time to reply to Mr. Stevenson and to the presidential aspirants of the Socialist, Socialist Workers, and Socialist Labor Parties. The Republican Party, in turn, considered this to be a partisan presentation, and asked for equal time. The day before election, the FCC broke its silence and decided that the speech by President Eisenhower did not necessitate a reply. Three members formed the majority opinion, a fourth contended that no reply was required at any time to a Presidential address. Two Commissioners refused to rule because of the complicated nature of the case, and one said the equal-time rule applied. The networks then offered time to President Eisenhower to reply to Mr. Stevenson, and the others, but this was declined.

Ironically, the man who wrote a legal memorandum for Mr. Stevenson's position in this case later became Chairman of the FCC, Mr. Minow, left behind a number of accomplishments when he resigned, but the settlement of this problem was not one of them.

Of course, if this suspension of the section 315 equal time requirement is passed, the question of equal time will not apply. This fact makes the need for setting up some sort of a rule of thumb all the more imperative. Certainly, there are times when the President should have an opportunity to address the Nation on a crisis situation without the pressure of any additional partisan comment. Even here, however, the crisis may be such that it will continue over into the next administration and the people have a right to know what is the position and opinion of the man who may be the next President, though not the incumbent.

Other problems arise from the length of congressional sessions, the possibilities of additional Presidential messages and press conferences, during an election campaign. I would urge the distinguished gentleman from Arkansas to include in any further probes of the communications media the use of political broadcasting, taking into consideration the problem of the incumbent President. Perhaps consultations between the FCC, the committees involved, and the industry itself, would be appropriate. Certainly this is the year to settle the problems involved, and to lay the ground rules, rather than wait until the inevitable heat of an election campaign clouds the issue.

Mr. BENNETT of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, the resolution under debate would seem to help relieve our radio and television stations from an unreasonable control provided by the equal-time requirements of section 315. My familiarity is principally with several radio stations which might be regarded as small as compared to our larger network stations.

The manner in which section 315 has been applied with regard to all nominees imperils the licenses of these smaller stations in their efforts to apply these provisions fairly. As for me, I have confidence in the operators of our radio and television stations to accord equal time to any legally qualified candidates for President and Vice President.

This resolution appears to me to be in the interest of greater freedom for the radio and television operators and greater freedom for the American people.

Mr. BENNETT of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, being a member of the subcommittee that studied this legislation, I want to state for the record that I am wholeheartedly in support of it. I think it will serve a useful purpose, and I hope it does pass.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of House Joint Resolution 247. I, along with the gentleman from California [Mr. YOUNGER] and the gentleman from Nebraska [Mr. CUNNINGHAM] am a member of the Subcommittee on Communications and Power, which heard the testimony on this joint resolution, and listened with interest to the testimony given to the committee.

At the present time, section 315 of the Communications Act requires broadcasters to adhere strictly to an equal-time provision in regard to political candidates. While in theory the equal-time requirement seems consistent with a basic desire to insure fair play and full discussion, inflexible application of this principle will frustrate the very reason for its adoption.

The problem, of course, is the proper coverage of a political contest, and how to achieve the maximum of coverage with a minimum of unfairness. In 1960 the Congress examined this question and suspended for the 1960 campaign the application of section 315, as applied to the nominees for President and Vice President. Without a doubt the 1960 campaign was viewed and discussed by far more people than ever before. It is estimated that untold millions of people followed the campaign with interest. The section 315 suspension at that time encouraged the networks as well as the local broadcasters to devote free air time to the fullest coverage of the political campaign. I say we must lift this restriction again and take the broadcasters out of their straitjacket. The broadcasting industry, I feel, has proven that it is responsible and that it will respond rapidly to serve the public interest with fairness with regard to coverage of the presidential campaign. Yes, as the gentleman from Texas [Mr. ROGERS], the chairman of the subcommittee has pointed out, some of the broadcasters did want to see section 315 repealed entirely. The committee heard their views but took no action on this question. The question is on the repeal of section 315 only in regard to nominees for President and Vice President. I say that this suspension is made with the realization that the national spotlight will quickly reveal any favoritism that might occur and that any favoritism will quickly reflect on the national reputation of any network or any station that might be involved.

As everyone knows, the cost of presidential campaigns has been increasing by leaps and bounds. There is the danger of direct intervention by the Government in the subsidization of national political campaigns unless some means are found to reduce these costs. This I would resist.

So, I believe that this House should support House Joint Resolution 247, so that the broadcasting industry can again voluntarily render a service, at great cost to them, which in my opinion, is in the national interest.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, let us look at the 1960 campaign. The important thing about it is, did it work? This is the first time it was tried. Did it work?—that is the test. If we said it worked for the Republicans—our candidate presented his case. If we say it worked for the Democrats—it probably did also.

I do not think there is anyone here who believes that the President now sitting in the White House would be there without the exposure that he got side by side with the Republican candidate. May I say to my colleagues on this side of the aisle that the only chance you are going to have to expose your candidate, whoever he is going to be, is going to be over these hours which will be allotted in 1964. It is a very practical matter. It is important on this side of the aisle that we have time which will be given side by side with the candidate in the White House. It is my understanding, if I read his words correctly, about 3 months after he came into office, that he would abide by the same rules that we had in 1960 and that he would meet the Republican candidate in debate. It seems to me this is a fair proposition. We are talking now about getting before the American people the two candidates who have a chance to be elected. The purpose of this is to get the two big parties before the electorate to give them a chance to see the candidates and know what they stand for.

This is the test and this is why I believed in 1960, when I voted for this, that it was good legislation. I believe it is just as good legislation in 1963 as it was then. I will admit just one thing, the networks are going to have to improve on the kind of programing that they gave us in 1960. I do not believe that either party was satisfied with the type of programing that was given in 1960. The networks have appeared before our committee and assured us since then that they will improve their programing and it will give us a better perspective of the candidates in 1964, and that is a good thnig.

For these reasons, Mr. Chairman, I support this legislation.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. SCHWENGEL. I would like to ask what right the minority candidate has, if we pass this bill now?

Mr. SPRINGER. May I say that it is in the discretion of the networks as to the time that they want to give. May I say in addition to what the gentleman from Michigan [Mr. BENNETT] just mentioned a moment ago, in many of the States the candidates for President who were running only in that State, were exposed.

In the State of New York you had the Liberal Party and several candidates appeared on one program. It is in the discretion of the networks, but I do not see that they are absolutely kept from exposing themselves and having the opportunity to present their case.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, there appears to be nothing more permanent than legislation which is designated as "temporary" by this body. This appears to be another "temporary" suspension of section 315 of the Federal Communications Commission Act.

Mr. Chairman, one thing which the Members of the House should keep in mind is that we are dealing with a public commodity; that is, the air waves that are supposed to be under the control of the Federal Communications Commission.

Mr. Chairman, I received a letter in the last day or two to the effect that the American Civil Liberties Union is opposed to this bill. This is the first time, I think, in 12 or 13 years of public service that I have been on the same side as that organization.

Mr. Chairman, I still feel that this is not good legislation. I would invite the attention of the Members of the Committee to the minority views, specifically as they appear on page 6 of this report. Are we going to put in the hands of certain persons that have control over the networks the decisions as to who are the major candidates and who are the major parties and what are the major issues?

Mr. Chairman, I quote from page 6 of the minority views as contained in the committee report:

> Our friends in the broadcasting industry, having been given merely a glimpse of power in the political arena, are now hungrily pursuing its ultimate; the right to hound people out of office who do not please them, the right to openly groom a successor for an official in disfavor, the right to control completely what an official or candidate may say to his audience in his own behalf, the right to use the airwaves to argue for its own political point of view, its own candidates, and with impunity.

Mr. Chairman, that is the key issue in this particular legislation. That in my opinion is objectionable, and any of us can turn on any of the local radio and television stations and hear them say "this is a TV editorial." It gives this right to the local licensee dealing in a public commodity, the right to express their personal views, but equal time for the opposition is not permitted.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman and Members of the Committee, I wish to associate myself with the minority views that are submitted to this body.

Mr. Chairman, I would like to call attention to the fact that there have been requests for the complete repeal of section 315. In my judgment such a move would be a complete threat to the future independent operation of our communicative media. I believe the networks should have in mind that perhaps the equal time rule may be a protection to the networks themselves. When a license comes up for renewal, pressure can be exerted on them if this goes all the way.

Mr. Chairman, I would like to call attention to a recent memorandum that went out from the Department of Agriculture to the various ASC committees all over the United States just before the recent wheat referendum. This memorandum was issued for the purpose of calling to the attention of ASCS committeemen the availability of free public service time. It pointed out that stations would be responsive to suggestions since their licenses come up for renewal every 3 years. It was suggested, of course, that care be exercised to avoid giving the impression of coercion.

Mr. Chairman, an article which appeared in the June 16 issue of the Minneapolis Tribune also calls attention to pressures that have been put on the stations. I ask that this article by Richard Wilson be included at this point in my remarks.

[From the Minneapolis (Minn.) Tribune, June 16, 1963]

ARM TWISTING ON A HIGH LEVEL

(By Richard Wilson)

Arm twisting, one of the favorite techniques of the New Frontier, has been disclosed on a new and rather more impressive level.

The arm-twisting method was previously noted in the steel price controversy, the Cuban prisoners deal, and the more benign drive for funds for a $30 million national cultural center. This technique has attained respectability in the Kennedy administration and officials can see nothing wrong in it, for they conceive their cause to be just.

The method consists of psychologically suggestive pressure on individuals or corporations to support or go along with Government action. When skillfully applied, the individual cannot honestly charge that he was threatened with reprisal or tempted by reward; he only knows he has been shaken up.

He may have an antitrust suit pending and have his mind on this when exposed to Government persuasion; but the persuaders, of course, say they do not have this in mind at all, only the public welfare.

In the new instance the pressure was perhaps more overt. In fact, it was crude. The farm bureaucracy openly and threateningly brought pressure on federally licensed radio and TV stations to give free time for the Government's version of the issues in the national wheat referendum.

No subtlety was involved. A national directive went out to State managers and local committeemen of the farm program to bring to the attention of radio and TV stations that they are federally licensed for 3 years only and the renewal of their license could depend upon the adequacy of their public service programs. This responsibility was particularly compelling, it was stated, with respect to public service agricultural programs.

The innuendo of the directive was amazing. Public service programing, it was stated, is promised by radio-TV stations "in return for two special favors granted by the Government," exclusive use of a broadcast frequency, and "the policy of the Government not to establish federally operated stations in competition with stations being operated commercially." Of course, the directive added, this does not make stations "subject to dictation."

The directive was sent out by Ray Fitzgerald, Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service, presumably with the approval of Secretary of Agriculture Orville Freeman.

With vague images evoked of licenses revoked or Government operated competitors, a good many radio and TV stations complied. A spot check shows that prime time was wangled in Indiana, Kentucky, and Minnesota, and probably elsewhere on a broader scale. Some of the stations gave their time willingly enough. They wanted just such programs. Others felt they were highly pressured.

It might be supposed that this was only in the interest of serving the wheat farmers with a factual, unbiased view of the issues before them.

But Fitzgerald's directive belies this trusting view in one sentence: "As you know, interests representing one point of view in the referendum are blanketing radio and television stations with material in heavy quantities. It is not expected that we can match the flood of material from this group, which is also in a position to buy time. But it is essential that we act aggressively to make use of public service times of radio and television stations at times of day when farm people are listening."

Farm people listened and voted. The Government could not get even a majority for the adoption of its compulsory control program for wheat. A two-thirds majority was necessary for its adoption. Rather than submit either to authoritarian control of their farms or the methods of the not-so-hidden persuaders, wheat farmers were ready to take the risk of lower income.

Now the same bureaucracy which had so little knowledge of the people it was serving has adopted a dog-in-the-manger attitude toward new legislation. Wheat farmers would readily consider a new program patterned after the voluntary programs for feed grains coupled with acreage retirement.

But the bureaucracy still has its mind on arm twisting. Let the farmers suffer a little and they will come back with their tails between their legs. This was a bad technique in the beginning. It is bad now. Mr. Kennedy would do well to bring it to an end and make a constructive beginning on a new wheat program that farmers want.

Mr. NELSEN. Mr. Chairman, if we repeal section 315 or whittle away at it we can assume, regardless of political party, whether we be Democrat or Republican, that the licensing of radio and television facilities in our country could be subject to pressures exerted on the networks and stations to do what is politically expected and what would please, depending upon who is in power.

Mr. Chairman, I believe if we continue to extend this suspension of 315 we are going in the wrong direction as to the protection of the networks and as to the protection of the public.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Chairman, I have listened with a great deal of interest to the discussion here today, and I join with those who have made the minority views available to us.

I should like to make one further observation to the Members on my side. If the rules herein, implied with this legislation, had been applied 104 years ago, there would be no Republican Party for us to belong to. This makes it impossible to get minority views that might be good views before the public for consideration. The public interest nor the best interest of freedom are served by this legislation.

Mr. HARRIS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I rise in support of the bill after having had the assurances of the chairman of the subcommittee and the chairman of the committee that there will be further hearings on this idea of editorializing by radio stations and the unfair tactics of some stations of allowing members of a political party to come there and attack members of the other party without giving them a chance to answer.

Two Members of Congress came before our committee and told of certain stations that allowed people to be attacked day after day and day after day on free time, and they did not have the time to come in and answer. I do not believe that should be allowed. We have been assured we will have brakes put on that; therefore I am in accord with the bill we are voting on today.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That that part of section 315(a) of the Communications Act of 1934, as amended, which requires any licensee of a broadcast station who permits any person who is a legally qualified candidate for any public office to use a broadcasting station to afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, is suspended for the period of the 1964 presidential and vice presidential campaigns with respect to nominees for the offices of President and Vice President of the United States. Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under that Act to operate in the public interest.

With the following committee amendment:

Page 1, line 9, strike out "period of the 1964 presidential and vice presidential campaigns" and insert "seventy-five-day period immediately preceding November 3, 1964,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 2, strike out "nominees" and insert "legally qualified candidates".

The committee amendment was agreed to.

Mr. SCHENCK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret that general debate on House Joint Resolution 247 was limited to only 1 hour because it has unduly restricted the debate which should have been had on this question. I also regret, Mr. Chairman, that due to conditions over which I had no control it was not possible for me to be present at the time this bill was voted out of the committee. Neither was it possible for me to be included in the minority views which I wholeheartedly support.

Mr. Chairman, I earnestly recommend that all of our colleagues pay very close attention to the minority views as expressed in the committee report. And, while this House Joint Resolution 247 purports to be only a temporary measure, I would respectfully suggest that it has all the earmarks of being the entering wedge effort to make this a complete and permanent deletion of section 315.

Now, Mr. Chairman, such a wide open suspension would increase the power and the influence and the control which can be exercised by the Federal Communications Commission, radio station and television station management and the networks, at any time, and this generates a fear which may or may not be well founded but which exists, that the radio or television stations which do not comply may run into all kinds of roadblocks at the Federal Communications level when their renewal licenses come up for consideration especially if these radio stations and television stations have not granted time in accordance with the views and desires of some influential person.

I had a circumstance related to me, Mr. Chairman, very much along this line, and I think it can be well documented.

It will no doubt be denied publicly, Mr. Chairman, but nonetheless, I think it is true, that the networks have practically life or death control over the financial success or failure of an individual radio or television station. It is my impression that an individual radio or television station cannot remain a profitable operation unless it receives network programs. Thus it becomes an obligation upon an affiliated radio or television station to carry a network program whether or not the subject of the program and its contents appeals to the local stations. With this kind of a stranglehold, and if section 315 is deleted, the networks could become a tremendous if not overpowering influence in determining the election of the President of the United States or the election of any other public official who might be included in any future broadening of such a program.

Now, again I say to my colleagues, it is my understanding that the approval of this bill today is but the beginning of an effort to get a complete deletion of section 315 from the Federal Communications Act, as amended, and I submit this is not in the best public interest.

Mr. Chairman, I urge my colleagues to disapprove this resolution, House Joint Resolution 247.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I had been told 20 years ago that there would be legislation before this House which had for its purpose a restriction on free speech, I would have thought such a suggestion completely fantastic.

Voltaire has been quoted here many times, even by those who support this legislation in this House when he said, in effect, "I may not agree with what you say, but I will defend to the death your right to say it." This bill certainly cannot be reconciled in the light of that statement.

The gentleman from North Carolina [Mr. BROYHILL], a few minutes ago, speaking in support of this legislation, said that its purpose was to provide a maximum of political coverage with a minimum of unfairness. I submit, Mr. Chairman, that the very purpose of this legislation is the exact opposite: to provide a minimum of coverage with a maximum of unfairness.

The name of a man out in Chicago, Lar Daly, has been brought into this discussion. Now, I do not know who Lar Daly is, and I do not much care, but if under the laws of the State of Illinois Lar Daly, being an American citizen, had qualified as a candidate for public office, who are we to say that Lar Daly does not have the right to exercise the same rights and prerogatives that any other American citizen has who is running for public office?

Now, I have seen the manner in which the Federal Communications Commission administers their rule of fairness. As a matter of fact, I have had some experience with this. I have been the victim of one of their blackmail operations in one of my campaigns. I have seen the way that they administer the rule of equal time. Just the other day, when the President went on the radio and propagandized his civil rights bill, the opponents of that preposterous legislation were denied equal time to plead their case.

As bad as the FCC administration of the fairness doctrine and the equal time doctrine is, I trust their administration much more than I do that of CBS Frank Stanton, NBC's Mr. Sarnoff, or Mr. Moore of ABC. I know it is said that the stations themselves govern this, but everybody knows that the stations cannot divorce themselves from the networks.

If I remember correctly, back in 1948 we had a campaign for President. To read the newspapers back in that day, and to read the Gallup polls you would have thought there was but one major candidate in the race, and no one else could win. If this bill had been in effect in that day, they could even have cut off Harry Truman from radio and television because nobody thought he was really a serious candidate. Even so, he surprised nearly everyone in America by winning by a wide margin. At the time of the conventions he may not have been a major candidate, but he became a major candidate.

Mr. Chairman, who is to make the determination as to who is a major candidate? Is it to be a matter of congressional policy? Is it to be a matter which is to be determined by the people? No. Under this bill three people will determine who will be the major candidates. Those people are General Sarnoff of NBC, Mr. Frank Stanton of CBS, and Mr. Tom Moore of ABC, and that is too much power to put in the hands of anyone. As far as I am concerned any candidate, no matter now minor he might be, so long as he is a legally qualified candidate, has the same rights, privileges, and immunities as any other candidate for the office that he seeks, no matter how little his chances of election may be.

I hope this legislation, Mr. Chairman, is defeated.

Mr. RYAN of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN of New York: Page 1, beginning with line 9, strike out all down through "United States." in line 4 on page 2 and insert in lieu thereof the following: "is suspended for the seventy-five-day period immediately preceding November 3, 1964, in the case of any program in which the presidential candidates of the Democratic and Republican Parties, or any other legally qualified candidates for President, are presented together."

Mr. RYAN of New York. Mr. Chairman, as I understand the purpose of the bill before us today, it is to provide opportunity for the candidates for President to debate the issues in the same way in which the presidential candidates in 1960 debated. I have offered this amendment to make sure that in doing this, in trying to achieve this objective, we allow for television debates, but we do not at the same time eliminate the equal time requirement for all broadcasts involving the presidential and vice-presidential campaigns. In other words, my amendment would suspend the equal time provision only for joint appearances between presidential candidates, joint appearances between the Democratic candidate and the Republican candidate, or joint appearances between any two or more legally qualified candidates. This, it seems to me, meets the purpose of the proposed bill. It provides an opportunity for the kind of debate which was so worthwhile, and instructive, and constructive during the 1960 presidential election, and at the same time preserves for every other facet of the campaign the law as it now stands requiring equal time for all candidates.

I hope that this amendment will meet with approval. I seriously believe that the proposal to which it is offered as an amendment, the original proposal, is entirely too broad and leaves complete discretion in the hands of the broadcasters. It can have the effect of preventing third party candidates or other candidates from having the opportunity to present their views before the American people.

Mr. Chairman, it is vital to our democratic system that the electorate be afforded the opportunity to consider all candidates and the pros and cons of all issues. Broadcasting is a principal source of such information. First radio and then television have become powerful political instruments. Section 315 of the Federal Communications Act was enacted to insure equal treatment for all candidates. If the pending bill is passed, not only third party candidates but the major party candidates will be dependent upon the discretion of the broadcasters. Broadcasting is a public trust which should be subject to public regulation. Freedom of expression for a minority point of view should be protected.

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a question?

Mr. RYAN of New York. I yield to the distinguished chairman of the committee.

Mr. HARRIS. What does the gentleman mean by his amendment when he says "are presented together"? Does that mean that if there are half a dozen candidates for President and Vice President they have all got to be on the stage together?

Mr. RYAN of New York. No, sir; it means that any two candidates must be presented together.

Mr. HARRIS. That is not what the amendment says.

Mr. RYAN of New York. That is my intention. The key word is "or."

Mr. HARRIS. The gentleman says in his amendment, "in the case of any program in which the presidential candidates of the Democratic and Republican Parties, or any other legally qualified candidates for President, are presented together."

In other words, if you had 18 candidates, as you did in 1956, I suppose the amendment would mean, if they were all recognized as legally qualified candidates, that all 18 would have to be presented together. Is that the interpretation of it?

Mr. RYAN of New York. My interpretation is that this would apply to the 75 days, as the joint resolution does, before the election. It would apply to those presidential candidates who were legally designated by the Democratic and Republican Parties or any other legally qualified candidates. And if any two of these candidates agreed to appear together, then there would be an exemption from the equal-time provision.

Mr. HARRIS. In my judgment that is not what the amendment says.

Mr. RYAN of New York. I would be happy to accept any language the distinguished chairman feels would express that purpose more adequately. I believe this does express that purpose. The word "or" means what it says. The language does not say "and," I might point out.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further?

Mr. RYAN of New York. Gladly.

Mr. HARRIS. I am opposed to the amendment and therefore I have no language to suggest to the gentleman that would be satisfactory to me.

Mr. RYAN of New York. I suspected that was the case, Mr. Chairman. However, I do think that the colloquy between the distinguished chairman of the committee and myself has made it clear, if the language does not—I believe the language does—make it clear what my intention is. This would certainly guide the Federal Communications Commission in administering the act. I hope we can limit the suspension of equal time to the debate proposition.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I am glad to yield to the gentleman from Michigan.

Mr. BENNETT of Michigan. I think the gentleman would accomplish the purpose he seeks by his amendment by simply voting against the bill.

Mr. RYAN of New York. If the bill is not amended, I intend to vote against it. On the other hand, it has been argued that without some amendment to section 315 the broadcasters would not

provide a forum for debate. So the real purpose of this amendment is to provide that forum.

Mr. HEMPHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise not only in opposion to the amendment of the gentleman from New York [Mr. RYAN] but in support of the bill, because it has been my basic philosophy here to legislate in a way that whenever we can we avoid regulation of any industry—and I refer in this instance particularly to the communications industry—when we do so we are accomplishing something in the interest of free enterprise in this country. As I understand the conditions today we have on the one hand a free press, which is free to give time or to give editorial support or perhaps editorial criticism, or perhaps to slant news, if it wants to slant it for or against any public official, and this freedom is far too often abused. On the other hand, we have the Federal Communications Commission, sitting as it were as a monitor or a policeman on top of the communications industry which has to compete with the newspaper industry, compete every day.

In 1960, in order to give that industry a chance to prove what it could do for the American people in bringing to the American people the messages from the candidates for President of the United States, we suspended the provisions of section 315 for the debate which has now become a part of our political history.

I do not think the gentleman from New York wants this, but if the gentleman's amendment is adopted its effect would be to kill this bill which the committee has worked out. It will cast into the trash can the bill which the committee has approved. Not only that, I fear that the amendment as written, whether voluntarily or involuntarily, will give stature to those candidates to whom nobody wants to give stature, such as candidates of the Communist Party, the Socialist Party, and some others, time, publicity, and stature they do not deserve. That is what this amendment will do if it does not kill this legislation.

It seems to me there is an opportunity here not only in opposing this amendment but in passing this legislation to say to the American people that Congress in its wisdom, having had the experience of 1960, in keeping with the free enterprise idea of America, because of its previous experience will use that experience in 1964 to see whether or not in the future, and this would be my hope, section 315 of the Federal Communications Act would be entirely unnecessary.

We must not forget that if we were to delete the entire section we still have the regulatory commission, which I hope will continue as an arm of the Congress, and the communications industry recognizes, because I have talked to many of them, that if they abuse any of their privileges not only can they be faced with the loss or delay of their license renewal when it is called up, but the Federal Communications Commission has certain rulemaking power, the Congress is still sitting, the Congress is meeting every year, and if this were abused in 1964 certainly we could correct it in 1965. We did not find it necessary to correct in 1961 what was done in 1960.

So I hope this amendment will be defeated, because we do not want to kill what the committee has intended, effecting the regulation, for once, by the Congress. Not only that, but we do not want to give stature to someone who may become a presidential candidate and demand that he be put on the radio or television with those men who are candidates of the Republican and Democratic Parties, and give stature to people who do not deserve it and who are running only to get publicity or getting the time which the gentleman's amendment would require. I certainly think he does not want that, and I hope the amendment will be defeated.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. BENNETT of Michigan. The gentleman says that these minority parties we have been talking about do not deserve any consideration. Does the gentleman think that whether they deserve consideration or not should be within the discretion of the broadcasting industry?

Mr. HEMPHILL. I think we should go to the pending legislation, on page 2, lines 4, 5, 6, and 7, which requires that the station act in the public interest. They deserve consideration, but they must earn stature.

Mr. BENNETT of Michigan. In 1956, the so-called other parties got 11 hours and 45 minutes' time on the radio. When we suspended that section in 1960 they got 10 minutes, in toto. Does the gentleman consider that to be in the public interest?

Mr. HEMPHILL. I did not hear any kick about it. The public did not demand any more time for them.

Mr. BENNETT of Michigan. There was no kick about it at the time.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I think this amendment ought to be defeated. It is a nuisance amendment and it would cut the heart out of the bill. It will serve no useful purpose. As a member of the subcommittee, may I say we studied this legislation carefully. We heard many witnesses. Perhaps some of the Members were not on the floor when the details of the bill were discussed today but this is a very simple proposition. We want to have, or at least some of us want to have, a confrontation between the candidates for President and Vice President of the United States, that is, the candidates of the two major political parties.

In order to have this confrontation, sometimes called debates, we have need for this legislation because if this legislation is not passed, there will be no debates or confrontation between the two nominees of the two major political parties. The reason for that is we will have to enforce the equal time provision, and if a network or station would have to give time to all candidates, it would be an impossible situation and would result in no time given to any candidate.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. HARRIS. The gentleman is certainly making a very appropriate statement. I would like to say, with the permission of the gentleman however, that this is not a requirement that the candidates must have such confrontation. It is a voluntary thing and an arrangement that must be worked out with the candidates themselves. That, of course, adds to the rule and doctrine of fairness that must be applied.

Mr. CUNNINGHAM. The distinguished Chairman is absolutely right. The point I was trying to make is that if we do not pass this legislation, there will be requests made by a score of minority party candidates, candidates like the Socialist Party candidate for President or the Vegetarian Party or the Prohibition Party and all of the other nuisance groups that are trying to get publicity. If a network or radio station is confronted with such requests, they are going to have to turn them all down including those of the two nominees for the major political parties. So the only way we are going to be able to hear debates and have this confrontation between the nominees of the Democratic and Republican Party is to pass this legislation. If we do not pass it, there will not be any public debates and confrontations such as we had in the 1960 campaign.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. RYAN of New York. If the gentleman had listened to the remarks I made in support of my amendment, he would realize that the very purpose of my amendment is to exempt from the equal time provisions of the law presidential debates and confrontations which are a part of the democratic process. We looked at them in 1960, and we are looking forward to them in 1964. The very purpose of my amendment is to exempt such debates by presidential candidates and to provide that no equal time is required to be given where there are debates between presidential candidates. Otherwise the law is kept intact. If the intent of the Committee on Interstate and Foreign Commerce is to provide an opportunity for debates between presidential candidates, then my amendment will accomplish the purpose.

Mr. CUNNINGHAM. I thank the gentleman. But I do think this is a nuisance amendment and would knock the heart out of this bill and I recommend that the amendment be defeated.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. BENNETT of Michigan. The gentleman from Nebraska is a very able and distinguished member of our committee. However, I cannot agree with him that if this bill is not passed, we could not have Presidential debates. There is nothing under present law to prevent the networks and the candidates from getting together and arranging for the same identical kind of debates as were arranged for in the 1960 campaign. There is not a single solitary thing in the present law that would prevent that. So if the gentleman thinks that without this bill there will be no debates, I am sure he is honestly mistaken in his views.

Mr. CUNNINGHAM. I do not think the gentleman from Nebraska is mistaken. The effect of this is that it will facilitate debates, and if it is not passed, the networks will not assume the responsibility of providing equal time for perhaps a dozen major and minor party candidates and, therefore, there will not be any debates or confrontations. This legislation is endorsed by the two great political parties, by Mr. Bailey of the Democratic National Committee and by Mr. Miller of the Republican National Committee. This has nationwide support. We want to hear our two major political Presidential nominees.

Mr. Chairman, I urge the defeat of the amendment and the passage of the bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The amendment was rejected.

Mr. YOUNGER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, let us straighten the record on the testimony. If the members of the Committee will read the testimony, they will find nothing in the record that the networks said they would improve the program. As a matter of fact, they cannot improve the program.

Mr. Chairman, I want to say in honesty to the networks that they did want the debates; they would have preferred a debate, but the two candidates in 1960 would not agree. The only kind of a program they would agree on was this press interview. That same press interview could have been had on "Meet the Press" and it can be had today on "Meet the Press" or "Face the Nation," or any similar program that is already on the networks.

So, Mr. Chairman, there is not one thing to be gained by this resolution that is not possible and legal today under the present law to put on the same kind of a program that we listened to in 1960, because the "Meet the Press" program can have both candidates present and they can have them interviewed and questioned by the press. That is all in the world that we had in 1960, so let us have the record straight on that question as to what would be accomplished by the passage of this resolution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes; I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I have been amazed to hear this argument that there cannot or will not be a confrontation of presidential candidates unless this bill is enacted. I just do not understand this line of argument.

What is to prevent there being a confrontation on television or radio? What is to prevent it?

Mr. YOUNGER. Nothing except the unwillingness of the candidates to meet; that is all.

Mr. HARRIS. Mr. Chairman, will the gentleman yield to me in order to respond to the question of the gentleman from Iowa?

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi. He was on his feet first.

Mr. WILLIAMS. Is it not a fact that this legislation rather than providing a vehicle by which the public can become better informed actually restricts information that would be given to the public by eliminating from the air certain viewpoints which the public certainly could well consider?

Mr. YOUNGER. I think that is true.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. YOUNGER. Yes.

Mr. GROSS. What happens to this doctrine about which we hear so much of equal rights if we adopt this bill?

Mr. YOUNGER. I think you will have the airwaves segregated.

Mr. GROSS. If the gentleman will yield further, if this is so good—I ask the question a while ago and got no answer to it—why not go down the line and take in all of the candidates, the candidates of the Vegetable Party and the Sons and Daughters of I Will Arise, and those who are running against Members of Congress? Why not? Why not the same rule all the way down? I am not for this kind of manipulation as is contained in this bill.

Mr. YOUNGER. I think what is good for the goose ought to be good for the gander.

Mr. GROSS. Certainly.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes, I yield to the distinguished chairman of the committee.

Mr. HARRIS. I was going to attempt from a very practical and realistic standpoint to answer the question of the gentleman from Iowa. There are two things which would prevent a confrontation of the major candidates. No. 1 is that they are not likely going to agree to appear on the same program where the parties have to pay for it. No. 2, it means that $2 million has to go into such a program. That is a rather rigid restriction, in my judgment.

Mr. YOUNGER. May I answer the chairman by saying that I am rather positive that the program, "Meet the Press," will be very happy to have both candidates before them, and also the other programs such as "Face the Nation" will be glad to have them. And that with the $1,000-a-plate dinners I think the parties can well afford to buy the time, if that is necessary. There is no guarantee in the passage of this bill that you will have anything at all in the way of the two candidates appearing, because that depends on whether the candidates themselves will agree.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this section conclude in 10 minutes.

Mr. WILLIAMS. That is not on the bill as a whole?

Mr. HARRIS. On this section.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. SPRINGER. Mr. Chairman, I object.

Mr. HARRIS. This does not include the time of the gentleman from Illinois.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SPRINGER. Mr. Chairman, let me see if I can be helpful in getting this minority thing straightened out.

May I say that by this legislation there is not any guarantee of anything. There was not any guarantee of anything in the legislation of 1960. But the networks did assure us in 1960 that they would do their best to have these debates if the two candidates would be willing to come on the program.

As the gentleman from California said, there is no guarantee and there will not be any guarantee if you pass this bill. If you can get the President and the Republican nominee to agree, there will be confrontation. That is all there was in 1960. But I think the President did say about 3 or 4 months after he came into office, after his brother had said he would not appear, the President said, "I will appear," and I think the President means to keep his word. We will see that the candidates will confront each other in 1964.

Let us come to the minority matter and show why it is impractical to do anything if you insist that every small party, regardless of its size, insists on being heard. I think the chairman told you that the three together cost about $3 million, including NBC, ABC, and CBS. If you want to multiply that by 12 more, and there were 12 other parties that were on one State ticket that ran nationwide in the last election, if you want to multiply that 3 by 12, it is 36.

May I say if you are going to allow the other 12 minority parties, some of whom appeared in only one State of the Union, to have equal time, which they are now entitled to under the act, it would cost the networks $36 million. Naturally, they are not going to agree to give equal time to every party when it demands time.

The purpose of this legislation is to get before the American people the two nominees who have a chance to be elected in 1964. That is about as practical legislation as I know.

Mr. Chairman, this has been supported editorially from coast to coast. I have not seen an editorial against it. There may be some to which the Members may refer, but all of the editorials I have seen, and I think I have read them all on the rack out here, have supported it. They supported it in 1960 and they will support it in 1964 because they believe that is the only way the American people can see the two candidates of the two major parties confront each other, and they can then decide after seeing them on television which one of those candidates they want.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I merely want to say and emphasize what the gentleman has just said, the practical situation that the committee had to consider when we were asked to extend this suspension to other candidates for office. The gentleman knows we considered extending it to candidates for Governor, to candidates for the U.S. Senate, and to the candidates as Members of the House, and even on down to the smaller candidates on the local level. There is not enough time, there are not enough hours in the day if that requirement is carried out for any facility, even if it devoted all 24 hours to the innumerable candidates that exist.

We had some discussion of what happened in New York, in that particular area where we had Members of Congress in the great State of New York, in one small area. If the facilities were to be opened there would not be enough time during the day to give time to all candidates, much less if you limited it to the major candidates of the two parties.

Mr. SPRINGER. May I say to the distinguished chairman that in the State of New York, because I saw it on TV, there were broadcasts for presidential minority candidates where they were actually on the ballot in the State of New York. The networks did not exclude everybody. They did try to give some of these minority parties hearings in the States where they were on the ballot.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. BENNETT].

