of the Honorable Sam Rayburn and to assist in the support of the Sam Rayburn Library; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.R. 10398. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. AVERY:

H.R. 10399. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. BOGGS:

H.J. Res. 947. Joint resolution authorizing the President to proclaim the second week of March in every year as Volunteers of America Week; to the Committee on the Judiciary.

By Mr. SENNER:

H.J. Res. 948. Joint Resolution to establish the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

By Mr. CELLER:

H. Res. 653. Resolution to provide funds for the Committee on the Judiciary under Public Law 86-272; to the Committee on House Administration.

By Mr. LINDSAY:

H. Res. 654. Resolution to establish the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CAREY:

H.R. 10400. A bill for the relief of Albert Griffith; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 10401. A bill for the relief of Clementina Filippotti Fiorenza; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10402. A bill for the relief of Annunziato Bernardi; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 10403. A bill to authorize the Secretary of the Interior to convey certain lands to Mr. and Mrs. Thomas J. Thunman, Mrs. Joseph F. Detmayer, Mr. and Mrs. Ben Erickson, Mr. and Mrs. Herman F. Ebster, Mr. and Mrs. Glenn Hill, Mr. and Mrs. Everett D. Baker, or their designees; to the Committee on Interior and Insular Affairs.

By Mr. KING of New York:

H.R. 10404. A bill for the relief of Giuseppe Cattaro; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 10405. A bill for the relief of Masao Ebara Bennion; to the Committee on the Judiciary.

By Mr. RICH:

H.R. 10406. A bill for the relief of Dr. Sophocles Sakellariou; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H.R. 10407. A bill for the relief of Keith Hills; to the Committee on the Judiciary.

PETITIONS, ETC.

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

766. By the SPEAKER: Petition of Milo W. Hoisveen, secretary, North Dakota State Water Commission, Bismarck, N. Dak., petitioning consideration of their resolution with reference to requesting Congress to authorize and accomplish the construction of the Garrison diversion unit and thereby assure the continued development of the Red River Basin; to the Committee on Interior and Insular Affairs.

767. Also, petition of Henry Stoner, Avon Park, Fla., requesting passage of H.R. 3783, H.R. 9631, H.R. 9685, H.R. 9686, H.R. 9687, and H.R. 9749, relating to the Federal Reserve System; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, MARCH 11, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

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

Our Father, God: Once more a new day with its golden hours of opportunity lies before us.

We are grateful for a laboring place in Thy vineyard. In work that keeps faith sweet and strong, Thou dost call us to be fellow laborers with Thee.

In the midst of crushing cares and frenzied fears which characterize these days, may the healing balm of Thy presence restore our jaded souls. Forgive the petulance of our impatience which is revealed in our discouragements, in our hasty judgments, and in our childish outbursts because the kingdom of love, justice, and peace seems by our human calendars so long delayed.

Strengthen us to play our part in the life of our time, to think clearly, to speak kindly, to act bravely, to walk in the light as Thou art in the light, to keep the faith, and at last to finish our course with the "well done" of the Master of all good workmen.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 9, and Tuesday, March 10, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Gordon P. Atwell, to be postmaster at Clarence, N.Y.; which nominating messages were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

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

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes;

H.R. 9962. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended; and

H.J. Res. 888. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the 91st annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in Washington, D.C., in July 1965, to authorize the granting of certain permits to "Imperial Shrine Convention, 1965, Inc.," on the occasions of such sessions, and for other purposes.

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. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9962. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918, as amended; and

H.J. Res. 888. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the 91st annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in Washington, D.C., in July 1965, to authorize the granting of certain permits to "Imperial Shrine Convention, 1965, Inc.," on the occasions of such sessions, and for other purposes; to the Committee on the District of Columbia.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour limited to statements, reports of committees, and the introduction of bills, and that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON APPROVAL OF LOAN FOR FINANCING CERTAIN TRANSMISSION AND GENERATION FACILITIES

A letter from the Administrator, Rural Electrification Administration, Department of

Agriculture, reporting, pursuant to law, on the approval of a loan to the Chugach Electric Association, Inc., of Anchorage, Alaska, for financing certain transmission and generation facilities (with accompanying papers); to the Committee on Appropriations.

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

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army and the Army General Staff, on December 31, 1963 (with accompanying reports); to the Committee on Armed Services.

FINAL CONSTRUCTION REPORT ON DISTRICT OF COLUMBIA STADIUM

A letter from the Chairman, District of Columbia Armory Board, Washington, D.C., transmitting, pursuant to law, the final construction report on the District of Columbia Stadium, dated June 30, 1963 (with an accompanying report); to the Committee on the District of Columbia.

AUDIT REPORT OF FOUNDATION OF THE FEDERAL BAR ASSOCIATION

A letter from the Secretary, the Foundation of the Federal Bar Association, Washington, D.C., transmitting, pursuant to law, a report of that foundation, for the fiscal year ended September 30, 1963 (with an accompanying report); to the Committee on the District of Columbia.

REPORT ON WASTEFUL PRACTICES IN THE MANAGEMENT OF AGE-CONTROLLED AERONAUTICAL SPARE PARTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on wasteful practices in the management of age-controlled aeronautical spare parts, Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

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

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

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

REPORT OF NATIONAL ACADEMY OF SCIENCES

A letter from the President, National Academy of Sciences, Washington, D.C., transmitting, pursuant to law, a report of that academy, for the fiscal year ended June 30, 1961 (with an accompanying report); ordered to lie on the table and to be printed.

INVESTIGATION OF IMPROVEMENTS UNDERTAKEN TO WEST FRONT OF U.S. CAPITOL

A letter from the President, Consulting Engineers Council, Washington, D.C., relating to a press release issued by that council, concerning an investigation before further improvements are undertaken to the West Front of the Capitol; to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the 1964 Mariana Islands District Legislature; to the Committee on Interior and Insular Affairs:

"A RESOLUTION RESPECTFULLY REQUESTING THE ADMINISTRATING AUTHORITY TO CONSIDER THE TRANSFER OF ALL INTERNAL REVENUES COLLECTED IN THE MARIANA ISLAND DISTRICT BY THE TRUST TERRITORY HEADQUARTERS TREASURY, TO THE MARIANA ISLANDS DISTRICT TREASURY

"Whereas the treasury of the Mariana Islands district has continuously experienced financial insufficiency to finance the various programs under its jurisdiction; and

"Whereas the creation of the Mariana Islands District Legislature and the recent transfer of the responsibility of the elementary education system, have added tremendous hardship on the part of compensation; and

"Whereas it has been experienced by the Mariana Islands District Legislature that revenues collected from the heavily imposed taxes on the Mariana Islands district residents are inadequate to function successfully, among other obligations, the elementary education system; and

"Whereas these financial difficulties can be alleviated if the Mariana district treasury is authorized to collect all internal revenues within the Mariana Islands district which allocation shall be under the Mariana Islands District Legislature's jurisdiction; and

"Whereas these revenues are properly owned by the residents of the Mariana Islands district, and as such, it is appropriate and just to utilize the same for their interests; Now, therefore, be it

"*Resolved by the Mariana Islands District Legislature*, That the administering authority be respectfully requested to consider the transfer of the Mariana Islands district internal revenues collected and presently deposited in the treasury of the trust territory headquarters to the treasury of the Mariana Islands district; and be it further

"*Resolved*, That the president certify and the legislative secretary attest the adoption hereof, and that copies of same be thereafter transmitted to the U.S. House of Representatives, U.S. Senate, Secretary, Department of the Interior, and the Director, Bureau of the Budget.

"Passed by the Mariana Islands District Legislature February 4, 1964.

"OLYMPIO T. BORJA,
"*President*.
"HERMAN Q. GUERRERO,
"*Secretary*."

The petition of Alberto Gonzales, of Oklahoma City, Okla., relating to the enrollment of her three children on the Pawnee Indian Claim Roll (Judgment Fund); to the Committee on Interior and Insular Affairs.

DEATH OF KING PAUL OF GREECE

The ACTING PRESIDENT pro tempore laid before the Senate a communication from Alexander Matsas, of the Royal Greek Embassy, informing the Senate that a requiem mass in memory of the late King Paul of Greece, is to be held on Thursday, March 12, at 11 o'clock a.m., at the Greek Orthodox Cathedral of St. Sophia; which was ordered to lie on the table.

REPORTS ON USE OF FOREIGN CURRENCIES AND U.S. DOLLARS IN CONNECTION WITH FOREIGN TRAVEL

Mr. PASTORE. Mr. President, on behalf of the distinguished Senator from Arizona [Mr. HAYDEN], chairman of the Committee on Appropriations, and in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Government Operations, the Delegation to the Interparliamentary Union Conference, Belgrade, Yugoslavia, and the Joint Committee on Atomic Energy concerning the foreign currencies and U.S. dollars utilized by those committees in 1963 in connection with foreign travel.

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

Report of expenditure of foreign currencies and appropriated funds by the Committee on the Judiciary, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation expense, CODEL Kefauver, Subcommittee on Antitrust and Monopoly:											
France	New franc			785.50	1,58.98	130.72	26.46	1,306.98	264.97	2,223.20	450.41
Belgium	Belgium franc	525	10.50	5,297.00	105.94	21,358.00	427.16	300.00	6.00	27,480	549.60
United Kingdom	Pound			27/6/0	76.44	4/9/9	12.56	14/12/10	41.00	46/8/7	130.00
Germany	Mark							446.45	112.50	446.45	112.50
Subtotal			10.50		341.36		446.18		424.47		1,242.51

Report of expenditure of foreign currencies and appropriated funds by the Committee on the Judiciary, U.S. Senate—Continued

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Estes Kefauver:											
France	New franc	937.50	191.33	1,101.90	224.87	65.00	13.26	616.60	125.84	2,721.00	555.30
Belgium	Belgium franc	5,615.	112.30	2,580.	51.60			4,885	97.70	13.080	261.60
United Kingdom	Pound	12/13/0	35.42	20/18/8	58.61	3/0/0	8.40	8/3/2	22.84	44/14/10	125.27
Germany	Mark					3,871.	975.50			3,871.	975.50
Subtotal			339.05		335.08		997.16		246.38		1,917.67
DELEGATION STAFF											
Caldwell, Charles A.:											
France	New franc	255.00	52.04	85.90	17.53	14.75	3.01	131.40	26.81	487.05	99.39
United Kingdom	Pound	12.13.0	35.42	8.12.2	24.10	1.0.0	2.80	9.8.0	26.32	31.13.2	88.64
Germany	Mark					2,204.30	555.24			2,204.30	555.24
Subtotal			87.46		41.63		561.05		53.13		743.27
Bevan, Robert:											
France	New franc	312.50	63.77	312.75	63.82	42.10	8.60	131.35	26.81	798.70	163.00
Belgium	Belgian franc	1,876	37.52	2,005	40.10	160.00	3.20	713.00	14.26	4,754	95.08
United Kingdom	Pound	12.13.0	35.42	6.2.4	17.13	1.14.8	4.85	1.15.0	4.90	22.5.1	62.30
Germany	Mark					2,207.60	556.30			2,207.60	556.30
Subtotal			136.71		121.05		572.95		45.97		876.68
Mackey, M. Cecil:											
France	New franc	312.50	63.77	326.10	66.55	50.00	10.20	192.00	39.18	880.60	179.70
Belgium	Belgian franc	1,925	38.50	3,252	65.04	445	8.90	1,483	29.66	7,105	142.10
United Kingdom	Pound	12.13.0	35.42	9.7.5	26.24	7.0.0	19.60	10.10.0	29.40	39.10.5	110.6
Germany	Mark					2,207.60	556.30			2,207.60	556.3
Subtotal			137.69		157.83		595.00		98.24		988.76
Granger, Julian F.:											
France	New franc	402.5	82.14	475.60	97.06	137	27.96	425.75	86.89	1,440.85	294.05
Belgium	Belgian franc	2,443	48.86	2,625	52.50	1,030	20.60	7,155	143.10	13,253	265.06
United Kingdom	Pound	44.13.0	125.02	31.13.5	88.68	7.17.3	22.01	22.9.0	62.86	106.12.8	298.57
Netherlands	Guilder					2,757.24	765.90			2,757.24	765.90
Germany	Mark					2,207.60	556.30			2,207.60	556.30
Subtotal			256.02		238.24		1,392.77		292.85		2,179.88
Coulter, Kathryn:											
France	New franc	312.50	63.77	331.75	67.70	54.40	11.10	135.25	27.61	833.90	170.18
Belgium	Belgian franc	1,851	37.02	2,515	50.30			1,400	28.00	5,766	115.32
United Kingdom	Pound	12.13.0	35.42	6.5.7	17.58	4.10.0	12.60	3.5.0	9.10	26.13.7	74.70
Germany	Mark					2,207.60	556.30			2,207.60	556.30
Subtotal			136.21		135.58		580.00		64.71		916.50
Clarence M. Dinkins:											
Austria	Schilling	2,330.70	93.23	2,125	85.00			544.30	21.77	5,000	200.00
France	Franc	264.95	53.00	300	60.00			100	20.00	664.95	133.00
Germany	Mark					2,639.20	659.80			2,639.20	659.80
United States	Dollar								34.19		34.19
Subtotal			146.23		145.00		659.80		75.96		1,026.99
Edward M. Kennedy: France	Franc					1,579.26	322.30			1,579.26	322.30
Herman Schwartz:											
Belgium	Belgian franc	6,760.50	135.21	1,822.50	36.45	4,075.00	532.72	298.00	5.97	10,386.00	710.35
United Kingdom	Pound	37.12.0	105.28	14.12.0	40.88	7.15.0	21.70	6.6.2	17.66	66.5.2	185.52
France	New franc	1,013.35	205.12	381.50	77.63	137.75	27.88	60.75	12.15	1,593.35	322.78
Germany	Mark	167.80	42.25	234.60	59.11	89.00	22.25	46.30	11.65	537.70	135.26
Netherlands	Guilder	35.71	10.00	19.64	5.50	13.22	3.70			68.57	19.20
United States	Dollar						368.50		15.00		383.50
Subtotal			497.86		219.57		976.75		62.43		1,756.61
Fred M. Mesmer:											
France	French francs	774	156.64	901	182.39	5,242.19	1,061.10	726	146.96	7,643.19	1,547.09
Switzerland	Swiss francs	560	129.92	840	194.86			100	23.00	1,500	347.78
Germany	Marks	190	47.81	300	75.42			110	27.61	600	150.84
Subtotal			334.37		452.67		1,061.10		197.57		2,045.71

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,599.19
Appropriated funds: S. Res. 56, S. Res. 65	417.69
Total	14,016.88

JAMES O. EASTLAND,
Chairman,
Committee on the Judiciary.

MARCH 6, 1964.

Report of expenditure of foreign currencies and appropriated funds by the Committee on Appropriations, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gordon Allott:											
Great Britain	Sterling	66	17.64	6	.84			8	1.12	7	19.60
Sweden	Kroner	127	24.51	47	9.07	21	4.06	5	.97	200	38.61
France	Franc	96	19.59	19	3.88	5	1.02			120	24.49
Transportation (2 trips)	Dollar						1,401.08				1,401.08
Total			61.74		13.79		1,406.16		2.09		1,483.78
Norris Cotton:											
United States	Dollar				16.75		10.70		100.50		127.95
Do	Franc (steamship transportation).					2,521.87	514.67			2,521.87	514.67
England	Pound			4/2/1	11.55	0/15/0	2.10	0/7/6	1.40	5/4/7	15.05
Switzerland	Franc	123.00	28.67	142.00	33.00	5.00	1.17	30.00	6.99	300.00	69.83
France	do	225.00	46.00	339.00	69.00	42.00	8.56	48.00	9.82	654.00	133.38
Do	Guilder (airline transportation).					2,030	562.64			2,030	562.64
Total			74.67		130.30		1,099.84		118.71		1,423.52
Hubert H. Humphrey:											
France	Franc					5,315	1,084.69			5,315	1,084.69
Do	do		78.10		24.50		8.30		10.24		121.14
Belgium	do		36.80		12.75		4.20		4.10		57.85
Sweden	Kroner		76.20		24.50		13.30		19.40		133.40
Denmark	do		74.90		29.25		15.20		12.00		131.35
Total			266.00		91.00		1,125.69		45.74		1,528.43
Roy Elson: Spain	Peseta		91.36		38.50		8.25		4.03	8,500	142.14
David G. Gartner:											
France	Franc					5,315	1,084.69			5,315	1,084.69
Do	do		52.50		24.70		6.20		7.00		90.40
Belgium	do		21.40		12.60		3.50		3.00		40.50
Sweden	Kroner		62.70		24.90		9.80		8.00		105.40
Denmark	do		61.40		29.80		8.50		9.00		108.70
Total			198.00		92.00		1,112.69		27.00		1,429.69
Joe E. Gonzales:											
Spain	Peseta	924	15.39	1,344.20	22.42	448.40	7.47	664.40	11.07	3,381	56.35
France	New franc	98.70	20.14	50	10.20	14.70	3.00	22.60	4.66	186	38.00
Total			35.53		32.62		10.47		15.73		94.35
John E. Rielly:											
France	Franc	700	143.00	500	102.00	[1] 100	[1] 20.40	200	40.72	1,500	306.12
Germany	Mark					3,902	[2] 976.00			3,902	976.00
Total			143.00		102.00		996.40		40.72		1,282.12
Mark Trice:											
United States	Dollar				15.00		10.70		90.35		116.05
Do	Franc (steamship transportation).					2,521.87	514.67			2,521.87	514.67
England	Pound			4/2/1	11.55	0/15/0	2.10	0/7/6	1.40	5/4/7	15.05
Switzerland	Franc	123.00	28.67	135.00	31.60	5.00	1.16	33.00	7.58	296.00	69.01
France	do	225.00	46.00	345.00	70.00	41.00	8.44	45.00	9.18	656.00	133.62
Do	Guilder (airline transportation).					2,135	591.24			2,135	591.24
Total			74.67		128.15		1,128.31		108.51		1,439.64
Total			944.97		628.36		6,887.81		362.53		8,823.67

[1] Internal.