Mr. BENNETT of Michigan. Mr. Chairman, the argument that has been made here repeatedly by my distinguished chairman and others is—and it is repeating the argument that the networks made—and that came up in our hearings and elsewhere—that if you suspend this, you take less out of the treasuries of the Democratic and the Republican Parties. Well, that is just not the case. In 1956 the networks, both on radio and television, gave more free time than they did in 1960 after you suspended this.

Mr. HARRIS. Mr. Chairman, will the gentleman yield at that point?

Mr. BENNETT of Michigan. Yes; but I have only 2 minutes.

Mr. HARRIS. The gentleman quoted these figures a moment ago, and I read to the House the statement of Mr. Stanton. He is president of the Columbia Broadcasting System, and certainly he knows or should know how much time CBS gave to or devoted or made available for this purpose both in 1956 and 1960. He said that "In 1960 the CBS radio and television networks"—I do not know what the gentleman's figures are or where they are from. This is the CBS networks figures.

Mr. BENNETT of Michigan. I got mine from the FCC, the list being prepared by our staff. I am certain their figures are correct.

Mr. HARRIS. Well, this is from the network itself that operates it:

> In 1960 the CBS radio and television networks devoted a total of 16¼ hours to personal appearances of the Democratic and Republican presidential and vice-presidential candidates, at no charge to them. This, compared to 36 minutes in 1956.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. "This," Dr. Stanton said, "compared to 36 minutes in 1956." Now, that certainly does not jibe with what the gentleman stated.

Mr. BENNETT of Michigan. Well, I got these figures from the Federal Communications Commission. If the Federal Communications Commission has given me the wrong information, that is not my fault.

Mr. HARRIS. If the gentleman will permit, I think where the discrepancy is, the Federal Communications Commission is not only reporting on the time the candidates used but time representatives of candidates used. This does not extend to representatives of candidates.

Mr. BENNETT of Michigan. This is network time used by presidential candidates and representatives in their behalf in the years cited.

Mr. HARRIS. I quoted the statement of the president of the Columbia Broadcasting System.

Mr. BENNETT of Michigan. In this instance, I will take the word of FCC rather than the Columbia Broadcasting System.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The Chair recognizes the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. Mr. Chairman, it would appear there is much made over the fact that under the present regulations, present law, the stations could cover the activities of candidates with bona fide news coverage. This is true. But, the fact remains that the networks and the broadcasters stated in the hearings, that they wanted to use new innovations, they wanted to use new methods of presenting candidates to the American people.

I feel we should give the broadcasters this opportunity. I want to make it clear again that this legislation is only involved with the presidenial and vice presidential candidates and, when we say candidates, we mean these candidates only, and not local candidates and local contests.

I would like to say that in participating in that 1960 election and in listening to all of the hearings, that I feel that the networks were fair and they should be given another opportunity to prove they can do a good job. I certainly hope that this House will vote for this legislation.

The CHAIRMAN. The gentleman from Ohio [Mr. DEVINE] is recognized.

Mr. DEVINE. Mr. Chairman, section 315 of the Federal Communications Act is either good legislation or bad. It has been approved by this House heretofore and the efforts here today are again, as they were in the 1960 campaign, to suspend these provisions as they relate to presidential and vice-presidential candidates. I think there is a clue that reflects on what some of the Members have been saying about who is going to control air time and what candidates will appear and what will be said. That appears in the first full paragraph on page 2 of the report which says, in effect:

> The Federal Communications Commission shall require broadcasting stations and networks to make such reports * * * on the effect of this legislation on the 1964 presidential and vice-presidential campaigns.

The broadcasters, Mr. Stanton, Mr. Sarnoff, and Mr. Moore, will make a report to the Congress or to the Federal Communications Commission on the effect of this legislation. Are they the ones also to adjudge what the effect of the legislation will be? That is a purview of the Congress of the United States, but here we are telling them, "You fellows decide who is going to have what time and who is to address the American people, and you make your report to the Congress and the Federal Communications Commission of what the effect has been." You can well imagine what the broadcasters and persons who have a monetary interest in this are going to report to the Federal Communications Commission and the Congress.

I say this is a bad bill and should be defeated.

The CHAIRMAN. All time has expired.

The Clerk read as follows:

> SEC. 2. The Federal Communications Commission shall require broadcast stations and networks to make such reports as may be necessary to enable the Commission to make a detailed report to the Congress not later than May 1, 1965, on: (1) The effect of the suspension of the equal opportunities requirement of section 315 on the 1964 presidential and vice presidential campaigns, including information concerning requests for time, amount of time made available (including amount of free time, time paid for by candidates or political organizations, and time paid for by others), total charges, rates, editorializing, distribution of time during various phases of the campaigns, and clearance by individual stations of network program concerning the candidates or the issues, and (2) the role of broadcast stations and networks in other political campaigns during 1964.

Mr. KORNEGAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the bill and wish to bring one matter to the attention of the House. Under the minority views I have been quoted by

my good friends and colleagues who represent the minority on this particular resolution. For their quotes, I am, of course, very grateful, but at the same time I would like to make it abundantly clear that I am in support of this resolution, and I urge its adoption by the House. The quote which has been credited to me appears on page 5 of the Committee report and it says:

> It boils down to the question of who is going to determine what the issues in a campaign are. Are the candidates going to do it or are the television and radio stations going to do it?

The statement was made by me during a colloquy with Gov. Leroy Collins and after which Governor Collins had advocated the complete repeal of section 315. It was the view of the committee that section 315 should certainly not be repealed, but I say to the House that this resolution merely exempts it in one particular instance—in the case of presidential and vice presidential elections for 1964. Whether or not the networks will be fair is a question that seems to have been raised here today. Let me simply say this: And I quote from Governor Collins, who, of course, represents the broadcasting industry but certainly is a man of great honor and integrity, when he said:

> He is bound under the law without section 315 to operate in the public interest and to be fair in the presentation of his whole programing schedule.

What are the reasons for the adoption of this resolution? Why does it make good sense on this occasion to suspend the operation of section 315 in the case of the presidential and vice-presidential race? There is tremendous concern throughout this country, and I am sure that concern is extended to both the Republican and Democratic Parties, over the expense of putting on presidential campaigns. As has been pointed out in the debate today, if we pass this resolution it will mean a saving of approximately $2 million to the major political parties of this country, money that can well be spent by those parties in other areas and for other purposes.

And as our chairman has so ably pointed out it is a question of whether or not the major candidates will be put on the air. When there are a number of minor candidates, with the equal-time provision in effect, the networks are extremely reluctant to extend time to any of them, due to the constant harassment to which they would be subjected. So if we are to get the major candidates before the country as is so necessary in this day and time certainly this is the way to do it.

I urge that this resolution be adopted.

Mr. HARSHA. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to take this opportunity to inquire something of the distinguished chairman of the committee. As I understand, the resolution provides only for the Offices of President and Vice President. Yet in paragraph 2 of section 2 you have the language "the role of broadcast stations and networks in other political campaigns during 1964."

What is the purpose of that if this is to apply only to the Office of President and Vice President?

Mr. HARRIS. The first section of the resolution is applicable to the purposes that brought this resolution to the attention of the committee and the House. The second section is to meet some of the appropriate criticism that we have experienced in campaigns with reference to the requirements of stations to file with the Federal Communications Commission reports of political broadcasts by that station. This was brought on principally by the activity of the committee in the other body, which was a continuing committee, to look into these matters during the recent campaign, and the difficulties that they had in the immediate campaign with reference to reports being filed with the Federal Communications Commission. So the purpose of this is to require the stations to file with the Federal Communications Commission these reports in connection with all of their political broadcasts. An effort was made by the FCC to get this information and it has finally got it.

Just a few days ago a voluminous report was filed with the Congress showing just how these facilities were used all over the country in connection with political broadcasts in 1962.

Mr. HARSHA. I thank the gentleman.

Mr. RUMSFELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to clear up one question with the chairman of the committee, if I may. I have listened to the debate with a great deal of interest. I have frequently heard the phrase "legally qualified candidates" being used by almost every speaker. It is still not clear in my mind what a "legally qualified candidate" might be. One speaker indicated that that would be determined by State law. Another indicated the Federal Communications Commission or the major communication networks would decide. Reference was also made to the fairness doctrine. Can the gentleman clear this up for my benefit?

Mr. HARRIS. The gentleman is quite familiar with the selection of candidates by the national parties. There have been conventions or other methods of selecting candidates of minority parties in the past. The networks, of course, take cognizance of this fact. If there is any party with a candidate with substantial support, they endeavor under the fairness rule to give some attention to him. As was stated a moment ago, under the laws of the State of New York there was a minority candidate for President and as I understand time was made available. Insofar as the application to the Nation is concerned, where we do not have any Federal law as such on it, the Federal Communications Commission has in its rules and regulations definitions of a legally qualified candidate. It is the definition of the Federal Communications Commission that is followed. Certainly it is not left up to the networks altogether to decide.

Mr. RUMSFELD. I thank the gentleman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal-opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the Offices of President and Vice President, pursuant to House Resolution 402, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. BENNETT of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BENNETT of Michigan. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BENNETT of Michigan moves to recommit House Joint Resolution 247 to the House Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 46, noes 97.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BENNETT of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. The gentleman from Michigan objects to the vote on the ground that a quorum is not present. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 263, nays 126, answered "present" 1, not voting 42, as follows:

[Roll No. 85]

YEAS—263

Addabbo
Albert
Anderson
Arends
Ashley
Aspinall
Auchincloss
Avery
Baker
Baring
Bass
Bates
Battin
Becker
Beckworth
Belcher
Bennett, Fla.
Berry
Blatnik
Boland
Bolling
Bonner
Brademas
Bray
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke
Burkhalter
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Cannon
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clark
Conte
Cooley
Corbett
Cramer
Cunningham
Daddario
Daniels
Davis, Ga.
Delaney
Denton
Derwinski
Dingell
Dole
Donohue
Dorn
Downing
Dulski
Edmondson
Elliott
Everett
Evins
Fallon
Fascell
Feighan
Fisher
Flood
Fogarty
Ford
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gavin
Giaimo
Gibbons
Glenn
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen, Calif.
Halleck
Hanna
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Healey
Hechler
Hemphill
Holifield
Holland
Horan
Horton
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Keith
Kelly
Kilgore
King, Calif.
Kirwan
Kluczynski
Knox
Kornegay
Laird
Landrum
Lankford
Leggett
Lesinski
Libonati
Lloyd
Long, La.
McClory
McDade
McDowell
McFall
McIntire
McLoskey
Macdonald
Madden
Mahon
Mailliard
Marsh
Martin, Mass.
Mathias
Matthews
Michel
Miller, Calif.
Milliken
Mills
Minish
Minshall
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morrison
Morton
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Mich.
Olsen, Mont.
O'Neill
Osmers
Ostertag
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pilcher
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Randall
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Rivers, Alaska
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Rostenkowski
Roush
Ryan, Mich.
St Germain
Saylor
Schneebeli
Schweiker
Secrest
Shipley
Shriver
Sibal
Sickles
Slack
Smith, Iowa
Smith, Va.
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thornberry
Toll
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Watts
Weltner
Westland
Whalley
White
Whitener
Wickersham
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Young
Zablocki

NAYS—126

Abbitt
Abele
Abernethy
Adair
Alger
Andrews
Ashbrook
Ashmore
Baldwin
Barry
Beermann
Bell
Bennett, Mich.
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brock
Bromwell
Brown, Calif.
Bruce
Burton
Celler
Clancy
Clausen
Cleveland
Cohelan
Collier
Curtin
Dague
Dent
Derounian
Devine
Dowdy
Duncan
Dwyer
Edwards
Farbstein
Findley
Fino
Flynt
Foreman
Fraser
Gathings
Gilbert
Gill
Goodling
Grant
Gross
Grover
Gurney
Hagan, Ga.
Haley
Halpern
Hawkins
Hays
Herlong
Hoeven
Hoffman
Huddleston
Joelson
Johansen
Kastenmeier
King, N.Y.
Kunkel
Kyl
Langen
Latta
Lennon
Lindsay
Lipscomb
Long, Md.
McCulloch
Martin, Calif.
Martin, Nebr.
Matsunaga
Morse
Mosher
Murray
Nelsen
Nygaard
O'Hara, Ill.
O'Konski
Olson, Minn.
Pike
Pillion
Powell
Quie
Quillen
Reid, Ill.
Rich
Rivers, S.C.
Roberts, Ala.
Rosenthal
Roudebush
Roybal
Rumsfeld
Ryan, N.Y.
St. George
Schadeberg
Schenck
Schwengel
Selden
Senner
Short
Siler
Skubitz
Smith, Calif.
Snyder
Talcott
Thomson, Wis.
Tollefson
Tuck
Tuten
Utt
Van Pelt
Waggonner
Watson
Wharton
Whitten
Williams
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

ANSWERED "PRESENT"—1

Taft

NOT VOTING—42

Ayres
Barrett
Boggs
Brown, Ohio
Buckley
Carey
Colmer
Corman
Curtis
Davis, Tenn.
Dawson
Diggs
Ellsworth
Finnegan
Forrester
Hall
Hébert
Henderson
Hosmer
Kee
Keogh
Kilburn
McMillan
MacGregor
May
Meader
Miller, N.Y.
Moss
Norblad
O'Brien, Ill.
Rains
Reuss
Roosevelt
St. Onge
Scott
Shelley
Sheppard
Sikes
Sisk
Trimble
Tupper
Weaver

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ayres.
Mr. St. Onge with Mr. Ellsworth.
Mr. Sheppard with Mr. Miller of New York.
Mr. Shelley with Mr. Kilburn.
Mr. Barrett with Mr. Norblad.
Mr. Keogh with Mr. Hosmer.
Mr. Buckley with Mr. MacGregor.
Mr. Colmer with Mr. Brown of Ohio.
Mr. Moss with Mr. Weaver.
Mr. Henderson with Mrs. May.
Mr. Davis of Tennessee with Mr. Hall.
Mr. Boggs with Mr. Meader.
Mr. Carey with Mr. Curtis.
Mr. O'Brien of Illinois with Mr. Tupper.
Mr. Corman with Mr. Diggs.
Mr. Roosevelt with Mr. Reuss.
Mr. Sikes with Mrs. Kee.
Mr. Sisk with Mr. Dawson.
Mr. Forrester with Mr. Finnegan.
Mr. Rains with Mr. Scott.
Mr. Trimble with Mr. McMillan.

Mr. POOL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended to read: "Joint resolution to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President."

A motion to reconsider was laid on the table.

## CONSTRUCTION OF VETERANS' ADMINISTRATION HOSPITALS

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State ofthe Union for the consideration of the bill (H.R. 4347) to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4347, with Mr. STAGGERS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. TEAGUE of Texas. Mr. Chairman, the Department of Medicine and Surgery has 168 hospitals and 17 domiciliaries. As of April 30, 1963, there were 109,791 patients in the Veterans' Administration medical system and approximately 17,000 members in the domiciliaries. I agree with the observation in the Administrator's report on the introduced bill that "effective discharge of this responsibility obviously requires an orderly system of long-range planning to achieve the best and most equitable results." This bill will facilitate the orderly system of planning advocated by the Administrator.

The Committee on Veterans' Affairs is charged under the Legislative Reorganization Act of 1946 with legislative oversight over these activities, and believes that the effective discharge of this responsibility obviously requires that the Committee be advised, in advance, and consulted with, in advance, with respect to the carrying out of the long-range construction program, and other programs, designed to provide medical care and treatment for veterans.

Under existing law, whenever the Veterans' Administration desires to build a new hospital, it submits appropriate plans and specifications to the Bureau of the Budget and after approval by the Bureau of the Budget, the proposal is then submitted to the President. If and when the President gives his concurrence, funds are requested in the next budget for the specific project and if voted as a part of the Independent Offices Appropriation Act, then the hospital is built in accordance with the plans previously agreed upon by the Veterans' Administration and the Bureau of the Budget.

The bill seeks to provide a new control over the renovation, modernization, and construction activities of the Veterans Administration similar to that provided in the Public Buildings Act of 1959. Thus, this bill as reported to the House would prohibit any new hospital construction or acquisition of medical facilities involving an expenditure in excess of $100,000 unless the Administrator of Veterans' Affairs has submitted to the Committee on Veterans' Affairs a

prospectus of this project and the project is thereafter approved by a resolution of the Committee. Said prospectus will include a description of the facilities to be constructed or acquired, the location thereof, and an estimate of the maximum cost. The same requirement would be added with respect to the alteration of existing medical facilities where the cost would exceed $200,000. This latter requirement would apply only with respect to projects which require appropriations to be made after the enactment of this legislation.

The bill recognizes that there may be cost increases over those set out in the original prospectus submitted by the Administrator, and, therefore, authorizes an increase in the maximum authorized cost of any project after approval by the committee, up to 10 percent of the estimated maximum. If the increased costs will exceed this 10-percent limitation, the Administrator must submit another prospectus with respect to the project and obtain approval by the committee before funds may thereafter be appropriated for the project.

It is also provided that if appropriations are not made for any approved project within 1 year after the date of approval, the committee may rescind its approval of the project at any time before appropriations are made for the project, and thereafter no funds may be appropriated for the project.

Basically, this proposal is an authorization bill with which this House is thoroughly familiar.

No additional cost will result from the enactment of this legislation and perhaps some savings may be anticipated.

The bill was reported unanimously by the committee.

Mr. MATTHEWS. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Florida.

Mr. MATTHEWS. I want to express my appreciation to the gentleman and to the Committee on Veterans' Affairs and the Administrator, Mr. Gleason, on the progress we are making on the veterans' hospital in Gainesville, Fla. Will the gentleman tell me if this bill will have any adverse effect on the appropriations already made for this hospital?

Mr. TEAGUE of Texas. There are a number of hospitals around the country in the same position as that at Gainesville, Fla.; $802,000 is included in the appropriations for the 1963 fiscal year, and $8,793,000 is in the budget for the fiscal year 1964 for this hospital. It is not the intent of the committee or of this bill to affect any hospital in a retroactive way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman state for the edification of the members of the committee what necessitates this legislative action?

Mr. TEAGUE of Texas. I would say that across the country we have a number of hospitals that have been built in places that were not to the best advantage of the veterans population. This bill is designed to make both the executive and legislative branches of the Government take a more careful look at the building and location of the hospitals. You might say it will more nearly make our Government a government of laws instead of men.

Mr. GROSS. Is the gentleman saying that the Veterans' Administration has been selecting the sites and carrying on the building expansion, the renovation, and so forth, without the knowledge of the Committees on Veterans' Affairs of this House and the other body?

Mr. TEAGUE of Texas. Within the past year the Veterans' Administration made a survey in the State of Texas. The Veterans' Administration then recommended to the Bureau of the Budget that a new hospital be built in Texas. The Committee on Veterans' Affairs were not permitted to see that survey. We did not know one thing about it until it was announced in the newspapers.

Mr. GROSS. So what you are saying is that this is necessitated by the fact that the committee has not been informed, that is, the legislative committee has not been informed as to what the Veterans' Administration is doing? Is that correct?

Mr. TEAGUE of Texas. That is correct. For a number of years we have felt that we were not kept adequately informed as far as new hospital construction, location, and modernization is concerned.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. FISHER. First, I want to commend the gentleman and his committee for bringing this legislation to the House. I think there are very good and sound reasons for it. I asked the distinguished chairman of the Committee on Veterans' Affairs if there are precedents for this type of precedure, that is, to require governmental agencies to get clearance with congressional committees before making expenditures of various types.

Mr. TEAGUE of Texas. There are any number of precedents. The bill is based primarily on the Public Buildings Act of 1959. There are any number of precedents, which involve the Defense Department, Civil and Defense Mobilization, Atomic Energy Commission, Department of the Air Force, NASA, Bureau of Indian Affairs, Department of the Interior, National Parks Service, and Department of Agriculture. Among the committees involved are Armed Services, Interior, Agriculture, Public Works, and Science and Astronautics. There are any number of precedents for this type of legislation.

Mr. FISHER. In other words, there is a general policy which runs all through this with reference to various agencies of the Government at this time, that plans for outlays of money for various types of expenditures be cleared through the congressional committees and through the Congress before the agencies are permitted to proceed.

Mr. TEAGUE of Texas. That is correct.

Mr. FISHER. I do know in the case of the Committee on Armed Services, of which I am a member, every construction and every outlay of money is first cleared through the committee even though it has been previously authorized by the Congress. That gives the Congress a chance to maintain control and supervision over the general outlays and programs that are engaged in through expenditures of money appropriated by the Congress.

Again, Mr. Chairman, I want to commend the committee for reporting this bill to the Congress.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. HECHLER. Mr. Chairman, I notice on page 4 of the committee report in the letter by the Deputy Administrator of the Veterans' Administration some language that disturbs me a little, and I would like to get the opinion of the chairman of the Committee on Veterans' Affairs with reference to this language. The Deputy Administrator of the Veterans' Administration writes:

> I am fearful that enactment of the proposed measure would completely disrupt the orderly system of administrative planning which, we believe, has proven effective over a period of many years. One of the most difficult problems in any construction program is that of meeting schedules and commitments. The period of deferment of action required by the bill could interrupt timely implementation of systematic planning by a period of several months.
>
> As an even more serious consequence, the veto authority invested in the committee would create uncertainty and could nullify decisions reached after months of intensive study, review, and final consideration at the highest level of the executive branch. Exercise of this authority would appear, also, to impinge upon determinations of the whole Congress based upon fund authorizations recommended by the Appropriations Committees.

The first question I would like to ask the able gentleman from Texas is: Does the gentleman believe that this provides a veto authority to the Committee on Veterans' Affairs in the sense that this letter indicates?

Mr. TEAGUE of Texas. It gives the Committee on Veterans' Affairs an authorizing authority.

Mr. HECHLER. If the distinguished gentleman will yield further, I wonder if the gentleman would care to comment on some of the other observations which are contained in the letter?

Mr. TEAGUE of Texas. I shall be glad to comment. If there is anything that goes on in a slow, methodical manner, it is the construction of veterans hospitals. I say it will have much less effect here than with the construction programs of the NASA, the Atomic Energy Commission, and the Department of Defense. I do not expect this bill, when enacted, to result in any unreasonable delay.

Mr. HECHLER. If the gentleman will yield for one further question, I want to ask this: Has the President taken a position, or the Bureau of the Budget taken a position on this legislation?

Mr. TEAGUE of Texas. Well, I understand they are against it, judging from the contents of the letter from which the gentleman from West Virginia has just read. I suppose that represents the position of the Bureau of the Budget and, therefore, the President. The letter speaks for itself.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from West Virginia has referred to this paragraph of the letter that refers to the "orderly system of administrative planning." I wondered if the Oteen, N.C., veterans' hospital is a good example of this "orderly system of administrative planning" that is referred to?

Mr. TEAGUE of Texas. Well, the gentleman from North Carolina himself can answer that question better than I.

Mr. WHITENER. If the gentleman will yield further, I am sure the members of the Veterans' Affairs Committee know that with each change of season there is a change of plans, and all of them seem to cut away on the veteran more than the one which they had before.

Mr. TEAGUE of Texas. The Committee on Veterans' Affairs under the Legislative Reorganization Act is charged with legislative oversight. The truth of the matter is that we have not been doing the job we should have. This is not something which we have started in the last few months, but it is something which our committee has been considering for a number of years.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would like to say to the chairman of the full committee, the gentleman from Texas [Mr. TEAGUE], and the gentleman from West Virginia [Mr. HECHLER], that the finest example I can give to them of the need for this legislation has occurred as a result of the action of the Veterans' Affairs Committee in concert with the Bureau of the Budget and the Appropriations Committee. Several years ago, a long-range plan for the construction needs of the Veterans' Administration hospital system was developed. It called for $900 million over a 12-year period for the construction and rehabilitation and betterment of Veterans' Administration hospitals.

Although this plan had been approved by every agency and department of Government involved, the Veterans' Administration recently initiated changes in their long-range plans without any advance consultation with the Veterans' Affairs Committee. Certainly this is not in the interest of good planning. While the Veterans' Administration in its report indicated that enactment of the proposed measure would disrupt the orderly system of administrative planning, I believe the proposed legislation will have the opposite effect and will insure the orderly system of administrative planning.

Mr. EDMONDSON. Mr. Chairman, will the gentleman, the chairman of the full committee, yield to me at this point?

Mr. TEAGUE of Texas. I yield to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. I thank the chairman, and I want to be certain of my understanding of a statement which the gentleman made a moment ago to the effect that this bill was not intended to have any retroactive effect, and that it was not intended to affect in any way either hospitals already constructed and in operation or improvement programs now underway and under construction of the hospitals already in existence.

Mr. TEAGUE of Texas. That is correct.

Mr. EDMONDSON. I thank the gentleman.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4347. This legislation is long overdue. It will require the Veterans' Administration to submit plans for major hospital construction to the Committee on Veterans' Affairs for approval.

At the present time, when the Veterans' Administration wishes to build a hospital, plans and specifications are first approved by the Bureau of the Budget and then by the President. Funds are then requested in the next budget request submitted to Congress. The role of Congress in this process is limited to voting the construction funds contained in the Independent Offices Appropriation Act.

The legislation being considered makes it mandatory that an arm of this legislative body, the Committee on Veterans' Affairs, be notified in advance and consulted about changes to be made in plans for construction of new hospitals and for modernization and improvements of existing hospitals in the Veterans' Administration system.

Mr. Chairman, there are 168 hospitals and 17 domiciliaries in the Veterans' Administration system. Millions of dollars are appropriated each year to keep this physical plant modern. It seems reasonable that the Congress should exercise some measure of control over an undertaking of this size.

The bill under discussion will vest in the Committee on Veterans' Affairs authority similar to that vested in the Committee on Public Works with respect to the construction of public buildings.

An analysis of this matter, Mr. Chairman, reveals that the Congress in many instances has reserved some measure of control over activities of the executive branch of the Federal Government. Title 40 of the United States Code, for example, prohibits an appropriation for the construction of any public buildings involving an expenditure in excess of $100,000 unless the project has been approved by the Public Works Committees of the Senate and House of Representatives.

The law requires that concession leases or contracts in national parks be reported by the Secretary of the Interior to the Congress 60 days prior to the award.

The Committees on Armed Services of the Senate and House maintain some measure of control over real property transactions entered into by the Office of Civil and Defense Mobilization, by the Department of Defense and the military department.

The Department of Agriculture; Department of the Interior, National Aeronautics and Space Administration, and the Atomic Energy Commission, all are subject to congressional control or prior approval of many of their transactions.

I am convinced, Mr. Chairman, that a program of the magnitude of the Veterans' Administration hospital system deserves and requires continuing cooperation and consultation between those agencies of Congress and the executive branch responsible for veterans' affairs. H.R. 4347 makes such consultation mandatory. I urge its support.

Mr. Chairman, I yield 5 minutes now to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, I want to commend the chairman of the Committee on Veterans' Affairs and my good colleague, the gentleman from Indiana [Mr. ADAIR], for the handling of this piece of legislation.

However, I want to correct an inference which I am afraid some people may have drawn from certain of the debates on this bill. An expenditure in excess of $200,000 for rehabilitation of any existing hospital will require the approval of the Committee on Veterans' Affairs. To this extent, therefore, the bill does affect existing and already approved hospitals. With this understanding, everything else that has been said about this bill is correct. At the proper time, I will ask unanimous consent to include some excerpts from other legislation showing the manner in which other standing committees of the House exercise varying degrees of control over construction and other activities of agencies in the executive branch.

Mr. Chairman, the following citations from various laws will illustrate the manner and extent to which activities of the executive branch are subject to the scrutiny and control of Congress and its committees.

ATOMIC ENERGY COMMISSION

ATOMIC ENERGY ACT OF 1954

SEC. 51. SPECIAL NUCLEAR MATERIAL.—The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days) before the determination of the Commission may become effective: *Provided, however,* That

the Joint Committee, after having received such determination, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

* * * * *

SEC. 58. REVIEW.—Before the Commission establishes any fair price or guaranteed fair price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed or distributed under section 53 the proposed fair price, guaranteed fair price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the proposed fair price, guaranteed fair price period, or criteria for the waiver of such charge, may by resolution waive the conditions of or all or any portion of such forty-five day period.

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SEC. 61. SOURCE MATERIAL.—The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such determination, may by resolution in writing waive the conditions of or all or any portion of such thirty-day period.

* * * * *

SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days).

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DEPARTMENT OF DEFENSE

(Title 10, United States Code, ch. 3, sec. 125)

§ 125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.

(a) Subject to section 401 of title 50, the Secretary of Defense shall take appropriate action (including the transfer, reassignment, consolidation, or abolition of any function, power, or duty) to provide more effective, efficient, and economical administration and operation, and to eliminate duplication, in the Department of Defense. However, except as provided by subsections (b) and (c), a function, power, or duty vested in the Department of Defense, or an officer, official, or agency thereof, by law may not be substantially transferred, reassigned, consolidated, or abolished unless the Secretary reports the details of the proposed transfer, reassignment, consolidation, or abolition to the Committees on Armed Services of the Senate and House of Representatives. The transfer, reassignment, consolidation, or abolition concerned takes effect on the first day after the expiration of the first 30 days that Congress is in continuous session after the Secretary so reports, unless either of those Committees, within that period, reports a resolution recommending that the proposed transfer, reassignment, consolidation, or abolition be rejected by the Senate or the House of Representatives, as the case may be, because it—

(1) proposes to transfer, reassign, consolidate, or abolish a major combatant function, power, or duty assigned to the Army, Navy, Air Force, or Marine Corps by section 3062(b), 5012, 5013, or 8062(c) of this title; and

(2) would, in its judgment, tend to impair the defense of the United States.

If either of those Committees, within that period, reports such a resolution and it is not adopted by the Senate or the House of Representatives, as the case may be, within the first 40 days that Congress is in continuous session after that resolution is so reported, the transfer, reassignment, consolidation, or abolition concerned takes effect on the first day after the expiration of that forty-day period. For the purposes of this subsection, a session may be considered as not continuous only if broken by an adjournment of Congress sine die. However, in computing the period that Congress is in continuous session, days that the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain are not counted.

(b) Notwithstanding subsection (a), if the President determines it to be necessary because of hostilities or an imminent threat of hostilities, any function, power, or duty, including one assigned to the Army, Navy, Air Force, or Marine Corps by section 3062 (b), 5012, 5013, or 8062(c) of this title, may be transferred, reassigned, or consolidated. The transfer, reassignment, or consolidation remains in effect until the President determines that hostilities have terminated or that there is no longer an imminent threat of hostilities, as the case may be.

(c) Notwithstanding subsection (a), the Secretary of Defense may assign or reassign the development and operational use of new weapons or weapons systems to one or more of the military departments or one or more of the armed forces.

(d) In subsection (a)(1), "major combatant function, power, or duty" does not include a supply or service activity common to more than one military department. The Secretary of Defense shall, whenever he determines it will be more effective, economical, or efficient, provide for the performance of such an activity by one agency or such other organizations as he considers appropriate. (Added by Public Law 87-651, title II, section 201, September 7, 1962, 72 Stat. 513.)

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DEPARTMENT OF AGRICULTURE

(Title 7, United States Code, ch. 33 (farm tenancy), subch. III (retirement of submarginal land))

SEC. 1011. POWERS OF SECRETARY OF AGRICULTURE.—

* * * * *

(e) to cooperate with Federal, State, territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to assist in carrying out such plans by means of loans to State and local public agencies designated by the State legislature or the Governor, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities. Loans to State and local public agencies shall be made only if such plans have been submitted to, and not disapproved within forty-five days by, the State agency having supervisory responsibility over such plans, or by the Governor if there is no such State agency. No appropriation shall be made for any single loan under this subsection in excess of $250,000 unless such loan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Loans under this subsection shall be made under contracts which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than thirty years, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for fifteen years from date of issue. Repayment of principal and interest on such loans shall begin with five years. (Section 32(e) of the Bankhead-Jones Farm Tenant Act, as amended by Public Law 87-703, section 102(c), September 27, 1962, 76 Stat. 607-608.)

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DEPARTMENT OF THE AIR FORCE

(Title 50, United States Code)

The Secretary of the Air Force is authorized in discharging the authority given in the preceding section to make surveys, to acquire lands and rights or other interests pertaining thereto, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, without regard to section 3648, Revised Statutes, as amended. Prior to the acquisition under the authority of this section of any lands or rights or other interest pertaining thereto, the Secretary of the Air Force shall come into agreement with the Armed Services Committees of the Senate and the House of Representatives with respect to the acquisition of such lands, rights, or other interests. (Chapter 19 (guided missiles), section 502. Acquisition of land. Act of May 11, 1949, sec. 2, 63 Stat. 66)

DEPARTMENT OF THE INTERIOR; BUREAU OF INDIAN AFFAIRS

(Title 25, United States Code)

Except for electric utility systems constructed and operated as a part of an irrigation system, the Secretary of the Interior is authorized to contract under such terms and conditions as he considers to be in the best interest of the Federal Government for the sale, operation, maintenance, repairs, or relocation of Government-owned utilities and utility systems and appurtenances used in the administration of the Bureau of Indian Affairs. The Secretary shall not execute a contract pursuant to this Act until he has submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a copy of the contract and a statement of his reasons for proposing the contract, and until such materials have lain before the Committees for sixty days (excluding the time during which either House is in recess for more than three days) unless prior thereto the Secretary is notified that neither committee has any objection to the proposed contract. (Chapter 1, section 15. Utility facilities used in administration, Bureau of Indian Affairs. Public Law 87–279, September 22, 1961, 75 Stat. 577.)

DEPARTMENT OF THE INTERIOR; NATIONAL PARK SERVICE

(Title 16, United States Code)

SEC. 17b–1. Reports to Congressional Officers.

The Secretary of the Interior shall on and after July 31, 1953, report in detail all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or of more than five years in duration, including renewals thereof, sixty days before such awards are made, to the President of the Senate and Speaker of the House of Representatives for transmission to the appropriate committees. (July 31, 1953, ch. 298, title I, sec. 1, 67 Stat. 271; July 14, 1956, ch. 598, 70 Stat. 543.)

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Title 50 appendix, United States Code

SEC. 2285. Real property transactions—Reports to the Armed Services Committees.

(a) The Director of the Office of Civil and Defense Mobilization, or his designee, may not enter into any of the following listed transactions by or for the use of that agency until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives:

(1) An acquisition of fee title to any real property, if the estimated price is more than $50,000.

(2) A lease of any real property to the United States, if the estimated annual rental is more than $50,000.

(3) A lease of real property owned by the United States, if the estimated annual rental is more than $50,000.

(4) A transfer of real property owned by the United States to another Federal agency or another military department, or to a State, if the estimated value is more than $50,000.

(5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than $50,000.

If a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

(b) The Director of the Office of Civil and Defense Mobilization shall report quarterly to the Committee on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than $5,000 but not more than $50,000.

(c) This section applies only to real property in the States of the Union, the District of Columbia, and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

(d) A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive. (August 10, 1956, c. 1041, sec. 43, 70A Stat. 636, amended June 25, 1959, Public Law 86–70, sec. 37, 73 Stat. 150; June 8, 1960, Public Law 86–500, title V, sec. 512, 74 Stat. 187; July 12, 1960, Public Law 86–624, sec. 38, 74 Stat. 421.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Public Law 86–45)

SEC. 4. Notwithstanding the provisions of any other law, no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation hereafter enacted by the Congress. (Public Law 86–45, section 4, June 15, 1959, 73 Stat. 75.)