[2] Washington-Paris return ticket purchased by State Department in German marks

RECAPITULATION

	Amount.
Foreign currency (U.S. dollar equivalent)	$7,178.59
Appropriated funds:	
State Department	565.28
Defense Department	1,079.80
Total	8,823.67

CARL HAYDEN,
Chairman,
Committee on Appropriations.

MARCH 11, 1964.

CX——312

Report of expenditure of foreign currencies and appropriated funds by the Committee on Armed Services, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William H. Darden: France			34.50		21.55						56.05
Total			34.50		21.55						56.05

RECAPITULATION

	Amount
Appropriated funds, Government department: Air Force	$56.05

RICHARD B. RUSSELL,
Chairman,
Committee on Armed Services.

MARCH 6, 1964.

Report of expenditure of foreign currencies and appropriated funds by the Committee on Government Operations, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel B. Brewster: France	Franc					1,579.26	322.30			1,579.26	322.30
Ernest Gruening:											
Greece	Dollar		35.18		31.29		10.06		61.71		138.24
France	do		51.55		41.83		87.79		33.35		214.52
Austria	do		32 48		30.89		13.80		43.54		120.71
Do	Schilling			4,260	166.10	974.00	38.00	1,412.00	55.05	6,646.00	259.15
United States	Dollar						[1] 788.44				788.44
France	do				14.00						14.00
Libya	do		36.23		33.75		5.32				75.30
Do	Pound							2.75	7.72	2.75	7.72
Tunisia	Dollar		17.76		7.78				17.23		42.77
Do	Dinar							25.09	60.23	25.09	60.23
United Arab Republic	Dollar		203.32		56.83		18.86		28.11		307.12
Do	Pound			15	34.45	5½	12.84	8.00	18.51	28½	65.80
United States	Dollar						[1] 1,411.65				1,411.65
Total			376.52		416.92		2,386.76		325,45		3,505.65
Jack Miller: Italy	Lira	37,200	60.00	15,500	25.00			2,213.40	3.57	54,913.40	88.57
James B. Pearson: France	Franc					1,579.26	322.30			1,579.26	322.30
Abraham Ribicoff:											
Colombia	Peso					2,466.00	2,47.10			2,466.00	247.10
France	Franc					1,579.26	3,22.30			1,579.26	322.30
Total							569.40				569.40
Herbert W. Beaser:											
Greece	Dollar		18.09		24.42		13.72		33.22		89.45
Austria	do		32.48		32.74				44.12		109.34
Do	Schilling	2,260	88.15	2,874	112.12	610	23.80	886	34.54	6,630	258.61
France	Dollar		41.24		37.31				29.98		108.53
Do	New franc			604	123.81	230	47.12	161	33.15	995	204.08
United States	Dollar						[1] 788.44				788.44
Do	do						[1] 794.55				794.55
United Arabic Republic	do		84.84		16.88				13.98		115.70
Do	Pound	44	103.12	7	34.45		12.84	6	18.50	57	168.91
Total			367.92		381.73		1,680.47		207.49		2,637.61
John E. Rielly:											
Brazil	Cruzeiro	100,000	100.00	50,000	50.00	25,000	25.00	40,202	40.20	215,202	215.20
Do	Guilder					1,339.16	[2] 372.30			1,339.16	372.30
Total							397.30				587.50
Total			904.44		873.65		5,678.53		576.71		8,033.33

[1] 2 trips.

[2] Airline ticket, Rio de Janeiro to New York City, paid for by State Department in guilders.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,914.57
Appropriated funds, Government department: Department of the Army	5,118.76
Total	8,033.33

J. L. MCCLELLAN,
Chairman,
Committee on Government Operations.

MARCH 10, 1964.

Report of expenditure of foreign currencies and appropriated funds by the U.S. Senate delegation, Interparliamentary Union Conference, Belgrade, Yugoslavia

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
A. S. Mike Monroney: Yugoslavia	U.S. dollar		72.00		9.00				15.72		96.72
Ernest Gruening: Yugoslavia	do		56.00		6.63				8.52		71.15
Abraham Ribicoff: Yugoslavia	do		56.00		45.58				10.03		111.61
Edward M. Kennedy: Yugoslavia	do		51.33		10.93		364.70		28.07		455.03
Daniel Brewster: Yugoslavia	do		51.33		21.53				8.02		80.88
Gordon Allott: Yugoslavia	do		56.00		38.39				11.12		105.51
James B. Pearson: Yugoslavia	do		51.33		34.04				7.60		92.97
Betty Lund:											
Yugoslavia	do		39.00		5.75				5.48		50.23
France	do		7.09		17.61				2.88		27.58
Milrae E. Jensen:											
Yugoslavia	Dinar	29,250	39.00	18,309	24.40	375,700	500.93	6,745	8.98	430,004	[1] 573.31
France	Franc	33.75	7.09	83.87	17.61			13.70	2.88	131.32	27.58
Darrell St. Claire:											
Yugoslavia	Dinar	66,000	88.00	14,579	19.43			22,297	29.71	102,876	137.14
France	Franc	144.00	30.24	206.60	43.39			210.00	44.10	560.60	117.73
DELEGATION EXPENSES											
Communications:											
Yugoslavia	Dinar							87,294	116.37	87,294	116.37
France	U.S. dollar								8.75		8.75
Hotel offices: Yugoslavia	do								271.81		271.81
Overtime, Embassy employees: Yugoslavia.	Dinar							896,330	1,195.24	896,330	1,195.24
Transportation:											
Yugoslavia	Dinar					1,386,887	1,849.30			1,386,887	1,849.30
France	Franc					15.00	9.75			15.00	9.75
Official receptions, dinners, luncheons, briefings:											
Yugoslavia	Dinar			650,398	867.19					650,398	867.19
France	Franc			213.00	43.60					213.00	43.60
Do	U.S. dollar								260.00		260.00
Gratuities:											
Yugoslavia	do								47.60		47.60
Do	Dinar							23,500	31.11	23,500	31.11
France	Franc							100.00	20.50	100.00	20.50
Miscellaneous:											
Yugoslavia	Dinar							4,061	5.46	4,061	5.46
France	Franc							31.96	6.56	31.96	6.56
Total			604.41		1,205.08		2,724.68		2,146.51		6,680.68

[1] $91.85 of this amount reimbursed to the U.S. Treasury.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$5,000.84
Appropriated funds, other: Public Law 88-245	1,679.84
Total	6,680.68

J. W. FULBRIGHT,
Chairman,
Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anderson, John B.:											
Austria	Schilling	7,145.20	278.22	1,690	65.00	858	33.00	1,170	45.00	10,863.20	421.22
France	Franc	52,115	104.23	17,475	34.95	34,795	69.59	15,440	30.88	129,825	239.65
Germany	Deutsche mark					2,544.80	[1] 639.40			2,544.85	639.40
Japan	Yen	4,963	13.78	4,500	12.50			5,661	15.72	15,124	42.00
Spain	Peseta	650	10.83	1,494.50	24.90			597.80	9.96	2,742.30	45.69
Thailand	Baht	188.5	8.97	300.0	14.28			9.75	.46	498.25	23.71
Turkey	Lira	87.975	9.77	60.00	6.66			30.00	3.33	177.975	19.76
Bates, William H.:											
Japan	Yen	4,518	12.55	4,500	12.50			3,661	10.10	12,679	35.15
Spain	Peseta	895	14.91	1,195.60	19.92			298.90	4.98	2,389.50	39.81
Thailand	Baht	188.5	8.97	300.75	14.98			9.0	.43	498.25	24.38
Turkey	Lira	87.975	9.77	60.00	6.66			30.00	3.33	177.975	19.76
Bennett, Wallace F.:											
Japan	Yen	4,754	13.21	4,000	11.12			3,061	8.50	11,815	32.83
Spain	Peseta	600	10.05	896.70	14.80			179.34	2.90	1,676.04	27.75
Thailand	Baht	188.5	8.92	195.0	9.28			15.0	.71	398.5	18.91
Turkey	Lira	87.975	9.77							87.975	9.77
Holifield, Chet:											
Austria	Schilling	843	33.72	450	18.00	100	4.00	100	4.00	1,493	59.72
Denmark	Krone	65.55	9.33					14	2.00	79.55	11.33
Germany	Deutsche mark			100	25.00	4311.20	[1] 1,083.49	16	4.00	4427.20	1112.49
Japan	Yen	4,518	12.55	4,500	12.50			3,361	9.33	12,379	34.38
Spain	Peseta	600	10.05	896.70	14.80			179.34	2.90	1676.04	27.75
Thailand	Baht	188.5	8.92	100.0	4.76			20.5	.96	309.0	14.64
Turkey	Lira	87.975	9.77	60.00	6.66			30.00	3.33	177.975	19.76
Yugoslavia	Dinar			2,250	3.00			3,000	4.00	5.250	7.00

See footnotes at end of table.

Report of expenditure of foreign currencies and appropriated funds by the Joint Committee on Atomic Energy, U.S. Senate—Continued

[Expended between Jan. 1 and Dec. 31, 1963]

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hosmer, Craig:											
Austria	Schilling	2,796.88	108.06	1,300	50.00			1,100	42.45	5,196.88	200.51
Czechoslovakia	Koruna	187.32	13.38			118.16	8.44			305.48	21.82
France	Franc	189.50	37.90	38.05	7.61	10.00	2.00	17.55	3.51	255.10	51.02
Italy	Lira	51,086	83.74	9,330	15.00	53,063	85.45	783	1.26	114,262	185.45
Japan	Yen	4,518	12.55	4,500	12.50			5,661	15.72	14,679	40.77
Portugal	Escudo	1,701.27	59.45	287.63	10.00			60	2.09	2,048.90	71.54
Spain	Peseta	565	9.41	1,494.50	24.90			597.80	9.96	2,657.30	44.27
Thailand	Baht	188.5	8.97	197.0	9.38			3.0	.14	388.5	18.49
Turkey	Lira	87.975	9.77	60.00	6.66			30.00	3.33	177.975	19.76
Yugoslavia	Dinar	30,450	40.60	11,250	15.00			5,295	7.06	46,995	62.66
Pastore, John O.:											
Japan	Yen	5,518	12.55	4,500	12.50			1,061	2.80	10,079	27.85
Spain	Peseta	678	11.30	896.70	14.80			179.34	2.90	1,754.04	29.00
Thailand	Baht	188.5	8.92	300.75	14.30			9.0	.43	498.25	23.65
Turkey	Lira	87.975	9.77	60.00	6.66			30.00	3.33	177.975	19.76
Price, Melvin:											
Austria	Schilling	845	33.80	400	16.00	100	4.00	175	7.00	1,520	60.80
Denmark	Krone	6,555	9.33					14	2.00	7,955	11.33
Germany	Deutsche mark					4,311.20	[1] 1,083.49			4,311.20	1,083.49
Yugoslavia	Dinar			2,250	3.00			3,000	4.00	5,250	7.00
Conway, J. T.:											
Japan	Yen	6,228	17.30	7,898	21.93			2,761	7.67	16,887	46.90
Spain	Peseta	620	10.37	1,195.60	20.00			3,797.80	[2] 63.31	5,613.40	93.68
Thailand	Baht	215.4	10.25	202.5	9.64			26.84	13.61	686.3	33.50
Turkey	Lira	117.3	13.03	90.0	10.00			163.26	19.14	370.56	42.17
Murphy, G. F., Jr.:											
France	Franc	640.15	129.08	195.80	39.19	2,916.25	[1] 597.79	75.00	15.00	3,827.20	781.06
Greece	Drachma	634.80	21.16	900	30.00	269.40	8.98	300	10.00	2,104.20	70.14
Japan	Yen	4,518	12.55	12,498	34.71			3,863	10.72	20,879	57.99
Spain	Peseta	612	10.20	1,195.60	19.92			1,323.32	22.05	3,130.92	52.17
Thailand	Baht	215.3	10.24	200.5	9.54			40.0	1.90	455.8	21.68
Turkey	Lira	117.3	13.03	90.0	10.00			263.26	29.25	470.56	52.28
Newman, J. R.:											
Austria	Schilling	6,473.85	256.75	2,775	110.00	250	10.00	1,610	[2] 63.40	11,108.85	440.15
Denmark	Krone	150.00	21.14					14.00	2.00	164.00	23.14
Germany	Deutsche mark					6,856.00	[1] 1,722.89			6,856.00	1,722.89
Yugoslavia	Dinar			5,250	7.00	2,500	3.00	7,500	10.00	15,000	20.00
Rosen, J.:											
Japan	Yen	4,518	12.55	7,900	21.94			1,561	4.33	13,979	38.82
Spain	Peseta	736	12.26	1,195.60	19.92			1,195.60	19.92	3,127.20	52.10
Thailand	Baht	215.3	10.24	199.0	9.48			247.9	12.64	662.2	32.36
Turkey	Lira	117.3	13.03	90.0	10.00			163.25	19.13	370.55	42.16
Total			1,652.78		933.85		5,355.52		587.07		8,529.22

[1] Commercial air transportation.

[2] Official oversea telephone calls, Vienna to Washington, D.C., and Madrid to Washington, D.C.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,529.22
Appropriated funds:	
U.S. Air Force	284.90
Military air transportation	440.20
Total	9,254.32

JOHN O. PASTORE,
Chairman,
Committee on Atomic Energy.

MARCH 6, 1964.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission; and

James Louis Robertson, of Nebraska, to be a member of the Board of Governors of the Federal Reserve System.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Missouri:

S. 2627. A bill to prohibit the use of mail covers; to the Committee on Post Office and Civil Service.

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

PROHIBITION OF USE OF MAIL COVERS

Mr. LONG of Missouri. Mr. President, freedom has been taking a real beating at the hands of Federal agents during the past few months. Time and again since late last summer the newspapers have carried stories of Federal agents and employees utilizing police state techniques.

In September we learned that our military intelligence people in West Germany were wiretapping on behalf of a German intelligence agency because the agency itself was prohibited from tapping by the German Constitution. This was certainly a great example of liberty for the German people.

Shortly after these news stories, there began to unfold in the newspapers a story of wiretapping at the State Department. The Deputy Assistant Secretary for Security had through a "misunderstanding" caused the tapping of the telephone of one of his subordinates. The Deputy Assistant Secretary at the time of the tapping was attempting to obtain evidence showing the subordinate had provided certain information to a Senate Subcommittee.

Next there was the story of Internal Revenue agents planting a bug or hidden microphone in a public telephone booth located in the lobby of the IRS headquarters here in Washington.

At the same time, there was another story of Government agents recording a telephone conversation with the permission of one party to the call for the purpose of securing incriminating evidence against the other party.

All was quiet for a few weeks, then we read of telephone taps by Government agents on a Nevada gambler.

This was followed by the report that we are using a field-type lie detector on the Vietnamese people. A practice that is ensured to instruct them in the ways of free men. I can only hope the punishment for failure to pass the test is not too severe considering the lack of reliability of a full-size detector when used under the best of circumstances.

Next we read of Government agents photographing all persons entering and leaving a Federal court building and the use of an informer who takes advantage of his relationship with an accused to be present at discussions between the accused and his attorneys.

Finally last week, the papers carried stories of "mail covers" ordered by the Internal Revenue Service and an assistant U.S. attorney. Today, I shall direct the bulk of my comments to this latter practice. But as the days go by I will have more to say with respect to some of the other stories to which I have alluded.

On August 3, 1962, I discussed at some length here in the Senate Chamber the subject of "mail covers." This procedure consists of systematically recording the name and address of the sender, the place and date of postmarking, the class of mail and any other exterior data on all mail going to a certain address or addressee. Prior to making my statement, I had written Postmaster General J. Edward Day requesting a report on the practice. Mr. Louis J. Doyle, General Counsel of the Post Office Department, had responded to my letter for the Postmaster General. He readily admitted that there was no statute authorizing "mail covers" but he attempted to support the Department's authority to conduct such "covers" through custom and usage and the Postmaster General's authority to prescribe rules and regulations for the Department. In 1962, I took issue with his arguments and I still take issue with them. How can this practice which is completely foreign to the Department's responsibility for the pickup, transportation, and delivery of the mail be authorized without a specific statute? General Counsel Doyle also admitted in his letter that the Department had somewhere between 500 and 750 covers in effect on the day he made a check for the purpose of answering my letter. In concluding my statement in 1962, I called upon the Department to reevaluate its position. I urged it to discontinue the use of "mail covers" or in the alternative if it found such covers absolutely essential to establish enforcible regulations to limit and control their use.

Several months later, on June 28, 1963, I wrote Postmaster General Day to inquire if the Department had taken any action regarding "mail covers." Some 6 weeks later, I received a letter again from the General Counsel which in effect said "no."

Shortly thereafter, John Gronouski was appointed Postmaster General to succeed Mr. Day. So, on November 1, 1963, I wrote the new Postmaster General setting out my position on this matter and enclosing a copy of my floor statement as well as my correspondence with his predecessor. I told Postmaster General Gronouski that if the Department did not take action, I would introduce legislation. For the first time, I received an immediate response and this time from the Postmaster General himself. He understandably stated that he was not yet familiar with the matter of "mail covers." But he stated he would take the matter up with the General Counsel and be in touch with me again. Almost 3 months have passed without word from the Postmaster General.

However, I feel I received my answer in the press last week. News stories covering a pretrial hearing in the Roy Cohn case showed not only that "mail covers" are still being used but show complete irresponsibility in their use. Mr. Cohn and his attorney Thomas Bolan, had asked the Federal District Court in New York to dismiss and indictment against Mr. Cohn because of the use of "mail covers."

The story revealed in the hearing began on March 24, 1963. At the request of the Internal Revenue Service, a mail cover was placed on the law office of Roy Cohn and Mr. Bolan who, in addition to being Cohn's attorney, is his law associate. At the same time, covers were also placed on the residences of both men. In fact, the cover placed on Mr. Bolan's residence included the mail of his wife. Due to the volume of mail received, the cover on the law office was discontinued after a month but the covers on the two residences continued.

Subsequently, Mr. Cohn was indicted on the perjury and conspiracy charge which led to the pretrial hearing of last week. In September, after the indictment, the assistant U.S. attorney in charge of the case ordered "mail covers" placed on the residences of Cohn and Bolan and also on their office. He told the court he had information that they were improperly trying to influence Government witnesses. The office cover was reinstated but apparently it again proved too burdensome for it was discontinued later in the fall. On the other hand, the residence covers were continued until February 14, 1964, when the defense filed its motion to dismiss the indictment. These two covers had been in operation from March 24, 1963, to February 14, 1964.

To support its motion, the defense had a copy of the Post Office order dated March 24, 1963, which directed the establishment of the cover on Bolan's residence. The assistant U.S. attorney who had ordered the "mail covers" in September filed a sworn statement with the court prior to the hearing saying the U.S. attorney's office had nothing to do with the mail cover established by the March order. However, during the hearing, he admitted ordering covers in September.

Mr. President, this is a sad commentary on the administration of justice and on all Federal agencies involved. The district court described the situation as "shocking." Something must be done to prevent such flagrant intrusions on privacy and the attorney-client relationship. After 2 years my patience has come to an end. In view of these recent developments, I have decided there is only one way to stop the use of this police-state technique. That is, to enact legislation. I have prepared a bill which would prohibit all mail covers. Consideration has been given to a court order procedure, but I am convinced that as in the case of all other surreptitious surveillance techniques such a procedure would not provide any real control or safeguards. The current wiretap situation shows clearly that even an absolute ban is not too effective in preventing the use of such practices. However, I believe the Congress should place itself four square against the use of "mail covers." The Congress can no longer acquiese in the Post Office regulation which authorizes "mail covers" on the request of every law enforcement officer in the Nation be he local, State, or Federal.

Therefore, Mr. President, I introduce for appropriate reference a bill to prohibit the use of mail covers. Also, Mr. President, I ask unanimous consent to insert at this point in the RECORD my statement on August 3, 1962, subsequent correspondence between myself and the Postmaster Generals, an editorial from the Washington Post relative to this matter, and an article written by William S. White, which recently appeared in the Washington Evening Star.

The PRESIDING OFFICER. (Mr. RIBICOFF in the chair). The bill will be received and appropriately referred; and, without objection, the matters referred to will be printed in the RECORD.

The bill (S. 2627) to prohibit the use of mail covers, introduced by Mr. LONG of Missouri, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The matters presented by Mr. LONG of Missouri are as follows:

AUTHORITY FOR "MAIL COVERS"

Mr. LONG of Missouri. Mr. President, recently it came to my attention that the Post Office Department has available to law-enforcement officials an espionage procedure which may be used to interfere with the privacy of the American people. This procedure is commonly referred to as a "mail cover" and consists of recording the name and address of the sender, the place and date of postmarking, the class of mail and any other exterior data on all mail going to a certain address or addressee.

Several weeks ago, I sent a letter to the Postmaster General requesting a report on this practice. I asked him to cite the statutory authority for conducting mail covers. Mr. Louis J. Doyle, General Counsel of the Post Office Department responding for the Postmaster General, readily conceded there is no statute specifically dealing with mail covers. Instead, the Department relies on the fact that the practice dates back at least to 1893. Section 462 of the Postal Laws and Regulations, 1893, provided instructions to postmasters concerning mail covers. Further, it is the Department's position that mail covers may be carried out under the general authority of the Postmaster General, to quote from Mr. Doyle's letter:

"Aside from custom and usage, we believe paragraphs (1) and (5) of present section

501 of title 39, United States Code, which authorizes the Postmaster General to prescribe the rules and regulations he deems necessary to accomplish the objectives of title 39, United States Code, and to execute all laws relating to the Department confer authority to issue the pertinent regulations authorizing mail covers."

In the Postal Policy Act of 1958, Congress set out as one of its findings that "the Postal Establishment was created to unite more closely the American people, to promote the general welfare, and to advance the national economy."

Historically, there has existed a very special relationship between the Post Office and the American people. In 1877, the Supreme Court of the United States held that a letter while in the mails is entitled to the same protection as a person's papers in his home. Thus, a search warrant which satisfies the requirements of the fourth amendment must be obtained to open a letter in the mail.

Part 113 of the Postal Manual provides—and I read:

"Sealed first-class mail while in the custody of the Post Office Department is accorded absolute secrecy. No persons in the postal service, except those employed for that purpose in the dead-mail offices, may break or permit the breaking of the seal of any matter mailed as first-class mail without a legal warrant, even though it may contain criminal or otherwise unmailable matter, or furnish evidence of the commission of a crime."

It is the effect of mail covers on this special relationship that deeply concerns me. Should the Post Office Department without specific congressional authority handle a letter for a purpose completely unrelated to its job of delivering the mail? The Post Office Department states categorically that the mail is not delayed and is delivered to the recipient at the same time it would have been delivered irrespective of the institution of a cover. However, a Senate subcommittee report filed in 1954 based on an investigation of a mail cover placed on a Member of the Senate said in part:

"D. H. Stephens, Chief Inspector for the Post Office Department, testified that never are the contents of the mail inspected and further that the mail must not be delayed or withheld as a result of the cover. Nevertheless, it is obvious to your committee that some delay in the mail is unavoidable if the request for coverage is complied with."

The use of mail covers is another instance where the full power of the Government is brought to bear on the individual. Information is obtained about the individual which is none of the Government's business. It reminds one of the tactics used in a police state where the government wants to know who is corresponding with whom. A mail cover also appears to be in conflict with the principles of section 1702 of title 18, United States Code, which makes it a crime to take a letter out of a post office or from a letter carrier with design to pry into the business or secrets of another.

Postmasters are authorized by postal regulations to institute mail covers on the request of officers of the law to aid in the apprehension of fugitives from justice and on the request of postal inspectors. Mail covers are used in investigating mail frauds, use of the mails for pornography, and income tax violations in addition to locating fugitives.

When used for investigative purposes, the privacy of the individual can be invaded by the Government on mere suspicion alone. It should be noted that the person whose privacy is affected is not the one who placed the information on the envelope but the one who receives the letter. Therefore, he in no way has waived his right to be left alone; in fact, he may have in no way invited the intermeddling of the Government.

When the cover is used to locate a fugitive, the individual whose privacy is affected is usually only someone close to the fugitive and may not be suspected in the least of any wrongful act. This smacks clearly of guilt by association, a concept completely foreign to American justice.

While mail covers may not run afoul of the Bill of Rights, they certainly come close, and, in my opinion, are repugnant to our free society.

Mr. Doyle in his letter stated:

"I believe that we should make it clear to you that mail covers are infrequent and are used only where there is good reason to believe that they may be instrumental in the solution of a crime."

However, he goes on to say later:

"You have inquired as to the number of such covers in existence as well as the total of such covers conducted in 1961 and in 1960. I regret that we do not have records which would enable us to respond to your inquiry. However, I have instituted a current inquiry which indicates that the total number of such covers runs between 500 and 750."

This latter comment would certainly lead one to question the control which is indicated by the first comment.

The letter from Mr. Doyle attempts to uphold the legality of mail covers based on two Federal court decisions. The first, U.S. against Costello, decided by the Court of Appeals for the Second Circuit, is claimed to uphold explicitly the legality of mail covers. Actually, the decision held that mail covers do not violate sections 1701, 1702, and 1703 of title 18. The second decision, U.S. against Schwartz, held that postal regulations are not violated when information obtained from a mail cover is turned over to the Justice Department.

Therefore, neither of these decisions meet directly the question of the basic legality of the practice.

It is my hope that the Post Office Department will completely reevaluate this matter. If they find mail covers absolutely necessary to law enforcement, then enforceable regulations should be put into effect to limit their use and assure control. The present system is completely unsatisfactory. If the Department fails to act, it will be necessary, in my opinion, for the Congress to provide appropriate procedures.

Mr. President, I ask unanimous consent to insert at this point in the RECORD my letter to the Postmaster General and the reply I received from the General Counsel of the Post Office Department. Also, I ask unanimous consent to insert the present postal regulations which are related to this matter.

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

"POST OFFICE DEPARTMENT,
"OFFICE OF THE GENERAL COUNSEL,
"*Washington, D.C., July 17, 1964.*

"Hon. EDWARD V. LONG,
"*U.S. Senate, Washington, D.C.*

"DEAR SENATOR LONG: The Postmaster General has asked me to reply to your letter of June 14, 1962, relating to mail covers. You indicate that it is your opinion that this practice constitutes a violation of individual rights, and you ask for the statutory authority relied upon by the Department in this connection.

"As you know, a mail cover simply consists of noting the name and address of the sender, the place and date of postmarking, and the class of mail. Mail is not delayed and the contents of first-class matter are not examined. Only the material appearing openly on the wrapper is noted. Since the sender is in no way obligated to place on the outside his name and address, and since he does so with the full knowledge that this may well be read by anyone having possession of the mail, it is difficult to understand in what respect his rights have been violated. Indeed, he places this material on the outside of the envelope with the intention of its being read by postal authorities—at least for certain purposes—and with the knowledge that it may be read by others.

"There is no statute specifically dealing with mail covers, but the practice dates back at least to 1893. Section 462 of the Postal Laws and Regulations, 1893, provided in pertinent part:

"'Postmasters may, however, when the same can be done without interference with the regular business of the post office, furnish to officers of the law, to aid them in discovering a fugitive from justice, information concerning the postmarks and addresses of letters, but must not delay or refuse their delivery to the persons addressed.'

"In a case decided in 1833, involving a situation in which the action was neither authorized by nor prohibited by a specific statute, but was based upon custom and usage, the Supreme Court of the United States stated in pertinent part:

"'It is insisted, that as there was no law which authorized the appointment of the defendant, his services can constitute no legal claim for compensation, * * *. That usage, without law, * * * can never lay the foundation of a legal claim, * * *. A practical knowledge of the action of any one of the great departments of the Government, must convince every persons, that, the head of a department in the distribution of its duties and responsibilities, is often compelled to exercise his discretion. He is limited in the exercise of his powers by the law; but it does not follow, that he must show statutory provision for everything he does. No government could be administered on such principles. To attempt to regulate, by law, the minute movements of every part of the complicated machinery of government, would evince a most unpardonable ignorance on the subject. Whilst the great outlines of its movements may be marked out, and limitations imposed on the exercise of its powers, there are numberless things which must be done, that can neither be anticipated nor defined and which are essential to the proper action of the Government. Hence, of necessity, usages have been established in every department of the Government, which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits. * * * Usage cannot alter the law, but it is evidence of the construction given to it; * * *' (*United States* v. *Macdaniel*, 7 Pet. (U.S.) 1, at pp. 14 and 15; 32 U.S. 1, at pp. 9 and 10.)

"Aside from custom and usage, we believe paragraphs (1) and (5) of present section 501 of title 39, United States Code, which authorize the Postmaster General to prescribe the rules and regulations he deems necessary to accomplish the objectives of title 39, United States Code and to execute all laws relating to the Department, confer authority to issue the pertinent regulations authorizing mail covers. Those regulations are presently contained in sections 311.7 and 831.44 of the Postal Manual. See also section 311.6 of the Postal Manual. These regulations are reproduced on attachment 'A.'

"The legality of mail covers was explicity upheld by the U.S. Court of Appeals for the Second Circuit in *U.S.* v. *Costello*, 255 Fed. (2d) 876, decided May 20, 1958. See also *U.S.* v. *Schwartz*, 283 Fed. (2d) 107 decided October 6, 1960, in which the U.S. Court of Appeals for the Third Circuit held that mail covers were authorized by the postal regulations. The Supreme Court of the United States has never directly passed upon the question. However, it did deny certiorari in *Costello*, 357 U.S. 937 and in *Schwartz*, 364 U.S. 942. Further, in the case of *Ex parte Jackson*, 36 U.S. 727, in which it was estab-

lished that sealed letters were protected by the fourth amendment, the Supreme Court strongly indicated it would be proper to examine the outside of sealed letters and to take cognizance of what appears thereon.

"As you are aware, this Department is concerned with the enforcement and execution of certain laws. Section 1718 of title 16, U.S. Code, makes nonmailable any matter containing libelous, scurrilous, defamatory, etc. matter on the outside wrappers or envelopes. Any matter containing obscene matter on the outside covers is made nonmailable by section 1463 of title 18, U.S. Code. This Department is also charged with the responsibility of preventing the circulation through the mails of obscene, lottery and fraudulent material, even though such facts may not appear on the outside of the envelope. See sections 4005 and 4006 of title 39, U.S. Code.

"The use of such covers has been of considerable assistance to the Federal Bureau of Investigation. Fugitive felons often communicate with their relatives and, by use of a mail cover, the search may be narrowed either to a return address or to a particular locality. In one recent case a mail cover was successful in bringing about the deportation of a dangerous murderer from a foreign country to which he had fled. It has also been useful from time to time in connection with espionage and subversion. In addition, it has been used to locate and identify victims who can testify in cases involving use of the mails to promote a fraud or sell obscene material, but who might not otherwise be known. In one recent case a mail cover resulted in locating a warehouse of a publishing company producing obscene literature and in turning over to local authorities $90,000 worth of obscene publications.

"I believe that we should make it clear to you that mail covers are infrequent and are used only where there is good reason to believe that they may be instrumental in the solution of a crime. We will institute mail covers upon the proper request of the Federal Bureau of Investigation or, occasionally, at the request of State or local law enforcement officials. We believe, as a matter of comity, that the Federal Government should cooperate with such State and local law enforcement officials to the extent permitted by law, but we institute mail covers only in those instances where a crime has been committed and there is reason to believe that the mail cover would be useful in its solution.

"You have inquired as to the number of such covers in existence as well as the total of such covers conducted in 1961 and in 1960. I regret that we do not have records which would enable us to respond to your inquiry. However, I have instituted a current inquiry which indicates that the total number of such covers runs between 500 and 750. You will see, therefore, that when compared with the vast volume of mail delivered daily to millions of recipients the number is small indeed.