* * * * *

(Secs. 3 and 4 of H.R. 5466, 88th Congress)

SEC. 3. Not to exceed 3 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $30,000,000 of the funds appropriated pursuant to subsection 1(b) hereof, shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations until the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest. No such funds may be used for any construction, expansion, or modification if authorization for such construction, expansion, or modification previously has been denied by the Congress.

SEC. 4. The Administrator is hereby authorized to transfer, with the approval of the Bureau of the Budget, funds appropriated pursuant to this Act, to any other agency of the Government whenever the Administrator determines such transfer necessary for the efficient accomplishment of the objectives for which the funds have been appropriated. Not more than $20,000,000 of the funds authorized by this Act may be transferred by the Administrator under this section, and no transfer in excess of $250,000 shall be made under this section unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a written statement concerning the amount and purpose of, and the reason for, such transfer, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to that transfer, or (2) thirty days have passed after the transmittal by the Administrator of such statement to those committees. (H.R. 5466, 88th Congress; the National Aeronautics and Space Administration Authorization Act, 1964.)

(Title 50, United States Code)

The Administrator is authorized, in implementation of the unitary plan, to construct and equip transsonic or supersonic wind tunnels of a size, design and character adequate for the efficient conduct of experimental work in support of long-range fundamental research at educational institutions within the continental United States, to be selected by the Administrator, or to enter into contracts with such institutions to provide for such construction and equipment, at a total cost not to exceed $10,000,000: *Provided*, That the Administrator may, in his discretion, after consultation with the Committees on Armed Services of both Houses of the Congress, vest title to the facilities completed pursuant to this section in such educational institutions under such terms and conditions as may be deemed in the best interests of the United States. (October 27, 1949, ch. 766, title I, sec. 102, 63 Stat. 936; July 29, 1958, Public Law 85–568, title III, sec. 301(d)(2), (3), 72 Stat. 433.)

AUTHORIZATION OF PUBLIC BUILDINGS

(Title 40, United States Code, ch. 12, sec. 606: Approval of proposed projects by Congress)

(a) Limitation of funds; transmission to Congress of prospectus of proposed project.

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 603 of this title, no appropriation shall be made to construct any public building or to acquire any building to be used as a public building involving an expenditure in excess of $100,000, and no appropriation shall be made to alter any public building involving an expenditure in excess of $200,000, if such construction, alteration, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively, and such approval has not been rescinded as provided in subsection (c) of this section. For the purpose of securing consideration of such approval the Administrator shall transmit to Congress a prospectus of the proposed project, including (but not limited to)—

(1) a brief description of the building to be constructed, altered, or acquired under this chapter;

(2) the location of the project, and an estimate of the maximum cost of the project;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings;

(4) a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, or acquired.

(b) Increase of estimated maximum cost.

The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum costs.

(c) Rescission of approval for failure to make appropriations for project.

In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) Restriction on approval of new projects.

The Committee on Public Works of the Senate and of the House of Representatives, respectively, shall not approve any project for construction, alteration, or acquisition under subsection (a) of this section whenever there are thirty or more projects the estimated maximum cost of each of which is in excess of $100,000 which have been approved for more than one year under subsection (a) of this section but for which appropriations have not been made, until there has been a rescission of approval under subsection (c) of this section or appropriations are made which result in their being less than thirty such projects. (Public Law 86-249, par. 7, Sept. 9, 1959, 73 Stat. 480.)

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REAL PROPERTY TRANSACTIONS BY DEPARTMENT OF DEFENSE

Title 10, United States Code, section 2662, real property transactions—Reports to the Armed Services Committees

(a) The Secretary of a military department, or his designee, may not enter into any of the following-listed transactions by or for the use of that department until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives:

(1) An acquisition of fee title to any real property, if the estimated price is more than $50,000.

(2) A lease of any real property to the United States, if the estimated annual rental is more than $50,000.

(3) A lease of real property owned by the United States, if the estimated annual rental is more than $50,000.

(4) A transfer of real property owned by the United States to another Federal agency or another military department or to a State, if the estimated value is more than $50,000.

(5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than $50,000.

if a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

(b) The Secretary of each military department shall report quarterly to the Committees on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than $5,000 but not more than $50,000.

(c) This section applies only to real property in the United States and Puerto Rico. It does not apply to real property for river and harbor projects or flood control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

(d) A statement in an instrument of conveyance, including a lease, that the requirements, of this section have been met, or that the conveyance is not subject to this section is conclusive. (As amended June 25, 1959, Public Law 86-70, sec. 6(c), 73 Stat. 142; June 8, 1960, Public Law 86-500, title V, sec. 511(1), 74 Stat. 186; July 12, 1960, Public Law 86-624, sec. 4(c), 74 Stat. 411.)

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Ohio.

Mr. BOW. Do I understand, then, under this legislation an authorization bill could be brought to the floor of the House which would authorize an appropriation in a lump-sum amount, then that would be distributed by the Committee on Veterans' Affairs as to where these hospitals shall be built? Will the gentleman explain the procedure on that?

Mr. SAYLOR. No. That is just what we are trying to get away from. There is already the authorization for $75 million each year. What we are trying to do is to make sure that the plans for hospitals that are to be rehabilitated and the new hospitals that will be built are approved first by the Committee on Veterans' Affairs.

Mr. BOW. Do I understand when the Committee on Veterans' Affairs determines where a hospital shall be built or when there shall be alterations under the bill of the amount provided in the bill, they will then come to the House for authorization? The determination is not made by the committee but is actually made on the floor of the House, so far as determination of location is concerned?

Mr. TEAGUE of Texas. No, that is not correct. The Veterans' Administration will make a determination of location, construction, modernization, or repair. Then the Committee on Veterans' Affairs will review that decision if it involves $100,000 for new construction or $200,000 for renovation of existing facilities.

Mr. BOW. In other words, the House Committee on Veterans' Affairs will have sole authority on where the hospitals will be built and where the alterations will be made, and there will not be an opportunity on the floor of the House for other Members to voice their opinion as to where hospitals may go or to vote for or against the location? This puts authority completely within the Committee on Veterans' Affairs?

Mr. TEAGUE of Texas. It puts the authorizing authority strictly with the Committee on Veterans' Affairs, but the whole House will have an opportunity on the appropriations to state their objections and views. Today, only the Committee on Appropriations considers these matters.

Mr. BOW. They would have the first opportunity to vote on the appropriations. But let us assume that on an appropriation bill it should be determined that hospitals should be built elsewhere, there would be no such authority by the Appropriations Committee to do that?

Mr. TEAGUE of Texas. There would not be, and that is true in other laws such as under the Public Building Act of 1959.

Mr. BOW. I do not think there should be. I do not think it is a matter for the Appropriations Committee. Is there ever a time when the House itself makes a determination or is the sole authority going to be with the Committee on Veterans' Affairs?

Mr. TEAGUE of Texas. It will be with the Committee on Veterans' Affairs.

Mr. BOW. I thank the gentleman.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BURKHALTER].

Mr. BURKHALTER. Will the gentleman tell me if the representatives of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, their legislative committees or legislative commissions have taken any action one way or the other on this proposed legislation?

Mr. TEAGUE of Texas. No. This is something that was simply within the jurisdiction of the House Committee on Veterans' Affairs. We did not ask them to testify.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to this bill for several reasons, first and foremost, because of the method and manner in which this bill was entertained. As far as I can ascertain, the Veterans' Administration has not had an opportunity to present its case to the committee. If you will notice your copy of the bill, you will see that the committee struck out the original version of the bill which would have altered quite a bit the procedure which, if the House approves the present version of the bill, will be sanctioned by the House. The net effect of this bill, if passed and approved, will be basically unconstitutional, in my opinion.

For one thing, it will give unprecedented veto power to one single committee in the Congress, the Committee on Veterans' Affairs. This committee will have the veto power over the administrative branch of the Government in its study, selection, and choice of sites, or remodeling and reconstruction. It will have the veto power over the appropriation subcommittee of the House. It will have veto power over the President. It will have veto power over every single aspect of study and scrutiny in the selection and fixing of sites for the construction of Veterans' Administration hospitals.

If you will notice, the date of this bill is March 28, when it was approved and passed out. You will notice in the report printed by the committee that there is no actual comment on the version that you are acting on today or being asked to act upon today. The letter

by way of criticism which is printed in the report is a letter from the administrator with reference to the version which he thought would be passed out by the committee but not the present version. If you will read carefully the provisions of the act which you are being asked to approve, you will find that this committee will have an unlimited amount of time in providing the selection of sites or the construction of a hospital. If you will notice the original version, which was struck out here, there was a 90-day limitation. There was a 90-day period in which it was mandatory that this Veterans' Affairs Committee should come in and by resolution disapprove the site selection of the Veterans' Administration, but that limitation has been removed and does not now exist in the present version which this House is being asked to sanction.

Mr. Chairman, I feel that if we were to carefully study this bill and the effect and impact of this legislation, that in your sober judgment and wisdom you will reject this bill. I believe the genesis, the history of this bill, is one that is born out of anger, so to speak, and not because of mature judgment and study as to the actual need for the type of legislation which is actually written in this bill which we are being asked to vote upon today.

Mr. Chairman, I respectfully urge that you not approve this bill in its present form.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, the gentleman who has just spoken says that this bill will not stand a court test. I want to inform my friend that this legislation is based on the Public Buildings Act of 1959. It has already stood a court test. This authority that this committee particularly is asking for is no different than that of any other committee.

You have a similar provision in the Department of Defense, in Civil Defense, in the Atomic Energy Commission, the Department of Agriculture, the Air Force, the National Park Service, the National Aeronautics and Space Administration and the Foreign Buildings Service Act. So this is not unusual authority to give to a committee. It is already well grounded and has passed the test of time here in the House of Representatives and certainly has stood the test of a court case.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I support this legislation in part, but I am opposed to it in part. What members of the Veterans' Affairs Committee are attempting to do here today is to inflict upon the House the same discrimination that is being practiced upon them by the Veterans' Administration, and they ought not to be allowed to do that. All Members of the House have a vital interest in the hundreds of millions of dollars that have been and will be spent upon veterans hospitals all over the country. For the committee to come here and say, in effect, that it will be the sole arbiter in the matter of authorization I say is wrong.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield.

Mr. TEAGUE of Texas. If the gentleman will prepare an amendment to give the whole House the same thing, I will be glad to support it.

Mr. GROSS. I do have such an amendment at the Clerk's desk.

Mr. TEAGUE of Texas. If the gentleman will submit it I will support the amendment.

Mr. WILSON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield.

Mr. WILSON of Indiana. I wonder how this works over in the Senate. Does the Senate have anything to say about it? Shall the House have complete jurisdiction? Does their committee have the same authority?

Mr. GROSS. I will say to the gentleman, the Senate can fight its own battles. I am not primarily interested in that. I am interested in the House of Representatives and all of the Members of the House of Representatives having something to say about these building programs that are going on. This applies to the Public Buildings Act. Except for the members of the Committee on Public Works of the House of Representatives we are being shortchanged insofar as having anything to say, or practically anything to say, about the construction of public buildings. Of course they go to the Committee on Appropriations, but how many Members of the House are members of the Committee on Appropriations, and how any Members of the House are members of the Committee on Public Works? The great majority of the Members are being shortchanged, and I do not propose to stand idly by today and be shortchanged insofar as having something to say about the veterans' hospital building program. I want the House Veterans' Affairs Committee to have primary jurisdiction. This business of delegating authority exclusively to the Veterans' Administration is no good. If it were possible to amend this bill to deal with the Public Buildings Act and the House Committee on Public Works I would certainly do it, but an amendment of that nature would be subject to a point of order because it would not be germane to the bill.

It is high time that Members of the House, and not merely members of two or three committees, asserted the right to know what is going on and have something to say about what is going on with the hundreds of millions of dollars spent on Federal buildings.

I will offer an amendment if I can be recognized for that purpose that will take care of the committee and all of the Members of the House of Representatives.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I will yield to the gentleman.

Mr. HALEY. I will support such an amendment as the gentleman proposes, but I would also like some time along the road somewhere to go back and take this same authority away from these various other departments and committees.

Mr. GROSS. I agree with the gentleman and I am perfectly willing to go all the way on it.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ROUDEBUSH. Mr. Chairman, is it the purpose of the gentleman by his proposed amendment to make it necessary that this House vote on every remodeling and repair job of $200,000 or every new construction of $100,000 in veterans' hospitals? Because that is what the amendment would do, as I understand it.

Mr. GROSS. Well, why not?

Mr. ROUDEBUSH. I think it would make this House rather busy, if we were to have to consider every repair job or every new construction, in the huge system of veterans hospitals.

Mr. GROSS. We get that in other legislation. We get a military construction bill on the House floor dealing in hundreds of millions of dollars and in detail.

Mr. ROUDEBUSH. That may be true, but these repairs may not be routine. Let us say that a hospital is damaged by a sudden flash flood or by a storm of some kind, making repairs necessary. Then the House would have to go into session and go through all this rigmarole of passing enabling legislation before the Veterans' Administration could act. And recall also, the gentlemen's amendment would likewise imply action by the other body. I cannot concur in the gentleman's suggestion.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield.

Mr. BALDWIN. A few years ago in California one of our major hospitals was seriously damaged by an earthquake. It had to be repaired immediately in order to take care of the need. Personally I do not think we should have this kind of limitation of having the House of Representatives approve a repair job of $100,000. Sometimes we may require fairly rapid action. The committee can take that action. On past experience, the House frequently is not able to do so.

Mr. GROSS. What is insurmountable about that? You can set up a $500,000 or a $1 million contingency fund, if you want to, and these cases can be scrutinized and supervised by the Veterans' Affairs Committee. This could happen to any other Government building.

Mr. BALDWIN. As I recall, in the earthquake I mentioned, the repairs involved exceeded $1 million.

Mr. GROSS. All right; so what?

Mr. BALDWIN. It seems to me that in that case it should be possible to act more rapidly than the House has demonstrated its capability of acting in the past year.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the legislation; but also in support of an amendment which I intend to offer at the proper time, if I am given the opportunity to do so, based partly upon the question asked by the gentleman from Florida [Mr. MATTHEWS] and on a similar situation which is known to exist, relating to a hospital in my district. That is where you have "Technical surveys" money already appropriated, and a project already underway. I am speaking of the Bay Pines Veterans' Administration Hospital in my district for which $1.722 million has already been appropriated. But, because construction has not yet started, under the language of this bill, this authorized hospital would have to be reauthorized.

It has been stated here that it is not the intention of the committee to include such projects. However, in reading the bill, I think it would certainly be subject to such a construction, because, as reported out, the bill says:

> No appropriation shall be made to construct any hospitals, domiciliaries, or outpatient dispensary facilities—

And so forth, without the approval under certain conditions of the Veterans' Affairs Committee.

Let me say that I very much favor the Congress having something to say about veterans' hospitals and matters under the jurisdiction of the Veterans' Affairs Committee; just as I did in connection with public works, when we had in 1959 the public works bill before the Congress, relating to the construction of public buildings. The distinguished gentleman from Alabama, Congressman JONES, and myself and members of our committee spent many hours in evolving that legislation. This follows the same procedure. But in that legislation I pointed out there is a definition of "construction." I asked if there was such a definition in this bill and, of course, obviously there is not. In that other legislation, as appears in title 40, section 612, the term "construction" is specifically defined. Of course, this is the definition that I would expect of "construction" that would be given to this legislation, particularly in that the public buildings bill has been cited as a precedent.

That definition is:

> The terms "construct" and "alter" include preliminary planning, studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

I think obviously this would be a definition of "construction" in this bill. Therefore it would be my intention to offer an amendment to clarify the situation and make certain that it does not apply to instances where architectural, engineering, and planning surveys money has been appropriated in the past.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the distinguished Chairman of the committee.

Mr. TEAGUE of Texas. Mr. Chairman, I have read the gentleman's amendment. I do not believe it changes the intent of the bill at all and I am willing to accept the amendment.

Mr. CRAMER. I thank the gentleman very much.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the distinguished gentleman from Indiana.

Mr. ADAIR. I concur in the statement just made by the Chairman of the committee. I am familiar with the proposed amendment and find no objection to it.

Mr. CRAMER. I thank both the gentlemen very much. It has been suggested by the gentleman from Pennsylvania that some reference be made to the effective date of the act in the amendment. The amendment has been amended accordingly. I think this gives the Congress more to say about veterans' hospitals today than it has had in the past, because it has had little or nothing to say in the matter of authorization or legislatively as it relates to veterans' hospitals through the Veterans' Affairs Committee. It is about time Congress recaptured some of the authority which has been here usurped by or delegated to previously to the executive branch of the Government, in this instance the Veterans' Administration.

I hope the bill passes.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, I have asked for this time to ask some questions of the chairman of the committee, the gentleman from Texas [Mr. TEAGUE].

Is it not true that the overall planning of the location of hospitals would still rest with the Veterans' Administration under this legislation, but you would have the right to audit and approve these plans before they were finalized?

Mr. TEAGUE of Texas. That is correct.

Mr. ROUDEBUSH. It is going to give Congress through its Committee on Veterans' Affairs the right to look into these plans of the Veterans' Administration and not be kept in the dark. The Veterans' Administration will have to come to your committee, so that you may find out where these projects are to be constructed or renovated?

Mr. TEAGUE of Texas. That is correct.

Mr. ROUDEBUSH. With that explanation, I think this legislation can serve a worthwhile purpose.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, not being a member of the Committee on Veterans' Affairs I am not aware of their problem but I rather feel I am sympathetic in a way, because in our Committee on Atomic Energy we are in this position from the standpoint of authorization.

Gradually over the years facilities of the atomic energy program have been built. The Joint Committee now finds itself in the position of scrutinizing only 8 percent of the budget. We are going to come in here next week with an approximately $200 million authorization bill. This is in relation to the $2.7 billion budget of the atomic energy program.

In 1946 when the original act was passed and again in 1954 when it was amended the basic act authorized operation, maintenance, research, and development as the basic statutory authorization for the Atomic Energy Committee. Therefore, we in the Joint Committee had no chance to look at their budget and scrutinize it line item by line item except in a narrow area. So, gradually over the years we have found programs started by the Atomic Energy Commission and maybe several tens of millions of dollars in some instances have been spent on a particular project, and then they come to us for a $5 or $10 million facility to further this particular program.

We are faced at that time with a program that has been started and carried on for 2 or 3 years, and we are placed in the position of either denying a vital facility or, if we authorize that vital facility, which may be small moneywise in relation to the entire program, then we commit ourselves not only to the program in the past but maybe a rapidly expanding program in the future.

So the subcommittee on authorization which I chair this year has taken action on this, and we intend to come in with legislation similar to this, although not identical, because we have been thinking about this and working on it for several years. We will come in with an authorization bill which will expand the authority of the Joint Committee on Atomic Energy both in the House and the other body to explore more thoroughly these programs at their inception, so that we can do something about them. We are bringing this year's authorization bill in with an approximate 10-percent reduction over what the Atomic Energy Commission has asked for.

As the result of scrutinizing some of these programs, and in one instance we have refused to go ahead with an appropriation for a facility on a program. We want to look at it more carefully before we go ahead. When we bring the authorization bill to the floor it will be very carefully thought out. It is going to broaden the Joint Committee's authority for authorization. The House will have the opportunity to act upon that authorization. We are not taking unto the committee itself this power to do this without bringing it to the House, and we will bring to the House this bill, I hope, within the next 10 days or 2 weeks. It will, in effect, give our committee and the Congress the chance to look at these tremendous expenditures of tens and hundreds of millions of dollars and the House can work its will upon it and not have it done by administrative action. As I understand it, Mr. Chairman, this is partly the purpose or the main purpose of the Committee on Veterans' Affairs to obtain scrutiny in these areas which they have not been allowed to scrutinize before. The legislation that we hope to

bring to the floor within a week or 10 days will be carefully thought out to guard against that particular point that the gentleman from Iowa raised.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Chairman, if the gentleman from California will yield, what really disturbs me about this bill is that it imposes a tremendous administrative burden on the Congress at a time when all Members and committees of Congress are overburdened with detailed work. I am concerned with the assumption of power by Congress which does not in fact belong in this body. I am also disturbed that perhaps we are forcing an advance agreement to be made by an executive department with a congressional committee which, although, constitutional, seems to be giving the power of a detailed veto to a single committee of Congress. I wonder if this power really belongs in Congress rather than in the orderly administration of the executive branch. Would the gentleman from California indicate to me whether he feels that this gets Congress involved in too much detailed work, and the minute administrative details which might more properly be handled elsewhere? I was disturbed by the description that the gentleman from California gave us in light of the tremendous administrative burden which the Members of Congress and their committees already have. When you add additional burdens of a detailed administrative nature on top of that, it would seem to me to be entirely the wrong direction for the Congress to go.

Mr. HOLIFIELD. I do not think the Congress should go into the detail—and I do not know what the gentleman's interpretation of that word is—but I think the executive department does have the right to administer the programs which the Congress legislates. I do not think, however, that tremendous programs should be embarked upon without the consultation of the committee having jurisdiction. I am looking at this in terms of broad authorization and not as to the detailed administrative part which the gentleman seems to be worried about.

Mr. TEAGUE of Texas. Mr. Chairman, I have no further requests for time.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5001(a) of title 38, United States Code, is amended by adding at the end thereof the following: "Whenever a report is submitted to the Bureau of the Budget on any plans, surveys, or studies which have been conducted with respect to construction, modernization, renovation, or major repair of any facility under this section, the Administrator shall submit an identical copy thereof to the House Committee on Veterans' Affairs. Before any construction modernization, renovation, or major repair of any facility is actually begun under this section, the Administrator shall submit a report thereon to the House Committee on Veterans' Affairs, and no appropriation may thereafter be made or used for such construction, modernization, renovation, or major repair if before the expiration of the first ninety day period of continuous session of the Congress which ends after the date of the submission of such report there is adopted by the House Committee on Veterans' Affairs a resolution stating in substance that the committee disapproves the use of appropriated funds for such construction, modernization, renovation, or major repair. For the purposes of the previous sentence, continuity of session of the Congress shall be considered as broken only by adjournment sine die."

With the following committee amendment.

Strike out all after the enacting clause and insert:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following:

"'(g)(1) No appropriation shall be made to construct any hospitals, domiciliaries, or outpatient dispensary facilities or to acquire any such facilities involving an expenditure in excess of $100,000, and no appropriation shall be made to alter any such facility involving an expenditure in excess of $200,000, if such construction, alteration, or acquisition has not been approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives, and such approval has not been rescinded as provided in paragraph (3) of this subsection. For the purpose of securing consideration of such approval the Administrator shall transmit to Congress such prospectus of the proposed project, including (but not limited to)—

"'(A) a brief description of the facilities to be constructed, altered, or acquired; and

"'(B) the location of the project, and an estimate of the maximum cost of the project.

"'(2) The estimated maximum cost of any project approved under this subsection as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

"'(3) In the case of any project approved for construction, alteration, or acquisition, by the Committee on Veterans' Affairs in accordance with paragraph (1) of this subsection, for which an appropriation has not been made within one year after the date of such approval, the Committee may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made'."

Mr. TEAGUE of Texas (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that the bill be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER to the committee amendment: On page 2, line 19, strike out "No" and insert in lieu thereof the following:

"Except in the case of any project of construction, alteration or acquisition, or any phase thereof, with respect to which any appropriation has been made prior to the effective date of this act no".

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am delighted to yield to my colleague.

Mr. TEAGUE of Texas. Mr. Chairman, there is no objection to the gentleman's amendment on this side of the aisle.

Mr. CRAMER. I thank the gentleman.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am delighted to yield to my colleague.

Mr. ADAIR. Mr. Chairman, I know of no objection on this side of the aisle to the gentleman's amendment.

Mr. CRAMER. Let me say for the benefit of my colleagues that this amendment does not have any retroactive effect on hospitals on which appropriations have already been made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the committee amendment: On page 2, strike out line 25, and strike out all of page 3, and insert in lieu thereof the following: "not been specifically authorized by law enacted after the date of enactment of this Act."

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I would like to say to the gentleman that we have each Congress between 500 and 600 bills in the Veterans' Affairs Committee that we examine, and on which we take action. The action of the committee in this particular matter was in the belief that we were being helpful to the House of Representatives and not taking something away from it.

Mr. Chairman, as far as I am personally concerned, I will accept the gentleman's amendment, though I would point out there is ample precedent for the bill as it was reported.

Mr. GROSS. I thank the gentleman from Texas.

Mr. SAYLOR. Mr. Chairman, will gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SAYLOR. Mr. Chairman, I would like to say to my colleague, the gentleman from Iowa [Mr. GROSS], that as much as I respect him and appreciate his view, I think this is the wrong time to have this amendment adopted. I think it goes entirely too far and will be a burden which the House should not be asked to assume at this time. Therefore, Mr. Chairman, I am opposed to the gentleman's amendment.

Mr. GROSS. The amendment simply provides than any Veterans' Administration construction will have to come to the House of Representatives. This is the procedure for other committees of the House, the notable exception being the Public Works Committee, and as I have previously stated the House ought

to insist upon the right to scrutinize all public works projects.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Florida.

Mr. CRAMER. The gentleman strikes all on page 3.

Mr. GROSS. Yes.

Mr. CRAMER. I wonder if it is the intention of the gentleman, however, that the procedures set out on page 3 for submitting a project through the prospectus method to the committee for action by the committee and subsequently by the Congress be abandoned?

Mr. GROSS. There is no necessity for the language on page 3. It is superfluous, if my amendment is adopted, because all VA projects would have to come to the committee and through the legislative process to the full House.

Mr. CRAMER. Will the gentleman yield further?

Mr. GROSS. Yes.

Mr. CRAMER. That is the very point I wish the gentleman to state, as a matter of record.

Mr. GROSS. Surely.

Mr. CRAMER. I wish for the gentleman to state that as a matter of legislative history—that it is not the intention of the gentleman to strike out the requirements for the submission by the Veterans Administration of a prospectus to the committee.

Mr. GROSS. Not at all.

Mr. CRAMER. But, this is an additional responsibility, and that the Congress itself must act after the committee acts?

Mr. GROSS. There is only one place where the Veterans' Administration can go, and that is where they ought to go, to the Committee on Veterans' Affairs, and that committe should then come to the floor of the House.

Mr. Chairman, on the subject of sudden disaster or calamity, I do not know the law, but I am sure the President's disaster fund would take care of a hospital that was damaged by fire or earthquake or some similar catastrophe.

Mr. CRAMER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes.

Mr. CRAMER. The reason I ask the question was that the Public Buildings Act specifically sets out the procedure that shall be followed by the Administration in submitting the prospectus and proposed buildings to the Congress. I wanted to make sure that the record showed that even though the bill does not so state now, it is not the intention of the gentleman that the prospectus in the future should not be submitted to the committee, as would otherwise be required under the bill?

Mr. GROSS. Certainly I say again there is only one place the Veterans' Administration should go, and that is to the Committee on Veterans' Affairs of the House of Representatives and its counterpart in the other body.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. Yes; I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to make certain that I fully understand the gentleman's amendment, because under the explanation just given by the gentleman from Florida [Mr. CRAMER] the gentleman is proposing a requirement with regard to the building of any hospital or the modernization or improvement of any hospital that costs over $100,000 that goes beyond the present requirements on public buildings under the Public Buildings Act.

It would actually require statutory enactment and passage by both the House and Senate, and the full body of both the House and Senate, before you could have even a $150,000 repair project on one of these hospitals; is that correct?

Mr. GROSS. I just got through saying I am sure if an emergency arose, anything in the nature of an emergency, the President's Disaster Fund would take care of it. You can also establish in appropriations for the future a contingency fund for that purpose.

Mr. EDMONDSON. Nevertheless, the gentleman is in agreement that he is taking a step beyond what we require in the case of the construction of post offices or other public buildings under present procedure, making it more difficult to make improvements, repairs, and modernization, as well as construction on our veterans hospitals.

Mr. GROSS. The first thing to be considered is that all the Members of Congress ought to have something to say about the hundreds of millions of dollars that are being spent. The committees dealing with veterans legislation ought to know first what is being proposed and why, and have something to say about it. Then the Veterans' Affairs Committee ought to come to all the Members of the House. My amendment provides that they specifically do just that.

Mr. EDMONDSON. I am not in agreement with the gentleman on that. We have that review of the administrative funds and the appropriation funds.

Mr. CRAMER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa.

Mr. Chairman, I take this time for the purpose of hoping to help accomplish perhaps what the gentleman desires to accomplish but without taking away from the bill the beneficial aspects of it. I am concerned that the proposal offered by the gentleman from Iowa will strike out page 3 which contains certain provisions that in my opinion are essential for proper management and administration of the program, including the submission of prospectuses to the committee by the Veterans' Administration, a permission as contained in paragraph 2 for a 10-percent discretionary or latitude in the Veterans' Administration over and above what is authorized in a monetary figure by authorizing legislation. Then the third paragraph that deals with the case of any project approved for construction, alteration, and so forth by the Committee on Veterans' Affairs. In accordance with paragraph 1 of this subsection, for which an appropriation has not been made within 1 year after the date of such approval, and so forth, it is an approval which gives some policing authority and will not leave projects laying on the shelf indefinitely without action. It is the same problem we had in connection with the 1959 act on public buildings. The important proposal will be that on line 1, page 3, after the word "Representatives" add the words "and the Congress," and on line 21, page 3, after the word "Veterans' Affairs" add "and the Congress." That will be so that the Congress will still be in the picture but the procedural aspects of this legislation that are sound will still be in the legislation and the Congress will have to act upon what the Veterans' Affairs Committee does but after the procedure set out for VA is followed, including the filing of prospectuses, the 10-percent discretionary authority, then the 1-year deletion of approval by the committee. So there can be some proper policing or proper review of these different authorizations, and they do not sit on the shelf without appropriation. I think that is one of the most salutary effects of the Public Buildings Act. That is, to have these projects acted upon within a reasonable period of time. If not, the committee can reconsider them in the light of other projects that have been authorized and in the light of available funds, and they do not sit on the shelf forever, which has happened in the case of a number of public works projects.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. HOLFIELD. Will the gentleman explain what he means by the 10-percent contingency and where he introduced it?

Mr. CRAMER. It is in the present legislation, in paragraph 2, page 3, line 4, which provides there is a 10-percent discretionary amount that can be spent in excess of the actual dollar value of the project authorized. There has to be some discretion, and the 10-percent discretion is the same as contained in the Public Buildings Act.

My substitute, which I have at the desk and will offer at the proper time, will still do as the gentleman from Iowa wishes. I am in favor of that. That was my position on the Public Buildings Act, but we could not get an agreement on it. The minority was in favor of action by the Congress in addition to the committee.

So, I am very much in favor of it, but I think the amendment offered by the gentleman from Iowa goes farther than even he intends.

Mr. GROSS. Mr. Chairman, if the gentleman will yield I am perfectly willing to ask unanimous consent to withdraw my amendment to the bill if the gentleman can assure me that he has an amendment which will bring these authorizations to the House floor. My only object in offering the amendment is that the Members of the House, and all of them, have something to say about this program.

Mr. CRAMER. I am wholeheartedly in agreement with the gentleman, and I have stated what the amendment is; that on page 3, line 1, after "Represent-

atives" we add "and the Congress," and where the Committee on Veterans' Affairs is referred to in the second place, page 3, line 21, add "and the Congress." That retains the procedure but does not destroy the legislation.

Mr. GROSS. Without taking the gentleman off his feet, I should like to ask unanimous consent to withdraw my amendment. I do not want to take the gentleman off his feet, and I realize that in asking unanimous consent, because he arose to speak on my amendment, that it would be taking him off his feet.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, does this unanimous consent request have the effect of substituting the amendment of the gentleman from Florida for the amendment offered by the gentleman from Iowa?

The CHAIRMAN. No. The gentleman from Florida can then offer his amendment.

Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER to the committee amendments:

Page 3, line 1, after "Representatives" insert "and the Congress."

Line 21, after "Affairs" add "and the Congress".

Mr. CRAMER. Mr. Chairman, as I have explained, the purpose of this amendment is to require approval of the Congress of any action taken by the Veterans' Affairs Committee and not destroy the proper procedure set out in the legislation.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

Mr. OSTERTAG. May I say to the gentleman that I concur in his objective in what seems to be the sentiment here today, that the Congress should have the authority to pass on and authorize these various projects of the Veterans' Administration. But, I want to be sure that we are not confused or mixed up as to the expansion of this review by the Congress. When you say "the Congress" I assume that means and includes the other body. So, in one part of the bill it would refer to the Veterans' Affairs Committee of the House of Representatives, which is part and parcel of this body, but no reference is made to the other body, the committee, or the Congress as a whole. So, I assume when you amend this to include "the Congress," it means with the approval of both bodies.

Mr. CRAMER. That is correct, and that was the intent and purpose of the amendment offered by the gentleman from Iowa, that both the Senate and the House have to act. Frankly, I cannot see how the House of Representatives can enact a bill without the Senate acting, and that is the reason I had a few reservations about the proposal; namely, how the House can act on public buildings, Veterans' Administration or otherwise, without concurrence of the other body. I think that is a question which this helps to solve.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Of course, the gentleman knows there is no committee on veterans' affairs in the other body.

Mr. CRAMER. I wholeheartedly agree that there is no veterans' affairs committee in the other body, but at the same time I think there is a very serious constitutional and otherwise question as to whether the House could act in authorizing legislation without concurrence of the Senate, regardless whether there exists one committee in one body and not in the other.

I think this helps to cure that serious legal question which might otherwise be involved, and I ask for the adoption of the amendment.

Mr. BALDWIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me perhaps we are endeavoring today too much from the standpoint of writing or rewriting this bill on the House floor. I do not believe there will be much opposition by the members of this group to bringing back to the House floor for authorization, the construction of a new Veterans' Administration hospital. In fact, I would be in favor of that provision. However, this amendment would go beyond that and would require any repair to any existing Veterans' Administration hospital, if such repair costs more than $200,000, to come back to this House floor for approval. This is entirely different.

As I mentioned, we have had earthquakes in California which caused serious damage to hospitals and involved repairs in amounts of hundreds of thousands of dollars and running up to as high as $1 million. It is perfectly possible that you could have a fire in a Veterans' Administration hospital and you would be required to move out several hundred patients, and it might be most urgent that you do those repairs almost immediately in order to move those patients back in. The approval of the Veterans' Affairs Committee is something practical because that can be done in a matter of 24 to 48 hours. However, the approval of the House of Representatives is something very different. From past experience we know that just does not work this fast. It seems to me this amendment goes entirely too far under the circumstances.

The committee looked over this bill and came out with a usable compromise and said that the Veterans' Administration shall not act independently but shall come back to their committee and ask for approval of their specific proposals. It seems to me it is a reasonable compromise. The House Public Works Committee, on which I serve, I might say has the authority itself to approve public buildings and, because of the volume of small flood control projects, for example, the House of Representatives and the Senate collectively last year passed a bill authorizing the Corps of Engineers itself to make a decision on flood control projects up to $1 million. If you delegate the authority for a public building or for a flood control project but retain the authority for something as urgent as repairs to a hospital that might be damaged by earthquake or fire, where urgency is far greater than in the case of building a new public building, then it seems to me we are not being realistic about the situation. For that reason, Mr. Chairman, I oppose this amendment.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in pretty complete agreement with the statement of the gentleman from California just concluded. I had the honor of serving for a while on the Veterans' Affairs Committee of the House and I have the highest regard for the able chairman of that committee and for the membership of that committee.

Personally I find no difficulty in going along with the bill as it was reported out of the committee, but I thoroughly agree with the gentleman from California that when we insert in this bill, as reported by the committee, the further requirement that for any kind of a construction project, and any kind of an improvement or alteration project that involves over $100,000 that you have to bring it to the floor of this House and bring it to the floor of the Senate and get the concurrence of both of those bodies, then you are making a very burdensome thing out of the administration of the plant of the Veterans' Administration. That is a tremendous plant and it is nationwide in scope. It is something that up to this time, I think, has been as free from politics as anything we have in our Government. When you start bringing in to active floor consideration of the House of Representatives and the Senate comparatively minor repair projects and alteration projects in these hospitals you do a disservice to the veterans' program.

I earnestly hope that the amendment offered by the gentleman from Florida will be defeated.

Mr. ROUDEBUSH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I asked for this time in order that I might ask questions of the gentleman from Florida concerning the purpose and intent of his amendment. I am not quite clear and I suspect that many other Members of this House are not quite clear on it. I would like to ask this of the gentleman from Florida: First, under your amendment would it be necessary whenever an addition, or renovation, or repair of an existing Veterans' Administration hospital is accomplished that prior authority must be granted by both Houses of Congress?

Mr. CRAMER. If in fact for construction purposes the cost is in excess of $100,000 the answer is "Yes." If it relates to alterations and the cost is in excess of $200,000, the answer is "Yes." I will say to the gentleman those are the same figures and the same authorizing

limitations as set out in the Public Buildings Act of 1959 requiring committee approval, but not House and Senate approval.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield.

Mr. EDMONDSON. As a matter of fact, I will say to the gentleman that this is going to require House and Senate approval twice, both in the authorizing procedure and also in the appropriations procedure.

Mr. ROUDEBUSH. I will say to the gentleman from Oklahoma that was my impression. I want to make my feelings perfectly clear for the edification of the body. Certainly I do not want to take any authority away from this floor of Congress and I do not think any other Member does. But I do feel that this amendment could cause possible confusion and delay on repair and renovation of our Veterans' Administration facilities.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield.

Mr. GROSS. Unless you adopt the Cramer amendment, that is exactly what you are going to do, short-circuit again Members of the House of Representatives who are neither on the Appropriations Committee nor on the Veterans' Affairs Committee of the House. That is exactly what you do without it.

Mr. ROUDEBUSH. I do not see the gentleman's point. First, you are going to require two actions by the House and the Senate, appropriating and authorizing for a particular repair job. Why does the gentleman say we would not be delaying a project? I do not understand the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield.

Mr. COLLIER. I simply want to say that it appears to me, on listening to the discussion here, that the legislation would improve what has been a bad situation and the amendment will only improve it to death.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 40, noes 73.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. STAGGERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4347) to limit the authority of the Veterans' Administration and the Bureau of the Budget with respect to new construction or alteration of veterans' hospitals pursuant to House Resolution 403, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

## THE NEED FOR MODERNIZATION OF VANCOUVER VETERANS' HOSPITAL

Mrs. HANSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN. Mr. Speaker, in supporting H.R. 4347 today, it is my distinct understanding—and if this is not true, I would appreciate being corrected by the chairman of the committee—that through the passage of this bill, Congress will be enabled to better weigh hospital expenditures in all areas of the United States and take fuller cognizance of the actual bed needs of an area. In my own district in the State of Washington, we have a Veterans' Administration hospital constructed in 1941 for the care of war wounded, a cantonment type of hospital, known as Barnes Veterans Hospital.

This hospital serves not only Southwest Washington but it serves other areas of Washington and Oregon. In my office is a file of correspondence from commanders of service groups throughout our State and from the State of Oregon, urging not only the continuance of the Barnes Hospital for the benefit of our veterans, but urging its reconstruction and the necessary expenditure of funds to modernize it.

Veterans who have used this hospital and who seek to use it, do so for a multiplicity of reasons, but particularly because of its fine staff, its reputation for good will, individual attention, and the one-story type of service, enabling activities denied in high-rise institutions.

The average cost for the care of a patient at Barnes is low, ranking with the lowest among all veterans' hospitals, yet it consistently ranks among the highest in efficiency ratings conducted by the Administrator of Veterans' Hospitals. Total bed capacity is 501, the average daily patient total is 441, and it serves about 3,500 veterans each year. Here I list costs per day in four hospitals in the Northwest:

| Cost per day per patient | 1961 | 1962 | 1963 (estimated) |
|---|---|---|---|
| Vancouver Hospital | $25.00 | $27.00 | $28.00 |
| Portland Hospital | 28.44 | 29.05 | 28.61 |
| Seattle Hospital | 31.79 | 32.72 | 32.08 |
| Spokane Hospital | 28.00 | 29.00 | 28.00 |

Yet, in spite of this support by veterans, in spite of its high efficiency, its low cost and the number of veterans served each year, the Veterans' Administration has to date spent not 1 cent on reconstruction or rehabilitation of this hospital.

If this bill will assist in bettering the veterans' hospital situation throughout the United States, then I cannot but wholeheartedly support it.

If it did not meet these needs and did not recognize the necessity of using all types of standards for determining reconstruction and rehabilitation expenditures, I would not support it.

## WHY HARASS SECRETARY McNAMARA?

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, each day there is new evidence of the growing awareness throughout the country of the ill-conceived and deliberate attempts on the part of some to harass and embarrass our extremely able and deeply dedicated Secretary of Defense, Robert S. McNamara.

The thinly veiled campaign against Mr. McNamara is not succeeding. The public appreciates his determination to bring about meaningful unification of our armed services.

As evidence of the growing concern throughout the country, I am including here four articles of editorial comment which have appeared during the past few days in the Nation's press.

The first is an editorial from the Arkansas Gazette of June 5.

The second is a column by Jim G. Lucas, writer for the Scripps-Howard newspapers.

The other two are columns by Rowland Evans and Robert Novak, which appeared in the Washington Post on June 7 and June 19, respectively.

[From the Arkansas Gazette, June 5, 1963]

CAMPAIGN TO GET MCNAMARA UNDERWAY

Representative JIM WRIGHT, the Texas Democrat, has put the suspicion into the very bluntest of words: In a current newsletter to his constituents, Congressman WRIGHT wrote that a certain group in the military—long accustomed to have its own way—is out to get Defense Secretary Robert S. McNamara.

Under our system, the Secretary of Defense must and should be accountable to some kind of second guessing on his weapons procurement decisions, as on other decisions that materially affect the overall defense posture of the country. This is a function which the several committees of jurisdiction in the Congress can be entrusted to perform.

In reality, the trouble is not in the investigations themselves so much as the partisan political use made of their findings at a time when the returns are by no means all in.

An example was last week's broadside attack by Representative H. R. GROSS, of Iowa, one of the loudest congressional champions

of economy in Government. The irony here is that of all the men in the Government at Washington today, Robert McNamara is doing the most acting (as distinct from talking) to effect the kind of economies that possibly alone can assure us a viable future as a nation. The economies the Secretary of Defense is called upon to effect are inherent in the job, for the money saved thereby must go toward providing the ever more expensive weapons of the future. The job thus involves selection of a most sensitive kind, and it is next to impossible to avoid stepping on somebody's toes in the process. We have disagreed with some of Mr. McNamara's weapons decisions in the past, at the risk of being proved wrong by events, and likely will disagree again in the future. But we have never disagreed with the starting proposition that these final decisions are properly his—and his alone.

There are no indispensable men in our governmental scheme of things, but there are some indispensable jobs. And while it is possible that Mr. McNamara's unique blend of dedication and professional skills could be matched somewhere out there in the wilderness, it is by no means certain that "another McNamara" (if, in fact such a creature exists) would willingly have his neck measured in advance for the same guillotine.

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THE OTHER MCNAMARA

(By Jim G. Lucas)

When the French and German Defense Ministers were here early this year, Defense Secretary Robert S. McNamara asked them around to his home for breakfast.

Since the McNamaras have no regular cook, Mrs. McNamara fried bacon and eggs, brewed coffee, and toasted buns. Her husband waited table.

This is the "other" McNamara, often obscured by the controversies surrounding the man and his policies. Even his critics say Mr. McNamara is able, that he runs the Pentagon. But they say he lacks heart, is arrogant, not interested in people.

This hurts and alarms his friends. They know him, instead, as a decent fellow, a gracious host, a considerate boss. They are puzzled how such a legend could grow up around a genuinely warm human being.

But they also admit—a bit sadly—it probably is his own fault.

"Bob has none of the instincts of a commander or a politician," says one White House adviser. "He could use both. But you just cannot get him to do something he considers the slightest bit phony. That doesn't come naturally for him."

There is a strong human side to the man. It is revealed, in part, by these stories, gleaned from talks over a period of weeks with his friends.

Story No. 1: A GS-9 ($7,500 a year) worked late into the night, several nights in a row, on a classified report. He was so far down the totem pole he didn't know Mr. McNamara was aware of his existence. Late one evening, Mr. McNamara called the man's wife at home, thanked her "for being so patient with us," remarked that her husband's work "means a lot to this country of ours," and wound up saying, "I know you're proud of such a man."

Story No. 2: Mr. McNamara stopped briefly in a corridor to chat with a senior Air Force officer and noted he looked tired. That evening, the officer got a call from Mr. McNamara at home. The Secretary "ordered" him to take off a week or so and rest up.

Story No. 3: An Assistant Secretary turned down an invitation for a Caribbean cruise. Mr. McNamara suggested he reconsider. The assistant said he was far too busy. "All right," Mr. McNamara said, "I'll take no vacation, either, this year. Damned if I'll admit you're more valuable around here than I am." The man went, came back refreshed.

None of these stories is particularly newsworthy. They lose a lot in the telling. Their punchlines could be sharpened. But they are not the kind of stories other people tell about IBM machines.

Mr. McNamara could be in deep trouble with Congress. The TFX inquiry has slowed his programs. There have been no major reforms in months. But his main source of power is intact.

"Aside from his brother, Robert Kennedy, no one is closer to the President than Bob McNamara," a White House adviser says.

Has TFX hurt him?

"Undoubtedly," this source said. "In some quarters. But it has not hurt him with the President."

Meanwhile, the McNamaras' idea of a night on the town is to pick up the (Deputy Secretary) Roswell Gilpatric, drive to their favorite German restaurant and "waste" the evening eating German sausages, drinking German beer, and singing German songs.

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[From the Washington Post, June 7, 1963]

THE TFX LOSER

(By Rowland Evans and Robert Novak)

Though the interminable TFX investigation is months away from being buttoned up, the big loser in this dreary business has now emerged: Senator JOHN L. MCCLELLAN and his famed Permanent Investigations Subcommittee.

MCCLELLAN'S investigation of the Defense Department's contract award for the futuristic TFX fighter-bomber will produce no clean winner. Certainly not Defense Secretary Robert McNamara. His maladroit handling of MCCLELLAN has exploded the myth of computer infallibility. Congressional respect for McNamara never will be quite what it was before TFX.

But MCCLELLAN'S reputation has suffered much more. For the first time in his career of shielding the Nation from sin, the imperious moralizer from Arkansas has failed to drive home his sermon. He and the subcommittee staff have been unable to convict McNamara and his bright young men of sinister deeds in giving the TFX contract to General Dynamics instead of Boeing.

The TFX award will not be canceled. There will be no competition of prototypes between General Dynamics and Boeing, as MCCLELLAN has suggested. And most definitely, McNamara will not resign from the Cabinet in disgrace, which became the real aim of MCCLELLAN.

This failure to add McNamara's scalp to his long collection leaves MCCLELLAN in a dilemma new to him.

If his subcommittee issues a noncommittal report on the TFX affair or no report at all, it will be an admission of gross error that would be difficult for anyone so self-righteous as MCCLELLAN.

But if he insists on a tough anti-McNamara report, he might get no better than a 5-to-4 vote of support from his sharply divided subcommittee. Worse yet, the parent Government Operations Committee might reject the subcommittee's report, which would be an insufferable humiliation.

The decline of JOHN MCCLELLAN goes deeper than his failure to destroy a Defense Secretary. There are signs that more than a few Senators are fed up with the headline-hunting antics of the Investigations Subcommittee.

Created in 1946 to watch over Government agencies, the subcommittee soon diverted its talents to hunting Communists under the leadership of Senator Joe McCarthy. Though McCarthy was condemned by the Senate in 1954, the Senate put no restrictions on the subcommittee.

From 1957 to 1961, MCCLELLAN and the investigating staff (then headed by Robert F. Kennedy) conducted a wild-swinging special investigation of labor racketeering. It has lashed out in all directions the last 2 years, including investigations of B-girls and Jimmy Hoffa—with no discernible purpose other than newspaper publicity.

What is new today is a quiet rise of anti-MCCLELLAN sentiment within his own subcommittee. There is growing disgust with staff investigators who act like grade B movie district attorneys trying to humiliate everybody they investigate. Senators are getting sick and tired of lurid subcommittee reports reading like paper-back detective novels.

Despite all this, the Senate is not about to rebuke MCCLELLAN by requiring more orderly procedures for his subcommittee. MCCLELLAN is undergoing a more subtle form of punishment. He has lost the confidence of his peers.

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[From the Washington Post, June 19, 1963]

THE V/STOL NONSENSE

(By Rowland Evans and Robert Novak)

There was a little noticed but graphic illustration on Capitol Hill last week of the kind of investigation Congress simply should not be making.

At issue was the year-old award of a research contract for the proposed V/Stol, a highly experimental plane that is supposed to take off and land vertically like a helicopter but fly like a regular airplane. The contract went to Bell Aerosystems Co., even though Navy brass lined up solidly with Douglas Aircraft, a longtime Navy favorite.

Sound familiar? This is the same question of Defense Department civilians overruling uniformed officers that lies at the heart of the uproarious investigation of the TFX fighter-bomber contract.

The TFX investigation has been staggering along in Senator JOHN MCCLELLAN'S Permanent Investigations Subcommittee all year, but the V/Stol question was cleaned up in 3 days last week by Senator JOHN STENNIS' Preparedness Subcommittee. The explanation of this contrast is easy: MCCLELLAN is a notorious headline milker, and STENNIS isn't. STENNIS always tries to hold down the fireworks and complete an investigation with all deliberate speed.

Brief as it was, however, there remains the question of whether the Stennis investigation was not 3 days too long.

Unlike the intricate TFX affair, the V/Stol facts are simple enough. The admirals advised that the Douglas proposal was superior to Bell's on a technical basis, though both were acceptable. In addition, they declared, the Douglas plan would be a little, though not much, cheaper.

But Deputy Defense Secretary Roswell Gilpatric overruled the Navy and awarded the contract to Bell. As Pentagon men testified last week, Bell has had much more experience with vertical take-off-and-landing aircraft than Douglas.

Even more to the point (although they were loath to say it out loud last week), top Defense Department officials simply have lost confidence in the management team at Douglas to deliver on risky experimental contracts. Although the Navy and Douglas have had a happy partnership in producing the AD series of attack planes, the company's performance in trying to develop the ill-fated Skybolt air-to-ground missile was considered subpar by the men who run the Pentagon.

There's room to complain about the V/Stol contract procedure only if one applies the most strained and questionable interpretation of procurement regulations. But such an interpretation would prevent the civilian command from exercising any discretion at all. It would compel them to accept as final the opinion of Navy engineers .

Most Senators accept the wisdom of present law permitting the Secretary of Defense to overrule the faceless technicians. Accordingly, all that is really left to investigate

is whether Gilpatric was correct in preferring Bell's management to the Douglas crew. But STENNIS never had any intention of investigating the relative merits of two private companies, and properly so.

Why then was this obscure contract award investigated at all? This is a murky area, but there seems to be two reasons. And both go back to the TFX investigation.

First, uniformed naval officers wanted V/Stol investigated. There is a not-so-quiet war currently raging between Defense Secretary Robert McNamara and the uniform Navy. It wouldn't be surprising if rebellious naval officers, noting the embarrassment McNamara has been subjected to in the TFX affair, would try to further discredit tough civilian control at the Pentagon.

Second, there is good reason to believe MCCLELLAN'S investigators ran into the V/Stol affair while digging into the TFX award. Though the Stennis staff denies it, some well-informed sources in Congress actually believe STENNIS took over the V/Stol investigation to keep it out of MCCLELLAN'S hands.

At any rate, the Pentagon has good reason to be thankful that V/Stol wound up in the STENNIS subcommittee. The investigation offered headline-producing possibilities of conflict-of-interest and White House influence that STENNIS intentionally ignored as irrelevant.

But to concede that the investigation was orderly is a long way from declaring it necessary or even useful. It was neither.

## COMMUNITY MENTAL HEALTH CENTERS

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, to complete my introduction of legislation needed to implement the President's proposals relative to mental illness and mental retardation, I am today introducing for appropriate reference a bill designed to provide for Federal support for the construction and initial staffing of community mental health centers.

The bill is nearly identical to H.R. 3688, on which hearings were held before a subcommittee of the Committee on Interstate and Foreign Commerce in March. I am including a summary of it at the end of my remarks.

My motives for introducing this bill are twofold. First, as a longtime advocate of effective legislation in the mental health field, I wish to leave no doubt in anyone's mind as to where I stand in relation to the provisions of this bill. I am for these provisions, and I consider their adoption by this House to be of critical importance.

Second, I wish to emphasize, by my introduction of a separate community mental health centers bill, my conviction that the omnibus approach to this type of legislation is ineffective, and needlessly delays the passage of necessary legislation by this House.

Briefly, the two major provisions of this bill are these: First, that congressional authorization be secured for grants to the States to construct comprehensive community mental health centers beginning in fiscal year 1965, with the Federal Government providing 45 to 75 percent of the project cost; and, second, that Congress authorize short-term project grants for the initial staffing cost of these centers, with the Federal Government providing up to 75 percent of the costs in the early months, on a gradually declining basis, terminating such support for a project within less than 5 years.

Mr. Speaker, I trust I need not detail for the Members of this House the great need we have for this legislation. As the President stated in his message of February 5:

> We cannot afford to postpone any longer a reversal in our approach to mental affliction. For too long the shabby treatment of the many millions of the mentally disabled in custodial institutions and many millions more in communities needing help has been justified on grounds of inadequate funds, further studies, and future promises. We can procrastinate no more.

The provisions of this bill, and the community mental health centers as conceptualized in the President's message are soundly based upon recent developments in mental health activities throughout the country. These developments indicate that a large proportion of the mentally ill who previously were thought to require a long-term stay in a State mental hospital can be effectively cared for within their home communities if adequate community services are provided.

For example, some studies show that only approximately 7 percent of the psychiatric patients treated for 2 or 3 weeks in a general hospital are transferred to mental hospitals offering long-term care. In addition, modern treatment methods have made it possible to treat effectively in outpatient facilities many patients who formerly would have required long-term hospitalization. In one study, psychotic patients cared for in a day center were returned to their jobs within 6 weeks. Other patients, with a similar degree of illness, were hospitalized in a State hospital, where their average length of stay was 6 months.

However, in all but a few communities in the country and for all but a few of the mentally ill, patient care within the community is inadequate and poorly coordinated.

The comprehensive community mental health center will provide prompt and comprehensive services—early diagnosis, outpatient and inpatient treatment, and transitional and rehabilitative services. It will be close to the patient's home so that he can reach it when it is needed, and so that his problems can be quickly and effectively dealt with. As his needs change, the patient in such a center can move quickly from one appropriate service to another—basically, he will be able to proceed from diagnosis through treatment and recovery to rehabilitation in the shortest possible time.

In addition, the centers will place a heavy emphasis upon preventing mental illness wherever possible, and in improving the mental health of the community in which it is located.

Mr. Speaker, I fervently hope and believe that the effect of this legislation, if fully implemented, will be to revolutionize our present system of caring for the mentally ill. It will insure that mentally ill persons are not needlessly hospitalized in State mental hospitals when their illnesses are such that they can appropriately be cared for within the community. And it will insure that the State mental hospital of the future, relieved of the burden of caring for patients who can appropriately be cared for in the community, will function as an effective essential resource within a comprehensive program of mental health care.

However, this bill, as a legislative proposal, is evolutionary, rather than revolutionary. Under the provisions of the Hill-Burton Act, Federal funds have long been used to help meet the cost of constructing health facilities. And, through grants-in-aid programs to the States, the Federal Government has given some assistance in meeting the costs of staffing outpatient psychiatric clinics.

This new legislation fills out currently existing gaps in Federal legislation designed to help States and Communities meet the health needs of their citizens. It is needed to stimulate the construction of this new type of health facility—one which will, as the President said, "return mental health care to the mainstream of American medicine, and at the same time upgrade mental health services."

Mr. Speaker, for a long time I have consistently brought the needs of the mentally ill to the attention of this House.

As chairman of the Subcommittee of the Committee on Appropriations that annually considers the administration's Budget for the Department of Health, Education, and Welfare, I have, year after year, urged that adequate funds be appropriated to mount truly effective programs in this field.

Faced with the exciting new possibilities contained in the President's proposals for a national mental health program, the Appropriations Committee reported favorably on the administration's request for increased appropriations to implement many of the President's proposals for which no new legislation is needed.

However, without the passage of a community mental health center bill, it will be impossible to implement the pivotal features of the President's program. I therefore urge that this great legislative body enact this bill.

I am submitting for the RECORD a summary of the bill I now introduce:

COMMUNITY MENTAL HEALTH CENTERS OF 1963

TITLE I. CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

Title I would authorize the Secretary of Health, Education, and Welfare to make project grants for the construction of public and other nonprofit community mental health centers: That is, facilities providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill persons, or rehabilitation of persons recovering from mental illness. To be eligible, the centers must provide at least those essential elements of comprehensive mental health services which are prescribed by the Sec-

retary in accordance with regulations, and would have to provide such services in the community. Applications would be submitted to the Secretary after approval by the State agency designated by the State to administer the State plan.

APPROPRIATIONS

Appropriations of such sums as the Congress may determine would be authorized for the 5-year period from July 1, 1964, through June 30, 1969.

ALLOTMENTS

The funds appropriated would be allotted among the States on the basis of population, extent of need for community mental health centers, and the financial need of the respective States, with a minimum of $100,000 for any State. Some flexibility in the allotment structure would be permitted in certain situations. First, where two or more States have a joint interest in the construction of a single mental health center, part of one State's allotment could, with the Secretary's approval, be transferred to the allotment of another State to be used for that purpose.

FEDERAL SHARE

A State would be given the alternative of varying—between 45 and 75 percent—the Federal share of the cost of construction of projects within that State in accordance with standards providing equitably for variations among projects or classes of projects on the basis of the economic status of areas and other relevant factors, or of choosing a uniform Federal share—which would not be less than 45 percent and could go as high as 75 percent for some States—for all projects in the State.

STATE ADVISORY COUNCIL

A State advisory council, composed of representatives of non-Government organizations or groups, and of State agencies, concerned with planning, operating, or utilizing community mental health centers or other mental health facilities, as well as representatives of consumers of the services involved, would consult with the State agency in carrying out the State plan.

STATE PLANS

The State plan would be required to set forth a program for construction of community mental health centers based on a statewide inventory of existing facilities and survey of need for facilities, and to provide for construction in the order of relative need for the facilities, insofar as permitted by available financial resources. The State plan would also have to meet several other requirements, including designating a single State agency as the sole agency to administer the plan; providing methods of administration necessary for the proper and efficient operation of the plan; providing minimum standards for the maintenance and operation of centers constructed under the title; and providing for affording applicants an opportunity for hearing before the State agency.

FEDERAL REGULATIONS

The Secretary would be required to issue regulations within 6 months after enactment of this title, and after consultation with the Federal Hospital Council—the advisory council for the hospital and medical facilities construction—Hill-Burton—program. The bill would provide for increasing the membership of the Federal Hospital Council from 8 to 12 members, and would require 1 member to be an authority in matters relating to mental illness. The regulations so issued would prescribe first, the kind of community mental health services needed to provide adequate mental health services for persons residing in a State; second, the general manner in which the State agency shall determine priority of projects based on relative need in different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed will, alone or in conjunction with other facilities owned or operated by or affiliated or associated with the applicant, provide comprehensive mental health services for mentally ill persons in a particular community or communities, or which will be part of or closely associated with a general hospital; third, general standards of construction and equipment of different classes of centers and in different types of location; and fourth, that the State plan shall provide for adequate community mental health centers for people residing in the State, and for adequate centers for serving persons unable to pay therefor.

OTHER REQUIREMENTS FOR PROJECT APPROVAL

Applicants would have to meet several other requirements set forth in the bill, such as providing assurances that adequate financial support will be available for construction of the project and for maintenance and operation of the center when completed, and that in the construction of the centers all laborers and mechanics will be paid not less than the prevailing wages in the locality, and overtime pay in accordance with and subject to the Contract Work Hours Standards Act.

TITLE II. INITIAL STAFFING OF COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTERS

Title II would authorize the Secretary of Health, Education, and Welfare to make grants to assist in meeting the cost of initial staffing of comprehensive community mental health centers.

APPROPRIATIONS

Appropriations of such sums as may be necessary would be authorized for each fiscal year beginning after June 30, 1965.

ELIGIBILITY FOR GRANTS

To be eligible for grants an applicant must be a public or other nonprofit agency which owns or operates a community mental health center which has received a construction grant under title I of this legislation. Furthermore, the program of services to be provided by the center must include, at least, the following types of service: Diagnostic services, inpatient care, outpatient care, and day care. This program of services must be provided by the center—alone or in conjunction with other facilities owned or operated by, or affiliated or associated with the center—principally for persons residing in a particular community or communities in or near which the center is situated.

DURATION AND AMOUNTS OF GRANTS

Grants for staffing a community mental health center could be made only for the period beginning with the commencement of operation of such center and ending 4 years and 3 months later. For the first 15 months of the center's operation, the Federal grant may not exceed 75 percent of the staffing costs of the center; for the following 3 years the Federal participation in such costs may not exceed 60, 45, and 30 percent, respectively.

FEDERAL REGULATIONS

The Secretary would be required to consult with the National Mental Health Council in the development of regulations concerning the eligibility of centers and the terms and conditions for approving applications under this title.

## EQUAL RIGHTS MEANS EQUAL JUSTICE FOR ALL

Mr. ALGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, the entire country was shocked at the brutal and cowardly murder in Mississippi of the Negro leader, Medgar Evers. Murder is a dastardly business and its perpetrators should be found and punished.

There is a disturbing element, however, in the murder of the Negro leader and other news items which have gone almost unnoticed. In Hoboken, N.J., last week Walter Glockner, a 27-year-old truckdriver, was shot in the back and killed. He left two small daughters and a young widow. Mr. Glockner was murdered because he was fighting for more democracy and better treatment for the members of his local union. As the Nation mourned for Medgar Evers and the President sent a message of sympathy to his widow and the Attorney General promised full cooperation of the FBI to bring the murderers to justice, there were few who knew of the murder of Walter Glockner, and as an editorial in the Wall Street Journal asks, "who mourns for Walter Glockner?"

This morning the radio newscasts are telling of a young white soldier here in Washington who was stomped to death last night after being dragged from his car by seven Negroes. Where is the outcry for this boy? Will the President call his mother? Will the Attorney General turn out the full force of the FBI to bring to justice the ruthless thugs who unconstitutionally murdered him?

Mr. Speaker, the scales of justice must be balanced for the protection of all law-abiding citizens of every color, race, and national origin. We cannot allow white men to die at the hands of Negroes without just as vigorous protest and all-out effort to bring to justice the murderers as when a Negro dies. Medgar Evers was fighting for a cause in which he believed as was Walter Glockner and the American soldier died for no reason at all at the hands of depraved assailants,

but they will all have lived and died in vain and others of both the white and black race will die at the hands of mobs or cowards unless the forces of law and order and power of the Government dispenses justice equally and does not make martyrs out of slain Negroes, and just statistics of white men who die at the hands of thugs or, as in the case in Washington last night, at the hands of Negroes.

Let us pray that the God-fearing people of America, both colored and white will rise in justified anger at using death as a political weapon and demand that all the forces of law and order be brought into play to bring to justice those who defy the laws, those who commit murder.

As a part of these remarks and so that there will be some to mourn Walter Glockner, I include the editorial from the Wall Street Journal of June 18:

TWO MURDERS

As he left home early that morning, three .38 caliber bullets tore into his back. Thus, on a Hoboken, N.J., street, ended the life of Walter Glockner, 27, truck driver. Besides his young widow, he left two small daughters, one only 2 months old.

As Medgar Evers returned to his Jackson, Miss., home from a church rally last week, he was shot to death by a sniper in ambush. Thirty-seven years old, Mississippi field secretary of the National Association for the Advancement of Colored People, Mr. Evers left a wife and three children.

For years Mr. Evers, a veteran, had been working actively for better treatment—more democracy and fuller freedom—of Negroes. That is why he was killed.

For some time Mr. Glockner, a veteran, had been working actively for better treatment—more democracy and fuller freedom—of members of his union local. That, beyond any reasonable doubt, is why he was killed.

So both men fought for justice, each in his own way, and each suffered the most unjust penalty. The murder of the Negro was, as the President said, an act of appalling barbarity. The Nation, North and South, agreed and, mourning, will inter Medgar Evers in Arlington National Cemetery.

But who, outside his family and friends, mourns for Walter Glockner?

Remembering Walter Glockner, the young soldier, and many others who have been attacked by Negroes we can well conclude, in view of the President's lopsided interest, that we are now indeed witnessing discrimination for Negroes and against whites with death being used one-sidedly as a political weapon.

## ADDRESS OF HON. LEONARD FARBSTEIN AT UNITED JEWISH APPEAL DINNER

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, on Monday, June 17, I was privileged to be the guest of honor at a dinner given in New York City by the United Jewish Appeal. In my address I took exception to the suggestion recently made by our Secretary of State that massive aid be given to the United Arab Republic under Public Law 480.

I submit herewith my address in its entirety:

Mr. Chairman, distinguished rabbis, and guests, all of us sometimes find that we must disagree most vigorously with people whom we respect and admire. I find myself in this position with respect to our Secretary of State, Mr. Dean Rusk, whom I admire greatly, but whose position on some aspects of our foreign policy is in my opinion outrageously shortsighted.

I refer, for the moment, to Mr. Rusk's policy of granting the United Arab Republic massive aid under our food-for-peace program. Supporters of such aid point out that most of our money and resources goes to feed the hungry people of Egypt directly. They ignore the indirect effect of such massive food shipments. Clearly as a result of our aid it becomes unnecessary for Mr. Nasser to sell his cotton to obtain funds with which to buy food. The millions of dollars Nasser would otherwise have to spend for food, he now has available for his own designs. He uses these millions to stir up revolts in peaceful nations by means of the best financed propaganda machine in the Middle East. He uses the money to pay German scientists to develop modern weapons of war and destruction to use against America's friends. He uses the moneys to bomb and terrorize open and unprotected villages in Yemen.

We in the United States, through our shipments of food to Nasser, are contributing immeasurably to Nasser's ability to carry out his destructive plans just as though we gave him the cash. He uses the money we save him to purchase arms and equipment from the Soviet Union which his constitution decrees should be used to destroy, or as he puts it, liberate, the State of Israel.

We are gathered here as friends not alone of LEONARD FARBSTEIN but as friends of Israel. This little nation oriented to the West is (as you all know) surrounded by those who would drive it into the sea.

Therefore it is hard to believe that any official agency of the United States would not be sympathetic to the survival of this remnant of 6 million Jews who were incinerated not so many years ago. However, the State Department has subordinated Israel's interests to that of the Arab nations since President Truman imposed recognition upon it. In the presence of clear threat, we find that the State Department of our great Nation continues to play it cool insofar as Israel is concerned. This unfortunate situation has existed in this country since the recognition of Israel 15 years ago. At that time the State Department, under Secretary Acheson, objected to the recognition of Israel, but to his great credit, President Truman wisely met the situation and the United States was the first major power that recognized Israel.

Under President Eisenhower, Secretary of State Dulles caused the withdrawal of England, France, and Israel from the Sinai Desert. In my opinion and in the opinion of authoritative sources, one of our greatest blunders.

The answer to the constantly negative position of the State Department in its approach to what we all believe should be their attitude toward the Arab-Israeli situation must be the attitude taken by the President of the United States. Fortunately President Kennedy has made his position clear in his news conference which followed my letter objecting to the State Department's answer to the threat posed by the German scientists in Egypt.

President Kennedy stated: "We support the security of both Israel and her neighbors. We seek to limit the Near East arms race which obviously takes resources from an area already poor and puts them into an increasing race which does not really bring any great security.

As a member of the Foreign Affairs Committee of the House of Representatives, I introduced a resolution that would authorize the withholding of all foreign aid to nations who would use such aid to obtain weapons of aggression. However, the record of the Foreign Affairs Committee in my time is such that the passing of an amendment making such withholding of aid mandatory unlikely. Therefore, in pursuit of the possible, I am offering the following amendment to the foreign aid bill and hope and expect that it will be enacted.

"It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of U.S. assistance, divert their own economic resources to military and propaganda efforts, directed against the United States or against other countries receiving said aid under this act, and whether or not such efforts are supported by the Soviet Union or Communist China."

The adoption of this amendment will serve to inform both our State Department and the nations of the world, particularly of the Middle East, the position of the Congress toward nations that divert their resources to military and propaganda efforts directed against the United States and our friends.

I do not oppose feeding the hungry in Egypt, no thinking person or persons of good will could possibly do so. It is unreasonable, however, for conditions to be imposed upon the recipients of our largesse. Is it unreasonable to request, yes, demand—

1. That the granting of aid be preceded by agreement to preserve the peace?

2. That those countries receiving our aid who are not being threatened by external forces, forgo building aggressive arsenals using our aid as a means?

I think my amendment is fully in line with the President's position. Whether the nation be Egypt or any other power that seeks to expand its offensive ability, our foreign aid should certainly not contribute to that nation's ability to wage aggressive war.

For those of us who are gathered here, the preservation of the integrity of the State of Israel is a matter of great concern. To those of us who are Jews, Israel represents the fulfillment of an ancient and burning vision. It is an outpost of popular, democratic government in a part of the world otherwise ridden with tyranny and despotism. It stands as a fortress of freedom and a haven of refuge for the homeless and oppressed. For all Americans it stands out as an example of what youth, dedication, and courage can achieve against overwhelming obstacles.

Your presence here today is a tribute to the cause of freedom, democracy, and peace in the Middle East and elsewhere.

I am personally grateful to each of you for being with me here tonight and I give you my solemn assurance that I will fight this battle for freedom, democracy, and peace as a Jew and as an American.

Thank you.

## CIVIL RIGHTS PROPOSALS

Mr. WATSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Speaker, since the 1 minute allotted us at this time is totally inadequate to intelligently address myself to the President's message just presented to Congress, I have asked unani-

mous consent to revise and extend my remarks in the body of the RECORD.

Today's request by the administration for new authority in the field of civil rights will go down as the most excessive grab for power in the history of this country. This demand for unconstitutional and unwarranted legislation will not accomplish its stated objectives but will serve only to inflame an already inflamed situation. It will add to and perpetuate chaos rather than provide solutions. It will inflame passions rather than pacify or eliminate current tensions.