"It has been suggested by some that the institution of covers results in delay in the delivery of the mail. This is not true. I can say categorically that mail is delivered to the recipient at the same time it would have been delivered irrespective of the institution of a cover.

"I hope this letter is helpful to you and that it will serve to allay some of the misinformation, as well as misgivings, which occasionally surround this practice. I particularly want to reemphasize that no inquiry is made as to contents and that the only information acquired is that which is openly, and voluntarily, put upon the envelope by the sender or by postal officials in the course of business.

"Sincerely yours,

"LOUIS J. DOYLE,
"*General Counsel.*"

"JUNE 14, 1962.

"Hon. J. EDWARD DAY,
"*The Postmaster General,*
"*Washington, D.C.*

"DEAR GENERAL DAY: It has come to my attention that the Post Office Department conducts a practice to help law enforcement officers commonly referred to as 'mail covers.'

"In my opinion, this practice constitutes a violation of the individual rights of the American people as it involves a seizure though only momentary from the normal course of the mail. Also, I do not see how such 'covers' constitute a necessary operation in the proper handling of the mail.

"Would appreciate a report as soon as possible specifying the statutory authority relied on by the Post Office Department to conduct such 'mail covers.' Also would appreciate the inclusion of any and all rules and regulations promulgated by the Department with respect to this matter. In addition, I would appreciate receiving a report concerning the number of such covers presently in existence as well as the total number of such covers conducted in 1961 and in 1960.

"Kindest regards.

"Sincerely,

"EDWARD V. LONG,
"*U.S. Senator.*"

"EXCERPT FROM POSTAL REGULATIONS

"331.6. Mail matter: Furnish information concerning mail or mailing permits to postal inspectors and to the sender, the addressee, or the authorized representative of either on proper identification. Do not give such information to others. See 123.5 and part 312 regarding correction of mailing lists.

"311.7. Concerning fugitives: Furnish to officers of the law, on proper identification, information regarding the addresses, return cards, or postmarks on mail to aid in the apprehension of fugitives from justice. Report the action immediately to the postal inspector in charge.

"331.44 Mail cover: Requests by postal inspectors in charge and postal inspectors for information regarding the addresses, return cards, or postmarks on mail must be treated in strict confidence and complied with carefully and accurately. In obtaining the information, do not delay delivery of the mail. (See 311.6 and 311.7.)

JUNE 28, 1963.

Hon. J. EDWARD DAY,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: Last year, on June 14, I wrote you concerning the practice commonly referred to as "mail covers." Mr. Louis J. Doyle, General Counsel, responded for you with a detailed letter setting out the position of the Department.

On August 3, I addressed the Senate concerning this matter. As you know, I called for the discontinuance of this practice, or in the alternative, the establishment of enforcible regulations to limit the use of this practice and assure control. Therefore, I respectfully request another report setting out whether the Department continues to use mail covers and whether any action has been taken to establish some form of control over the use of mail covers.

Kindest regards.

Sincerely,

EDWARD V. LONG,
U.S. Senator.

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., August 14, 1963.

Hon. EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The Postmaster General received and referred to me for answer your June 28, 1963, letter in which you request a further report concerning the practice commonly referred to as "mail covers." I am sorry for the delay in making answer to your inquiry.

The Department continues to use mail covers for the administrative, legal, and national security reasons explained in some detail in our previous letter.

We have continued the prior controls regulating the use of mail covers. The Postal Inspection Service has had the responsibility of seeing that the regulations are strictly followed and rigidly controlling the practice.

Postmasters are authorized to furnish to officers of the law, on proper identification, information regarding the addresses, return cards, or postmarks on mail to aid in the apprehension of fugitives from justice. When the postmaster takes action on such a request his action is reported immediately to his postal inspector in charge. All other requests for mail covers are evaluated by a postal inspector and must have his approval before they are honored.

We believe here that the Department has effective control in this area and restricts the use of mail covers to only the most urgent of cases.

Sincerely yours,

LOUIS J. DOYLE,
General Counsel.

NOVEMBER 1, 1963.

Hon. JOHN A. GRONOUSKI,
The Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: In the summer of 1962 and again this past summer, I wrote Postmaster General Day concerning the practice commonly referred to as "mail cover." On both occasions, Louis J. Doyle, General Counsel, responded on behalf of the Postmaster General. Both his letters took the position that the practice is adequately controlled and the Department intends to continue the practice without change.

Considering the special relationship which exists between the Post Office Department and the American people, I seriously question the authority of the Department to conduct mail covers. As conceded by Mr. Doyle, there is no law which specifically grants this authority. However, even if it is assumed the Department has the authority the present regulations are completely inadequate. Under present regulations, the privacy of a person's mail can be interfered with on the request of any law enforcement officer or on the request of any postal inspector. This complete lack of any real control is administrative tyranny at its worst. Am enclosing a copy of a statement I made in the Senate in 1962 on mail covers after receiving Mr. Doyle's letter.

I hope the Department will reconsider its position on this matter and discontinue the practice. If this is not done, then I urge you as Postmaster General to prescribe regulations which will provide some meaningful control. Hearsay, suspicion, and curiosity should not be sufficient grounds for the installation of a mail cover. If action is not taken by the Department, it is my intention to introduce legislation prohibiting the practice of mail covers.

Kindest regards.

Sincerely,

EDWARD V. LONG,
U.S. Senator.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., November 7, 1963.

Hon. EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing in reply to your letter of November 1 with regard to your concern over the Department's policy

regarding a practice commonly referred to as "mail cover."

As you can imagine, I have been confronted with a number of problems during my first few weeks as Postmaster General, and I regret that, as yet, I am not familiar with the matter of "mail covers." I shall take this problem up immediately with Mr. Doyle, the General Counsel, and as soon as I have had an opportunity to familiarize myself with its various aspects, I shall get in touch with you once again.

With kindest regards, I am

Sincerely,

JOHN A. GRONOUSKI,
Postmaster General.

[From the Washington (D.C.) Evening Star, Mar. 4, 1964]

AN ODOR OF POLICE-STATE METHODS

(By William S. White)

An unpleasant odor of police-state methods—of instances of illegal wiretapping and of Federal snoopery over the mail of private persons—is arising from the vicinity of the U.S. Department of Justice.

The victims of these episodes have been, of course, either highly unpopular or even "bad" men, in the minds of many. This superficial circumstance, however, is wholly irrelevant to the deep-rooted fact that this abuse of the Federal investigative power is fundamentally alien to a free society. It is mortally offensive to the constitutional guarantees of freedom and privacy which above all is this same Justice Department's responsibility to shelter rather than attack.

Attorney General Robert F. Kennedy, the Department's head, owes a duty to his position and to the American tradition not simply to put a stop at once to every form of this unfairness. It is his obligation as well to punish those officials involved in it—resolutely and pitilessly.

HAS HIGHER FUNCTION

For the Department of Justice has one function even higher than that of fighting crime and subversion. This is the lofty duty to protect and defend the Constitution and the Bill of Rights of the people—including the "bad" people—under it.

Though there is no evidence that the Justice Department has been running actually wild in this area, it is all the same a fact that recent examples of extra-legal Federal action against so-called "baddies" are troubling many reasonable men, most notably in the U.S. Senate.

Roy Cohn, the New York lawyer under Federal indictment on perjury and conspiracy charges, complains that his mail is under Government surveillance—a clear and undeniable violation of his basic rights as a defendant in a criminal case brought against him by that same Government. Justice Department spokesmen first deny any Federal mail watch on their behalf. Subsequently, they are compelled to admit the truth of Cohn's complaint; they then blame it on an assistant Federal prosecutor.

A Federal judge, Archie O. Dawson, feels obliged publicly to denounce the incident as "shocking"—as indeed it is, in spite of the fact that Cohn in his day was an eager part of the pack of professional accusers of other men who gathered around the late Senator Joseph R. McCarthy of Wisconsin.

Edward Levinson, a Las Vegas, Nev., gambler—albeit, a perfectly legal gambler under the laws of that State—says before a Senate committee investigating the Bobby Baker case that Federal authorities "bugged" his telephone. This sort of thing has repeatedly been condemned by the courts of this country as a dirty business.

It is disclosed at the same time by United Press International that Nevada Members of Congress had gone to President Johnson—himself a lifelong antagonist of all forms of illicit Federal snooping—to protest reported Federal wiretapping in both Las Vegas and Reno, even before the Levinson affair. UPI reports that Senator HOWARD CANNON of Nevada had then been assured by a Justice Department official that there would be no Federal wiretapping in that State.

HANDED SUBPENA

And to add to all this unpleasant and disturbing business, Levinson, in the midst of his appearance before the committee in the Baker case, is handed a subpena in an income-tax investigation by a Federal agent who invades the very Senate without its knowledge or permission to work this blatantly intimidating unfairness to a Senate witness.

The point to be stressed in all this is that good intentions are no substitutes for correct Federal procedures. For unless the constitutional rights of all of us—including, and even particularly including the Cohns and Levinsons, whatever their real or alleged sins—are kept safe, the rights of none of us can be guaranteed in the end.

The understandable and proper desire of Federal agents and prosecutors to enforce the law must not be further confused with the fateful duty of these agents and prosecutors to uphold something else called the Constitution of the United States.

[From the Washington (D.C.) Post, Mar. 3, 1964]

PEEPING AT THE MAIL

It turns out that Roy Cohn said no more than what was true when he charged the other day that the Federal Government had ordered a watch on all mail addressed to his lawyer. An assistant U.S. attorney prosecuting the perjury-conspiracy case in which Mr. Cohn is a defendant admitted the fact in court on Saturday. Federal District Judge Dawson denounced it as shocking.

In a mail watch, the post office is supposed merely to inspect envelopes, noting the names and address of each writer to the subject of the watch. Post office authorities assert that they do not delay delivery of the mail by this procedure. They also assert that they do not open any first-class letters or read the contents by any electronic or other device. Mail watches are frequently undertaken at the request of law enforcement agencies.

But it is hard to understand what assistance a mere mail watch can give to law enforcement. Its principal effect, we surmise, is to create a great deal of anxiety—anxiety that a list of correspondents is being compiled and may be used for some sinister purpose, anxiety that, despite the protestations of the Post Office Department, the contents of first-class mail are being inspected.

As a matter of fact, that anxiety is much more widespread than it ought to be in a free country. A Post Office Department which admits mail watches is not fully believed when it denies opening the mail; and in the same way a Federal Bureau of Investigation which admits tapping a few telephones in violation of the law is not fully believed when it denies tapping many telephones.

Nothing is more calamitous to the climate of a community than pervasive distrust and anxiety of this kind. If the law does not specifically forbid mail snooping as it forbids wiretapping, it ought to be amended to do so. Confidence in the privacy of communications is too valuable to Americans to be breached for the sake of a minor aid and convenience to the police.

Mr. JOHNSTON. Mr. President, I commend the Senator from Missouri for introducing the bill. I have already taken up the same matter with both the Department of Justice and the Post Office Department.

Mr. LONG of Missouri. I thank the Senator from South Carolina.

EXTENSION OF PROVISIONS OF AUTOMOBILE DEALERS' DAY IN COURT ACT—ADDITIONAL COSPONSOR OF BILL

Mr. MORSE. Mr. President, I ask unanimous consent that the name of the Senator from California [Mr. ENGLE] be added as a cosponsor of the bill (S. 2572) to extend the provisions of the Automobile Dealers' Day in Court Act to manufacturers of and dealers in tractors, farm equipment, and farm implements, and for other purposes, at its next printing.

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

NEED FOR U.S. PROPOSAL TO HALT BORDER SHOOTINGS

Mr. KEATING. Mr. President, Soviet action in shooting down an unarmed plane over East Germany calls attention to a serious situation. This is the second time in 6 weeks that Soviet or East German forces have downed American planes which either strayed or may have been lured over the strict boundaries of West Germany and the Berlin air corridor.

In my view, Mr. President, there is a pressing need for U.S. Arms Control and Disarmament negotiators in Geneva to present a specific plan to put an end to ruthless and unnecessary attacks on unarmed planes. It would be most useful if agreement could be reached detailing routines to be followed not only by antiaircraft crews, but also by border guards, air patrol, sea patrol, and other military activities. Such an agreement would not require elaborate international control mechanisms. But, like the hot line, it could insure a better means of communication between forces on both sides of the Iron Curtain. On February 6 I called this possibility to the attention of the Arms Control and Disarmament Agency, and was informed that the ACDA is "exploring this matter further with the Departments of State and Defense and reexamining our own research program to see what elements of your suggestion might profitably be pursued more extensively."

Mr. President, I am hopeful that all these Government agencies are exploring this matter, with a view to making a strong representation to the Soviet Union to put an end to unnecessary violence and to put a hold on too-quick trigger fingers along borders between the Soviet Union and NATO or free world nations.

Because of my deep concern over this problem, I recently contacted the Defense Department, and asked for a report on the number of American military personnel killed or presumed dead as a result of Soviet action and the number of Soviet military personnel killed or presumed dead as a result of U.S. action. The Defense Departments informs me that from 1960 to 1963, inclusive, four U.S. Air Force personnel were killed, and no Soviet military personnel were killed.

The three airmen killed in 1964 bring that total to seven, plus any members of the crew of the RB-66B just downed.

Mr. President, in my judgment, these are at least seven too many; and I believe our Government should leave no stone unturned to work out more satisfactory arrangements in cases of error or straying from flight patterns. If the United States and the Soviet Union can agree to return lost astronauts and space explorers, they can surely agree on better control and surveillance procedures down here on earth.

Mr. JAVITS. Mr. President, I wish to identify myself with the protest of my colleague from New York on what Secretary Rusk has called the barbaric conduct of the Soviet Union in respect to straying airplanes, which could easily have their courses corrected, and be warned off the premises, as it were, where they allegedly do not belong, instead of being shot down. That action is really a showing of a country's muscles to the world in a barbaric and unnecessary way. I am delighted that my colleague has taken up the action as a cause and is pursuing it through all the avenues through which it must be pursued. I, and I am sure most other Senators, will give him full support in that regard.

RADIO FREE EUROPE REPORT

Mr. KEATING. Mr. President, the latest annual report of the Free Europe Committee entitled "1963 Year of Change" is an illuminating document. It reveals the continuing resistance of peoples behind the Iron Curtain to the totalitarian regimes of communism and to the communications monopoly of Communist governments. Radio Free Europe and the Free Europe Committee which sponsored it are doing an increasingly important job in making inhabitants of Communist states aware of events in the outside world.

Mr. President, Radio Free Europe's listening audience in 1963 is estimated with greater accuracy than ever before as between 16 and 20 million people in Czechoslovakia, Hungary, Poland, Bulgaria, and Rumania. Radio Free Europe is nearly doubling its signal strength with four new transmitters expected to be in operation by the spring of 1964.

Mr. President, as more and more cracks appear in the Communist bloc, the work and efforts of groups like the Free Europe Committee can assume increasing importance in the power structure and international relations of our times. I commend the Free Europe Committee and its extremely capable president, John Richardson, Jr., for an important job that is being done with determination, dedication, and imagination.

I ask unanimous consent to include following my remarks a summary of the activities of the Free Europe Committee and comments by some Iron Curtain listeners on Radio Free Europe.

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

NEW YORK.—The unity of the international Communist movement was destroyed in 1963, and with it the myth of inevitable Communist victory, according to John Richardson, Jr., president of the Free Europe Committee, which operates Radio Free Europe.

Mr. Richardson's statement was contained in his foreword to the annual report of the Free Europe Committee entitled "1963: A Year of Change." The report deals with the effects of world developments—especially inside the Communist orbit—on the people of East Europe, and describes how Radio Free Europe and other FEC activities kept pace with rapidly changing trends through new approaches and programing.

In his foreword, Mr. Richardson stressed the intense and increasing ferment within East Europe and the significant changes brought about by mass and group pressures which are accurately informed and so nourished by Radio Free Europe and other free voices.

"Acute conflicts within and among the East European Communist Parties, heightened by serious economic failures—especially in agriculture—gave rise to new opportunities for assertions of national identity and political will in this area," he said. "These opportunities in most cases were grasped with positive results, proving once again that these peoples will never accept the status of captive nations."

Radio Free Europe was able to confirm the size of its audience with greater accuracy than ever before, according to the FEC report. In 1963, between 16 and 20 million people in Czechoslovakia, Hungary, Poland, Bulgaria, and Rumania listened to RFE programs during an average week. This estimate was based on 1963 interviews with 4,000 individuals from behind the Iron Curtain. Eight public opinion research institutes in West Europe helped RFE conduct the interviews, most of which were with visitors and travelers who are generally more critical than refugees in their responses. The results were carefully cross-checked with the total of 10,000 interviews with East Europeans conducted since 1961. (Editor's note.—Responses by some of those interviewed, and excerpts from letters, are appended to this release.)

Radio Free Europe will be able to deliver an even clearer signal to its target area in 1964, the report stated. Four powerful shortwave transmitters—each one 250,000 watts in power—are now being installed at RFE's base in Portugal. They will almost double RFE's signal strength to a total of 2,250,000 watts. The four new transmitters will be in operation in the spring of 1964.

The Free Europe Committee report described RFE's role in 1963 as "breaking the communications monopoly of the Communist regimes, confronting distorted propaganda with hard facts and sober analysis, and giving realistic perspective to seemingly isolated events. In this way, RFE provided listeners with reliable sources of information to enable them to relate changing developments in the world scene to their own problems and aspirations.

"There was heavy emphasis on events within East Europe—a unique RFE function," according to the report. "The Communists suppress and distort the facts about internal affairs, and RFE therefore speaks on these matters in depth. Free world affairs and East-West relationships were presented in terms of the personal, national and European interests of the audience."

The report described other significant FEC activities in 1963, including its summer seminar in Strasbourg, France. In July, 254 students from 58 countries—Africans, Asians, Latin Americans and Europeans—participated in 3 weeks of lectures and discussions focused on East-West problems. Many of the participants were young East European exiles who, having lived under communism, were articulate spokesmen on the subject of Communist colonialism. The annual Strasbourg seminar has been conducted by FEC since 1960.

The Free Europe Committee is a private organization supported by contributions from the American people.

COMMENTS ABOUT RFE BY SOME OF THE 4,000 VISITORS, TRAVELERS, AND REFUGEES INTERVIEWED IN 1963—EXCERPTS FROM SOME OF THE HUNDREDS OF LETTERS RECEIVED IN 1963 BY RFE ARE ALSO INCLUDED

"All the factory workers here who are interested in more than what is happening in their immediate surroundings listen to RFE newscasts, and they freely comment on what they have heard during work and in the factory canteen." (A Polish factory worker.)

"When I miss an RFE broadcast, my brother-in-law tells me what was said. In our agricultural collective we always discuss Radio Free Europe broadcasts during work." (A Hungarian farmer.)

"There are many RFE listeners in Slovakia. This is proven by President Novotny himself, who made several unfriendly remarks about RFE in his Kosice speech. He wouldn't have done this if RFE were not hurting him." (A professional man from a Czechoslovak town.)

"Radio Free Europe is the most popular station in my country because it has the most varied programs. Also, of all stations RFE is the most Polish one." (A Polish journalist.)

"RFE's main task is to set the record straight with regard to the untrue information that is spread by Radio Sofia." (A student from Bulgaria.)

"Let me express my gratitude to the entire staff of Radio Free Europe. I pray to God that they may continue to labor for our holy cause of freedom during the new year." (A Hungarian writer.)

"Radio Free Europe is our link with the free world that lies beyond the Iron Curtain." (An office worker in Czechoslovakia.)

"The very fact that RFE exists and broadcasts arouses doubts about the almighty power of communism." (A Rumanian intellectual.)

"At present people listen to RFE programs more loyally and regularly than they did 3 years ago, at the time of my previous visit." (A Western Pole who revisited Poland.)

"We consider Radio Free Europe as a friend who is trying to help us." (A Czechoslovak office worker.)

"Radio Free Europe keeps up with the times without giving up its anti-Communist line favoring independence for Poland." (A letter from Poland.)

"Your programs go deep into the things discussed, and are very, very true—especially in what is said about Poland." (A Polish listener.)

"At last I can write to you, and I have so much to tell you that I don't know where to begin. Thanks for all the beautiful programs, thanks for the voices of freedom. I have listened to you since you began to broadcast—at first to your youth programs. Today I am 22, and for most of what I know about the world I have to thank Radio Free Europe. You were my only window to the world for over 10 years, and I listened every day." (Letter from a Czechoslovak woman.)

BIPARTISAN GROUP ON CIVIL RIGHTS WILL STAY TOGETHER

Mr. JAVITS. Mr. President, if I may have the attention of the Senator from Minnesota [Mr. HUMPHREY], I am about to make a statement which I believe will interest him.

Mr. HUMPHREY. Certainly.

Mr. JAVITS. I have noted with great interest the fears expressed in the press

about cracks in the bipartisan civil rights group in the Senate. I do not see any legitimate ground for such fears. I believe the basic purpose of enacting at the very minimum the civil rights bill which has come over from the other body will have strong and effective bipartisan support, that a common strategy to maintain this purpose will be pursued, that there will be unity in management of the bill on the Senate floor, and that on the crucial votes the bipartisan group will muster its full strength.

I do not see that any of the problems which have arisen should interfere materially with this conclusion. The bill was drafted, not in the Senate, but in the other body; therefore, bipartisan participation in its terms, in the first instance, was not possible here. There is a legitimate difference of view, therefore, as to whether the bill should be passed by the Senate without amendment or whether amendments should be adopted. Should amendments be submitted, I do not believe the votes on them, whatever they may be, will impair the unity of the bipartisan group. Another difference may exist with regard to the length of the session of the Senate as time goes on and whether a cloture vote should be sought. Again, I am confident that this difference will be reconciled by events themselves, and that the bipartisan group will not be divided because of it. Finally, it is well known that the minority leader has some reservations about the public accommodations part of the bill, and perhaps one other title, as well. Again, this question will be settled by a vote; and the more important point is that the minority leader supports the bill in substance in all its other major titles, and in this way will give it indispensable support.

In short, I have rarely seen civil rights proponents better organized and more determined than they are now to effectuate meaningful civil rights legislation. Indeed, the situation in the country, even on so elementary a matter as domestic tranquillity, and in the world, demands nothing less.

The bipartisan group supporting civil rights will be the main reason why a historic breakthrough in major civil rights legislation will have been attained in this Congress.

Mr. HUMPHREY. Mr. President, I thank the Senator from New York for his statement. I appreciate his thoughtfulness in commenting on that item in the press.

I have never felt that any columnist was the judge as to whether Senators were doing well enough to be effective, nor have I ever felt that any columnist, no matter how competent he might be, was able to judge what was an adequate degree of coordination.

I have noted that one way in which to sell newspapers is to promote fights. There is a legitimate profession of fight promoters. One of the greatest was Tex Rickard; another was Jack Kearns. No one has been able to equal them.

I would suggest that those of us who have a job to do in the Senate remain on our jobs and keep away from fight promoting, and that those who have another job; namely, reporting the news, stay away from legislating. Then I think we shall do very well.

I am extremely happy at the cooperation that has been extended. Those of us who are independent and of liberal persuasion naturally have some differences. That is the reason we are the way we are. I have no doubt that when the roll is called and we finally come to grips with the important problems related to civil rights, we shall have the kind of unity which will spell victory.

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

Mr. HUMPHREY. I yield.

Mr. KEATING. I am very glad that my colleague from New York [Mr. JAVITS] has expressed the views which he has stated, and that they are shared by the distinguished Senator from Minnesota [Mr. HUMPHREY]. As the Senator from Minnesota has said, we shall have differences. We have them now—and everyone is aware of them, I believe—over the question of amendments. But when the amendments are offered and voted upon, I feel sure that there will be a solid front presented by those who believe in a meaningful civil rights bill. If it can be indicated that there are definite defects in the measure as it came from the House, those who favor meaningful civil rights legislation, regardless of their party, will support such amendments. Certainly all, regardless of party, will oppose amendments which seek to weaken substantially or water down the bill which has come from the House. The House bill has many good things in it. In many respects it is a fine measure. It needs some technical changes in places where obvious mistakes appear. I believe it needs some other improvements. But there is no breach in the working arrangement among those of us—men of good will—who work together on both sides of the aisle in an effort to have a good bill emerge from our deliberations.

Bipartisanship on this issue is essential. I believe that determination and bipartisanship are the two keys to success of the bill before the Senate. I thank the Senator for yielding.

Mr. HUMPHREY. I thank the Senator from New York.

Mr. RUSSELL. Mr. President, if the spirit of Woodrow Wilson were to hover over this Chamber each day immediately upon the convening of the Senate, I know that he would rejoice to see the efforts that are being made to have "open covenants openly arrived at" between those on both sides of the Chamber who are undertaking to force the bill through the Senate and onto the statute books without adequate hearings and without the American people knowing what the bill contains. For some reason it is considered necessary each day to exchange ideas, to renew pledges, and to make new covenants and agreements.

I hope that those exchanges do not indicate that any of the proponents of the bill are suspicious of their comrades at arms, because it would be bad indeed in such a noble cause to have any such ignoble thoughts. I wonder why it is necessary every day, immediately upon the convening of the Senate, to have such an exchange of ideas and a reaffirmation of unalterable determination that if any changes is made in the bill, it will be to make it stronger and harsher than it already is.

Personally, I think that would be impossible.

Mr. ERVIN. Mr. President, I dislike to disagree in the slightest manner with the able and distinguished Senator from Georgia. While Woodrow Wilson would undoubtedly take some measure of satisfaction from the efforts of those on both sides of the aisle to arrive openly at open covenants in respect to the civil rights bill, he would be saddened beyond expression by the provisions of the bill itself, by the centralization of government which it would bring into effect, and by the destruction of the rights of individuals it would accomplish.

I make that statement because Woodrow Wilson made a remark which ought to be considered by all Senators in the debate on the civil rights bill and in voting on the bill. Woodrow Wilson said:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

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

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

Mr. RUSSELL. I wish to extricate myself from any thought of stigmatizing the memory of that great American, Woodrow Wilson, by even remotely implying that he would approve of the bill, its objectives, or the manner in which it has been handled in the Congress. But I did think that he would at least concede that there is an attempt at "open covenants, openly arrived at," even if they are for what I regard as a very evil purpose.

Mr. JAVITS. Mr. President, on the subject of the discussion and the disclosure on the floor of the Senate of our differences and agreements in terms of the bill, it may be a little surprising to Senators who are opposing the bill, but I rather hope that what has been adverted to will be what we will do consistently. The country will not be left unaware of any aspect of the bill. Senators from the South will see to that and so will we. That is perhaps the new thing which has been injected into what has been widely advertised as the coming filibuster on civil rights. Those questions and arguments will not be left unanswered. Innuendoes will not be left to be drawn without being replied to. So far as we can, we will engage in open covenants openly arrived at. We believe that the bill is of such a high character, in terms of morality and the Constitution of the United States, and in terms of domestic order and tranquillity, that it deserves no less dignity. Its high and historic purpose we are pursuing. We are giving it appropriate

dignity by disclosing at every stage exactly what we are engaged in and why.

So, Mr. President, rather than discourage or deplore, I encourage and advocate the fact that we shall be replying. We shall be replying all the time and stating exactly what we are doing, because, in my judgment, that is the way to rally the American people to an understanding of what we are doing. It is only by their support, articulately expressed, that we can do the job which must be done.

CATHOLIC ATTITUDE TOWARD BIRTH CONTROL

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD an article dealing with the Catholic attitude toward birth control.

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

ONE OF TWO CATHOLICS FOR BIRTH CONTROL DEVICES

(By Louis Harris)

By better than 3 to 2, the rank and file of Catholics in the United States say they would like to see their church remove the ban on the use of contraceptive devices. There appears to be widespread consensus among the American people—including both Catholics and non-Catholics—that modern means of controlling population growth should be employed.

The use of birth control is legal in every State except Connecticut. However, a survey of a cross section of married adults over 21 just completed indicates that fully 45 percent do not use these methods. Among Catholics, as might be expected, nonusers are even more numerous—65 percent. Yet, better than a third of these Catholic married couples interviewed in this survey admit using artificial contraceptives today, despite policies of their church forbidding it.

A probability cross section was asked:

"Right now, Catholics are forbidden by the church from using artificial birth control devices. Would you like to see the Catholic church decide to allow Catholics to use birth control devices (contraceptives) or would you oppose that?"

[In percent]

	Total public	Catholics
Should allow	52	49
Not allow	15	32
Not sure	33	19

Only 1 Catholic married person in every 3 persons is in favor of the church continuing its present policy of prohibition of the use of artificial birth control devices. A substantial percentage isn't sure what the policy ought to be, but fully 1 in 2 believes a change in the long-standing position of the church should take place.

When probed in depth to find out the reasoning back of these stated views, people tended either to personalize their own situation or to discuss the worldwide problem of overpopulation. One Catholic in every three, for example, reported having difficulty managing to provide the full education, food, and health needs of children today. The biggest objections to changing policy among Catholics are the belief that the conceiving of children is basically God's will and for a Catholic to violate church precept is to turn one's back on his faith.

When all of the replies in people's own words are added up, here is the pattern of reasoning for and against on the birth control issue:

On Catholic church permitting contraceptive devices

[Percent]

	Total public	Catholics
Why favor change	52	49
Can't provide for child's needs	17	21
Curb world overpopulation	16	10
Individual should decide, not church	13	6
Family too big now	11	12
Relief families need it	4	4
Many Catholics low income	4	3
Catholics would be freed from sin	3	3
I'm Catholic—want change	2	7
Hard on mother's health	2	4
Make church modern	2	3
Some parents unfit	1	
Unwanted children wrong	1	1
Why oppose change	15	32
Children are God's will	8	15
I'm Catholic, believe in church	3	10
Would be immoral	2	3
Against nature	2	4
Not sure	24	19

NOTE.—Percentages add to more than 100 because some people gave more than 1 reason.

The pattern of present use of contraceptive devices as reported among the total married population compared with married Catholics:

Use of contraceptive devices

	Total public	Catholics
	Percent	Percent
Use devices	55	35
Don't use	45	65

Discussion of the birth-control issue among Catholics has, of course, been intensifying over the past few years. With the introduction of oral contraceptives for women, some authorities believe the efficiency of artificial birth control has also been increased.

Some scientific authorities testify that overpopulation in the world ranks among the most serious survival problems facing humanity in the next half century. Recognition of this problem has caused some Catholic leaders to suggest a reexamination of their own church's traditional policies. Any ultimate decision on reexamination, however, will rest with Pope Paul in Rome and with the Ecumenical Council now in recess until next fall.

WAR ON POVERTY

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD an article dealing with the war on poverty.

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

WAR ON POVERTY

To President LYNDON B. JOHNSON:

We, the undersigned citizens, salute you, Mr. President, upon your declaration of "unconditional war here and now on poverty * * * not only to cure it but to prevent it."

To win this war you will need to tackle a root cause of poverty—the present explosive growth of population. We will have another 150 million people in the United States in 36 short years at the current rate of increase.

This presents the prospect of 8 million unemployed instead of 5 million today—of 10 million on welfare, of 30 million elderly and 100 million children to be taken care of. The cost of maintaining such an enlarged burden of nonproducers could of itself add millions of families to those which today are unable to adequately support themselves.

However, Mr. President, competent authorities assert that a crash program vigorously supported by the Government could arrest the population explosion. If you could thereby uncover the answer to the American dilemma through research you may also be able to help scores of poverty-ridden nations dependent upon the United States for economic aid.

WORLD POPULATION SKYROCKETS

The worldwide population projection, as the chart shows, is appalling to contemplate. There would be 1 billion—1,000 million—more people on earth in the next 15 years.

This incredible increase of mankind would be greater in numbers than all the people now living in the 55 countries of Europe and the entire Western Hemisphere taken together.

SCIENTISTS SPEAK

The National Academy of Sciences, the Nation's leading scientific body, has declared "that the population problem can be successfully attacked by developing new methods of fertility regulation and implementing programs of voluntary family planning widely and rapidly throughout the world."

Today the U.S. Government is spending less than $10 million on this basic problem out of an annual budget of $15 billion for research. This amount is less than 1 percent of the expenditure for the Alliance for Progress and less than 1 percent of the cost of putting a man on the moon by 1970.

NOT A POLITICAL MATTER

President Kennedy at a news conference shortly before his death said that we should know more and do more about the whole reproductive cycle, and this information should be made available to the world.

President Eisenhower has recently commented that "the time has come when we must take into account the effect of the population explosion on our mutual assistance system. Unless we do, it may smother the economic progress of many nations."

Richard Nixon has declared that he had seen poverty in Asia "worse than I have ever dreamed existed" and recommended that the United States give assistance in population matters to nations requesting it.

NOT A RELIGIOUS MATTER

Pope Pius XII said "the regulation of offspring is compatible with the law of God" and called for extensive research to improve the rhythm method. Father John O'Brien, professor of theology at Notre Dame University, has declared that the major faiths joined in recognizing the need for a prudent regulation of births.