As I, and many others, have often observed, legislation without education will yield far more harm than good in this field. One does not have to read very closely the demands by current mob leaders to realize that their demands exceed their capability to absorb. A yielding to such demands would result only in greater frustration when the emptiness of their victory was realized. Only through education and the efforts and understanding of men of good will can any meaningful progress be made in human relations. Punitive legislation can only embitter.

As strongly as I condemn mob rule and excessive Federal power, I condemn even more so the do-gooders, liberal eggheads, and political power seekers who seek to cloak their lust for power with the Constitution and to disguise their selfish interests with the respectability of lawful authority. They are more interested in votes than in solutions. Their interest in their own political security obliterates their interest in our national security. They seek to perpetuate problems rather than solve problems. To many of them accelerated tensions guarantee fatter pocketbooks. Solutions would kill their golden goose.

Today's proposals will take away from our businessman, already harassed by Federal tax laws and the regulations of countless agencies, the basic right to risk his capital and run his business as he sees fit.

Mr. Speaker, is it not axiomatic that if one presumably has a right to buy from whomever and whenever he pleases there is a corresponding and coequal right for one to sell to whomever and whenever he pleases? Already we have seen naked Federal power used without lawful authority in the field of Government contracts. Now we see an attempt to control the businessman's dealings with private citizens. No longer will he be willing to reinvest his profits, enlarge his business, and create additional employment opportunities. Our employment situation, already a significant national problem, will be further aggravated.

Why are the proponents of these measures so obviously inconsistent in their approach to this matter? We have seen the murder of a white man in North Carolina dismissed as an unfortunate incident while the murder of a black man in Mississippi is said to be a blot on the conscience of the Nation. We have heard the President tell the mayors of this country in Hawaii that the problem was local in nature and two nights later tell the world that the Federal Government must provide the solution.

Why should the administration, the do-gooders, leftwingers, and vote-seeking politicians continue to make the great Southland the whipping boy on this issue? We have heard them condemn the use of police dogs in Alabama and ignore their use in Harlem. Nor have they mentioned that police dogs have to be used on the steps of the Capitol here in Washington nor that policemen without dogs are ordered to walk their beats in pairs for their own safety in this model city. No mention has been made of the firing on police cars that have occurred in Maryland and Virginia. These observations show a most unjustified double standard which utterly fails of comprehension.

Yielding to no man in my love of liberty and the Constitution and my desire to see every man, regardless of the color of his skin, treated fairly, I will oppose these measures with all the fervor of my being, aided and abetted by the knowledge that in doing so I labor in the cause of mankind rather than in the cause of turmoil and strife. The experience in Cambridge, Md., should prove conclusively to any openminded person that passage of laws alone, without the accompanying patience, education, and good will, will do more harm than good.

Mr. Speaker, every citizen must realize that issues are not settled in streets.

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## MORE ON WASTE AND INEFFICIENCY IN DEFENSE PROCUREMENT

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, I have a little more to say today about the expenditure of your defense dollars. On June 3 I received a procurement document providing for sole-source procurement of 421 attitude indicators.

Most Members are by now familiar with my study of defense procurement and the waste and inefficiency I have uncovered. Even the most blase should listen to this latest case I have developed against the U.S. Army Electronics Materiel Agency. It will curl your hair, if it doesn't get you so hot that the hair turns off the top of your head.

On May 28, 1963, the Army Electronics Materiel Agency issued a sole-source—no competition—procurement document—RFP No. AMC(E) 36-039-63-10651-B4. It proposed to buy 421 equipments known as the ID-999/ASN Attitude Indicator. On the front of the request for proposal—which was mailed to only one company—was a printed warning:

> Notice is hereby given that specifications, plans, or drawings relating to the procurement described below are either not available or are insufficient to provide all necessary manufacturing and construction details.

Curious as to what sort of specialized equipment this might be, and feeling that, as in the past, this certification of no drawings might be an attempt to channel a contract to a favored producer, I requested U.S. Army liaison officers to obtain for me: First, all copies of past contracts for this equipment; second, a set of manufacturing drawings for the equipment; third, a copy of the documents that justified the sole-source procurement. That request was made on June 3, 1963, the day I received the bid set in my office.

On June 7, Brig. Gen. Allen Stanwix-Hay, commander of the Army Electronics Materiel Agency at Philadelphia, wrote me, supplying me with part of the information I requested which showed that:

First. The Army planned to spend $338,000 for 421 of the attitude indicators used to provide a visual indication of flight attitude.

Second. The reason for the sole-source (no competition) award was that the Government has insufficient technical information and cannot define the item in detail.

General Stanwix-Hay added two paragraphs at the end of his letter. One said it was the first time this item had been bought by USAEMA. The second said that he had directed the procurement be canceled since the investigation I requested uncovered available stock in other agencies of the Department of Defense to fill the need. Of course, this last statement represented an immediate saving of $338,000 to the taxpayers of this country, and for that I was grateful.

But I was also curious. I telephoned General Stanwix-Hay and asked him who had made the equipment before, how much was paid for it, and how many were on hand. At the same time, I also requested the Army, Navy, and Air Force liaison offices to make a similar check. To date, this is what I have learned. The equipment has been purchased since 1950. It costs about $800 per unit. It has been purchased by both the Navy and Air Force. At this very moment, there are over 12,000 pieces of this equipment scattered around in depots all over the country. Over 8,500 can be used right now. Another 3,600 can be repaired and placed in use.

In short, Mr. Speaker, there is no scarcity of this equipment. The Army's needs can be filled from present stocks without even making a dent in this huge surplus. There is no reason for there being insufficient procurement data available. This item has been purchased for over 13 years.

The Navy has even told me that its ID-999/ASN equipment is being used simply as a backup for later-model equipment and that an entirely new attitude indicator is soon to be developed.

I might add at this point that I have asked other questions to get to the bottom of this fantastic hoax. I want to know who was responsible for this attempt to pick the taxpayers' pockets to the tune of $338,000. Thus far, the only name I have is that of Mary D. Regan, a contracting officer at Philadelphia. I am

sure there will be more names when my questions are answered.

Mr. Speaker, this proves what I have been contending for 2 years. In this one instance there has been an attempt to shove through an emergency sole-source purchase for 338,000 U.S. taxpayers' dollars for equipment that, first, exists in abundant stockpiles; second, has been bought for over 13 years; and third, is almost obsolete.

This is another illustration of what a single Member of this House can do when he gets bidding information at the same time the various procurement arms of the Defense Department mail them out. When you spot the waste in front of the deal, you can save the taxpayers' money.

Yesterday, I chronicled waste of $17 million. Today, I point to a $338,000 saving for the taxpayer. Tomorrow, I shall show how officials, through ignorance or design, ignore laws this Congress passes which are intended to control just this sort of activity.

Mr. Speaker, my bill, H.R. 4409, will set up a joint, nonpartisan committee of this Congress to maintain surveillance over just such negotiated procurements. Such a committee could spot hundreds of instances of waste such as the one I have detailed today. Such a committee, properly constituted, could more than pay for itself the first day it started operations. It could also bring the procurement branches into line, force more efficient buying of defense hardware and bring about sizable and significant reductions in the cost of national defense.

## THE PRESIDENT'S CIVIL RIGHTS MESSAGE

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, the President at long last has sent Congress a civil rights message and legislation. With some exceptions, I think it is good legislation. The bulk of it in fact is legislation that I and 30 other Republicans in the House have introduced and have long pressed.

The President's legislation is more limited than ours. It is padded with unnecessary verbiage to give the impression that it goes further than it does, and parts of it are inartistically drafted. But on the whole it is good and should be considered without delay by the Judiciary Committee. The administration has already delayed legislation far too long on this subject.

Mr. Speaker, I must express my concern also over the President's trip abroad at this time. I question the wisdom of it under the present circumstances, and I would urge him to reconsider. I can see no specific purpose that can be served by the trip, particularly in view of the fact that since the plans were made the Pope has died and a new Pope has not been elected, the Italian Government is in disarray, there are political pressures in Germany over Adenauer's successor, De Gaulle remains adamant, and an explosion in England over the Profumo case would not assist any constructive discussions with Macmillan.

Meanwhile, our own country is faced with the possibility of severe and imminent explosion. President Kennedy and his brother are only beginning to comprehend the meaning of the demonstrations that have occurred, and I think it most unwise for the President to leave the country in the midst of such heat and tension. If he really means business with this legislation he should mobilize the people of the United States behind it—now, not later.

## POLICIES OF THE SECRETARY OF DEFENSE

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MATHIAS. Mr. Speaker, I deeply regret that the evidence is now overwhelming that the Secretary of Defense, Mr. McNamara, has either established or is actively condoning a system which requires commissioned officers of the U.S. armed services and their civilian subordinates to deceive Members of the Congress of the United States with respect to the award of contracts. In setting a pattern that requires officers and civilians to hoodwink Members of Congress, the Secretary of Defense is thrice guilty. By deliberately misleading in small matters the Department of Defense destroys the confidence of the Congress in any information that it may transmit. In requiring professional military men to participate in these uncouth deceptions the Secretary is corrupting the code of honor that has been a badge of pride for America's fightingmen for 187 years. In unsuccessfully attempting to deceive me, the Department of Defense does not so much do me a disservice as it insults the nearly 700,000 people who sent me here.

The following telephone messages were received by, or originated in my office on Tuesday, June 18, 1963, at the approximate times indicated:

Noon: Received message that the News, a daily paper in Frederick, Md., had just got a news release concerning the award of a $4.5 million contract for the construction of additional facilities at Fort Ritchie.

Immediately called House Army liaison to ask who in the Department of Defense could provide wording of the release. Was referred to code 11, extension 53357.

At 12:05 p.m.: Called the office of the Chief of Contract Support Division, Mr. Webb, code 11, extension 53357, and was advised Mr. Webb was not available and the office had no information concerning the contract. Referred to Mr. Hillman, code 11, extension 79085.

Immediately called Mr. Hillman's office and was referred to Mr. Richardson or Mr. Millard, code 11, extension 74529 or extension 53941.

Immediately called code 11, extension 53941, Mr. Richardson, who regretfully declined to give any information and referred call to code 11, extension 78131.

Immediately called code 11, extension 78131, and was told by an unidentified staff member that news of any such contract had not been released and that it was not known when it would be available. Requested further details by 12:30 p.m., but no further response was forthcoming by that time.

At 12:45 p.m.: Called House Army liaison and was assured that an attempt would be made to secure the information.

At 1 p.m.: Received call from House Army liaison advising, on the authority of Col. William J. Love, code 11, extension 78131, that a release would be made at 3 p.m. from the Pentagon and that Mr. MATHIAS would be advised at that time.

At 2:58 p.m.: Received call from Mrs. Dugan, code 11, extension 78131, stating: "Baltimore district engineer awarding the contract today to Frederick Construction Co., Inc., 615 North Market Street, Frederick, Md., $4,407,527. The contract is for classified increment No. 2 for Alternate Joint Communications Center at Fort Ritchie, Md."

## WHO NOW MAKES THE LAW?

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CHARLES H. WILSON. Mr. Speaker, the recent U.S. Supreme Court decision in the Arizona against California water dispute has left many unanswered questions.

I do not intend to challenge the judgment of the Court in as far as the normal allocation of the Colorado River water is concerned. The water allotments the Court decided were fair and equitable for the States involved are not an issue.

However, the outstanding question yet to be answered is—how much or how little water will the States get if there is a water surplus or a water shortage?

The special master, appointed by the Court to report on the case, heard 340 witnesses, compiled a transcript of 25,000 pages, and filed a report of 433 pages. It was his considered opinion that any water surplus should be divided equally between California and Arizona, and that in the event of a shortage water should be divided between the States in proportion to their normal allotments.

This proposal, while not perfect, appears to have considerable merit.

A majority of the U.S. Supreme Court, however, have arrived at a different solution. The Court has decided that the Secretary of the Interior shall decide, in any way he sees fit, the apportionment of water to the various Western States in the event of a surplus or a shortage. Furthermore, in reaching his decision he shall not be bound by any prior contract, compact, or formula.

Mr. Speaker, from where does the Secretary of the Interior draw this broad authority? By what right does the Secretary of the Interior have the power to give or withhold the lifeblood of the West—water?

Mr. Speaker, the Secretary of the Interior has been given this economic stranglehold by the Congress of the United States. At least, that is the

opinion of a majority of the U.S. Supreme Court. Congress has thought so little of its legislative authority that it has passed vital questions of policy, life and death questions of economic importance, to the head of a department operated by Federal civil servants.

I do not believe it, Mr. Speaker. I do not believe that the Congress of the United States would knowingly relinquish such vital authority to a bureaucrat, and in fact at least three members of the U.S. Supreme Court do not believe it either.

Justices Douglas, Harlan, and Stewart have defended the right of the Congress to make its voice heard in these matters.

Justice Douglas has said in this case:

> It will, I think, be marked as the baldest attempt by judges in modern times to spin their own philosophy into the fabric of the law, in derogation of the will of the legislature. The present decision, as Mr. Justice Harlan shows, grants the Federal bureaucracy a power and command over water rights in the 17 Western States that it never has had, that it always wanted, that it could never persuade Congress to grant, and that this Court up to now has consistently refused to recognize.

Mr. Speaker, could anything be plainer than that? A respected Justice of the U.S. Supreme Court, in council with two of his colleagues, has handed this Nation the real question of the latter half of the 20th century.

Who now makes the law? Does Congress make the law? Does the executive branch make the law? Does the U.S. Supreme Court make the law? Or, does the Federal bureaucracy make the law?

This is the real and vital issue now struggling in the sinews of the American body politic. I have not been a Member of this distinguished House for long, but I have found that this question presents itself to me almost every day.

I have had letters, Mr. Speaker, from agencies of our Government questioning my right as a Congressman to ask simple questions for information on matters pending before the Federal departments and agencies.

I have been warned by officials within the giant structure of the bureaucracy that a request for information can constitute an improper communication. I have been threatened that any letter I write will be made a matter of the public file, as though this should be something I would shy away from.

I have found agencies of this Government, created by the Congress, refusing to supply information to the Congress, and furthermore adopting rules and regulations that are never written or printed and cannot be questioned by either a member of the public or a Member of this House. In none of these instances, Mr. Speaker, was the agency involved engaged in any secret or security matters.

It is clear to me, from my own experience, that the Federal bureaucracy day by day is in fact making law. We have of necessity created this monster, and have given it broad authority within which to manage the public's affairs. I fear we have given it far too much authority for the public good.

It used to be said, Mr. Speaker, that the President proposes and the Congress disposes. Of course it has been a long time since that was true. By a hundred and one different ways the executive branch is making law. It makes little difference whether the President of the day is a member of the Democratic Party or the Republican Party. The trend is always in the same direction. World events in the past 50 years have done much to aid this drift, and Congress has clearly failed to insist on all its rightful authority and on all its rightful privilege.

The U.S. Supreme Court was intended, if my education is not in error, to interpret the Constitution and to advise the legislative authority on constitutional matters. There is no question but that the Court has strayed a long way from that original path.

With every major decision the Court hands down new laws are made. Our entire way of life in this country is being revised and remolded by the nine Justices of the Supreme Court. Our Founding Fathers would stand in shocked amazement if they could see the changes this last century has made in traditional concepts and attitudes.

Mr. Speaker, it would seem that almost everyone is making law except the Congress. Many of our citizens wonder where it will all end.

However, this reversal of roles within our society can be brought to an end. I am sure of that. If Congress will stand up and demand its rightful place within our Government all these unconstitutional empires will crumble and wither away.

The Congress must make the law. Our Government was created around this central concept. Mr. Speaker, I trust a committee will be empowered to review this entire problem and will make a full report, with recommendations to this honorable body as soon as may be practical.

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## ARM TWISTING ON A HIGH LEVEL

Mr. LANGEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an article.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Speaker, I have noted an excellent column that recently appeared in one of America's great newspapers, the Minneapolis Tribune. The column was written by Richard Wilson, chief of the Tribune's Washington bureau. He reflects a point of view that I would like to share with my colleagues. Mr. Wilson brings to our attention an alarming situation that many of us have noted; a situation that threatens basic freedoms of many Americans through unwarranted pressures from certain areas of the Federal Government.

The article is as follows:

ARM TWISTING ON A HIGH LEVEL

(By Richard Wilson)

WASHINGTON.—Arm twisting, one of the favorite techniques of the New Frontier, has been disclosed on a new and rather more impressive level.

The arm twisting method was previously noted in the steel price controversy, the Cuban prisoners deal, and the more benign drive for funds for a $30 million national cultural center. This technique has attained respectability in the Kennedy administration and officials can see nothing wrong in it, for they conceive their cause to be just.

The method consists of physchologically suggestive pressure on individuals or corporations to support or go along with Government action. When skillfully applied, the individual cannot honestly charge that he was threatened with reprisal or tempted by reward; he only knows he has been shaken up.

He may have an antitrust suit pending and have his mind on this when exposed to Government persuasion; but the persuaders, of course, say they do not have this in mind at all, only the public welfare.

In the new instance the pressure was perhaps more overt. In fact, it was crude. The farm bureaucracy openly and threateningly brought pressure on federally licensed radio and TV stations to give free time for the Government's version of the issue in the national wheat referendum.

No subtlety was involved. A national directive went out to State managers and local committeemen of the farm program to bring to the attention of radio and TV stations that they are federally licensed for 3 years only and the renewal of their license could depend upon the adequacy of their public service programs. This responsibility was particularly compelling, it was stated, with respect to public service agricultural programs.

The innuendo of the directive was amazing. Public service programing, it was stated, is promised by radio-TV stations "in return for two special favors granted by the Government," exclusive use of a broadcast frequency, and "the policy of the Government not to establish federally operated stations in competition with stations being operated commercially." Of course, the directive added, this does not make stations "subject to dictation."

The directive was sent out by Ray Fitzgerald, deputy administrator for State and county operations of the Agricultural Stabilization and Conservation Service, presumably with the approval of Secretary of Agriculture Orville Freeman.

With vague images evoked of licenses revoked or Government operated competitors, a good many radio and TV stations complied. A spot check shows that prime time was wangled in Indiana, Kentucky, and Minnesota, and probably elsewhere on a broader scale. Some of the stations gave their time willingly enough. They wanted just such programs. Others felt they were highly pressured.

It might be supposed that this was only in the interest of serving the wheat farmers with a factual, unbiased view of the issues before them.

But Fitzgerald's directive belies this trusting view in one sentence: "As you know, interests representing one point of view in the referendum are blanketing radio and television stations with material in heavy quantities. It is not expected that we can match the flood of material from this group, which is also in a position to buy time. But it is essential that we act aggressively to make use of public service times of radio and television stations at times of day when farm people are listening."

Farm people listened and voted. The Government could not get even a majority for the adoption of its compulsory control program for wheat. A two-thirds majority was necessary for its adoption. Rather than submit either to authoritarian control of

their farms or the methods of the not-so-hidden persuaders, wheat farmers were ready to take the risk of lower income.

Now the same bureaucracy which had so little knowledge of the people it was serving has adopted a dog-in-the-manger attitude toward new legislation. Wheat farmers would readily consider a new program patterned after the voluntary programs for feed grains coupled with acreage retirement.

But the bureaucracy still has its mind on arm twisting. Let the farmers suffer a little and they'll come back with their tails between their legs. This was a bad technique in the beginning. It is bad now. Mr. Kennedy would do well to bring it to an end and make a constructive beginning on a new wheat program that farmers want.

Mr. Speaker, it is alarming that radio and television stations should be subjected to these kinds of Government pressures. These stations, of course, are required to present divergent points of views, but they constitute great forces in the distribution of news and information to the public, much like our great newspapers. Therefore, our electronic media must be guaranteed the same freedom of press to make sure they operate in the public interest and not for what could be a one-sided Federal view. This danger to broadcasters' right and responsibility could lead to even more serious problems in the distribution of public information. The licenses of these stations do not belong to the Government; they belong to the people.

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## MILLBURY CELEBRATES 150TH ANNIVERSARY

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I am honored and very much pleased to bring to the attention of the House that the town of Millbury, Mass., in my district is celebrating this week its 150th anniversary with an outstanding program of activities to commemorate this great event.

In recognition of this anniversary, I am introducing an appropriate resolution for the consideration of the House which extends greetings and congratulations to the community on the occasion of the 150th anniversary of the incorporation of the town of Millbury from a part of Sutton in 1813.

It was on June 11, 1813, that Gov. Caleb Strong signed the bill approved the day before by the General Court of the Commonwealth of Massachusetts to incorporate the town of Millbury. At the time of incorporation, Millbury had a population of about 500.

Town annals indicate that Millbury was almost named Moscow, but this proposal was defeated in town meeting.

Located in an area of Massachusetts which was settled by pioneer colonists in the early days of American history, Millbury has grown from this small beginning into a thriving and prosperous community of some 10,000 people. Today, Millbury is a busy business and industrial town, offering steady employment for many of its residents. In addition, nearby Worcester employs many townspeople.

As far back as the Revolution, the manufacture of firearms and ammunition brought renown to Millbury. The first armory employing water power in the manufacture of guns was established in Millbury. The only powdermill in this section was erected by the Province in the early days of the Revolution. The production of the Sutton Waters Armory, owned by the Waters brothers, Asa and Andrus, was a most valuable contribution to the cause of freedom since the colonies were hard pressed for arms at the beginning of the Revolution when imports were cut off.

Millbury arms were used in the War of 1812, the Mexican War, and the Civil War.

The first papermill in central Massachusetts was established in Millbury. The first scythes and many improved agricultural implements made in the country were manufactured in Millbury.

Millbury can also lay claim to the principle of mass production through the interchangeability of parts and machines and implements because it is in Millbury that Thomas Blanchard conceived and perfected the cam-motion principle.

While the U.S. armory at Springfield has been cited as the birthplace of the Blanchard eccentric lathe for turning irregular forms, Millbury is actually the place where the eccentric lathe was invented and first constructed. Blanchard was later connected with the Springfield Armory and later supplements of the machine were produced there.

However, history shows that the first Blanchard machine to be set up in Springfield was carted over the roads from Millbury. After another model was produced in Springfield, the original lathe was returned to Millbury where it was used for about 20 years in the Waters Armory.

This and other Blanchard inventions were the forerunners of mass production and it can be truly said that the Blanchard eccentric lathe revolutionized gunmaking and later affected every industry where irregular forms were made or used.

Millbury also claims Dr. Leonard Gale, who assisted Samuel B. Morse in perfecting the telegraph.

Long before women's suffrage became a reality, Millbury voted in town meeting on March 20, 1882, to request the State legislature to extend to women who are citizens the right to hold town offices and to vote in town affairs on the same terms as male citizens.

Millbury is justly proud that President William Howard Taft spent part of his boyhood in the town and maintained his ties with the town throughout his life. In fact, Taft attended the Millbury centennial celebration in 1913 and was a guest speaker at the centennial banquet.

His mother was a member of the highly esteemed Torrey family of Millbury. After her husband's death, Mrs. Taft resided in Millbury. As a boy, Taft attended the public schools of Millbury and in later years often visited his grandfather, Samuel D. Torrey.

In these brief remarks, Mr. Speaker, it is not possible for me to recount in full the story of this historic Massachusetts town, but I would like to pay richly deserved tribute to the early settlers of Sutton and Millbury who helped to build this great country of ours with their magnificent sacrifices, struggles, and accomplishments. The record of their superb work and contributions lives to this day and Millbury can take justifiable pride in the remarkable legacy it now possesses.

After several previous attempts to form a separate township, Millbury became a reality in 1813. Farming was the main occupation, but swift running streams in the area led to small industrial enterprises, some to meet the need for farm implements and other goods.

Completion of the Blackstone Canal in 1828 helped speed the growth of the town. In 1830 alone some 1,000 new residents were attracted to Millbury and the growth of the town can be linked to its advantageous position on or near major travel routes. First it was the Blackstone Canal, which gave way in 1847 to the Providence & Worcester Railroad. With the decline of the railroads, industry in the town turned to the nearby fast highways to carry Millbury-made products to the big distribution centers of Boston and New York.

I am prompted on this occasion to say a word about the leadership and the people of Millbury with special emphasis on the founding fathers. Like most New England communities, Millbury originated in the painstaking work and bitter sacrifice of pioneer settlers. On April 19, 1775, the alarm from Lexington reached the mother town of Sutton and 11 minutemen immediately rallied to the cry for aid from the embattled farmers and subsequently 56 men from the area served in the Revolution. During the Civil War, Millbury furnished 346 men, which was 26 over the town's quota. In World Wars I and II and the Korean war, Millbury men fought and died on battlefronts far from home.

The Millbury of today embodies these same pioneer qualities of outstanding leadership, patriotism, and devotion to basic values and fundamental institutions and I am very proud that this great community with its capable, public-spirited leaders and devoted and loyal people is a part of my great congressional district.

Millbury, after 150 years of progress and accomplishment, looks to the future with vibrant confidence born of its illustrious heritage and past successes, inspired by an able and vigorous leadership and sustained by a loyal and devoted people.

I predict that Millbury will continue to move ahead in growth, progress, and prosperity in the years to come, ever growing stronger in a material sense and ever preserving and enhancing that quality of spiritual dedication for which it is noted and which will continue to engender in its citizenry those close ties of loyalty, respect, and affection which are so essential to American community life and so valuable in safeguarding the

fountainhead of American enterprise and freedom.

Mr. Speaker, I am privileged to introduce in the House a special resolution bringing attention to the 150th anniversary of Millbury, which I have had the honor to represent in Congress for more than 20 years, and extending the congratulations of the House to the people of this fine community. Under leave to extend my remarks, I include the text of my resolution in the CONGRESSIONAL RECORD:

H. RES. 404

Whereas the year 1963 marks the one hundred and fiftieth anniversary of the incorporation of the town of Millbury, Massachusetts; and

Whereas from the time of settlement in 1716 the people of Millbury have figured conspicuously in the founding and growth of this Nation; and

Whereas the observance of the one hundred and fiftieth anniversary of Millbury is being celebrated during the week of June 16 with impressive community ceremonies which will attract many visitors to central Massachusetts; and

Whereas Millbury is a progressive community rich in historic interest, distinguished for its fervent civic spirit, and faithfully devoted to American institutions and ideals: Now, therefore, be it

*Resolved*, That the House of Representatives extends its greetings and felicitations to the people of Millbury, Massachusetts, on the occasion of the one hundred and fiftieth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Millbury during the past one hundred and fifty years.

## PRAYER IN OUR PUBLIC SCHOOLS

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, on Monday of this week the Supreme Court of the United States rendered a decision, a decision which strikes a blow at the very heart and essence of America—its spiritual heritage.

For as the Supreme Court spoke, it barred from the public schools both the Lord's Prayer and the Bible. It ruled that the reading of the Bible and the recitation of the Lord's Prayer in our public schools is unconstitutional.

As I watched a number of television newscasts that evening following the decision, a number of commentators said that Members of Congress had not raised a sharp cry of protest as in the New York case in 1962. I think we hardly had time to do so, but I feel that a deep feeling of shock is in many of us, and I for one proudly raise my voice in protest.

This is the Nation which Lincoln declared "Under God shall have a new birth of freedom," this is the land which places upon its currency the legend "in God we trust," a land which was built by a deeply religious people.

I need not remind you that only a few short weeks ago, Astronaut L. Gordon Cooper stood in this House and uttered again the prayer that he had given while on his historic flight. Contrast this if you will with the Russian Cosmonaut who mocked after he descended that he saw no God up there.

I think this is the fundamental difference in our two nations, the difference between freemen and those who live under atheistic communism. And I believe our deep religious faith has sustained this land.

The first amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This provision was adopted so that no state religion could be adopted, and with this principle we all agree.

But we do not agree that the simple recitation of the Lord's Prayer and the reading of the Bible violate the Constitution. Justice Stewart in his dissent in the New York case in 1962 said that the Court had "misapplied a great constitutional principle." For him, the question presented by the case was whether "those pupils who wish to do so may join in a brief prayer at the beginning of each schoolday."

In writing for the majority in the present decision, Justice Clark conjured up all sorts of dreadful prospects if the Court should allow prayer to be said in the public schools. He said that this departed from the concept of a government that must be neutral in religious matters. Why so long in finding this out?

It seems to a great many of us that it is quite a different thing to say that the Constitution forbids one child, who may wish to do so, to recite the Lord's Prayer in a public school, merely because some other child, who does not want to pray and who is not required to pray, objects.

I, and many of my colleagues, have introduced bills to amend the Constitution to allow prayer in the public schools. They await committee hearing. Under this latest ruling, I would say it is doubly important that they be given a hearing and begin moving.

The Constitution was adopted by men, and in my personal opinion has been woefully and willfully misinterpreted, and it has been and can be changed by men.

And I say that we need that change, and we need it now. We need to allow our schools to continue these short devotionals.

This is a very real challenge for us today as Members of the Congress. Let us live up to that challenge. Let us begin to move here and now to pass this constitutional amendment to allow prayer in our public schools.

And then let the people of these United States through the due process of law have the opportunity to speak on the subject. Religious freedom must be protected, but this decision is religious oppression and it was never intended that it be thus by the founders of our land and the framers of the Constitution.

I hope we will be able to get a bill before the House for a constitutional amendment to rectify this mistake.

## POSTAL GUIDELINES PROGRAM SHOULD BE ABOLISHED

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the following is my testimony before the Postal Operations Subcommittee in opposition to the continuation of the guidelines system in the Post Office Department:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE THE POSTAL OPERATIONS SUBCOMMITTEE, HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE, JUNE 18, 1963

Mr. Chairman, to anyone concerned with the rights and dignity of man, the latest work measurement system put into effect by the Post Office Department is an affront. It is a system which takes no account of the human element and postal clerk morale has suffered badly as a consequence. The United Federation of Postal Clerks has made repeal of this system its most important issue this year and has turned to the Congress for aid.

The postal clerks have been forced to involve the Congress as the Post Office Department has refused to negotiate the issue. Although the federation has obtained exclusive right to represent all postal clerks nationally on working conditions and other matters, the contract signed March 20 ignores work measurement. Perhaps the Post Office Department feels that this system is a part of management "rights" or "prerogatives." But any system which has aroused so much hard feeling among loyal employees merits negotiation. Industrial unions have been able to bring similar issues into the bargaining sphere and the Post Office's attitude seems unduly rigid.

Let me quote a few references to this system by the affected postal employees in various sections of the country. The president of the postal clerk union in Boston said that "* * * the use of entirely unrealistic standards has caused a new low of employee morale in the post office. The honest and hard worker who for many years has given the Department good production is being discriminated against due to the unrealistic standards and the deceit of fellow workers who have less scruples in the means they employ to secure production slips." A postal clerk from Worcester, Mass., writes "* * * that this system has been a destructive double-talking instrument that has said what it didn't mean, and meant what it didn't say * * * it has inflicted an injustice and disservice to every distributor in the postal service." A Columbia, S.C., local felt "* * * that this system can lead employees into a mental state that may result in individual nervous disorders." Seattle, Wash., clerks call the system a "* * * hateful and unfair practice of individual harassment." Members of a Brooklyn local paraded in our National Capital carrying placards which demanded the burial of the guidelines. Surely this is an authentic grassroots cry for redress.

Why has the Post Office Department inflicted this system upon its workers? It claims that it would have to spend $100 million more a year if the work measurement system were eliminated, but this estimate is open to question. Frankly, I do not believe it. How much money is spent to operate this system—to count and tabulate, to revise and restudy standards? In some cases employees have been told that standards which have been heretofore vigorously defended by management are to be changed. Of course, most of these standards are changed in the upward direction, sometimes as much as 15 percent. How accurate and scientific is such a system?

The fallacy of all work measurement systems from the time of Frederick Taylor, the

pioneer of the scientific management movement, is the failure to take into account the individual differences of workers. Taylor's standard of the "quickest time of the most expert men" is no longer used, but some of the current standards are as open to question. They all assume that there is one best way for all of the workers performing the task. They all proclaim that they are scientific but fail to prove it.

An Assistant Postmaster General, Mr. Frederick C. Belen, in testimony before House Appropriations Committee hearings last February, stated his belief in the superiority of the Post Office measuring system over that carried on in private industry. "I think," said Mr. Belen, "in almost every instance where a job is measurable, private enterprise measures it, but I do not think it is done as scientifically or on as widespread an area as we do. I believe that we have the largest work measurement system that exists." Perhaps the Post Office does have the largest system but that hardly proves that it is the best or the most scientific. Indeed, the Post Office has had to abandon national standards in favor of local standards. Applying generalized data to specific widespread operations must have been too much even for the Post Office's superscientific staff.

What basis does the Post Office have for thinking that its work measurement system is more scientific than those existing in industry? Industry assembly lines work with standard components and products but the product of the Post Office is not uniform. The legibility of addresses will vary. The size and thickness of letters will vary. Business metered mail is often presorted. One clerk was able to sort at a rate 250 percent above the standard by handling metered mail. Also, the Post Office cannot control the volume of mail handled as a manufacturing plant can control its output. Post offices must service the mail as it comes in. All of these variables make it highly unlikely that Post Office standards can ever be the same as those of industry.

Over the years, the Post Office has had a number of systems; WPS, work performance standards, BMT, basic motion time study, and equated pieces of mail production, EPOM. All of these purported to be accurate and scientific, yet they were all superseded. The newest system is an outgrowth of the other systems and it is still a work-counting system and a speed-up.

It seems to me that the speed-up aspects of the current Post Office work measurement system were admitted by Mr. Belen in another part of his testimony. "Basically," he said, "what we have is a system that measures units. The individual is only measured 25 percent of the time. We find there is a definite increase in productivity during the individual count week. Now, we do not propose to say that they could maintain that for 4 weeks in a row." If an individual is forced to work at a pace 1 week exceeding what he can possibly be expected to maintain for a month, it seems to me that this is certainly a speed-up. Furthermore, Mr. Belen admits that 99 percent of the postal employees are doing a good job. Why, then, have a work measurement system costing millions to maintain? Just to find the 1 percent or less who are doing a poor job? This tiny minority always finds a way to beat the system, as their fellow employees have pointed out. An elaborate system is not needed to ferret out this type of employee. Firm supervision will do the job.

The Post Office Department has to cope with an increasing volume of mail, and it is all well and good to look for ways to increase productivity. The human element, however, must never be forgotten. A high morale is essential to high productivity.

In the past the Congress has demonstrated its concern for the workers affected by work measurement systems. A bill was passed in 1915 which provided that no Federal funds could be used to pay anyone "making or causing to be made with a stopwatch or other time-measuring device" a time study. Today stopwatches are no longer used, but the aim of the work measurement system is the same—to impose rigid standards upon workers. I join with my many colleagues who have already expressed disapproval of these standards. The Congress must act to remove this system which has been so damaging to the morale of the postal clerks. It is doing no good. It is doing a great deal of harm.

## PUBLIC LAW 78, THE BRACERO ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, this House was recently urged to grant a 2-year extension to Public Law 78, the Bracero Act.

This House in its wisdom saw fit to reject the extension. I should hope that we will reject any extension of this law. One of the reasons is that this act perpetuates a kind of peonage.