Senator JOSEPH CLARK, of Pennsylvania, after his reelection, said on the floor of the Senate, "There is a rather substantial Catholic population in my State. I received no adverse criticism of any consequence because I was advocating positive research and discussion in this area. Many of our colleagues who are inclined to hold back in that area need really feel no serious concern that what they do will have an adverse effect on their political life."

One thing is certain, Mr. President, 35 million Americans, one-fifth of all families with incomes too small to meet their basic needs, will support you in your war on poverty.

WE RECOMMEND

1. That you promptly exercise the authority given you by the foreign aid bill which you signed January 7 to conduct research into the problems of population growth.

2. That you wholeheartedly support the concurrent resolution of Messrs. CLARK and GRUENING in the Senate, to wit:

(a) That the President speedily implement the policy of the United States regarding population growth as declared before the United Nations by inaugurating substantially increased programs of research within the National Institutes of Health.

(b) That the President create a Presidential Commission on Population which shall be charged with the duty to inform, after investigation, the Government and the American people of the nature of population problems with respect to the implications on all aspects of American life.

Mr. President, unless corrective measures are taken "here and now," the resulting human misery and social tensions will inevitably lead to chaos and strife at home and abroad—to more Panamas, Haitis and Cubas—to revolutions and wars, the dimensions of which it would be hard to predict. All of it grist for the Communist mill. There would be no peace.

Frank W. Abrams, New York, N.Y.; George V. Allen, Washington, D.C.; Thurman W. Arnold, Washington, D.C.; Jacques Barzun, New York, N.Y.; Walter J. Bergman, New York, N.Y.; Eugene R. Black, New York, N.Y.; Jacob Blaustein, Baltimore, Md.; Thomas C. Boushall, Richmond, Va.; Percival F. Brundage, Pompano Beach, Fla.; C. Lalor Burdick, Wilmington, Del.; Henry B. Cabot, Boston, Mass.; Stuart Chase, Georgetown, Conn.; Will L. Clayton, Houston, Tex.; Randolph P. Compton, Scarsdale, N.Y.; James A. Crabtree, Pittsburgh, Pa.; August Derleth, Sauk City, Wis.; Ray P. Dinsmore, Akron, Ohio; Benedict J. Duffy, Washington, D.C.; Marriner S. Eccles, Salt Lake City, Utah.

Theodore Edison, West Orange, N.J.; James M. Faulkner, Boulder, Colo.; Harry Emerson Fosdick, Bronxville, N.Y.; Arthur B. Foye, New York, N.Y.; L. Henry Garland, San Francisco, Calif.; Chauncey B. Garver, Oyster Bay, N.Y.; Mrs. W. St. John Garwood, Austin, Tex.; A. Crawford Greene, San Francisco, Calif.; Leland, Hazard, Pittsburgh, Pa.; F. Peavey Heffelfinger, Minneapolis, Minn.; Fannie Hurst, New York, N.Y.; Sherman R. Knapp, Kensington, Conn.; Joseph Wood Krutch, Tucson, Ariz.; Richard S. Kyle, Wayne, N.J.; Thomas S. Lamont, New York, N.Y.; Chauncey D. Leake, Columbus, Ohio; Marx Leva, Washington, D.C.; Arthur C. Lichtenberger, Greenwich, Conn.; David E. Lilienthal, New York, N.Y.

Clarence Cook Little, Trenton, Maine; John L. Loeb, New York, N.Y.; Henry L. Logan, Bronxville, N.Y.; Mrs. Clare Boothe Luce, New York, N.Y.; Arnold H. Maremont, Chicago, Ill.; Arnaud C. Marts, Whitehouse, N.J.; Mrs. Cordelia Scaife May, Ligonier, Pa.; Fowler McCormick, Chicago, Ill.; Mrs. Stanley McCormick, Boston, Mass.; Craig Moore, Easton, Pa.; Lloyd Morain, San Francisco, Calif.; William E. Moran, Jr., Washington, D.C.; Clifford C. Nelson, New York, N.Y.; Allan Nevins, San Marino, Calif.; John Nuveen, Chicago, Ill.; Fairfield Osborn, New York, N.Y.; Gregory Pincus, Shrewsbury, Mass.; Mrs. Francis T. P. Plimpton, New York, N.Y.; Rockefeller Prentice, Chicago, Ill.

Whitelaw Reid, Purchase, N.Y.; John Rock, Brookline, Mass.; Elmo Roper, New York, N.Y.; Adolph W. Schmidt, Pittsburgh, Pa.; Charles E. Scripps, Cincinnati, Ohio; George C. Shattuck, Boston, Mass.; Henry Knox Sherrill, Boxford, Mass.; William Shockley, Los Altos, Calif.; Ernest L. Stebbins, Baltimore, Md.; Lewis L. Strauss, Washington, D.C.; Sidney A. Swensrud, Ligonier, Pa.; Charles P. Taft, Cincinnati, Ohio; Harold C. Urey, La Jolla, Calif., William H. Vanderbilt, Chestnut Hill, Mass.; Mark Van Doren, Falls Village, Conn.; Pascal K. Whelpton, Oxford, Ohio; Lawrence Wilkinson, New York, N.Y.; John B. Wyon, Boston, Mass.; Don M. Yost, Pasadena, Calif.

REFORM OF RULES OF CONGRESS

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD an article dealing with the subject of the reform of rules of Congress, together with a letter which is appended, which I received from a constituent.

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

KEYSTONE SENATOR CLARK LEADS ATTACK ON CONGRESS RULES

WASHINGTON.—So long as he stays inside the boundaries of the District of Columbia, a Member of Congress can behave like an absolute monarch.

He can take the floor and attack anybody he chooses for any reason whatsoever without fear of legal reprisal. He can park his car beside a fireplug with reasonable assurance that nothing will happen because Congress rules Washington and its police department.

He can create a near panic in the Defense Department and all other agencies and departments of the Government merely by making a phone call and asking an embarrassing question. He is flattered by foreign diplomats fawned upon by lobbyists and invited to go on television coast to coast.

It is small wonder that a Member of Congress, unless he is well balanced and has developed at least a slight sense of humor, sometimes yields to an inner feeling of infallibility and an outward bearing of arrogance. This is one of the things that makes it difficult to change the rules of Congress and bring it out of the horse and buggy age into the modern world.

But a bold minority keeps trying to do it. The leader is Senator JOSEPH S. CLARK, a Pennsylvania Democrat, who walked into the Senate last November 21, and let his colleagues have it with both barrels:

"Who is to blame for the failure of the Senate to perform our constitutional duty? It is not the leadership. It is the Senate establishment. It is that small bipartisan group which does not want anything to happen, which appears quite content to have congressional government break down.

"Gentlemen, it is later than we think. The bricks and mortar of which the Houses of Congress are built are cracking and falling out of place under our eyes. The American people are becoming disillusioned with the legislative performance of the Congress. They are demanding both action and reform. We must act to restore the efficacy of congressional government before the legislative branch of the Federal Republic destroys itself because we are unwilling to save it.

"One might say that the ruling cliques in the Finance Committee, the Judiciary Committee, and the Appropriations Committee constitute the Senate establishment's nests of opposition to the program of the President. These men are conducting a sitdown strike against the people of the United States. I said in February this would happen. I say in November it has happened."

PROPOSES REFORMS

Last January 15 CLARK introduced a resolution to reform the rules and proposed a joint committee of Congress to undertake the task. There are 600 pages of rules governing the operation of Congress, and tucked away in those pages are all sorts of devices and dodges for wasting time and delaying action on legislation. CLARK's proposals struck at the heart of the problem:

Committee chairmen would be elected by the respective committees instead of relying on the rule of seniority. No man could be a chairman after he reached the age of 70.

An objection could be made after a Senator had held the floor for 3 consecutive hours. Debate on a bill could be cut off after 2 weeks by a simple majority vote of the Senate.

A rule of germaneness would be in effect. That means Senators no longer could wander far afield in their speeches but would have to stick to the subject of the legislation under debate.

TIME PASSES

Winter faded into spring, spring into summer and summer into autumn without any action on CLARK's proposals. The seasons had gone full circle and it was winter again—December 15—when CLARK made a last desperate move. He attempted to get unanimous consent for the Senate to consider his resolution. The objection of only one Senator would be enough to prevent it, and the objection came from Senator RICHARD B. RUSSELL, of Georgia. He is leader of a bloc of southern Senators committed to fighting any change in the rules that would deprive them of the weapon of the filibuster against civil rights legislation. Whether CLARK's resolution is dead or merely sleeping, no one can predict. He plans to continue to fight.

DEMOCRATIC CITIZENS ASSOCIATION,
RIEGELSVILLE, PA.,
January 25, 1964.

Hon. JOSEPH C. CLARK,
U.S. Senate,
Washington, D.C.

DEAR MR. CLARK: The Easton Express recently printed a summary of your remarks to the Senate on last November 21, of your resolution of January 15 and of your attempt on December 15 to obtain some action on the resolution.

The Democratic Citizens Association of Riegelsville, a small but enthusiastic group, have unanimously decided that we wholeheartedly support your undertaking, and we consider that we could start the year in no better way than to tell you of our support.

To paraphrase President Kennedy—the needed reforms will not happen in the next 100 days, but let us begin.

When congressional reform is finally accomplished we will be proud to know that our Senator from Pennsylvania will have had a large share in its accomplishment.

Good government, local, State, and National, is the concern of each of us, and we welcome any suggestions to that end.

Sincerely yours,

JANET M. JOHNSON,
Secretary.

VOICE OF DEMOCRACY AWARD TO KATHY FONG OF BOISE, IDAHO

Mr. CHURCH. Mr. President, last night I was privileged to be present, with my colleague the Senator Idaho [Mr. JORDAN] and with Idaho's two Representatives, RALPH HARDING and COMPTON WHITE, to hear Miss Katheryn Fong, of Boise, Idaho, read the original script which won for her first prize in the Voice of Democracy Contest. I rise now, in behalf of the entire Idaho congressional delegation, to ask that Kathy's prize-winning entry be printed in the RECORD, and to express our pride in her, and our joy in the honor she has won for herself and for our State.

The Veterans of Foreign Wars of the United States and the National Association of Broadcasters, which sponsor the annual Voice of Democracy Contest, have awarded Kathy Fong a $5,000 college scholarship. I feel certain that the college of her choice will be fortunate to have her as a student, as our country is fortunate to have her as a citizen, for she has a clear mind, a loyal heart, and a rare understanding of the meaning of good citizenship.

Kathy concludes her script, entitled "The Challenge of Citizenship," with these two sentences which might well serve as a text for the season in this Senate Chamber:

I am proud to say that I am Chinese, because in America's eyes, I am one of her children regardless of my race.

Because she has accepted me, I accept her and will keep on trying to deserve my citizenship.

Mr. President, I am proud that the city of Boise, the State of Idaho, and the United States of America are a part of the environment which has produced Kathy Fong.

Kathy is 17. When I was 17, I had the good fortune to win a similar scholarship in a contest sponsored by the American Legion. I know that it can open many doors for her, I wish her well, and I know that I speak for all Idahoans when I say to Kathy Fong, "Well done, Kathy. We're proud of you."

I ask unanimous consent, Mr. President, that Miss Katheryn Fong's broadcast script entitled "The Challenge of Citizenship" may be printed in the RECORD.

Mr. JORDAN of Idaho. Mr. President, last night the State of Idaho was signally honored by the achievement of one of our fairest and most articulate citizens.

Miss Katherine Fong, of Boise, Idaho, is only 17 years old, yet she speaks with the wisdom of the ages. One of four national finalists, last night she was awarded first place in the VFW Voice of Democracy contest. Her speech and the impressive way she delivered it held every one of her listeners spellbound. In simple and sincere words, she told her audience of Veterans of Foreign Wars and their guests of the Congress and the long line of dignitaries seated at the head table just what her citizenship means to her.

To many of us who take our rich heritage of citizenship altogether too casually, it was a deeply moving presentation.

As an American I salute Kathy Fong for her great contribution, and as an Idahoan I am intensely proud that she is one of ours. She deserves great credit for herself, and all of us are richer for her message.

I join my colleague, Senator CHURCH, in asking unanimous consent to insert her prize-winning speech in the RECORD.

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

THE CHALLENGE OF CITIZENSHIP

(By Katheryn Monica Fong, Boise Senior High School, Boise, Idaho)

I am 17. I am a teenager going through the transition from adolescence to adulthood. As a teenager, I am sometimes asked for an opinion on the system of government in the United States. Immediately my patriotic instincts stimulate an instant flag-waving support. I roll out the old worn out phrases like "our forefathers," and "this great Nation," and "America the free," and other commonly used terms.

This is the usual, superficial reaction I have when I don't give any real thought to the question. When I really stop to analyze the subject with honest introspection, I begin to wonder myself in what regard I hold my Government.

Because I am a second-generation Chinese American, I am indebted to my country for granting my parents entrance to the United States and the start of a new life in a free nation. At a time when immigration from China was so difficult, America accepted them. But they also accepted her by trying to be dutiful, prospective citizens. They both complied with the laws of this Government by reporting regularly to the immigration offices. They were active in community activities and strove for acceptance by the populace. When they finally won their citizenship, their fondest hopes were complete.

Yes, I honor and respect America for giving this opportunity to my parents, because it allowed me to be born a U.S. citizen.

And yet, is it fair for me to claim my citizenship of America simply because I was born here? My parents had to earn their citizenship, why shouldn't I have to? Is my respect and support for American ideals enough to compensate for the title of a true citizen?

The two questions before me then, are these:

What is my frank opinion of the U.S. Government?

What is my claim for citizenship?

The U.S. Government is to me a system developed for civilized man. It allows leeway for errors common to the fallible man. It requires restriction on the controllers of man. It demands order from the delinquent man. It aids the deprived man. It counsels the complaining man. The U.S. Government is a system contrived in the mind of man for the guidance of man.

What is my claim for citizenship? Is it enough to say that I was born here? No, my claim for citizenship must come when I know I deserve it. It must come from within me on the basis of earning it, and knowing in my own heart that it is mine.

Because school is the most influential force surrounding my decisions, I have made this my battleground upon which I must win my title as a citizen.

I propose to do this by having debates with my classmates on varying aspects of the Government, discussions on governmental reforms, and projects to promote participation of teenagers in Government.

I feel that if I can help my classmates to realize what the U.S. Government is and how it can be applied in their adult years, then maybe I am doing my small part to make America stronger for the future, and, thus earning some credit for my citizenship.

I am fortunate that I am Chinese, for I have a point of view that is taken objectively. Often in classes I am asked to state my opinions on certain subjects relating to foreign relations and my view as a minority race in America. Because my parents' birthland is now under communism, I am asked how it affects me. I have been asked how it feels to be of a different breed, and how I feel about the Nation's racial problem. I have even been asked if I would rather have been born white. But these questions don't anger me, for I enjoy answering them. I tell people how grateful I am my parents did come to America. I sympathize with the minority races in their cry for equality. I am proud to say that I am Chinese, because in America's eyes, I am one of her children regardless of my race.

Because she has accepted me, I accept her and will keep on trying to deserve my citizenship.

At 17—this is my challenge of citizenship.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Is there further morning business?

CONSIDERATION OF CIVIL RIGHTS LEGISLATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have 5 minutes in the morning hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, there has been considerable discussion in the past 2 days about the rather "unusual procedure," as it is termed, being followed by the Senate in considering the civil rights bill, H.R. 7152, the unusual procedure, according to the critics and opponents of the bill, is related to the fact that the bill, H.R. 7152, has not been submitted to the Judiciary Committee for its action and report.

I should like to comment briefly on that statement. First, the unusual procedure is not one that the supporters of the bill have chosen. That procedure has been required by the tactics and determination of opponents of the bill and of every civil rights bill in the past 20 years before the Congress of the United States—the tactics and determination to prevent its consideration at all, to prevent the elected representatives of the people from even considering civil rights legislation.

It will be shown in the days ahead that hearings have been held by the committees of the Senate, particularly the Judiciary Committee; and some of the output of that committee in terms of enactment of civil rights legislation will be shown. It is as if Mohammed went to the mountain. It is said also that the product was indeed very little.

The "unusual" Senate procedure on the bill did not begin when it was stopped at the Senate door and put on the calendar. It began in the city of Washington last June when the President first sent to Congress a civil rights bill very similiar to this one, which was referred to the Judiciary Committee, which held only a few days of hearings and interrogated only one witness. This has been followed by no further action or activity on the part of the Judiciary Committee insofar as this bill is concerned.

Let us face the fact that the "usual procedure" is for a Senate committee to hold thorough, balanced, and complete hearings and then to work on a bill to perfect it, and either vote it up or down. Then the "usual procedure" is for the Senate committee to report the bill to the Senate.

The Senate committees are established for the purpose of perfecting and reporting legislation to the parent body, not for the purpose of preventing the parent body from ever having the opportunity to vote on it. Preventing the people or their elected representatives from even voting on an issue of great national significance and importance does not fit

easily into the democratic practice or theory.

Let there be no mistake that the "unusual procedure" which the Senators from Georgia and Mississippi complained of constitutes simply and solely an effort on the part of the Senate leadership to allow the Senate an opportunity to work its will, whatever that will may be. Whatever the leadership has done has been based on the rules, and is securely grounded in many Senate precedents through the years. But the point that must be made clear is that this "unusual procedure" began last June, as anyone who saw or read the Judiciary Committee hearings well knows, and not with the majority leader's efforts to put the bill on the calendar, where the Senate may hopefully have a chance to discuss it, debate it, and then vote on it.

This body ordinarily prefers to have the benefit of committee hearings and a committee report before it begins debate on a bill. This is one means of assuring itself that adequate preliminary consideration of the proposal has been had before the time of this body is taken up in debate on a measure.

In spite of the fact that we do not have a report from the Judiciary Committee, the history of H.R. 7152 provides us with more than adequate assurance in this regard.

The basic provisions of the bill were carefully considered by more than one committee of the Congress, and were exhaustively and carefully examined by the other body.

The bill submitted by the President was introduced in the House as H.R. 7152, and in the Senate as S. 1731.

In addition, title II of the bill, a title dealing with public accommodations, and title VII have been the subjects of separate hearings and reports, and they were placed on the calendar in the Senate.

Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings on H.R. 7152, and other civil rights bills during the period beginning May 8 and ending August 2, 1963. During that period it heard 101 witnesses, including 2 Senators and 26 Representatives, and received an additional 71 statements from other interested persons. These hearings and statements run some 2,649 pages.

I placed in the RECORD several weeks ago a statement as to the number of pages of hearings in the Senate before the Commerce Committee and the Committee on Labor and Public Welfare; and we know of the hearings in the Judiciary Committee.

So there have been hearings; but the "unusual procedure" that has been referred to is the "unusual procedure" that, for more than 20 years, has been followed when any significant piece of civil rights legislation has failed to be reported by the Judiciary Committee, with the exception of the measure on the Civil Rights Commission itself. We have had to bypass that committee under "unusual procedures." It is regrettable that this is the fact. The majority leader therefore took the step he did so that the Senate, Members of which are elected by the people of the United States, and which is the parent body of all its committees, could exercise its will on a matter of national importance.

COMMITTEE CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. ERVIN. Mr. President, I have been very much intrigued by the statement made by my esteemed colleague, the Democratic whip. What happened in the Senate Judiciary Committee in respect to the bills to which he alluded shows that the bill should go to the Judiciary Committee.

The administration brought forth a bill which in many respects was quite different from this bill, and 31 Senators introduced another bill which was quite different in many respects from this bill.

The head of the Department of Justice came before the Judiciary Committee at one time and was interrogated for an hour and a quarter each day for 11 days. That was all the time the committee was in session. I pointed out, for example, that in the administration bill there was a provision under which the Department of Justice could bring suit allegedly for the purpose of enforcing voting rights. All it would have to do would be to make certain allegations in its complaint; and then, without notice, without hearing, without evidence, and without opportunity for the State election officials to be heard in their own defense, an order could be entered appointing Federal voting referees, to supplant State voting officials and perform their duties.

I called the attention of the head of the Department of Justice to the fact that there is such a thing as a due process clause in the fifth amendment which applies to the Federal Government and that due process, in the words of a great American lawyer, Daniel Webster, requires that a judicial proceeding shall be conducted in such a manner that the courts shall hear before they condemn and shall render judgment only after notice and trial. I was astounded to hear the chief law enforcement officer of the Government advocate passage of a bill which showed utter contempt for due process 748 years after the barons at Runnymede had compelled King John to insert a guaranty of due process of law in the Magna Charta. The Government turned its back on that bill after hearings were had upon it before the Senate Judiciary Committee.

After I pointed out the decisions which held that the action of those licensed by a State to follow various private vocations did not constitute State action under the 14th amendment, the 31 Senators turned their backs on their bill; and today we cannot find any sponsor of either of those bills who is willing to boast of his part in begetting it. Those events show why the pending bill should go to the Senate Judiciary Committee.

Mr. ROBERTSON. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. In just one moment. I charge that the reason given for bypassing the committee is totally without foundation. The reason given is that the southern members of the committee would bottle up the bill.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that the Senator from North Carolina may proceed for 3 additional minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 additional minutes.

Mr. ERVIN. Only 4 of the 15 members of the Senate Judiciary Committee are southerners. They could not possibly bottle up a bill if they wanted to do so. If they attempted to do so, the Senate by a simple majority vote could discharge the committee from further consideration of the bill and recall the bill from the committee to the floor of the Senate for consideration by the Senate itself at any time. So there is no foundation for the reason given for bypassing the committee.

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

Mr. ERVIN. The truth is that the reason the sponsors do not want the bill to go to the Senate Judiciary Committee is quite different. They do not want the officers of the executive branch of the Government to be cross-examined about all the legal and constitutional sins and iniquities embodied in this bill. They realize, perhaps, that the same fate would befall this bill as befell the other two bills considered by the Judiciary Committee.

Mr. ROBERTSON. Is it not true that the Constitution leaves to the sovereign States the question of qualifications of an elector, provided that those who are to vote shall have the qualifications requisite for electors of the most numerous branch of the State legislature?

Mr. ERVIN. That principle is embodied in section 2 of the 1st article of the original Constitution, and also in the 17th amendment. There is also a somewhat similar provision in the second section of the second article of the original Constitution, which provides that the States may choose presidential electors as their legislatures may direct.

Mr. ROBERTSON. It is also in the 9th and 10th amendments.

Mr. ERVIN. The Senator is correct.

Mr. ROBERTSON. Is it not true, also, that there is no power in the Constitution for the Federal Government to control State elections?

Mr. ERVIN. Absolutely.

Mr. ROBERTSON. Is it not true, also, under this voting section, that if there were one Federal elector on the ticket, the Federal Government could come in and control all the State's election?

Mr. ERVIN. That is one obvious purpose of the bill now pending before the Senate. This bill was not even presented to the view of the world until the 20th of November and has never been considered by any legislative committee of either the House or the Senate having members and a staff experienced in the analysis of bills of this character.

Mr. ROBERTSON. But it is claimed that it would only apply to Federal elec-

tions, but that is not true. If there were one Federal officer on the ticket the Federal Government could take charge.

Mr. ERVIN. The bill is incompatible with the system of government ordained by the Constitution. It is designed to rob all Americans of some of their most basic economic, legal, personal, and property rights for the supposed benefit of 20 million Americans. It would make the rights of 180 million Americans depend upon the caprice and whim of executive officers of the Government.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. HUMPHREY. Mr. President, despite the eloquence of the oratory, and the vehement argument, the fact is that since July last year the Judiciary Committee did not report a civil rights bill. The House committee did. The fact is that 290 Members of the House of Representatives who have sworn allegiance to their Government and the Constitution of the United States—Republicans and Democrats alike, 138 Republicans and 152 Democrats, liberal and conservative, without partisan consideration—voted for and supported the bill that is now being discussed on a motion to proceed to consider.

Let me add that the argument now being made is on the substance of the bill and not on the motion to take up. The argument whether the bill is a violation of the Federal Constitution in terms of voting rights, is an argument of substance on the bill. It seems to me we would do well to get to the substance of the bill.

The fact is, further, Mr. President, that two committees of the Senate held hearings on the bills presented. The fact is that those who were sponsors of the bills have not denied parentage. I believe the bills were highly desirable. I was one of the cosponsors, as was the majority leader. He has never denied parentage of the bills sent to the Judiciary Committee. The unusual procedure that the Senate now faces is the unusual procedure it has faced every time civil rights legislation has been proposed; namely, that we have either had to intercept the bill at the door or send it to the committee with instructions to report it back. I say that the only reason for such procedures is that there has been an unusual delay of more than a generation in reporting civil rights legislation.

Mr. KEATING. Mr. President, I shall not take 3 minutes, but I believe the RECORD should not stand merely with the statement of the distinguished Senator from North Carolina.

Like the Senator from Minnesota I in no way disclaim parentage of the proposed legislation, of which I am a cosponsor, and which is resting quietly and serenely in the files of the Committee on the Judiciary.

So far as I know, the Senator from North Carolina is accurate in his statement that there are only 4 members on the 15-man Judiciary Committee who are outright opponents of civil rights legislation. But the chairman of that committee has ruled, and his ruling is undoubtedly correct, that the rules of the Senate apply to the rules of the committee. We face in that committee, and have faced ever since I have had the honor to be a member, exactly the same situation which we face on the floor of the Senate; namely, that any time civil rights legislation is brought up, one of our brethren who is opposed to it appears with a stack of books a yard high, and the minute the subject is brought up, he goes into those books.

If a hearing is held, the distinguished Senator from North Carolina takes over the questioning. I thought his questioning of the Attorney General consumed 8 or 9 days, but he says it was 11 days. After that time, either the Attorney General, the chairman, or some other dignitary decided not to have further hearings.

If we had had them, undoubtedly one of the other distinguished opponents of civil rights legislation would have appeared with lawbooks piled high on his desk, to address further questions to the Attorney General. This is always the performance that takes place in the Judiciary Committee when this subject is brought before the committee. On other subjects there is great harmony, and much work is accomplished. However, when it comes to civil rights, we hit a stone wall.

That is the reason why it is completely useless, a waste of time, and an act of supreme supererogation to send the bill to committee.

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

Mr. KEATING. I yield.

Mr. ERVIN. Does my distinguished friend from New York controvert my assertion that under the rules of the Senate the Senate can recall a bill from the Judiciary Committee and bring it before the Senate by a simple majority vote?

Mr. KEATING. There is no question about that. We all know that unless such a motion is made by the majority leader, it does not have any chance of being acted upon favorably. We all realize that that is the situation. If such a motion were made by the majority leader, the objection would be made that the committee was being bypassed. It is being bypassed. The reason for it will be very apparent before these proceedings have been concluded.

Mr. JAVITS. Mr. President, I, too, shall be very brief.

Two facts need to be added to the comments so admirably made by my colleagues.

In March of last year a group of Republicans introduced a series of civil rights bills designed to carry out the recommendations of the U.S. Civil Rights Commission, covering virtually all the issues included in the bill under discussion. A number of those bills were referred to the Judiciary Committee. Hearings were immediately asked for. It is now more than a year since that took place. No hearings were granted. The only hearings that were held were hearings on the President's package, which came to us in June of 1963. The conduct of those hearings has been fully described.

I make the second point with reference to the discharge petition. I have tried the discharge procedure on civil rights legislation. I sweated out the period of the morning hour in an effort to get such bills on the calendar. However, that time in the morning hour was occupied by the opponents of any civil rights legislation.

Mr. President, there is not the remotest hope that the discharge procedure would get anywhere. As my colleague from New York [Mr. KEATING] has said, even if the majority leader were to espouse such a motion, it would be dealt with precisely in the same way that we are being dealt with now.

Mr. President, we are not living in a dream world, but in a world of reality. The Judiciary Committee, considering the views of its eminent chairman and a number of its leading senior members, will not undertake to give us civil rights legislation in the normal reporting process of the Senate, nothwithstanding that there is a majority in the Senate in favor of it.

Under those circumstances, are we to remain manacled because the committee will not report a bill, or must we act? The state of the country demands that we act.

We have taken the right course of action, to enable us to act in the face of the inaction of the Judiciary Committee. To send the bill to the Judiciary Committee now would only take unnecessary time on a critically important bill. The decision which has been taken, based upon so much anguished history, which we have had in the handling of civil rights legislation, is the right decision.

IN DEFENSE OF RIGHTS

Mr. JOHNSTON. Mr. President, I wish to bring to the attention of the Members of the Senate an editorial from the News & Courier of March 10, 1964, entitled "In Defense of Rights." This editorial brings to the people a timely warning on the dangers the civil rights bill, now being considered by the Senate, contains. As this editorial points out—

> The closer our country moves toward chaos—and rights demonstrations are breaking out all over the Nation—the nearer comes the time when only a despot can restore peace in the streets.

Mr. President, I ask unanimous consent to have this editorial printed in the body of the RECORD.

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

IN DEFENSE OF RIGHTS

Again the weary task begins in the U.S. Senate of protecting the American Republic from political zealots.

Under the guise of civil rights, Congress is tearing to shreds the fundamentals of the U.S. Constitution. Because these so-called civil rights provisions are aimed at customs of racial separation that have been most noticeable in the South, defense of other civil rights now being menaced has been taken up by southern Senators. How much support they can recruit from other regions remains to be seen. A nose count has indicated sufficient Senators uncommitted on cloture to leave the outcome of a filibuster in doubt.

Should the southern effort to rally public opinion fail during the long discussions on the Senate floor, the entire country will be the loser. For the right of public accommodation in hotels and restaurants without regard to color is only one of the issues at stake.

Any citizen who resists the Federal will as expressed in the civil rights bill may be sentenced to prison—up to life—without a trial by jury. The right of habeas corpus is suspended for persons summarily jailed under terms of the legislation and no appeal is permitted from the judge's order of imprisonment.

Trial by jury and habeas corpus are rights more to be cherished, in our judgment, than the right to demand a cup of coffee at any counter in the land. Should those basic rights—and many others now in danger—be set aside in the name of better race relations, they may be denied for other causes in the future.

Though the civil rights bill has been promoted as an equalitarian measure and therefore liberal, this movement actually is a step backward toward despotism.

The only way to enforce such a radical and unpopular measure is to give Government strong powers over the individual.

The closer our country moves toward chaos—and rights demonstrations are breaking out all over the Nation—the nearer comes the time when only a despot can restore peace in the streets. If and when the day arrives when a strong ruler governs the United States, the Republic will be as dead as though a foreign enemy had crushed it.

The voices of southern Senators, droning in relays on Capitol Hill, are sounding a warning that may be too loud for freemen to hear. If that is so, the Republic is already gravely sick.

IOU NO. 14—THE UTILITY'S PROBLEM: TOO MUCH PROFIT

Mr. METCALF. Mr. President, I was delighted to read the headline, "Tax Cut To Trim Utilities Bills—Reduction Is Hidden Benefit of Congressional Action," on the front page of the financial section of the New York Times for Sunday, March 1.

The article, by Gene Smith, reported that "the reduced bills for electric, gas, and telephone service will stem from a reduction in corporate income taxes from the old 52 percent to the new 50 percent." The article included an important qualification:

> There is no clear-cut rule in this matter. In most cases, it depends on interpretations by individual State regulatory bodies. Lacking any decisions by them, it may be up to the separate companies.

A glum prediction about the effect of the tax cut on rates for consumers in the Washington area appeared Friday, March 6, in the Washington Post. Financial Editor S. Oliver Goodman said, in the lead paragraph:

> Washington utilities are analyzing the effects of the Federal income tax cut, but it seemed doubtful that there would be enough of a saving to warrant passing it on to customers in the form of rate cuts.

The article, which I shall insert in the RECORD along with the Times article, included some calculations by the executive secretary of the Arlington Public Utilities Commission which suggest that the local utilities will benefit substantially from the tax reduction. He estimates that Potomac Electric Power can reduce the payment of Federal taxes—which the consumers pay as part of their electricity bills—by $703,000 this year, and by $1,319,000 next year. Perhaps some customers would not consider these amounts too insignificant to warrant a rate reduction.

Mr. President, I hope the headline in the Times proves to be correct. But I would hope that editorial accolades for the investor-owned utilities—IOU's—will be deferred until after the rates have actually been reduced. Those reductions should not only reflect the companies' savings made possible by the new tax law. Consumers in some States are still waiting for the regulatory agencies to require the IOU's to share with the customer the benefits of accelerated depreciation, which were granted several years ago. And consumers in many States are still waiting for the regulatory agency to require the IOU's to share with the consumer the benefits of cost reductions brought about by technological improvements.

The January 1, 1964, issue of Forbes magazine deals with this latter point. It tells of the "unexpected problem for the electric power companies." It is a problem all of us would like to have. The companies are making too much money. The Forbes article states that:

> The industry's plant expansion is paying off in higher efficiency and rising profits just when capital spending is off sharply, because growth in demand has slackened somewhat. Therefore net income has been rising faster than net property, and the industry's rate of return has moved up steadily.

This profit problem, one should remember, existed prior to approval of the new tax law, which not only provides the IOU's with a 2-percent reduction in corporate tax rates, but also prohibits Federal regulatory agencies from requiring that benefits of the 3-percent investment credit be passed on to the consumer. So this excess profit problem is now worse than it was at the beginning of the year.