How this can happen was described some years ago by a man familiar with this program. This man, the Most Reverend Robert E. Lucey, archbishop of San Antonio, wrote:

The life of a Mexican national working in American agriculture is not all sweetness and light. On paper he is protected by the International Agreement and the standard work contract approved by our Government and that of Mexico. Wages, food, housing, collective bargaining, and guaranteed employment are all covered in these documents. Take, for example, the question of wages. The International Agreement states: "The Mexican consulate and the representatives of the Secretary of Labor will be given a reasonable opportunity to ascertain that the Mexican worker has been paid all amounts due him under the work contract or this Agreement." Mexican consuls are not numerous and the representatives of the Secretary of Labor are chiefly compliance officers who are few and far between. If a bracero is cheated out of half of his wages and the nearest Mexican consul is 300 miles away, just what does the poor bracero do? Should he start walking around the country, looking for a compliance officer? And what about his job when he takes a walk?

But even if the woods were full of consuls and compliance officers, the Agreement would be unworkable. The bracero is a stranger in a strange land. He does not speak our language. He needs work desperately to live and to send a few dollars to his family in Mexico. He is practically defenseless against the greed and rapacity of an unscrupulous employer. He may be compelled to live in a filthy hovel without heat, without a blanket, without a decent bed. He may work 12 long hours for 6 hours' pay. Or he may encounter bad weather and have no work at all, not even the work guaranteed by his contract. Yes, he can complain to his employer but he had better not say too much because he can be fired and returned to Mexico. And so the poor bracero, compelled by force and fear, will endure any sort of injustice and exploitation to gain the few dollars that he needs so desperately. This is our national disgrace.

## CIVIL RIGHTS PROPOSALS

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, I am bitterly opposed to the so-called civil rights proposals of the President. Most of them tend to expand unreasonably the powers of the Federal Government over the rights and privileges of the vast majority of the citizens of our Nation. In an effort to give favored treatment to a small minority, the proposals, if enacted into law, will deprive the majority of the right to choose their associates and give to a favored minority special privileges and preferred treatment.

In addition, some of the proposals deprive citizens of the right of the free use of their property and are clearly unconstitutional. They are an invasion of the personal liberty and freedom of the people guaranteed under the U.S. Constitution.

The proposals are an attempt by the administration to buy the political support of an organized minority to the great detriment of the overwhelming majority of the people of this country. It is a sellout of our freedom which has meant so much to the peace and tranquillity of our country.

I propose to fight these proposals to the last ditch in the hope that the people of America will awaken to what is happening before it is too late. It is an attempt to set up a small minority of superclass citizenship. We must not let this happen.

## THE OIL INDUSTRY

Mr. PURCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, two recent actions have dealt severe blows to the vital oil industry of this Nation. These two actions have seriously disturbed me because of the serious situations which already have engulfed this industry in a struggle for economic survival.

The first of these two disturbing events was Presidential Proclamation No. 3541, which appeared in the Federal Register on June 13, 1963. This proclamation had the effect of increasing oil imports, according to my information, by about 28,000 barrels per day effective July 1 over what these imports would have been in absence of the proclamation.

Acting under section 232 of the Trade Expansion Act of 1962, the President proclaimed that, effective July 1, 1963, "the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products other than residual fuel oil to be used as fuel shall be an amount equal to the difference between 12.2 percent of the quantity of

crude oil and natural gas liquids which the Secretary of Interior estimates will be produced in these districts—I–IV—during that allocation period and the quantity of imports * * * which the Secretary of Interior estimates will be imported into these districts during that allocation period."

The effect of this proclamation, as I said, will be to increase the imports of oil by about 28,000 barrels daily over what the imports would have been in absence of the proclamation.

To say the least, I am very disappointed by this latest development in favor of foreign oil interests and further discriminating against the domestic oil producers on whom we must depend for oil supplies in event of national emergency. This further move toward deterioration of the domestic oil industry is part of a long-range trend which must, in the interests of national security, be reversed before our ability to find and produce oil domestically is irreparably impaired.

The second disturbing event was the action earlier this week by the Committee on Ways and Means to increase the tax burden on the oil industry by approximately $50 million per year.

On June 10, the committee had wisely decided to reject the administration proposals relating to the carryover of deductions for intangible drilling and development costs, aggregation of oil and gas properties, and foreign operations.

Then, on June 17, the committee reversed its field and tentatively approved language under which "gain on the sale or exchange of mineral interests would be treated as ordinary income to the extent that intangible drilling and development costs which have been expensed are attributable to that portion of the property still remaining in the ground. The provision would apply in the case of intangible drilling and development costs in the case of oil. This does not apply to depletion taken or deductible exploration costs. Remaining gain would be treated as capital gain, and eligible for the 30-percent inclusion factor where the property had been held for 3 years or more.

According to the Treasury Department, this tax revision, if adopted, would result in a tax increase of $20 million on the oil industry. The very nature of the oil business and this particular provision will result in almost all of this tax load being placed on the small oil operator who can least afford it.

The other provision adopted by the committee relates to the aggregation of oil and gas property. The recommendation of the administration was tentatively approved by the committee. Treasury estimates that this provision would result in an added tax burden to the oil industry of $30 million per year.

Under this provision, the operating unit rule of present law in the case of oil and gas properties would be eliminated, and instead of this, the taxpayer could either maintain separate deposits as separate properties or could elect to combine all deposits falling within a single lease or acquisition, but could not combine different leases or acquisitions. An exception would be permitted to the lease rule where an oil or gas producer enters into a so-called unitization agreement.

Mr. Speaker, as I told the Committee on Ways and Means when I appeared before them in opposition to the oil-related tax proposals on March 27, 1963, the oil industry now enjoys only average profits when compared with other industry. This industry must compete with other industry for capital. These new tax burdens, if adopted, would decrease the profits of the industry, and make it more difficult for the oil industry to obtain vital new operating capital.

This involves much more than just a decrease in profits. Far more than just a loss of jobs in the oil industry is involved. As I told the committee:

> It involves the possible loss of jobs in steel mills and fabricating plants; the loss of cement sales, machinery sales, truck sales and corresponding losses in many other areas.
>
> Oil producers would find it less attractive to reinvest their own money in oil ventures. They would find it increasingly difficult to attract the outside risk capital that now contributes to their operations. The seriousness of the resulting slowdown in drilling activity would grow as the Nation's burgeoning demand for energy bit deeper and deeper into our presently held reserves.
>
> Eventually, to rekindle interest in drilling, prices would rise and the consuming public would feel the real impact of the change in the tax laws.

Unquestionably, Mr. Speaker, any governmental actions that depressed our petroleum producing industry would jeopardize the Nation's future safety. In case of war we must have enough oil available to assure victory. In other short-of-war emergencies, such as Suez, our domestic producing capability might well be invaluable.

Lest we forget, the Soviet Union is trying to force its way into many free world oil markets long served by American concerns. This Russian activity is politically inspired. They are obviously attempting to use their growing supplies of crude as an offensive weapon in the cold war.

Any change in the tax laws which would further impair our oil producing capacity in the United States is clearly not in the national interest Any such change would clearly be in direct conflict with our goal of stimulating the national economy. Any such change would damage our cold war position by reducing our capacity to find and produce this vital product, petroleum.

Mr. Speaker, my fervent hope is that the Committee on Ways and Means will again reconsider their position on this matter and adopt their original position of rejecting the whole package of oil-related tax proposals. It is my further hope that the trend of Executive action indicated by Presidential Proclamation No. 3541, and other actions in this area in the past, will be quickly reversed, and that we will see future actions reserving an adequate portion of the domestic petroleum market for the domestic producing industry.

Thank you, Mr. Speaker.

## MEXICAN LABOR

Mr. GUBSER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, because Public Law 78 was not extended by action taken in this Chamber, the California strawberry industry is in very serious danger. I should like to point out that this is a $35 million industry which provides $28 million in income to other industries that serve the growers of strawberries.

I have today received a letter from a very reputable grower and shipper of produce, including strawberries, Mr. W. C. Day, of Day & Young, Inc., in my congressional district. So that Members may have the benefit of the views expressed in this letter, I am including it in my remarks. It reads as follows:

> DAY & YOUNG, INC.,
> *Santa Clara, Calif., June 17, 1963.*
>
> Hon. CHARLES S. GUBSER,
> *Representative in Congress 10th District, House Office Building, Washington, D.C.*
>
> Believe me CHARLEY: The recent action relative to Public Law 78 has thrown your good district into quite a turmoil. I can't see why our California Congressmen failed to realize the importance of Mexican labor in continuing that tremendous agricultural activity we have here.
>
> I am referring not only to agriculture generally but to strawberries in particular. For your information the strawberry crop of California is worth about $35 million a year. Then when one considers others who live off the California crop such as local field labor, shipping carton manufacturers, freight, express, plants fertilizers freezing industry, it amounts to another $28 million.
>
> I am only dealing with the strawberry industry because with that I am more familiar. I don't believe enough local labor could be accumulated to handle a crop of strawberries 10 percent the size of our present industry.
>
> I certainly hope you will throw all of your weight behind this thing for a reconsideration to make possible reimportation of the Mexican braceros in future years. You will doubtless receive many letters and you will obtain information relative to many other row crops requiring men that will spend the day with their bodies in the shape of a horse shoe and believe me there's no local men that will do it.
>
> I don't think you could perform a finer service for your district nor for California generally in agriculture then to exert your very best efforts toward a reconsideration which might result in an extension of Public Law 78. I do not hesitate to bring this to your attention and I haven't bothered you very much but this is so very important to agriculture that I felt sure that some letters from your constituents would be in order.
>
> I enjoy your letter which has reached me regularly and I believe you are doing a fine job.
>
> Very sincerely yours,
> W. C. "JERRY" DAY.
> DAY & YOUNG, INC.

## THE UPSET VICTORY IN CALIFORNIA—A TRIBUTE TO CALIFORNIA VOTERS AND TO BOB WILSON

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, the election of Republican Del Clawson of Compton, Calif., to fill the vacancy in our ranks created by the untimely death of our distinguished colleague, Representative Clyde Doyle, is significant.

It is significant because this was another seat which the Republicans were not supposed to win.

Above and beyond the outstanding qualifications of the Republican candidate, Del Clawson, and the dedicated, hard working organization which turned out the votes for his victory, we must not lose sight of the role of the gentleman from California, Congressman BOB WILSON who fills a hard and difficult position as chairman of the National Republican Congressional Committee which coordinates the activity behind every Republican congressional campaign and particularly those where special elections are necessary.

You can look at the outcome of elections like this and know how effective the gentleman from California, BOB WILSON, is in directing his committee. In this particular instance he led other Californians in developing a plan and strategy which resulted in victory. You can be sure that on our side of the aisle, we are deeply grateful for his leadership.

Two other factors stand out in this election: One is the presence of President Kennedy in California immediately before this election. This is a setback to his prestige and to his programs. A predominantly Democratic district has elected a Republican in the face of President Kennedy's visit to the scene. This brings us to the other factor which is the good judgment of the California voters to whom I wish to pay tribute. They have expressed an independence of the outside influences which are brought to bear in elections of this kind and they have exerted good common sense in the Lincolnian tradition by electing Del Clawson.

## THE LATE CARL BROWN

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, the Watershed Letter of the National Association of Soil and Water Conservation Districts for June 3, carries a tribute to the late Carl Brown, an authority on watershed protection and flood prevention for the U.S. Department of Agriculture.

Before his death, Carl Brown was of inestimable service to my staff and me in drafting many of the details of the "Mission '76" program which I am promoting to complete all of the Nation's major watersheds by 1976 instead of year 2000 as originally proposed.

It is appropriate, therefore, for me to join in this recognition of Carl Brown's great contributions to watershed development by placing in the RECORD the tribute which was carried in the Watershed Letter:

A TRIBUTE TO CARL BROWN

Early last month the watershed movement lost one of its true champions—Carl B. Brown, who died in Washington, D.C., following a heart attack. A tribute was paid to Carl, who was assistant to Hollis R. Williams, Assistant Administrator for Watersheds in SCS, at the 10th National Watershed Congress in Philadelphia. Presented at the opening general session by C. R. "Pink" Gutermuth, vice president of the Wildlife Management Institute, this tribute expresses in words more fittingly and eloquently than ours, the feelings of thousands about Carl's most untimely death. The tribute:

"This is our 10th National Watershed Congress in 9 years.

"But long before we first met—many years before—a young man dedicated all his days and most of his nights to the idea in which we have been joining for a decade.

"The young man was Carl B. Brown. The idea, of course, was the management and treatment of our small watersheds—the long neglected area that lay between our vast programs for water resource development in major river basins and the soil and water conservation programs for individual landowners.

"Carl Brown, still a young man at 52, died suddenly on May 5. The gap left by his departure is fully as great as the gap filled by the small watershed program.

"Carl Brown was a brilliant young man in a hurry. He earned his first college degree at the age of 18 and a graduate degree at 20. By the time he was 24 he was nationally recognized as an authority on sedimentation. His career was marked by what engineers and scientists, even when they opposed him characterized as 'the highest level of professionalism.'

"More than any man, Carl Brown deserved the title of 'Mr. Watershed.' He earned it during 20 years of factfinding and studying and dreaming and speaking and writing and cajoling.

"He earned it at endless conference tables amid debates and agency discussions. He earned it in the dark hours of the night at home, pouring into a dictating machine new ammunition for a cause that so often appeared to be lost.

"He earned it as one of the principal architects of history-making legislation that gave life to the small watershed idea. He earned it before the committees of the Congress and in the privacy of the offices of influential men who learned from him, as indeed did we all.

"He earned it by continuing to the day of his untimely death complete devotion of mind and heart to the daily implementation of the program, to improving it by legislation amendments, to defending it from its attackers, to making it work better.

"Most of Carl Brown's adult life was given to this cause. Perhaps, as he gave to it, so it also took from him and lessened his days upon earth.

" 'Mr. Watershed,' we pray that you rest in peace."

## CIVIL RIGHTS

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HORTON. Mr. Speaker, I am pleased to note the President's support of a number of civil rights proposals whose enactment, I feel, is essential to the welfare of this nation.

Early this year, when I introduced the first of two civil rights bills, I urged that Congress extend greater legal protection to those being denied their Constitutional rights. Recent events have made the prompt passage of such measures assuring equal protection of the laws even more imperative.

The time for talking is over. The time for action is here. Let us lay aside whatever political, social and economic differences that divide us and unite in providing the necessary legal tools which will guarantee all citizens the rights which are inherently theirs.

I accept the challenge to stay in session until such legislation is enacted. No domestic issue holds higher priority.

## UNITED STATES-HUNGARIAN POLICY

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WYMAN. Mr. Speaker, this Government's policy toward Hungary has long been of concern to me, going way back to the time that Winston Churchill recommended that we invade through the Balkans. Had we done this, there probably would never have been the dismal record of satellite suppressions by the Soviet Union that have been the fate of the Balkan peoples.

I believe that it was wrong for us, through Radio Free Europe, the Voice of America, and in many other ways, to encourage peoples in satellite nations to rise up and rid themselves of communism only to do nothing to give military help when this happened in Hungary. It seems to me that if it is to be the policy of the Western World to encourage peoples living crushed under communism's heavy heel to rebel against communism that it should also be the policy of the Western World to be prepared to give material assistance if this should happen as it did in Hungary.

We were no more prepared with a definitive and realistic policy for the Hungarian uprising than we were for the contingency that a U-2 might be shot down over the Soviet Union. America's handling of foreign policy ever since the end of World War II has, for the most

part, comprised an astonishing series of grievous errors that in any ball game would probably result in a new manager. Amazingly, however, the propaganda mills of the State Department as well as those of the White House, under whatever administration, have succeeded in persuading too many Americans that retreat has been victory, appeasement has been progress, and compromise of principles has been statesmanship.

Recently, rumor had it that this country's policy toward the present Hungarian Government might change again. With this in mind, on May 16, 1963, I wrote to the Secretary of State affirming my personal opposition to recognition of Communist governments anywhere and particularly the Hungarian Communist Government. Yesterday, June 18, more than a month later, I received a reply from Assistant Secretary of State Dutton that I believe is of interest to the House in relation to Hungarian affairs. This correspondence read as follows:

MAY 16, 1963.

Hon. DEAN RUSK,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: A recent flurry of news reports and rumors hint there is thought of resuming full diplomatic relations with Communist Hungary on the part of the U.S. Government. One Associated Press reporter stated that congressional sanction is not necessary to restore full diplomatic relations with Hungary.

I would appreciate it if you would advise me whether or not this is so; (a) That the Department is considering such recognition, and (b) that it requires no congressional sanction.

I am unalterably opposed to recognition of Communist governments anywhere, and most particularly the Hungarian Communist Government. I believe it is a blot on our honor that we should have encouraged the Hungarian people to rise up and rebel against communism only to fail to help them in their hour of need. Whether by way of Radio Free Europe, Crusade for Freedom, or whatever means, it has long been implicit in our policy that we would help our friends. To me, our failure to do so in Hungary is just one more illustration of the kind of wizening up of American character and principle that has reached alarming proportions in the last 15 years.

I do most sincerely urge upon you never to let it be a part of the record of your administration as Secretary of State that you recognized a Communist government as a lawful Government of Hungary.

Respectfully,

LOUIS C. WYMAN,
*Member of Congress.*

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DEPARTMENT OF STATE,
*June 18, 1963.*

Hon. LOUIS C. WYMAN,
*House of Representatives.*

DEAR CONGRESSMAN WYMAN: The Secretary of State has asked me to reply to your letter of May 16 in which you express your opposition to recognition of and restoration of full diplomatic relations with the Hungarian Government. The Department appreciates your interest in this matter and welcomes the opportunity to discuss the questions that you have raised and to clarify the U.S. position in the Hungarian situation.

Recent developments in Hungarian affairs do not, in fact, involve any question of recognition or resumption of diplomatic relations. At the end of World War II, the U.S. Government recognized and entered into diplomatic relations with the Hungarian Government. Although there have been various government changes in Hungary since that time, U.S. recognition has never been withdrawn, and there has been no interruption or suspension of diplomatic relations with Hungary. The American Legation in Budapest has remained in existence and in operation throughout the period since 1945.

At the time of the Soviet armed suppression of the Hungarian national uprising in November 1956 and during the period of harsh internal repression that followed the Soviet intervention, the U.S. Government withheld the accreditation of its minister who had arrived in Budapest immediately prior to the Soviet attack. Subsequently, in February 1957, this Government withdrew him from Hungary. The American Legation in Budapest has since been headed by a Charge d'Affaires ad interim, as has the Hungarian Legation in Washington. In the period since 1956, United States-Hungarian relations have been subject to strain and have remained generally inactive and minimal in all fields.

It is the Department's view that the reduction of bilateral relations to minimal levels after the events of 1956 and the pressures brought to bear on the Hungarian Government in the United Nations over the same extended period have served a useful purpose. This course of action, reinforced by the continuing impact of the Hungarian revolution and the by the quiet but persistent efforts of this and other Western governments through diplomatic channels to encourage the Hungarian Government to moderate its internal policies, has undoubtedly helped to bring about the favorable developments and changes which have improved the lot of the Hungarian people during the past 2 years and made their situation comparatively better than that of the peoples in other Soviet bloc countries except Poland.

It is true, of course, that the present Hungarian Government was imposed on the Hungarian people by Soviet armed intervention in 1956. But it is equally true that the harsh regime of Matyas Rakosi, which usurped power in Hungary in 1947 from a freely elected government and ruled by repression and terror until 1956, was also imposed as a result of Soviet duress and Soviet intervention in Hungarian internal affairs. Moreover, the Communist governments in the other Soviet bloc states of Eastern Europe, no less than the Government in Hungary, were forcibly imposed on the peoples of those states, owe their existence to the support of Soviet power, and (except for Poland) are no less subject to Soviet domination. The continued U.S. recognition of and maintenance of diplomatic relations with the Hungarian Government is not, therefore, of essentially different aspect than continued U.S. recognition of and maintenance of diplomatic relations with other Soviet bloc governments. The maintenance of diplomatic relations at any level with these governments in no way signifies U.S. approval of the origin, character, or policies of these governments. The U.S. Government has clearly and repeatedly affirmed that it does not accept the status quo of Soviet domination in Eastern Europe as a satisfactory or permanent condition of affairs in that area.

The situation in Hungary, as in Eastern Europe generally, is not a static but rather an ever-changing situation. In such circumstances, it is a basic U.S. concern, in advancement of U.S. interests and the just aspirations of the Hungarian and other Soviet-dominated peoples, to utilize all appropriate opportunities for maintaining and broadening U.S. contacts with these peoples, for manifesting continuing interest in their welfare, and for making the U.S. presence and influence felt in that area in as many effective ways as possible.

The future course of U.S. bilateral relations with Hungary will depend on many factors and developments, and we do not anticipate any dramatic or sudden changes in this regard. In the further examination and consideration of United States-Hungarian relations, however, it is reasonable that this Government should regard those relations as subject to adjustment as conditions and developments may warrant from the point of view of U.S. interests and advantage. As this suggests, the Department has no plan to send a Minister to Budapest at this time. You know, of course, the President appoints Ministers by and with the advice and consent of the Senate.

There is a further point raised in your letter that the Department believes may reflect some misunderstanding and should, therefore, be clarified. This concerns your expressed belief that it is a blot on our honor that we should have encouraged the Hungarian people to rise up and rebel against communism only to fail to help them in their hour of need.

The U.S. Government at no time encouraged the Hungarian people to open and violent rebellion. The 1956 Hungarian uprising did not result from incitement to revolt from abroad but rather, as the findings contained in the authoritative Report of the Special Committee on the Problem of Hungary (United Nations General Assembly Official Records: 11th Session, Supplement No. 18, Document A/3592, New York, June 1957) make clear, was entirely indigenous and spontaneous in origin and character. In concluding its report, the Special Committee stated:

"What took place in Hungary in October and November 1956 was a spontaneous national uprising, due to long-standing grievances which had caused resentment among the people. * * *

"The thesis that the uprising was fomented by reactionary circles in Hungary and that it drew its strength from such circles and from Western imperialists failed to survive the committee's examination. From start to finish, the uprising was led by students, workers, soldiers, and intellectuals, many of whom were Communists or former Communists. * * *

"The uprising was not planned in advance. It was the universal testimony of witnesses examined by the committee that events took participants by surprise."

Upon the outbreak of the uprising, this Government did affirm its belief in the justness of the Hungarian people's cause and of their aspirations for national independence and freedom. It played a leading part in placing the Hungarian case before the United Nations and in organizing and supporting humanitarian relief assistance and refugee resettlement measures aimed at alleviating the suffering of the Hungarian people. We believe that these and other actions taken by this Government in the circumstances existing at that time were entirely consistent with our national honor and principles.

If I can be of any further assistance to you, please do not hesitate to let me know.

Sincerely yours,

FREDERICK G. DUTTON,
*Assistant Secretary.*

Mr. Speaker, though the refinements of the sophisticated phraseology of this letter imply that American policy in relation to Hungary is not about to change,

there is nevertheless the implication that because the U.S. Government at no times encouraged the Hungarian rebellion, and spoke in protest on behalf of the Hungarian people in the United Nations after the rebellion had aborted, that we should get some kind of a medal.

The process of training for expertise in international diplomacy is a long and complicated road. Unfortunately, many who take this road seem to lose sight of where they are going. They do not see the forest for the trees. Here I fear that we fail to recognize that the only course for America that can assure the world's respect for our leadership is a course in which our devotion and adherence to the fundamental principles of freedom and justice for all shines clear as a beacon light. Firmness in decisions to stand up for freedom has been so notoriously lacking in the policies of the Department of State it is difficult for us to claim much credit in world leadership. In Guatemala, in Lebanon, in Quemoy and Matsu, and in Formosa, yes. But almost everywhere else it has been compromise, surrender, or outright appeasement.

This country can honestly derive little satisfaction in being the champion in the U.N. of once freedom-loving but now dead Hungarians. Our policy must be changed so that we will not engage in diplomatic relations with Communist gangsters and murderers whether the interchange is in the form of an embassy or a legation. We must let the peoples of the world know that we stand with those who are ready to fight and give their lives for freedom and that we will help them in their struggle, not just by applause from the sidelines, but as an actor like F.D.R. was with lend-lease.

Our sorry record of pussyfooting with halfway measures or excuses for failure to fight for freedom in the face of one showdown after another should be ended once and for all. Within the Department of State are hundreds and hundreds of personnel whose contributions to these sorry policies are a matter of record and who continue to influence these policies every day. I am convinced that it would be in the best interests of this country to shake up this Department radically and to put most of these architects of disaster out to pasture for good.

I fail to see how any of us can derive pride, satisfaction or comfort from the continued gains by the Soviet Union and its bloc in the tremendous struggle for the balance of power in the world. Our sorry performance in Hungary is another unhappy chapter in this book.

## DEPRESSED AREAS BILL

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. SNYDER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SNYDER. Mr. Speaker, much has been said about the recent defeat of the Area Redevelopment Act. As the record will show, I was the only Kentuckian who voted against this legislation. I have been chided in my local press for this action. While usually only objectors write, I have received innumerable complimentary letters and only one lone critical postcard. This is despite much supposed "bad" publicity by my local press.

This criticism of my vote is reportedly because eastern Kentucky is what is called a depressed area by advocates of this legislation. In this connection, the following is just one of the favorable letters I have received:

LONDON, KY., *June 17, 1963.*

Hon. M. C. SNYDER,
*House Office Building,*
*Washington, D.C.*

CONGRESSMAN SNYDER: I would like to congratulate you for standing up and voting your conscience on the Kennedy giveaway program, the so-called depressed area bill. You sure voted right. I operate two mining companies and employ about 250 men. It is a tough struggle to stay in business, especially coal business, which we are operating on less than 1 percent profit on sales and investment. We are paying the maximum unemployment insurance 4½ percent. We need at least 50 more men to work but just can't get them, in fact we have the worst labor shortage that we have ever had in all our mining profession. The combined field in Leslie County needs at least 500 miners, yet the Kennedys say we are in a 22 percent unemployment bracket. Does this make sense to you? This section has become a complete welfare State. Unemployment insurance and free food has trained them not to work for a living.

Enclosed in this letter is an article written by me which states facts about eastern Kentucky as I know them. Please do what you can to help straighten this mess out.

Sincerely,

Mr. LEWIS HOWARD.

## OCCUPATIONAL DISEASE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOELSON. Mr. Speaker, my attention has been called to a report presented at a joint meeting of the sections on radiology and diseases of the chest of the American Medical Association and the American College of Chest Physicians on June 17, 1963, at Atlantic City, N.J. The study was prepared by Dr. Irving J. Selikoff, Dr. Jacob Churg, and Dr. E. Cuyler Hammond. It indicates to me that we are lagging in the protection of American workers from occupational diseases.

This report studies the problem of lung cancer as well as cancer generally in asbestos workers. It traced the case histories of 632 members of metropolitan locals of the International Association of Heat and Frost Insulators and Asbestos Workers from 1942 to 1962. The report found that the death rate from cancer of the bronchus and pleura was 6.8 times as high among these asbestos workers as in the general white male population of the United States, both age and date being taken into consideration. The report further stated:

> The death rate from cancer of the stomach, colon, and rectum was higher among the asbestos workers than would be expected from the rates reported for the white male population of the United States.

The research paper reported:

> Asbestos exposure in industry will not be limited to the particular craft that utilizes the material. The floating fibers do not respect job classifications. Thus, insulation workers undoubtedly share their exposure with their workmates in other trades and intimate contact is possible for electricians, plumbers, sheet metalworkers, steamfitters, laborers, carpenters, boilermakers, foremen; perhaps even the supervising architect should not be omitted.

This report makes a most valuable contribution. As an author of an occupational safety bill, I am convinced that we must do more to encourage State programs to eliminate the human suffering caused by industrial diseases.

Dr. Irving J. Selikoff is practicing internal medicine in Paterson, N.J., and has done considerable research in diseases of the lung. Dr. Jacob Churg is the director of laboratories for Barnert Memorial Hospital, also in Paterson. Dr. E. Cuyler Hammond is the director of the statistical research at Mount Sinai Hospital in New York City, and their work was supported by the Health Research Council of the City of New York.

## ALLOWING DEFENDANTS IN SUITS UNSUCCESSFULLY BROUGHT BY THE UNITED STATES TO RECOVER CERTAIN COSTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. LESINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I have today introduced H.R. 7140, a bill which is designed to allow defendants in suits unsuccessfully brought by the U.S. Government to recover certain costs. This bill would amend title 28 of the United States Code by adding a provision for the assessment of reasonable attorneys' fees and expert witness' fees and, in the court's discretion, any and all other direct or indirect costs that may be occasioned by a successful defendant in any criminal or civil suit initiated by the Federal Government.

My purpose in seeking enactment of this measure is to require the Government to take a hard look at any litigations which it may propose to prosecute. My attention was directed to a case of three companies that last year went to

court and proved their innocence of charges that they had conspired to fix the price of a commodity. They totaled up the bills later and learned that their collective costs exceeded $750,000. If they had not contested the charge, each would have faced a maximum fine of $50,000, or a total of $150,000. It was noted that several other companies in which similar charges were made decided they could not afford the high price of proving their innocence. It was commented that in a sense, because of the high cost of fighting the Government, those companies were robbed of the chance to prove their innocence. Concern was expressed that the Department of Justice might begin to use its power to make less than responsible charges knowing that the accused could not afford to defend itself.

While I do not at this time intend to criticize the present operations of the Department of Justice in this regard, I feel that there should be some law on the books in the event circumstances might develop in which overzealous officials in the Department might use their powers in such a manner.

It is in view of this situation that I feel remedial legislation should be enacted to insure that the Justice Department will wisely and reasonably evaluate any legal case in which it may be involved.

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## FREE TRADE POLICY

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. TOLLEFSON] is recognized for 30 minutes.

Mr. TOLLEFSON. Mr. Speaker, business has shown some improvement recently and the April employment reports indicate that 100,000 workers were added to the employment payrolls in manufacturing industries. However, while total nonfarm employment rose to a plane of 1 million jobs above a year ago, the percentage of unemployment this April stood at 5.7 percent compared with 5.6 percent a year ago—in other words, a slight increase.

This means, of course, that we are not employing workers as fast as they come on the scene as a result of population increase. One reason lies in more and more automation, which spells displacement of workers.

Automation is usually applauded because it reduces cost of production. It was our ready acceptance of technological advancement and mass production that together with some other factors brought us to the forefront in the industrial world. In the past it could always be said that while the installation of laborsaving machinery and equipment temporarily displaced workers, these always found new jobs and before long the increased consumption of the goods offered at lower prices led to such an expansion in production that even more workers were hired.

This was true in numerous instances such as the automobile industry, where new developments, discoveries, and inventions made it possible to reduce costs radically and to sell the output at popular prices. If the demand for the goods was elastic, each significant cost reduction meant a further swelling of consumer demand.

It was in pursuit of this principle, plus recognition of the function of fairness of competition and consumer purchasing power, that we came to lead the world in production.

Yet, the magnetic element in all of this was the confidence, derived from observation and experience, that a business well put together and well run, repaid the struggles, disappointments and hardships encountered on the way. The vision of good profits acted as a strong pulling power from the future to the present; and if all went well the future continued to beckon and to justify effort, alertness, and risk.

The path was strewn with failures but the visible examples of success were sufficiently compelling to keep enterprisers, new and old, forever at it. The results amazed the world. The Second if not the First World War was won by the side that was joined by our industrial power.

Today something is wrong with the smooth working of this principle, but it is not a lack of mechanization and utilization of technology. We are producing yearly more goods with fewer workers. This does not spell industrial inefficiency.

I believe that one source of serious trouble lies in our trade policy. Everyone knows that American costs have been driven to high levels. We had high war costs, foreign aid, high defense outlays, high wages and high taxes. In recent years other countries have begun to follow our footsteps in technology and production methods. We have shipped abroad or exported over $50 billion of modern machinery and equipment in the past 10 or 12 years. With the use of this machinery other industrial countries have greatly increased the productivity of their workers while their wages have continued far below ours.

Import competition began to confront many of our industries with very difficult problems, the principal one being the lower prices at which imports come into this country. These imports knifed right through the domestic market, at first taking 5 then 10 percent and before long 15 or 20 percent and in some cases on up to 50 percent or more.

The cry went up that we must become more efficient; and we did—at least to the extent of displacing over a million production workers from 1950 to 1960 in a score of leading industries. It is true that employment rose elsewhere but it was in the nonproductional activities and in State and local government. These increases were not enough to overcome the losses of production workers, farm labor, and so forth and at the same time offset the number of new workers arriving every year.

Now, let us see is we can detect a difference between the effects of laborsaving installations under the circumstances of the past when the effort was made in response to the lure of a fast-growing market if lower prices were achieved, on the one hand, and the same operation in response to desperate efforts to stay in business, to hold ground already held and to avoid being driven out, not by domestic competition but import competition, on the other.

When industry is driven to automation, not because the market outlook is good but because it is bad, and not as a means of growing up with or opening up a growing market, the effect on employment is vastly different. Imports capture the increase in demand generated by lower prices and domestic industry ends up by perhaps holding its own but with the dividend of net displacement of workers. This becomes a drag on purchasing power and augments a national problem.

If the competition were domestic, at least domestic employment would reap the harvest from lower prices; but inflexible costs prevent domestic producers in many instances from meeting import prices. If they do, they sacrifice profits and reserves for research and development, advertising and reinvestment.

Mr. Speaker, I offer for the RECORD, under leave to extend my remarks, a paper prepared by Mr. O. R. Strackbein, chairman of the Nation-Wide Committee on Import-Export Policy on this important subject. His paper has been referred to as "an extremely orderly and forceful yet reasonable presentation of the subject."

I commend it to the attention of all who are interested in our besetting problem. The paper follows:

FREE TRADE POLICY THROTTLING OUR ECONOMY

(By O. R. Strackbein, chairman, Nation-Wide Committee on Import-Export Policy)

The American economy is or was a dynamic organism. It is or was preeminently an economy of abundance. It will either maintain that characteristic or it will be transformed into a state-governed system in which both dynamism and abundance will disappear. This follows from the very nature of economic dynamism and from its origin in the nature of human demand for goods. Abundance, in turn, depends on the fortunes of an economic system that is essentially self-propelling and self-renewing but inclined to balk if excessively cluttered, burdened or restrained.

All economies are dedicated to the fulfillment of man's needs and desires. These needs are highly variable but may be regarded roughly as falling into two broad categories, namely, the primary and secondary ones. The primary needs, very simply, are those that must be satisfied if man is to subsist.

The secondary needs are those that lie above the minimum level. They may be denied satisfaction without courting extinction but not without withholding from life the gratifications that distinguish man from the lower animals and mark his progress in civilization.

An economy that is dedicated to nothing more than provision of goods at the minimum level is necessarily a static economy. It will do no more than provide food, clothing, shelter and the necessary tools and means of locomotion required to furnish these goods. Its growth is limited by the population it

serves. If the number of people remains the same so will the output of the economy. The latter will grow only in step with the increase in population.

On the other hand, an economy that undertakes to provide means of satisfying the secondary needs and desires has before it great possibilities of growth and ramification. The extent to which it will meet these needs depends on a variety of factors. Some of the most perplexing problems of economics and government arise over this question.

Most economies of the world do much more than merely provide the means of satisfying the primary needs. There are some others, however, that hover close to the subsistence level.

Of all the countries, the United States developed the most productive economic system in the world and has catered most extensively to the secondary needs and desires of the people. This productive explosion became most visible in the first half of the 20th century. As a material civilization this country as a result of this forward surge has hitherto seen no equal.

Strangely enough as a country we were barely conscious of the origin of our industrial and agricultural leadership. As a result it has been too much taken for granted. In fact, some of the most fruitful factors of the combination of elements that together achieved the peak of productivity have been under heavy attack from some quarters. Many heavy-handed efforts have been made to discredit and to clothe with ill repute some of the very elements that have been responsible for the success of the system. It may be granted both that some of the criticism has been innocent and sincere and that some of it was deserved. Nevertheless it would be a most unfortunate retribution to the critics if their notions should prevail and should succeed in deranging our system to the point of perverting its genius in the guise of reform.

To be sure, any system breeds evils; and reform is a necessary accompaniment of progress; but not all that goes by the name of reform is reform. It may entail changes so radical that the system can no longer be what it was or perform as it did. This may be the result even if the reform bore no such intention. At the same time it must be clear that not all reform will be fatal or even burdensome to the economy. The question is how the changes comport with the inner genius of the system.

Obviously this genius must be understood if a judgment is to be made with respect to the soundness of past or prospective changes and reforms.

It is important that the composite elements and nature of the system be clearly set forth.

We have, to begin with, the people who settled this country. The natives who were displaced were not in a stage of development that would soon have produced the phenomena of production that were witnessed here after a few centuries. Therefore the character of the people who displaced the red Indians must be given a great part of the credit; for the rich resources of this country were no less present to the aboriginals than to the Europeans who displaced them.

Nevertheless the presence of diversified and rich resources was necessary to support the productive system that was launched as time went by.

The settlers had a strong penchant for freedom and established a system of government that incorporated freedom as the very essence of its genius. That this was a basic ingredient of success of the system may be concluded from the settlement of other areas of the world equally endowed with natural resources by people who established different systems of government or if they modeled their organic law after ours and hailed freedom as an ideal veered seriously from its mandates in practice. None of these countries achieved the productive apparatus devised in this country, even though they had the example before them for some decades.

We may therefore set down freedom and a government that in practice accepted the restraints of power as constituent and essential elements of the combination that led to industrial and agricultural supremacy.

If we cast about for other elements that were indispensable we will recognize initiative and self-propulsion as characteristic companions of the long period of our development and accumulation. These were but reflections of the motivating forces at work; namely, reasonable assurance that the enterpriser, developer, and exploiter would enjoy the fruits of his visions, labors, and efforts. There are those who think that this assurance was overdone. Yet, to build productive empires needed not only vision, resolution, courage, and aggressiveness but also ambition and a strong ego. To convert a continent of mountains and vast ranges of prairies, forests, and streams, into a tame urbanity in a matter of 150 years needed men of acumen and strong inclination, who used as grist the ruder characteristics of the frontier and the rougher qualities of the untamed.

They smote savages and mountains and drilled through both, deflowered the forests and dammed the rivers, connected the plains with iron and plowed deep the virgin soil. This they did and they built cities and laid the groundwork for a culture and civilization that ironically enough takes their work for granted or even despises them for their rude strength and want of savoir faire. To be sure, they were not idle boulevardiers or cynical drones.

Very well, the land, the soil and the forests, the plains and the streams were rich in potential products. The settlers were people who were already inured to hardship, disciplined in their own fatherlands or motherlands by the ice of winter to stand against privation and to look ahead and to worry; yes, to worry whether the provender from the sparse harvests would carry through the winter or whether the specter of want would pursue them before the sun again turned toward the meridian for enough warmth to kindle new buds and seeds put in the earth for new harvests.

Searching for freedom and thereafter schooled to the marrow in freedom and jealous of its blessings; then devising and building a government designed to preserve freedom and to respect mutual rights; and accepting the responsibilities and restraints of self-government, yet giving to individual competence, skill and capability (with some exceptions) full leash to prove and establish themselves and to build private empires: these assets, too, our people had—and a strong faith.

Yet it will be quickly discerned that even this rare combination was not enough. A complicated machine has many vital parts; without the proper functioning of one part among them it will squeak, grate, rattle, or falter. We learned on the way, after the Civil War, that the tendency to monopoly was contrary to the function that we foresaw or sensed for our economy; namely, the furnishing of more goods to more people who previously had not enjoyed them, i.e., a proliferation and extension of the means of meeting more and more of the secondary human needs. Monopoly power could and probably would stand in the way.

The concept of competition answered to the quest. Competition would keep productive efforts at their highest and the flow of goods to consumers at its greatest volume. Soon we learned, however, that competition as competition was not the total equation: the competition must be fair. We supplemented the Sherman Anti-Trust Act of 1890 with the Clayton and the Federal Trade Commission Acts and other legislation. The purpose was not merely to keep industry doing its best but also to make sure that the lower costs achieved through installation of laborsaving devices and machinery would be passed on to the consumers. In so doing, however, we did not endorse cutthroat competition.

It soon became clear that low prices of themselves will not assure an absorbent market for a mountainous volume of goods pushed out willy-nilly from production lines. The market must have purchasing power. Henry Ford is often credited with perception of this fact—something that now seems obvious. He instituted the $5 per day wage to demonstrate his faith. A people armed with good purchasing power could be converted into a mammoth market if the right product were offered at the right price.

This concept took hold and our production broke all known bounds; but in 1929 as a result of the distortions of war and unwise postwar operations here and abroad we suffered a spectacular crash. The depression following the crash led to much regulatory legislation and the institution of governmental controls in areas that were previously free of them. In many instances the legislation led to increasing costs and less competitive flexibility. One order of legislation, however, was in keeping with the genius of our system. It bolstered the mass-production, mass-consumption concept by removing wages (the most important support of the mass market) from the ravages of unfair competition. The most important of these was the minimum wage law. Outlawing of child labor was another. The tariff was already standard equipment as an outward defense against low-wage competition.

If purchasing power were undermined by employers who paid relatively low wages, as it would be but for the requirement of fairness of competition in the wage field, an important support of our uniquely productive system would have failed. Goods would have crowded our warehouses and shelves while facing a sluggish market. By introducing the element of fairness into wage competition as it had already been introduced into the field of industrial competition, the way was open for expansion of purchasing power, not only as the population grew, but hand in hand with the productive magic of our technology. The cross-fertilization acted as a catalyst; i.e., higher wages enriched the market while costs were lowered through technology. This in turn increased the output of goods at still lower costs thus opening a yet broader market. Previously the lagging of wages always meant the overaccumulation of inventories or stock to the point of a breakdown. Consumption lagged and an economic crisis was frequently the result (with the help of other factors).

Yet, the self-propelling feature that was characteristic of our system needed something more, something already mentioned, i.e., the magnetic drawing force of profits as a reward for success. To repeat, some have said that this reward was overdone but the men of enterprise needed something to draw them on, something to sustain their hopes in the dark beginnings of a new industry or a new product, and something to justify their chafing disappointments and discouraging setbacks as they sought the key to a market that was thought or hoped to

be there waiting for them. These men were not artists, musicians or poets who might be satisfied with the plaudits of their viewers, hearers, or readers.

After all, there was no special honor in being known as a leading sardine canner or maker of rubber tires or talking machines. Also there was no lasting esthetic satisfaction to be gained from contemplation of an accumulation of shovel handles or brooms turned out by the thousands. The reward must be more robust.

The manufacturer is no dilettante or virtuoso and must often come to terms with the very entrails of production, not always pleasant, wherein the processes of tearing, crushing, boiling, shredding, rasping, cutting, stripping, or melting encompass a raw realism that sometimes suffuses the atmosphere with special stench, noise, heat, clatter, dust, and unrelieved grimness in general. The bright products that emerge and give the glitter and gilding to our civilization were unrecognizable in the bowels of the factories and mills, in the course of the processes that smelted out the dross, dissolved raw stock; pressed, extruded or twisted malleable compounds or leeched this material and that out of its original crudeness with hostile and caustic liquids. To court this sort of world calls for a species of nerves and sensory insulation not given to everyone, plus a tangible incentive. Between the esthetic world and the processors of the goods that delight the esthetes there is no early or natural affinity. The latter often express their hostility while the former simply endure it.

Yet it is the uninspiring acts of travail and parturition that set before us most of the esteemed goods that we all, esthetes and commonalty, consume. As the child takes for granted the delights of toys, the delicious magic of varied candies, or the sheen and freshness of new-bought items, so are consumers inclined to take for granted the great array of goods in the show windows, the showcases, on the floors and on the shelves. All manner of desires and needs are excited by these goods, but little thought is given to the effort involved in producing them. Window shoppers spend their budgets many times over in their roaming fancies, usually admiring the goods that are out of their financial reach. In their unthinking wonderment they do provide a measure of the unsated potential demand that greater purchasing power would bring to life.

The teasing through displays goes on, guided by the designers and manufacturers who have mastered the techniques of production and management and are now seeking their justification at the far end; namely, consumer demand, which they seek to excite. Without consumer acceptance the producers could not live. Their initial incentive, profit, would not be fulfilled. Thus the consumers are used in turn as guides to point the way to further production.

As there are many failures of productive enterprise because of misreading of consumer desires, poor management, etc., the abundance nevertheless achieved by our economic system, not only in gadgets and gew-gaws but in the solid appurtenances of civilization, represents a tribute both to the fortitude and persistence of the enterprisers in seeking consumer preferences and the power of incentive.

Erosion of this incentive (i.e., profit status, and power) would therefore be expected to produce negative and regressive consequences. Since the incentive of profits has provided the element of self-propulsion of our system, for which no satisfactory substitute has yet been found, its function should be taken seriously. It is not simply a callous motive, although it often lends itself to callousness, but represents a magnetism that finds a deep affinity in human character; and instead of being maligned and despised it should be studied and refined. There is an unspoken as well as articulate sentiment in this country, alluded to above, that holds our productive system in contempt, as something crass, ugly, cold, or even offensive. Such sentiment, often held by people who would not soil their hands of expose their sensibilities to the unavoidable offensive aspects of manufacturing processes, is apparently blind to the distance our industry has already moved, not only in providing means of filling needs and desires of a large population, far beyond anything accomplished elsewhere, but moving increasingly toward the satisfaction of the secondary needs and desires, always with progressive (if seemingly slow) refinement, of more and more people. Indeed the degree to which this is accomplished measures the attainment of productive civilization.

Finally, the combination of factors here paraded, still leaves out of account the crucial characteristic that is seated in the nature of demand itself.

It is sometimes assumed that demand is indefinitely expansible. Much mischief may result from this error. The demand for rice or wheat or any of the staples, such as salt, sugar, milk, eggs, meat, etc., is biologically limited by the number of stomachs possessed by the population. This is normally one per person. In a country that is not underfed, the magnitude of demand for these and similar products is limited by the number of people.

No productive system such as the American could be built on a foundation of staple products for which the demand is quite static. Most of these items lie in the field of necessities and fall into the area of primary needs. Much of agricultural activity is devoted to production of such goods. Specialty crops, such as tree nuts, strawberries, melons, artichokes, and spices, are exceptions.

Demand for staple goods is characteristically inelastic; i.e., it does not oscillate much with price changes.

There is, however, a class of demand that is amazingly expansible. This lies in the field of secondary needs and desires. Such demand is usually elastic, meaning that its volume is sensitive to price changes. This is readily understandable when we reflect that disposable income for items beyond the necessities will only reach so far. If prices go up while income remains the same, some purchases must be sacrificed, whereas if prices fall, more goods can be bought. The sacrificial items will fall largely into the luxury or near-luxury field; and it is these that will be bought more freely if prices fall or if income rises while prices remain steady or rise less rapidly than income.

This is preeminently the field that provided the soil for magnification of the American productive system. The attack was on two fronts (1) reduction of costs in relation to the mass income and (2) increase in the volume of such income. This was accomplished in the manner already described.

If an enterpriser had before him an invention or a product for which the demand was unknown, he was faced with a difficult problem, mostly financial in character. How test demand? Demand might appear to be very cold and unresponsive if the cost of the product was too high while it might burst into a bonanza if the price were brought down sufficiently; but how sense this latent response? The solution to the problem called for a strong faith, much patience and fortitude—and money. How bring down the price? This would require new machinery and special equipment. Who would provide this on a gamble that the lower cost would tap a rewarding market? Money is sometimes bold but it is not always on the prowl for palpable risks. It is easily scared off. The sources of its timidity are many. Risk is nevertheless often taken if a handsome reward looms as a fair probability.

If this probability of a reward is offset by external circumstances or if the magnitude of the probable reward is not heartlifting, the risks and agonizing uncertainties will hardly be assumed. Yet again if the outlook is that the reward will be greatly reduced (possibly by governmental action, such as taxation or onerous regulation) or that conditions unfavorable to further success will likely arise, a hesitancy that will sap the vigor of venture will spread.

It was in the production of goods with an elastic demand that American industrial supremacy found its cradle. Since, however, such goods could be and were also produced in other countries without duplicating the highly productive American economy, it follows that elasticity of demand of itself did not generate the American leadership, even if it was an indispensable ingredient.

The OECD (Organization for Economic Cooperation and Development) in a report of April 1962, more nearly laid its finger on the spot. It said:

"The first and basic condition for growth is that private firms should want to grow, and this, in turn depends on their having confidence.

"They need to be confident that they will be able to dispose of increases in output at a profit."

This is a statement that implies understanding of the function of profits in a capitalistic economy and no less the essential role played by confidence in such a system.

The American system, more than any other, spread its ventures into all fields of production supported by confidence that profits would smile at the end of the road if the consumer were approached with a suitable product at an attractive price. Unquestionably the ground on the way was strewn with failures, more numerous by far than the successes. Yet, self-confidence and a knack for business in a variety of men, kept the ventures flowing.

Enough of them flourished to act as examples to others, and the ranks did not thin out but were everywhere replenished and kindled anew.

What was it in the very makeup of goods that opened consumers' pocketbooks? The necessities, to be sure, came first, but the great proliferation of goods that in their making employed millions of workers, was not found in this field. It was found in goods that consumers desired but did not need, or did not need in the qualities in which they bought them or in the refined state or quality that they preferred. A pair of shoes may be a pair of shoes, but milady does not merely seek a foot cover but much else beside, in a variety of forms. Immediately such demand, if supported by cash, or credit, jumps the biological limit of two feet per person by introducing variety, style, hues and tints to match this or that design, etc., into this lowly appurtenance of living. At the same time the primary need is converted into the secondary. Some consumers make do with two or three pairs of shoes, possibly of the same color, while others would feel poor and bereft with less than a dozen pairs or a score in a variety of styles, colors, and stitches.

Undoubtedly the automobile embodies the supreme example, not only of the genius of the American productive system, in which it was a pioneer, but also of the inner possibilities and peculiarities of consumer demand.

The automobile has the advantage of being supremely useful while at the same time serving other human cravings, weaknesses, or inclinations. As a useful vehicle it represents a means of locomotion, taking man off his feet, as did and does the horse; and it bears burdens. Locomotion represents a primary need and the automobile was superior to the equine form of this commodity both in terms of speed and the poundage it could carry.

This combination would possibly have given us little more than the automotive truck; but the automobile had other advantages, real or spurious. It not only moved faster currently than the horse but promised to go faster and faster with improvements in the motor. This fact alone gave the vehicle an enviable claim on the pocketbook. Americans had an inborn desire to move faster no less than to break previous records.

Equine beauty may be of a high order if special care is blended with breeding but the ordinary horse presented no great esthetic phenomenon while the automobile could be designed to combine speed with handsome features (although it must be admitted in retrospect that automobile designers in the early years did not, contrary to the opinion of the time, hit profusely on beautiful form).

Since the automobile was never cheap, ownership set the owner apart from those who continued in a pedestrian status, and beyond that, it separated the owner of a prestige car from those who must be satisfied with a flivver or a jalopy.

This ingredient of ownership was invaluable as a sales lure and as an advertising symbol; and it came to be exploited severely. Since the automobile was not cheap but very desirable, a sharp reduction in costs would open a gold mine. To the manufacturers it was like striking at a baseball with bases loaded. A home run would deliver the thrill of a jackpot. Money would roll over the gunwales to the floor. Here was a product that had an admirable combination of assets that fitted it to the mission of bellwether of the American system. The demand was elastic and therefore could be expanded and proliferated if the right key were used.

Either actually or by legend Henry Ford (once more) perceived the golden ore that lay below the surface of ordinary purchasing power, if he but had the wit to mine it. He discovered that the best implement was a low price and used it. It did wonders; but he could not have done it with butter or eggs, wheat flour or beef—i.e., not in the sense of laying a foundation for an industry that in turn generated and heavily supported other big industries, such as petroleum, iron and steel, rubber, glass, repair shops, garages, filling stations, finance companies, not to mention mortuaries.

Between automobiles on the one end and silk hats and carillons or sweet potatoes and onions, eggs and butter on the other, there are many gradations of potential consumer demand. Not all fields are equally attractive. Some are very limited, pedestrian, and even dead or moribund. Others offer veritable fortunes to bright and energetic enterprisers. Yet, all segments are under constant probe by some bright or desperate entrepreneur who seeks not only a livelihood but may also be on the lookout for an upgoing elevator or at least an escalator to carry him to greater heights; this, so long as the outlook is considerably better than the security of working for the Government or a large corporation. These ambitious enterprisers of many ilk are the original breeders of employment.

In recent years the quest for lower costs, so essential to penetration and holding of a market, has run so hard in the old established industries that jobs have been falling by the wayside in one industry after another even as more goods come tumbling from the production lines; and our plowboys are being decimated by our agricultural efficiency and turned into tractor riders or city slickers. This means that too many are looking for too few jobs.

Even the packagers, freezers, slicers, precookers, etc., who have gone far to replace the housewives who in turn have deserted the kitchen for the office and factory, have not filled the gap. These caterers to convenience employ such highly productive methods that one worker does the work of a dozen or a score of housewives, all the while working less than half as hard.

The lag of employment in this country is very serious and will become worse as more men are disgorged from employment and whole new armies of war babies come knocking on the doors of the employment offices.

What then has happened to the vaunted American industrial system? Has it become too efficient or is it getting old and afflicted with hardening arteries, conservatism and timidity? Many are tempted to say the latter; but the characterization is solidly belied by many visible phenomena. Mechanical, chemical and other technological efficiency is displacing workers very rapidly in some industries and other pursuits, such as coal mining and agriculture while output rises. Without progressive efficiency this would not happen. Therefore the indictment of inefficiency falls.

There is another measure of the stamina of our industry that negates the charge of anemia. This is foreign investment and expansion of American business activity abroad. In this country outlays for new plant and equipment in the manufacturing industries declined 6 percent between 1957 and 1962 whereas in the foreign field they expanded at a lively rate. Output of U.S.-owned companies in Europe increased 70 percent in 1961 over 1957, compared with only a 6-percent rise in volume of manufacturing and mining production in this country from 1955 to 1961.

Employment in this country shifted heavily into the service trades, professions, commercial and governmental activities, particularly State and local government between 1950 and 1960. Since 1957 investment in these fields, such as insurance, banking, real estate, wholesale and retail trade, increased 30 percent. That is also where employment since 1950 increased faster than population growth. Again, it is an area that is not damaged by import competition. In other words, while manufacturing, mining and agriculture, all of them confronting import competition or subject to it, were releasing workers, nonmanufacturing employment rose, but yet not sufficiently to offset the declines elsewhere. The result has been a stubborn residual unemployment.

Our problem quite surely is not inefficiency; nor is it entrepreneurial anemia. Our industries are producing abundantly and many of them have idle capacity.

Why then do we not grow as fast as some other countries and in any case not fast enough to employ the unemployed? The latter is the real question, because Europe and Japan represent rather special cases. Their burst of speed was delayed about 10 years behind our feverish postwar activity; and they built more modern plants than ours to replace bombed-out facilities and obsolete plants. Their gain in productivity was phenomenal but readily explained. We were already far ahead; and they too will catch up with the pent-up war demand even as we did.

Taxes are mentioned as restraints on industrial activity; and the complaint undoubtedly has merit. High wages and high profits are also cited, but they do in any event provide purchasing power. In some industries rates of profit, moreover, are declining. This fact is widely and properly regarded as detracting from incentive to growth and expansion.

Yet there is an obvious element of industrial discouragement that is seldom cited if not ignored altogether. This is rising import competition, stimulated by the national policy of tariff reduction. The far-reaching effect of this policy in stifling growth and expansion while encouraging laborsaving installations and automation as a means of remaining competitive, has not been officially recognized. Rather, there persists a wholly irrational obstinacy against entertainment of the subject.

The effects of the policy are becoming yearly more obtrusive. Scores of our industries have been browbeaten and intimidated into silence or acceptance of a fate they know to be regressive, by a stubborn and egregious official wrongheadedness.

We witness hundreds of our firms investing billions of dollars in enterprises overseas for no reason other than the more favorable outlook for profits abroad. No surer barometer reading is needed. The signals proclaim the tragic fallacy of our policy; and we will persist in it at our national economic peril.

The problem of unemployment in the face of galloping technology has indeed been recognized; but an almost pathological shrinking from hard realities has marked the official reaction.

Unless steps that conform to the genius of the American system are taken the remedies will aggravate the problem. An increase in employment, for example, that is achieved through spot or ad hoc pumped-in money will be temporary. Pump priming cannot succeed by itself because it does not shift the self-propelling mechanism of our system into gear. It is therefore good as long as it lasts and no more, unless it is accompanied by other corrections that do restore the self-propelling mechanism to health.

The profit system, as a system, also will not come to the rescue. It is a question of the climate in which it is to operate. Our system is not one that can constantly be discouraged, handcuffed, confronted with a nagging hostility, repression and grudging toleration, and yet be expected to function bountifully. Prosperity cannot be imposed on our economy for this reason. It must be induced by looking to the climate.

The profit system can again, as it has in the past, unlock and liberate productive and managerial energies that cannot be reached or ignited by discontinuous projects dependent upon legislative appropriations. There is no likeness between such efforts to impose prosperity and the Promethean magnetism that draws forward from ahead. The one is a dead hand; the other represents the beckoning future. If that future is attractive no whip is needed. There is no future; no amount of either sticks or carrots will beget sustained locomotion.

American capital produced expansion, growth, and employment because vast potentials lay before many enterprises. The fortunes of these enterprises (with a few notable exceptions such as land grants to railroads) did not rely on doles of public money dependent in turn on legislative sentiment. They prospered because the way was open for a $500 enterprise to grow into a million or a billion dollar operation, not indeed tomorrow, but in a generation. Ramifications and growth were not only pos-

sible but beckoned to those who had the vision and the necessary qualities to fulfill it.

The real magnet was the prospects of an expansive profit, not merely on one large transaction, such as building a dam or some other public work, but through a continuing and indefinite future.

Today actual and prospective import competition is closing the door to the type of expansion that is most prolific in generating jobs. This is industrial expansion, not public works or foreign trade. In 1940 the ratio of industrial, mining and agricultural jobs to nonproductional jobs was 1 to 1. By 1950 this ratio had grown to 1 to 1.5 while by 1960 it had risen to 1 to 2. In other words one job at production now supports two nonproductional jobs; and the trend is still upward. The best employment seed is therefore the production job. Each gives rise to two others, with prospects of progressive future expansion.

Imports of finished products represent the poorest job-seeds. Raw-product imports are better, but only if they do not displace raw products produced in this country. If they compete directly they displace domestic production and do not add to employment in this country.

Exports consisting of manufactured products do represent as good employment-generating activity as production for the domestic market, and in the past our exports consisted principally of such goods.

In recent years, however, our imports have come to consist increasingly of finished manufactures and manufactured foodstuffs while the trend in our exports has been in the opposite direction, finished products representing a declining share.

These trends, which may be expected to continue, represent for us a losing game in terms of employment. Foreign trade is not our economic forte.

Yet, the impact of import competition on our economy is much more negative and repressive in other respects. The difficulty comes from pitching our system against outside systems that have not in the past or do not even now obey the economic mandates of our system, such as fair competition, both in industry and in wages, prevention of monopoly, achievement of a high mass purchasing power through high wages, freedom of enterprise, etc. Some countries appear to be following in our footsteps but their lower starting point, particularly in point of wages, confronts us with great difficulties.

We face several other stubborn difficulties. Our industry cannot be driven to do what comes naturally to it in the right climate. This is the same as saying that if the climate is not right our system will not behave in the manner that brought it world leadership. If the climate is right it will move ahead.

Do we lack products of the kind that gave to our system its many sprouting and spreading branches? Is all demand for all products saturated? Of course not. We have only to glance at the window shoppers to answer such questions.

Something else then must hinder the operation of the system.

An entrepreneur in the past could be quite confident that if he launched a new product for which there was an elastic demand he would be handsomely repaid if he found the mechanical means of reducing the costs to the common pocketbook level. If the introduction of laborsaving machinery at first displaced a number of workers, the lower price opened more than enough new demand to rehire the displaced workers. In a few years he doubled or tripled his work force. In 10 years he might have a payroll of 10 or 20 times the original.

If he found a way to reduce radically the cost of producing an existing product for which there was a greater potential demand if the price were sufficiently reduced, he might perform a similar employment feat. After first laying off workers he might in a few years' time recoup his work force and hire still more hands, perhaps many more.

The difference between the employment potentials in enterprises built around production of consumer goods, which if successful reverberate through the capital goods in the form of more demand on them—the difference between such developments and public works as generators of jobs for the present and the future, must be obvious.

Since the mid-1950's this pattern has been shattered in this country, with the exception of a handful of growth industries, such as electronics, aircraft, plastics, synthetics, biologicals, certain types of machinery, etc.

The established industries have moved backwards in terms of employment even while increasing output. A dozen leading industries during the 1950–60 decade reduced employment of production workers by 1,056,000. This means that technologically they have advanced. In point of employment, however, they have shrunk. The surge of demand that would have been expected in the past, calling for expansion of the work force, has not in many important industries come to the rescue.

The technological efforts were more negative than positive. They represented efforts to remain competitive with imports. They were not in response to a buoyant confidence that saw in the future a burst of demand that would swallow a large increase in output year after year. Instead the industries had seen their future field of demand invaded by imports that boasted the advantage derived from lower wage costs. These lower wage costs lying beyond our legislative control, were of the kind that had been regarded as competitively unfair in this country and had been outlawed through minimum wage and similar legislation to avoid shrinkage of mass purchasing power.

Little wonder then that the technological improvements that were insituted in recent years, while indeed displacing workers, did not produce the happy results of the past. An element that we could not reach (lower foreign wages) was in the field and we had dismantled our defenses or protection against it. Imported goods were supplying the increased demand that responded to lower prices and our industries were left with net displacement of workers. The backwash of newly opened demand that would have called for hiring more and more workers did not rise to a swelling tide. It was despoiled by imports.

Under these circumstances whence could come the confidence that the industries would "be able to dispose of increases in output at a profit?" (OECD quotation.)

It could come only if there were assurance that if operations were expanded or a new product launched the market would respond favorably. Such assurance cannot be given if imports have already demonstrated their capacity to capture a growing share of the market and, moreover, have access to greater shares of the market virtually without further restriction.

Indeed, today, under the provisions of the Trade Expansion Act of 1962, the domestic market outlook for industry after industry is not only bleak so far as holding the present share of the market is concerned, but forbidding so far as any expansion plans that would be of sufficient magnitude to help employment is concerned.

This would be true even if taxes were reduced both for the purpose of expanding consumer spending and industrial expansion. If consumers gain a greater disposable income they will as readily buy imports as the products of domestic industry—often more readily because of the cost-conscious nature of elastic demand. Therefore the market for competing domestic goods would not flourish sufficiently to increase employment appreciably.

Moreover, the confidence-dampening specter of a market contest with goods that do not bear the burdens of costs (i.e., imports), will not have been lifted from our manufacturers.

The genius of the American productive system which has provided unprecedented abundance, demands recognition of the conditions that gave it birth, nourished it and swept it to great heights. It cannot survive half intimidated, half free. It can live with domestic curbs and regulations within reason but it cannot surmount a paralysis of its incentive. That is what an invitation to rising competitive imports produces. These are already hitting at our leading labor-intensive industries, i.e., those heaviest in employment, while our automating industries, facing the same dismal prospect, are investing heavily overseas rather than here.

Even our growth industries such as electronics (TV, computers, etc.), synthetic fibers, plastics, antibiotics, aluminum, pleasure water craft, household appliances, etc., to which we have looked for employment that exceeds population growth can themselves no longer look forward with bold confidence to an expanding market when imports, usually with clear cost advantage, intrude upon the scene to spoil the market's promise. Seeing their market's bright future, such as would entice greater outlays, greatly bedimmed, these industries become victims of caution one by one. The old assurance of the past that lower costs would tap a rewarding consumer response is now the special stimulus to imports since they can undersell us. They gobble up a great part of the demand thus awakened and leave our industries with such little room for expansion that employment is boosted very little, if at all. Thus is lost the very matrix of our former self-propelling expansion.

This matrix must be restored not only to our growth industries if they are to continue their upward career, but to the old established industries to prevent their progressive employment shrinkage; and the hand of assurance that our system previously extended, not by way of help but through a conducive climate, to new industries must again be held out not only to new industries but to those not yet born if we are to recoup our lost ground.

The point of no return is not far distant. Therefore, early action is imperative.

Great segments of the American productive economy face a barren outlook for domestic expansion. A veritable pall has been lowered over the scene by abandonment of the unique American formula of economic growth. This formula must be restored.

Action should include an immediate 5-year moratorium on further tariff cuts such as were authorized in the Trade Expansion Act of 1962.

Second, our future policy should hold tariff reductions to 25 percent in 10 years or not over 2½ percent per year.

Third, a true remedy for the serious injuries caused by past tariff reductions should be provided.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FINNEGAN (at

the request of Mr. ROSTENKOWSKI), for the balance of the week, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. EDMONDSON, for 30 minutes, on Tuesday, June 25.

Mr. MOORE (at the request of Mr. ROUDEBUSH), for 60 minutes, on June 24, 1963.

Mr. TOLLEFSON, for 30 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FINO.

Mr. ALGER and to include extraneous matter.

Mr. NELSEN to revise and extend his remarks on House Joint Resolution 247 and include extraneous matter.

Mr. SAYLOR to include extraneous matter in his remarks made today.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p.m.) the House adjourned until tomorrow, Thursday, June 20, 1963, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

946. A communication from the President of the United States, transmitting amendments to the budget for water resources projects for the fiscal year 1964 involving a net decrease in the amount of $360,000 (H. Doc. No. 125); to the Committee on Appropriations and ordered to be printed.

947. A letter from the Associate Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480, agreements concluded during May 1963, pursuant to Public Law 85-128; to the Committee on Agriculture.

948. A letter from the Comptroller General of the United States, transmitting a report on certain deficiencies in the negotiation and administration of concession contracts for national park areas under the jurisdiction of the National Park Service, Department of the Interior; to the Committee on Government Operations.

949. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to ratify certain conveyances of land on the Crow Indian Reservation"; to the Committee on Interior and Insular Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HEMPHILL: Committee on Interstate and Foreign Commerce. H.R. 5445. A bill to amend the Interstate Commerce Act to permit freight forwarders to acquire other carriers subject to such act, to place such transactions under the provisions of section 5 of such act, and for other purposes; with amendment (Rept. No. 421). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. House Resolution 372. Resolution disapproving the Reorganization Plan No. 1 of 1963; without amendment (Rept. No. 422). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 2221. A bill to provide for the free entry of a mass spectrometer for the use of Stanford University, Stanford, Calif., with amendment (Rept. No. 423). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 2675. A bill to extend for 3 years the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty; without amendment (Rept. No. 424). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 3272. A bill to provide for the free entry of an orthicon image assembly for the use of the Medical College of Georgia, Augusta, Ga.; without amendment (Rept. No. 425). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 5712. A bill to suspend for a temporary period the import duty on heptanoic acid; without amendment (Rept. No. 426). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 6011. A bill to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber; without amendment (Rept. No. 427). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 5171. A bill to authorize the Administrator of the General Services Administration to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of electronic data processing equipment by Federal departments and agencies; with amendment (Rept. No. 428). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Fifth report on common trust funds—overlapping responsibility and conflict in regulations; without amendment (Rept. No. 429). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 7135. A bill to amend the act of August 9, 1955 (69 Stat. 618); to the Committee on Interstate and Foreign Commerce.

By Mr. BARRY:

H.R. 7136. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of expenses incurred by an individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 7137. A bill to provide for assistance in the construction and initial operation of community health centers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GATHINGS:

H.R. 7138. A bill for the relief of the St. Francis Levee District, Arkansas; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 7139. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. LESINSKI:

H.R. 7140. A bill to amend title 28 of the United States Code to allow defendants in suits unsuccessfully brought by the United States to recover certain costs; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 7141. A bill to amend section 6(b) of the Area Redevelopment Act to permit the 10 percent of the financing of industrial projects required to be met by a local public or semipublic body to be repaid over the same period as the Federal share of such financing; to the Committee on Banking and Currency.

By Mr. MATHIAS:

H.R. 7142. A bill to modify the application of section 207 of title 18, United States Code, relating to the disqualification of former officers and employees in matters connected with former duties or official responsibilities; to the Committee on the Judiciary.

By Mr. MORRIS:

H.R. 7143. 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 Mr. WIDNALL:

H.R. 7144. A bill to amend title I of the Housing Act of 1949 to limit the amount of noncash grant-in-aid credit for streets to that which directly benefits an urban renewal area, and for other purposes; to the Committee on Banking and Currency.

H.R. 7145. A bill to amend the District of Columbia Redevelopment Act of 1945 to provide that the District of Columbia may receive noncash grant-in-aid credits for urban renewal projects only on the same basis as other municipalities; to the Committee on the District of Columbia.

By Mr. FARBSTEIN:

H.R. 7146. A bill to protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 7147. A bill to provide for the issuance of a special postage stamp in honor of the late Amelia Earhart Putnam; to the Committee on Post Office and Civil Service.

By Mr. TOLLEFSON:

H.R. 7148. A bill to amend section 21 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 887), and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FARBSTEIN:

H.J. Res. 490. Joint resolution extending an invitation to the International Olympic

Committee to hold the 1968 winter Olympic games in the United States; to the Committee on Foreign Affairs.

By Mr. MACGREGOR:

H.J. Res. 491. Joint resolution providing for the designation of the week commencing September 8, 1963, as National Public Works Week; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.J. Res. 492. Joint resolution to authorize the President to proclaim October 9 in each year as Leif Erikson Day; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 493. Joint resolution to authorize the President to proclaim the week beginning February 10 in each year as National Parkinson Week; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H. Con. Res. 183. Concurrent resolution relative to the Supreme Court decision on the reading of the Bible and offering of prayers in the public schools; to the Committee on Education and Labor.

By Mr. GALLAGHER:

H. Con. Res. 184. Concurrent resolution favoring observance on July 4 of each year, by the ringing of bells throughout the United States, of the anniversary of the signing of the Declaration of Independence; to the Committee on the Judiciary.

By Mr. BECKER:

H. Res. 407. Resolution providing for the consideration of the joint resolution (H.J. Res. 9) proposing an amendment to the Constitution of the United States pertaining to the offering of prayers in public schools and other public places in the United States; to the Committee on Rules.

By Mr. HORAN:

H. Res. 408. Resolution creating a Select Committee on Fiscal Organization and Procedures of the Congress; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FLOOD:

H.R. 7149. A bill for the relief of Adamantia G. Kounoupis; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7150. A bill for the relief of Alan Paley and Dorothy Paley; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 7151. A bill for the relief of John R. Devereux; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

165. The SPEAKER presented a petition of Frank C. Balfour, national executive secretary, American Right-of-Way Association, Los Angeles, Calif., relative to the board of directors of the American Right-of-Way Association being requested by the National Utilities and Pipeline Committees to take active measures in opposition to certain regulations governing the use of rights-of-way over Federal lands which were issued by the Secretary of the Interior and Secretary of Agriculture, and published in the Federal Register of March 23, 1963, and being in support of equitable revision of certain regulations of November 16, 1961, which was referred to the Committee on Interior and Insular Affairs.

# EXTENSIONS OF REMARKS

## Marketing Agent for Public Power in Southern Idaho

EXTENSION OF REMARKS

OF

### HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 19, 1963*

Mr. CHURCH. Mr. President, since the announcement that the Bonneville Power Administration will replace the Bureau of Reclamation as the marketing agent for public power in southern Idaho, advertisements have appeared in many newspapers in Idaho, paid for by the private power companies, attacking the decision. I ask unanimous consent that a statement I have prepared on this subject may be printed in the RECORD.

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

MARKETING AGENT FOR PUBLIC POWER IN SOUTHERN IDAHO

It is said that BPA power is subsidized, or is paid for by the taxpayers, and from this it is argued that the cheaper rates will not really be an advantage to Idahoans. This is not so. The BPA rate structure is geared to take care of all operating costs of the marketing agency, and to repay the capital costs of the generating and transmission facilities, with interest, within a reasonable amortization period. Funds accumulated for this purpose are now substantially ahead of schedule. The law requires that the repayment schedules must be met, from power revenues, in the years ahead. BPA rates are cheaper because the giant dams on the lower Snake and Columbia generate power efficiently, and because interest on the money to construct them is charged at about 3 percent (which is all it costs the Government to borrow this money) whereas private power companies pay to their stockholders rates ranging upward from 6 percent on the money invested. Anyone who has ever made mortgage payments knows what a difference it would make to double the rate of interest.

Some say that the private power companies now doing business in southern Idaho will be injured. This has not been the case in Oregon and Washington, where the private companies have prospered, while reducing their rates, in areas long served by BPA. There is a reason for this. The private companies justify their high rates in Idaho by saying that it costs more to deliver power to thinly populated areas, and that they could match the performance of the private companies in our neighbor States if they had large metropolitan areas to serve. Perhaps this is true. But BPA will not compete directly with the private companies. It will sell at reduced rates to the wholesale customers now served by the Bureau of Reclamation, and its lower rates will make it possible for large industrial users of electricity to bring their businesses to Idaho. This, in turn, will create new customers for the private companies, which will continue to sell to the new homes and ordinary business establishments, just as they do now. Experience in Oregon and Washington indicates that the private companies will then be able to reduce their rates, since they will be serving more customers in the same area, and still make a better profit for their stockholders.

It is argued that Idaho citizens will lose the taxes now paid by the power companies. But the private companies will continue to collect taxes from their customers, and pay them to local, State, and National governments, just as they do now. With more customers to collect from, they will pay more taxes, not less.

It is said that the lower BPA rates will not actually come to Idaho, because it will first be necessary to construct a transmission line which the Congress will not approve. This, too, is not the whole truth. The co-ops and municipalities which are now buying power from the Bureau of Reclamation will have their rates reduced, by an average of 40 percent, just as soon as new contracts can be negotiated. BPA does not have one set of rates for customers in Oregon and Washington and another for Idahoans. Co-ops, municipalities, and industrial users in Idaho will be able to buy this power at exactly the same rate they would pay if they were located next door to one of the big dams on the Columbia. BPA absorbs the cost of transmission to remote customers, just as the postal service absorbs the higher cost of rural mail delivery, from a uniform rate structure. For the time being, the power sold in Idaho will be the same power heretofore sold by the Bureau of Reclamation, which is generated in Idaho. The immediate difference is that the rates will be lowered to the BPA scale, and all of the revenues of the BPA system will be balanced against the cost of generation and distribution (which includes the cost of present and future reclamation projects repayable from power revenues) in Idaho. Studies show that new transmission facilities can be constructed when needed, and paid for, with interest, out of power revenues at the uniform BPA rate.

It is said that only a few in southern Idaho will benefit, and that this will be at the expense of those who still have to buy power from the private companies. In the first place, the number who will benefit right away from the lower BPA rate is substantial, about 25,000 farm and city families who now buy public power through their co-ops and city-owned distribution systems. In the second place, there will be no expense to the customers of the private companies. Finally, all who live in southern Idaho will eventually benefit, even if they continue to buy power from the private companies, through the lower rates made possible by increased demand, and resulting greater efficiency, in the operations of the private companies.

A few have asserted that there is something socialistic, or even communistic, about bringing BPA power to Idaho. Those who will be customers of the BPA are already buying power from the Government through the Bureau of Reclamation. It seems hardly necessary to point out that no

"step toward socialism" is involved in transferring marketing responsibility from one agency of the Federal Government to another.

There are always some who resist change and progress, either because they do not understand its implications, or because they have been misled into believing that their personal interests will be adversely affected. No doubt this will be the case, at least for a time, with the extension of the BPA marketing area to southern Idaho. I am confident, however, that this change will have very general approval when the facts about it are widely known, and the benefits become visible to all.

## Inadequacies in Military Space

EXTENSION OF REMARKS

OF

### HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 19, 1963*

Mr. GOLDWATER. Mr. President, the first Member of this body to call the attention of the American people to our woeful inadequacies in military space was the Senator from Nevada [Mr. CANNON]. The axiom that "he who controls the air controls the world" can be moved up a few hundred miles and changed to "he who controls aerospace controls the world."

Ours is a peaceful mission in space according to the administration but our enemy's mission is military. The Senator from Nevada in a recent issue of the Saturday Evening Post has written a very forceful and penetrating article "Are We Being Too Peaceful in Space?" I ask unanimous consent that it be printed in the RECORD.

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

ARE WE BEING TOO PEACEFUL IN SPACE?

(By Senator HOWARD W. CANNON)

A perilous notion grips Washington—that through some sort of gentleman's agreement with Russia we can quarantine space, can keep it from becoming a theater of war. Wishfully the Nation gears its space program to peaceful purposes, blind to the fact that the Russians have no such inhibitions. While we dream, the Russians bend every effort to develop military space systems. Quite openly they are striving for a decisive advantage in that newly penetrated region.

"Peaceful purposes," the administration admits, means "keeping the peace" as well as engaging in scientific exploration and in commercial activities in space. President Kennedy has said we must insure that no other nation gains a position in space that would threaten our security. And we are orbiting numerous unmanned space vehicles which could have significant military purposes. But the disturbing fact is that we continue to put overwhelming emphasis on nonmilitary space programs and limit military efforts to a small list of defensive possibilities.

Elaborate reasons have been advanced for pursuing this policy. One used frequently is that we might somehow be able to keep space out of bounds for active warfare. The theory is that, by unilaterally avoiding development programs that could make space a combat theater in any war, we might induce the Russians to follow suit. This kind of thinking flies in the face of history. We have generally been able to discourage the Russians from a course of action only by confronting them with impressive deterrent power.

I see a discomforting parallel between our "space is for peace" attitude and our attempt from 1958 to 1961, to end competition in nuclear weapons by voluntary halting our nuclear test program.

While cobwebs gathered on our test installations in the Nevada desert and the Pacific, the Russians blithely went ahead with preparations for what was to be the most concentrated series of nuclear tests that has been held to date. Suddenly, after 3 years of naive inactivity on our part, the Russians broke the gentleman's agreement and wiped out much of this Nation's vital lead in nuclear technology.

What makes our wishful thinking in space all the more dangerous is that we do not enjoy the lead in space that we held in the nuclear field. Rather, we are still far behind the Soviet in some technical areas with enormous military potential. We are still handicapped by the inferior thrust of our largest rockets. The Russians can hurl much larger payloads into orbit, including their 50-megaton and 100-megaton bombs. We are still nowhere near matching the Soviet accomplishment of last summer in orbiting two manned Vostok spacecraft within a very short distance of one another. The date for our first rendezvous of two Gemini capsules, it would appear, has just been put back to 1965. It will greatly surprise me if the Russians have not actually joined two spacecraft in flight before this year is out and perhaps even transferred the cosmonauts flying them.

The logic of history should be enough to convince this Nation that, without an enforceable treaty limiting space activities—an unlikely eventuality—the Russians will do everything possible to exploit the military uses of space. But we need not content ourselves with the logic of history. Soviet leaders, starting with Nikita Khrushchev, have given repeated indications that the Soviet space program is aimed squarely at attaining military dominance in space.

In a speech delivered in December 1961, the Soviet Premier said: "When the imperialists decide the question of whether or not they should unleash war, the 50- and 100-megaton Soviet bombs will hang over their heads like the sword of Damocles." Later, in the same speech, he said: "If I could send up Gagarin and Titov, we could, of course, replace Gargarin and Titov with other freight, and land it where we would like to land it."

A second argument for limiting U.S. military space efforts has to do with the type of space threat we tend to think of first: bombs in orbit. The nub of this argument is that there is no point in anyone putting bombs in orbit, or on the moon, because such space-based nuclear systems would inevitably be costlier, less reliable, and less accurate than earth-based systems.

A big flaw in this reasoning is that it tends to view the Russians as mirror images of ourselves. I admit I see no immediate need for this country to push development of orbital bombers, although I do not rule out such a need at a later date. But just because space-based bombers might not fit our strategic needs for the moment, it does not follow that they would not fit Soviet ambitions. Soviet strategists may well have decided to capitalize on their advantages in rocket thrust and 100-megaton bombs.

A limited force of supersatellites carrying 100-megaton bombs might not be able to deliver nuclear blows as discriminatingly or efficiently as a bomber-Minuteman-Polaris force. Still, for a nation that has shown little hesitancy to employ blackmail, a satellite force might represent a decisive psychological weapon. You do not, after all, have to shoot something at someone to weaken him. Think what a psychological advantage the Russians would have gained had they got away with stationing offensive missiles in Cuba. What if they now turned around and placed comparable nuclear power in orbits not much farther vertically from U.S. targets than Cuba is from Miami horizontally?

To counter such a move, we might not see any gain in orbiting bomb-carrying satellites of our own. What we might urgently want would be satellites able to rendezvous with suspicious Soviet craft, detect whether they had weapons on board and, if need be, destroy them.

There are officials who, while granting such a possibility, put forward still another argument for deemphasizing military space programs. They are exponents of the so-called fallout theory, which runs this way: The National Aeronautics and Space Administration (NASA) plans to spend $20 billion putting a two-man expedition on the moon by 1970. In doing so, the civilian space agency will investigate almost every technical aspect of space operations. The Defense Department needs only to adapt the technical "fallout" of this and other NASA programs to its own requirements if a Soviet military threat in space materializes.

This pat theory will not withstand close examination. While many requirements for space flight apply equally to civilian and military operations, there are some unique military requirements no amount of civilian oriented effort will satisfy.

Military vehicles must react instantaneously to enemy thrusts. The launching of a scientific vehicle, by contrast, can ordinarily be delayed to await improvement in the weather or to permit a last-minute item-by-item checkout of the rocket. Military vehicles must operate from places dictated by military needs, not from a limited number of well-established launch pads at Cape Canaveral and other research centers. They must be able to return to base and fly another day, since military operations are likely to be repetitive, and the cost of launching one-shot vehicles would be unbearable.

There is another decisive difference. A military operation—in tanks, subs, planes or space vehicles—is not just a matter of having the right hardware. The best hardware is useless in war without crews trained for their mission, a well-oiled maintenance and supply system and an operational doctrine worked out not simply in a "think factory" but through field trials, the field in this case being space.

It takes time to build a ready-to-go military capability. Right now it may look as though earth-based systems constitute a force adequate to deter any strategic attack. But technology is advancing so swiftly it is possible that scientists might at any moment accomplish another "breakthrough" as significant as the perfection of the H-bomb. If they do, the capability to conduct military operations in space may suddenly become decisive.

The same objections hold, only more firmly, for the contention that the United States can take out adequate space insurance by developing a storehouse of "building blocks." The Titan III workhorse rocket booster; various infrared, optical and other apparatus for detecting what is aboard other nations' satellites; and an exotic line of

winged space vehicles are examples of "building blocks" now being worked on. The theory is that if a Soviet space threat did become evident, the blocks could be pulled off the shelves and a military space force put together in short order. But what about mission training, supply and operational doctrine? There are months, more likely years, between the production of military equipment and the ability to use that equipment in an efficient way, particularly in a forbidding new environment.

There have been recent signs that highly placed officials are beginning to recognize the reality of the Soviet space threat. But in the past there have been similar ripples of interest that soon dissipated. Whatever new interest there is has not yet been translated into specific new space programs. Nor is there anything like adequate funding in the proposed space budget for the fiscal year starting July 1. I would like to see the Defense Department come to the Congress with a program calling for:

First. Speedy development of orbiting vehicles able to rendezvous with, inspect and, if necessary, disable potentially hostile spacecraft.

Second. An early opportunity for the Air Force to conduct complete space missions on its own so as to acquire vital across-the-board experience in space operations. The best course is for the Air Force to be authorized, as agent of the Defense Department, to orbit its own versions of the wingless, ballistic, two-man Gemini capsules NASA is building as a step in its man-on-the-moon program.

Third. NASA-Defense Department joint planning for development of an orbiting space station large enough for 20 to 30 crewmen. Provision would be made for crews to rotate every 2 to 4 weeks through use of space taxis. The permanent space station could serve as a command post for controlling space interceptors, orbital antimissile systems and other components of a military space force. Eventually we might want to orbit strategic space stations able to carry heavy payloads. When it becomes possible to deploy as many as 100 weapons, or several hundred, on a single space platform, the space bomber might for the first time become economically competitive with earth-based strategic systems.

(4) Stepped-up work on rocket boosters that could be recovered after launch and used again. An alternative is the ambitious concept of an "aerospace" plane that could takeoff conventionally from a runway, propel itself into orbit and eventually return to the takeoff runway.

TOO MUCH BUCK ROGERS?

The above proposals, prior to Sputnik I, would have sounded like the notions of someone who had read too much Buck Rogers. So much has happened since Sputnik I, however, that they should sound now like simple prudence for any nation intent on preserving its security.

They should. But will they? There are well-meaning scientists, some in high places, who doubt that space-based weapons could accomplish anything not better accomplished from nearer the earth. History indicates they are wrong, that they underestimate the speed of advancing technology. In any case, we cannot afford to gamble. If we dismiss the military potential in space, we may be startled one day—like the day Sputnik I was orbited—to discover, from the accomplishments of potential enemies, how wrong we have been. And by then, because technology is advancing in ever longer quantum jumps, it may be too late to do anything about it.

## Berlin: A New Approach

EXTENSION OF REMARKS

OF

### HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 19, 1963*

Mr. CHURCH. Mr. President, my friend and colleague, the junior Senator from Rhode Island, recently delivered in the Senate an eloquent and perceptive address devoted, in part, to a discussion of our tendency to become transfixed in "frozen positions" on major questions of foreign policy. He called for creative efforts to attack old stalemates in new and different ways.

The Nation for June 22 carries a fine article by Senator PELL, summarizing his own suggestion for a new approach to the Berlin problem. It is a splendid example of fresh thinking, tightly reasoned and cogently presented. I ask unanimous consent that the article may be printed in the RECORD.

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

BERLIN: A NEW APPROACH

(By Senator CLAIBORNE PELL, of Rhode Island)

(NOTE.—CLAIBORNE PELL, Democrat, of Rhode Island, was elected to the U.S. Senate in 1960 by the largest plurality in the history of his State.)

Of the many centers of international crisis today, none is more potentially dangerous nor has festered longer than the situation in Berlin. For 18 years we have been confronting this problem, which has been sometimes deceptively quiescent, sometimes productive of violent localized struggle and loss of life, more often verging on eruption into conflict which could engulf us all. We have witnessed policies of "brinkmanship" and the maneuvering of armed forces into positions from which withdrawal is increasingly hazardous. We have gained at best a form of status quo—made, however, less favorable to our own national interests, to the interests of the German people and, indeed, of all who desire freedom everywhere by the construction of the Berlin wall.

In my opinion, we have for too long promoted expedients rather than a basic resolution for the problem. We need a fresh approach, and we need to take the initiative in this respect—before we are compelled once again to counter Communist-motivated action.

Recent diplomatic exchanges have produced nothing to encourage great optimism. Nevertheless, it would seem that the Communist armor is not as solid as it once appeared. Moscow and Peking are scarcely in total harmony. Premier Khrushchev has expressed a wish to negotiate, perhaps because all is not well within the monolithic structure of communism, perhaps because of his clumsy failure in Cuba to change the nuclear balance of power, perhaps because the threat of nuclear holocaust makes him realize that he has more to gain through peace. We should not place undue emphasis on any of these aspects; but the fact is that negotiations are possible. We should, therefore, come to the conference table well prepared.

What are the goals we should espouse for an honorable settlement vis-a-vis Berlin? We are pledged to preserve the liberty and the economic viability of the western part of the city, and we are committed to defend our right to maintain an appropriate garrison there. But there is one more goal for which we ought to strive: Guaranteed land access to the city itself.

At the conclusion of World War II, before hostilities between East and West became manifest, we did not insist on specific land access to Berlin. Instead, we preferred to have rights of general access. These were never formalized by treaty, and they have grown into a source of dispute which goes to the very root of the Berlin problem. Furthermore, West German travel to the city is subject to the whim of East German authorities; constant turmoil and confusion are the result. Thus, explicit land access to Berlin, through 110 miles of East German territory, is essential to the agreement we should now seek to reach.

I believe that the Berlin-to-Helmstedt highway is ideally suited to this purpose. There would be virtually no interference with the economic life of East Germany; the highway is equipped with 79 overpasses and 65 underpasses, which traverse without obstruction not only other thoroughfares, but the 21 railroads in the area. The highway could be internationalized, as President Kennedy has suggested; but, in any case, it must be defined by irrevocable guarantee.

Are the policies we have so far been pursuing geared to a formalizing of such an agreement? Since World War II we have championed the cause of a unified Germany. Is this stipulation—here and now—realistic? Or does it lead to irresolvable stalemate? Let us examine the situation more closely.

At present in Berlin two armed camps face each other across a monstrously inhuman barrier made of stone and barbed wire. The slightest jar on one side sets off a similar seismic rumble on the other. The Russians create an incident; we maneuver conspicuously a squadron of tanks—and meanwhile, East Berliners cannot cross to West Berlin, even to attend burials; only the coffin with its dead body is permitted through the wall. There is inordinate suffering; and times of crisis, though they may pass without catastrophe, leave tensions higher than before. If we in the free world, as members of the NATO alliance, allow this process to continue, surely there must come a day of reckoning.

How can we ease these tensions without jeopardizing the pledges we have made and which, at all costs, we must keep?

Our current policies provide no answer. Since 1954 we have encouraged and assisted Western Germany to build up its military might. Western Germany can now boast the most powerful non-Soviet ground force in Europe: an Army of 11 divisions and 253,000 men; a Navy of 177 ships and 28,000 men; an Air Force numbering 90,000. East Germany, in turn, has raised an Army of approximately 200,000, with a 14,000-man Navy and an Air Force of 10,000. These two establishments are, of course, the antithesis of the West's original 1946 concept of a unified Germany, stripped of its military potential and in a world at peace.

Times and circumstances obviously have changed; yet we persist in maintaining attitudes and frames of reference which look backward instead of ahead. It is high time we face the facts as they exist in 1963.

It seems inconceivable to me that either the United States or the Soviet Union, the Western Alliance or the Eastern Bloc, will agree on a disarmed, neutral Germany in the immediate future. The NATO nations certainly would not want Western Germany, the bulwark of their land forces, to withdraw its troops from their command. Nor

will the Warsaw Pact Communist nations permit East Germany with its military resources to withdraw from the Communist orbit. Let us acknowledge these facts. The mere acknowledgment allows us to proceed to a new, present-day evaluation of the German situation.

To achieve a formal, ironclad guarantee from the Communists on our rights of land access to Berlin, certainly we can afford to acknowledge the continuing existence of the two German governments and agree, moreover, on the Oder-Neisse line as the East German-Polish border. Such an agreement would in no way infringe on our commitments for preserving West German freedom—and the Communists would not have gained control over a single human being or a single square inch of territory not already under their rule. By consistently refusing to deal with the de facto East German government, we strengthen the Soviet hand, rather than—as we would prefer to think—enfeeble it. We simply augment the stalemate.

But if we accept reality, not only do we open the door for a conclusive accord, but we would be nurturing an environment which could ultimately and successfully undermine the Communist satellite regimes. Poland is the leading industrial satellite nation in the Soviet European empire. Its estimated gross national product of $21.5 billion tops by $2 billion the GNP of East Germany. Only the Communist countries formally recognize the 283-mile, Polish Oder-Neisse frontier. If the West recognized this boundary as well, one of the chief bonds tying Poland to Russia would be severed; and the fundamental anti-Russian feelings of the Polish people, who inhabit the Oder-Neisse territories to the virtual exclusion of all other nationalities, would be given stimulating impetus. A spirit of unrest, of rebellion, is latent in all satellite countries. It cannot grow contagiously, however, while it is enclosed in the vise of unmoving policies.

I believe that the agreement I suggest would have immense, long-term benefits. To begin with, by seizing the initiative in the easement of tensions, we could concentrate more vigorously on the relaxation of the Communist controls at the Berlin wall itself. Amelioration of these conditions is of prime concern to Berliners, both East and West.

We could follow through with other methods of tension reduction. It would be possible to work out a revised status-of-forces in West Berlin, whereunder American, British and French forces would be garrisoned in West Berlin at the invitation of the West Berlin government. In turn, this would strengthen the position of Mayor Willy Brandt.

We could initiate steps with the Communists for a mutual slackening off of propaganda and intelligence operations and, in keeping with efforts presently being made by the West German government, trade could be normalized between West and East Germany and between West Germany and other nations—Poland, Czechoslovakia, and Hungary—behind the curtain. In actuality, trade between East and West Germany today amounts to almost half a billion dollars annually; but it is hampered by lack of legitimization. It is well known that communism feeds on areas where poverty and low standards of living prevail. Prosperity has never been a Communist ally in the lands the Kremlin dominates; nor do we find in these lands the higher living standards which prosperous trade relations engender.

It has been suggested that the United Nations headquarters be moved to Berlin. To me this particular step appears somewhat extreme, and I would question its practicability. However, I see no reason why the European headquarters of the U.N. presently at the Palais des Nations in Geneva, and the United Nations Educational, Scientific and Cultural Organization, presently in Paris, should not be shifted to Berlin. I would prefer to see them in East Berlin, where their salutary effect, I feel, would be most productive; but no matter in what part of the city they were based, these two bodies would help ease political temperatures.

As tensions are reduced, so also would be reduced our current adverse balance-of-payments position. We are now spending more than $50 billion a year for national defense and supporting more than 400,000 men in Europe. No other NATO member makes a comparable outlay; no other has a longer draft period than our own. Yet our NATO allies are today enjoying a $4 billion-plus trade in consumer, nonstrategic goods with the Soviet bloc. In an environment where some military relaxation could be implemented, wouldn't it be possible for us to share in an expansion of peaceful and profitable trade?

We must face other realities, however, before considering a more serene future. Unfashionable as it may be to mention, the prospect of a rearmed and reunified Germany looms with a dark foreboding over a great many European minds. Not easy to forget is the fact that Germany has engaged in three aggressive wars in the past hundred years. The memory bolsters today's general acceptance of the premise that Germany should not be equipped with nuclear weapons; and it gives emphasis to our own point of view that the proliferation of these weapons should be prevented. On this most important single policy, for once, we and the Soviets agree. From a long-term viewpoint, though, no one nation can or should be singled out in this connection, no matter what her history or whether she has been victorious in a war or defeated.

For Eastern Europeans, the specter of a rearmed Germany has more alarming connotations. Communist authorities and satellite leaders exploit this apprehension, which is none the less genuine. Eastern Europe's fears are deeply rooted, stemming not only from brutalities suffered during World War II, but from centuries of earlier German attacks and occupation. We must not ignore the fact that a great majority of Eastern Europeans fear the Germans even more than they do the Russians.

The Poles, remembering all too vividly German conquest and subjugation, listen most uneasily when the usually reasonable Dr. Adenauer says that "the Oder-Neisse line is not Germany's frontier," and they are placed in the ironic position of having to choose the Russians as their defenders. A much more strident neo-Nazi West German minority calls for regaining the Sudetenland in Czechoslovakia. Surely, if a rearmed Germany should ever move eastward again, we would witness once more a European inferno.

Europeans also remember that twice within the past half-century Germany's future ability to wage war has been strengthened by arrangements and understandings reached with Russian rulers. Both the Rapallo Agreement in 1922 and the Ribbentrop Agreement in 1939 were calculated to allow Germany to concentrate its efforts against the West.

For these reasons alone, practical as well as psychological, I submit that a rearmed, reunified Germany is not necessarily the best bulwark against the Soviets.

Many intelligent and moderate Germans are today fully aware of the dangers inherent in militant reunification. As long ago as 1959, the German Social Democrats advanced the Deutschland Plan, accepting the Oder-Neisse frontier. Klaus von Bismarck grandson of the almost legendary old "Iron Chancellor" and now Director of the North Rhine-Westphalia radio network, recently added his support to this concept and suggested that, in accord with the current thinking in West Berlin, priority be given to the bettering of East German conditions. President Charles de Gaulle, whose opinions are frequently controversial, but whom we should seek to understand as basically a European realist, accepts the Oder-Neisse frontier as valid.

Our diplomatic tasks have never been more complex. The maintenance of a strong, coordinated Western alliance, with all parties in harmony, requires in itself exceptional energies. We must never for a moment forget, however, that the Communists are our chief enemy and that we are their number one target. And in this respect I firmly believe that a policy of total inflexibility is purposeless.

It seems obvious to me that a reunified, rearmed Germany—even if it were desirable—is not to be achieved by any means short of violent upheaval which even the most sanguinary among us strenuously wish to avoid. By gaining what we lack—guaranteed land access to the island of freedom which Berlin has come to be—in exchange for recognition of the de facto East German regime, we would be taking a long stride toward ending the cold war.

In effect, we would be exchanging hope for hopelessness—and we would be fostering those very conditions which, in my opinion, can alone lead to the ultimate goal we have traditionally championed: A unified, unarmed Germany in a peaceful community of nations. Two armed camps cannot in this case be forged into one. Patently, the Russians will never make this concession; but two armed camps, clearly and objectively acknowledged as such, can eventually be disarmed. There is the hope.

We must assume that the Soviet Union, confronted with its own internal and external anxieties and problems, is willing for an abatement of tensions. After all, the Russians, too, are realists. Let us, therefore, take the initiative in Berlin. For the first time in many years, we would have much to gain in this vital area, and nothing that is fundamental to our honor to lose.

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## Fifth Texas District Questionnaire

EXTENSION OF REMARKS

OF

### HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 1963*

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD I would like to include the results of the annual questionnaire sent to the people of the Fifth District of Texas.

I am always more than gratified at the excellent response to this questionnaire by the people of Dallas County. The return is usually between 10 and 12 percent and this year was no exception with an approximately 10-percent return. With a wide cross section of the district represented in the answers received, I can report the people of my district still support constitutional-limited government and would rather depend on local

and individual initiative in the fields of human endeavor instead of looking to the Federal Government to solve each and every problem.

I would like to thank the people of Dallas County for their cooperation in helping me to be a better Representative in Congress by sharing with me their views on the more pertinent issues we face.

The questionnaire and the results follow:

| | Percent | | |
|---|---|---|---|
| | Yes | No | No opinion |
| **FOREIGN AFFAIRS** | | | |
| 1. Do you approve of the current U.S. policy with regard to— | | | |
| (a) Cuba? | 7 | 92 | 1 |
| (b) Berlin? | 32 | 57 | 11 |
| (c) Laos? | 9 | 79 | 12 |
| (d) The Congo? | 9 | 76 | 15 |
| 2. Do you favor continuance of our foreign aid program at its present $4,000,000,000 annual rate? | 4 | 94 | 2 |
| **SOCIAL** | | | |
| 1. Do you favor medical care for the aged by— | | | |
| (a) Increasing social security taxes to finance such care? | 5 | 93 | 2 |
| (b) Expanding the present Federal-State (Kerr-Mills) legislation? | 10 | 88 | 2 |
| (c) Promoting a low-cost Blue Cross type plan whereby the Federal Government would assume full financial responsibility only for persons below a certain income level? | 13 | 85 | 2 |
| (d) Or do you favor private, voluntary medical plans with no Federal participation? | 70 | 28 | 2 |
| 2. Do you favor a proposed Federal bill to authorize a 3-year matching grant program costing $500,000,000 to help local communities solve their urban mass transportation problem re railroad and bus transportation? | 7 | 89 | 4 |
| 3. Do you favor the establishment of a federally financed Youth Conservation Corps to provide outdoor employment for young men, as a means of alleviating unemployment in this age group? | 19 | 78 | 3 |
| 4. Do you favor the establishment of a Domestic Peace Corps? | 12 | 83 | 5 |
| 5. Do you approve the creation of a Department of Urban Affairs at the Cabinet level to handle housing and other predominantly city problems? | 6 | 90 | 4 |
| **EDUCATION** | | | |
| 1. Should the Federal Government provide— | | | |
| (a) Tax allowances for parents paying the expenses of children in college? | 49 | 47 | 4 |
| (b) Tax allowances for students working their way through college? | 55 | 41 | 4 |
| (c) Or should all Federal influence be removed and individuals determine and pay for college educations for themselves or their children? | 52 | 41 | 7 |
| 2. Should Federal Government funds for college student loans and scholarships be— | | | |
| (a) Increased? | 14 | 74 | 12 |
| (b) Decreased? | 7 | 81 | 12 |
| (c) Kept at existing levels? | 20 | 68 | 12 |
| (d) Eliminated? | 47 | 41 | 12 |
| 3. For construction purposes should the Federal Government provide colleges and universities with— | | | |
| (a) Loans? | 30 | 64 | 6 |
| (b) Outright grants? | 2 | 92 | 6 |
| (c) Combination of both? | 8 | 86 | 6 |
| 4. Do you favor a proposal of grants amounting to some $75,000,000 for construction of teaching facilities for medical, dental, and public health schools? | 13 | 76 | 1 |
| 5. Do you favor Federal financial grants for assistance to elementary and secondary schools for— | | | |
| (a) School construction? | 10 | 88 | 2 |
| (b) Teachers' salaries? | 6 | 92 | 2 |

| | Percent | | |
|---|---|---|---|
| | Yes | No | No opinion |
| **FISCAL** | | | |
| 1. Do you believe the Federal Government should operate within a balanced budget? | 94 | 4 | 2 |
| 2. Within a balanced budget would you approve of setting aside a certain percent of the budget receipts each fiscal year for the sole purpose of reducing the Federal debt? | 94 | 3 | 3 |
| 3. Do you believe we should institute new programs and new public works at a time of deficit financing and borrow money to pay for such projects? | 3 | 94 | 3 |
| **TAXES** | | | |
| 1. Would you favor a personal and corporate tax reduction— | | | |
| (a) Without tax reform which would mean that the Government would suffer a large net loss of income? | 6 | 84 | 10 |
| (b) Only if accompanied by compensatory tax reform and a cut in Federal spending? | 80 | 12 | 8 |
| (c) With no reform, but with a substantial cut in Federal spending? | 56 | 26 | 12 |
| (d) No reduction at this time? | 46 | 29 | 25 |
| 2. Should tax reduction emphasis be in the area of— | | | |
| (a) Personal tax? | 25 | 61 | 14 |
| (b) Corporate tax? | 12 | 74 | 14 |
| 3. As a basic principle, do you believe we should have a flat percentage tax rather than the present graduated income tax based on ability to pay (Alger bill, H.R. 737)? | 62 | 30 | 8 |
| 4. I have also introduced a bill (H.R. 739) to repeal the withholding tax so that each person would pay his own tax. Would you favor this bill? | 62 | 32 | 6 |
| **LABOR** | | | |
| 1. Would you favor tougher emergency strike provisions granting the President more flexibility in handling national emergency strikes by providing for back-to-work injunctions and compulsory arbitration machinery? | 61 | 32 | 7 |
| 2. Would you favor new labor laws which would prevent the Federal Government from interfering with or influencing collective bargaining? | 54 | 35 | 11 |
| 3. Would you approve of applying antitrust statutes to unions to break up industrywide bargaining? | 85 | 9 | 6 |
| 4. Would you approve of setting Federal standards under the unemployment compensation law for State jobless benefits? | 16 | 58 | 26 |
| **UNITED NATIONS** | | | |
| 1. Would you favor withdrawal of U.S. membership in the United Nations and creating stronger alliances with nations of the free world? | 56 | 38 | 6 |
| 2. Would you favor action by the United Nations to force member nations to live up to the charter, pay their full obligations or be expelled? | 94 | 5 | 1 |
| 3. Do you approve the building up and strengthening of Communist nations through U.N. member organizations such as UNESCO, WHO, and the U.N. Special Fund? | 2 | 97 | 1 |

## Government Lotteries of Greece, Cyprus, Malta, and Turkey

EXTENSION OF REMARKS

OF

### HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 1963*

Mr. FINO. Mr. Speaker, among the 77 foreign countries throughout the world, Greece, Cyprus, Malta, and Turkey are 4 nations which operate government-run lotteries because they recognize the merit in regulation and control of the normal human urge to gamble and the tremendous benefits that result from such activity.

Greece is a small nation and one not overly blessed with natural resources. The Greeks work hard to earn their money and they, too, know a good revenue device when they see one. In 1962, the gross income of the two state lotteries came to almost $18 million. The government retained almost $4 million of which two-thirds went to various welfare, educational and scientific agencies and the balance reverted to the general revenue. It might be interesting to point out that last year's gross receipts were almost $3 million more than the previous year.

Cyprus first started its lotteries in 1956 but only three drawings were held before its independence in 1957. It started again in 1961. The gross receipts from running this government lottery amounted to almost $2 million in 1962. The net profit to the government came to almost $900,000. The funds are intended for development.

Malta has a government-run lottery which has only been in operation a short time but it has well proven its worth. In 1962, it took in over $1,317,000. The total annual net income to the government came to almost $200,000 which was applied to the general revenue funds of the Maltese Government.

Turkey has found the concept of a national lottery a happy and profitable device. Last year, the gross annual receipts came to almost $9 million. This

represents a gain from the previous year. The net income to the government, after prizes and expenses, amounted to almost $4 million. These lottery revenues were transferred to the treasury without being specifically earmarked.

Mr. Speaker, if these small countries can operate successful national lotteries, why cannot the United States also do so? Here in America, where more money is gambled than in any other country in the world, we refuse to admit to reality, and as a consequence, billions of gambling dollars flow each year into the treasuries of the crime empires.

When, Mr. Speaker, will we wake up? When will we allow gambling dollars to work for the public good rather than against it?

How long must the hard-pressed taxpayers of America wait for financial and sociological reality to prevail over entrenched hypocrisy?

A national lottery in the United States can easily pump into our treasury over $10 billion a year in additional revenue which can be used to bring tax relief to our wage earners and start reducing our national debt.