I read through the Forbes article hopefully, anticipating that it would suggest that the answer to the excess profits problem of IOU's would be rate reduction.

Therefore I was somewhat startled to read:

> The long-term solution to the rate-of-return problem seems to lie in expanding the rate base.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the Times, Post, and Forbes articles to which I have referred.

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

[From the New York (N.Y.) Times, Mar. 1, 1964]

TAX CUT TO TRIM UTILITIES' BILLS—REDUCTION IS HIDDEN BENEFIT OF CONGRESSIONAL ACTION

(By Gene Smith)

As Americans start picking up fatter pay checks next month, many will also find that their monthly bills for utilities will be a bit smaller than in the past.

This is one of the hidden benefits of the tax-reduction measure passed last week by Congress and signed Wednesday evening by President Johnson. The reduced bills for electric, gas, and telephone service will stem from a reduction in corporate income tax rates from the old 52 percent to the new 50-percent rate.

There is no clear-cut rule in this matter. In most cases, it depends on interpretations by individual State regulatory bodies. Lacking any decisions by them, it may be up to the separate companies.

The biggest utility of all, the American Telephone & Telegraph Co., was the first to issue a public statement.

ECONOMIC STIMULATION

Frederick R. Kappel, chairman and chief executive said the tax action created the possibility of substantial economic stimulation. He did not comment on rates since this would be up to interpretations in the separate States. But he said:

"In the Bell System we think we can make our greatest contribution by investing the corporate tax savings in activities that increase employment and also make goods and services more valuable, more attractive, and more wanted."

Mr. Kappel estimated the initial 2-percent cut in corporate taxes would reduce the Bell System's tax bill for this year by $55 million. He also said the record $3.25 billion expansion program would be increased by an additional $100 million and that 12,000 to 15,000 jobs would be created directly or indirectly as a result.

Locally, the New York Public Service Commission has scheduled no action on its interpretation as to whether the tax savings to the utilities should be passed on to customers or left within the companies. Spokesmen for several utilities, including the Consolidated Edison Co. of New York, indicated they felt this would be considered a reduction in operating expenses and would thus be passed on to the customers.

The situation is about the same in Illinois, although Commonwealth Edison Co., which provides electric service for the Chicago area, has indicated that its plans to cut its rates.

The Illinois Commerce Commission announced on February 19 that it planned to examine the rate situation in light of the then-expected income-tax-rate cut.

COMMISSION DEMANDS MET

James W. Karber, commission chairman, said at that time that it would be extremely difficult to predict the precise effect of the new tax rates on future utility rates.

"Certainly there will be no across-the-board reductions in the rates of all utilities."

He stated the State commission would study all rates for reasonableness and added that the commission would also consider "the stimulation of the general economy by the utilities' construction programs and the effect of such construction on the capital investment required to serve each customer."

In Minnesota, Northern States Power Co. is in an unusual position. It does not have to deal with a State commission, but its subsidiaries in Wisconsin and North Dakota do.

Consequently, the company works conscientiously to meet the demands of the individual State commissions. Northern States Power has made seven electric rate cuts since September 1, 1961. These have provided consumers with savings of $8.8 million on an annual basis. These figures include $2.4 million, effective in March.

Allan S. King, president, stated, before the tax revision was passed and signed, that such reductions would be made in the company's rate schedule.

He added, "It is our company's consistent policy to give our customers the benefits of operating efficiencies and reduced cost through rate reductions."

In Florida, the public utilities commission has not made a decision yet but it has indicated it would do so "in the next few days."

This group has been identified as "the most liberal commission in the United States" so its decision should have a decisive bearing throughout the Nation.

[From the Washington (D.C.) Post, Mar. 6, 1964]

DISTRICT OF COLUMBIA UTILITIES WEIGH EXTENT OF TAX CUT

(By S. Oliver Goodman)

Washington utilities are analyzing the effects of the Federal income tax cut, but it seemed doubtful that there would be enough of a saving to warrant passing it on to customers in the form of rate cuts.

The Washington Gas Light Co. said that the firm's net income will benefit about $279,700 this year from the tax reduction. Figuring on 442,684 meters in service on December 31, 1963, the average rate cut that could be allowed would be 63 cents a year per customer.

However, he further pointed out, a complex provision of the new tax bill provides for accelerated taxpayments by all corporations. This means, he said, that all firms will be paying their taxes faster so that actually there will be no cash benefit to them until after 1970.

There was no immediate comment from Potomac Electric Power Co. and Chesapeake & Potomac Telephone Co. on whether they would be able to pass on any of their tax savings to customers.

Meanwhile Charles Hammond, executive secretary of the Arlington Public Utilities Commission, has prepared some figures indicating how area utilities will benefit from the tax cut.

His calculations (not verified by the Washington Post) are as follows:

Washington Gas Light Co. paid $7,293,000 in Federal income tax in 1963. Based on that amount, the company will save $583,000 in taxes in 1964 and $1,094,000 in 1965.

Potomac Electric Power Co. paid $8,793,000 in Federal income tax in 1962 (latest available figure). Based on that amount, the company will save $703,000 in taxes in 1964 and $1,319,000 in 1965. Pepco had 376,039 customers at the end of 1962.

[From Forbes magazine, Jan. 1, 1964]

GREATER EFFICIENCY HAS GENERATED AN UNEXPECTED PROBLEM FOR THE ELECTRIC POWER COMPANIES—THE EARNINGS OF MANY ARE BUMPING AGAINST THEIR RATE CEILINGS

Since the war's end, U.S. electric utilities have faced a unique growth problem. Their 7.5 percent average annual growth has been dependably steady and pleasant to live with. But because it takes $4 in utility plant to support $1 in revenues, the utilities had to spend a fantastic $41 billion on new plant between 1948 and 1962. And unlike the steel industry, they got their money's worth: A 219 percent increase in generating capacity (to 145 million kilowatts) yielded a full 211 percent rise in earnings (to $2.1 billion) on 180 percent higher revenues (of $10.9 billion). For year after year, the industry has produced more power more cheaply, efficiently, and profitably—with no end in sight.

THE INDIVIDUALISTS

Yet as the Forbes yardstick makes abundantly clear, the industry's overall success is blended from sharply differing individual records. Anyone who doubts this can compare the growth records of Southern California Edison Co. and Texas Utilities Co. with those of Consolidated Edison Co. of New York and Detroit Edison Co. Or they can stack the profitability of Virginia Electric & Power Co. against that of Pacific Gas & Electric Co. True, such differences are in part matters of geography or population growth or fuel availability. After all, New York's Con Edison or New Jersey's Public Service Electric & Gas Co. could scarcely be expected to match the fuel costs of an American Electric Power Co. or of an Ohio Edison Co., which bestride the Appalachian coal fields. Nor are urban utilities like Philadelphia Electric Co., or exurban giants like Niagara Mohawk Power Corp. or General Public Utilities Corp., which serve some of the more depressed eastern industrial areas, likely to match growth rates with a Central & South West Corp. And utilities subject to regulation as unsympathetic as New York's or California's are likely to be less profitable (see yardstick below) than those in the lenient hands of, say, Virginia or Texas. But as one industry executive warned, "Beware of utility men bearing too many excuses." For in utilities, too, management is often decisive.

Yardsticks of performance: Utilities

GROWTH

[5-year compounded rate]

	Sales	Earnings	Group ranking
ELECTRIC AND GAS	*Percent*	*Percent*	
Southern California Edison [1]	10.5	7.5	1
Texas Utilities	9.2	7.5	2
Central & South West	7.9	6.8	3
Commonwealth Edison	6.5	11.0	3
Virginia Electric [1]	7.5	7.1	3
Consumers Power	8.4	4.9	4
Middle South	7.0	6.7	4
Southern Co	7.2	6.5	4
Public Service Electric & Gas [1]	7.1	6.1	5
Pacific Gas & Electric [1]	7.8	4.5	6
American Electric Power [1]	5.8	4.8	7
Niagara Mohawk [1]	5.7	4.1	8
Ohio Edison [1]	5.4	4.4	8
General Public Utilities [1]	5.3	3.5	9
Consolidated Edison [1]	5.6	1.0	10
Detroit Edison	3.8	2.6	11
Philadelphia Electric [1]	4.8	1.0	12
TELEPHONE AND COMMUNICATIONS			
American Telephone & Telegraph	7.3	5.9	1
General Telephone	9.1	2.5	2
Western Union [1]	1.3	([2])	3
Industry median	7.2	4.9	------

[1] Flow-through benefits eliminated to make data comparable.
[2] Declined.

PROFITABILITY

[5-year average]

	Return on equity	Cash flow to equity	Operating profit margin [3]	Group ranking
ELECTRIC AND GAS	*Percent*	*Percent*	*Percent*	
Texas Utilities	12.6	19.0	27.7	1
Central and South West	10.8	17.8	25.5	2
American Electric Power [1]	10.1	18.6	23.2	3
Virginia Electric [1]	10.6	17.3	24.0	4
Ohio Edison [1]	10.2	17.6	23.3	5
Commonwealth Edison	10.2	17.4	20.9	6
Philadelphia Electric [1]	9.6	17.9	20.1	6
Southern Co	9.5	17.6	22.8	6
General Public Utilities [1]	9.3	15.8	23.8	7
Middle South	8.5	16.7	18.9	8
Public Service Electric & Gas [1]	8.8	16.9	16.8	9
Southern California Edison [1]	8.2	14.9	21.2	9
Consumers Power	9.0	15.8	18.2	10
Pacific Gas & Electric [1]	8.5	15.4	19.5	10
Niagara Mohawk [1]	7.9	16.1	15.9	11
Detroit Edison	8.1	14.0	18.4	12
Consolidated Edison [1]	6.8	14.3	15.5	13
TELEPHONE AND COMMUNICATIONS				
General Telephone	10.3	21.4	14.8	1
American Telephone & Telegraph	9.2	16.5	16.7	2
Western Union [1]	3.8	11.1	3.4	3
Industry median	9.4	16.8	19.8	------

[3] After depreciation and taxes.

Yardsticks of performance: Utilities—Con.

TREND

[Latest 12 months versus 3-year average]

	Earnings	Net profit margin [4]	Group ranking
ELECTRIC AND GAS	*Percent*	*Percent*	
Niagra Mohawk [1]	+19.5	+0.5	1
Detroit Edison	+15.0	+.7	2
Texas Utilities	+20.2	+.2	2
Central & South West	+16.2	+.2	3
American Electric Power [1]	+12.7	+.5	4
Consumers	+14.7	+.4	4
Public Service Electric & Gas [1]	+12.7	+.2	5
Commonwealth Edison	+11.1	+.2	6
Southern Co	+10.5	−.1	7
Philadelphia Electric [1]	+8.8	([5])	7
Middle South	+9.0	−.3	8
General Public Utilities [1]	+10.7	−.6	8
Southern California Edison [1]	+8.8	−.2	8
Virginia Electric [1]	+7.6	−.3	9
Pacific Gas & Electric [1]	+5.1	−.3	10
Ohio Edison [1]	+6.4	−.8	11
Consolidated Edison [1]	−15.4	−.5	12
TELEPHONE AND COMMUNICATIONS			
Western Union [1]	+36.1	+1.1	1
General Telephone	+21.7	+.6	2
American Telephone & Telegraph	+5.5	+.1	3
Industry median	+10.8	+.2	------

[4] Gain or loss in percentage points.
[5] No change.

NOTE.—Companies are listed in each group in order of their performance.

MANAGEMENT AND THE IMAGINATION

Take fuels costs, a good 35 percent of the industry's operating costs. They might seem an intractable expense item. Yet when lack of new hydroelectric sites forced both Southern California Edison and Pacific Gas & Electric to move toward steampower, SoCal Edison tailored its expansion so astutely between 1957 and 1962 that its expense ratio (operating expense and maintenance as a percent of revenues) fell from 44 to 40 percent, while P.G. & E.'s rose from 52 to 56 percent.

Or consider what happened when natural gas for boiler fuel began to soar in price a few years ago. Though Central & South West's fuel costs rose 39 percent in just 5 years, C. & S.W. offset the rise by adding more efficient plant. And Southern Co., with low-cost coal at hand, turned to it so effectively as to chop its expense ratio three points (to 40.8 percent) in the same period.

Among veteran coal users, Virginia Electric & Power for years pressured the railroads into freight-rate cuts by threatening to build a mine-mouth generating plant. The same threat recently won Commonwealth Edison Co. reductions of some $5 million a year. General Public Utilities' experimental use at its steamplants of coal slurry, the coal and water mixture carried by coal pipelines, forced the railroads to come up with a new service—the integral train—and a competitive rate. And on the west coast, Pacific Gas & Electric's new natural gas pipeline from Canada also pressured P.G. & E.'s traditional gas suppliers into keeping prices down.

PLANT PROGRESS

But fuel is not the only route to savings. "When fuel costs are low," observes American Electric Power's President Donald C. Cook, "there's a tendency toward waste. We decided we were also going to be as efficient as we possibly could." Not every utility has matched AEP's single-minded concentration on efficiency. New York's Con Edison, for instance, has not once in the past 5 years been able to place a plant on the Federal Power Commission list of the industry's most efficient. Yet the list does include the Mercer plant of Con Ed's almost equally urban New Jersey neighbor, Public Service Electric & Gas, which by rapid expansion has been able

to cut its expense ratio from 54.5 percent to 48.8 percent between 1957 and 1962.

Thanks to marked technological progress, such economies have been available to any utility with the initiative to seek them, the resources to support them and the growth to justify them. Admittedly, however, the biggest edge accrued to those utilities that ranked highest in growth. (See yardstick above.) For rapid expansion meant that efficient new plants furnished an increasing proportion of their output. Thus, nearly 75 percent of Texas Utilities' generating capacity is under 10 years old, and nearly 65 percent of Central & South West's, Virginia Electric's, and SoCal Edison's—versus only 54 percent of Detroit Edison's, 47 percent of Philadelphia Electric's and 42 percent of Con Edison's. And the proportions are critical, for, as Con Ed President Charles Eble points out, the new units need only two-thirds as much fuel.

But the bigger companies have one advantage despite slower growth: They can add new generating plant in larger and more economical units. Thus, Chicago's Commonwealth Edison, which spent over $200 per kilowatt in 1952 for the 160,000-kilowatt units in its Ridgeland plant, will spend only $113 per kilowatt for two 560,000 kilowatt-hour units going into service at its Joliet station in 1965. And Joliet's operating cost should be under half-a-cent per kilowatt-hour versus three-quarters of a cent at Ridgeland. "Size and economy," says Detroit Edison President Walter Cisler, "go hand in hand in the utility business." And he should know, for it was the big units added in the 1950's that placed Detroit Edison among the country's six most efficient large systems.[1]

ROAD TO VOLUME

American Electric Power's smart management has proved that a utility need not be at the mercy of its territory's growth. "We've never built to meet a demand," says AEP's Cook. "We built our capacity and then went out and sold it." Cook argues that demand for power can be created as is demand for aluminum beer cans or color TV—by cutting prices and making it outpull the competition, in this case natural gas and oil.

AEP's low-cost power has not only lured such heavy power-consuming industries as aluminum into its area; it also proved the potential of the all-electric home. Last year AEP's 42,000 all-electric customers consumed on average 5 times the electricity of its other residential customers, but paid only 3.3 times as much for it. And because more volume means more profit, AEP ranks in profitability just behind two companies which operate in fast-growth country, Central & South West and Texas Utilities (see yardstick above).

Yet for years AEP's strategy had few imitators. Why cut rates, went the query, when inadequate household wiring limited the demand to be gained? Then, too, companies like Con Edison, Public Service, Philadelphia Electric, Niagara Mohawk and Pacific Gas & Electric faced an awkward conflict with their natural gas operations, often the faster growing, and more profitable part of their business.

Of late, however, the industry is recognizing the balancing value of the all-electric home's heating load. For the spread of air conditioning is fast replacing the old winter demand peak with a new and potentially even more costly summer one. Having felt the impact of air conditioning first, the southern and southwestern utilities were among the first to offer promotional rates for electric home heating, which, in any case, costs less in their climates. But recently even the big eastern utilities have begun to offer them, Philadelphia Electric and Public Service Electric & Gas in 1961, Consolidated Edison last year.

[1] The others: American Electric Power, Consumers Power, Duke Power, Niagara Mohawk, SoCal Edison.

A few utilities have also launched a frontal attack on demand limitations imposed by poor home wiring. Southern Co. a few years back began sharing the cost of rewiring houses to allow use of high-consumption appliances. "The rate of return on this business," says Southern President Harllee Branch, Jr., "has been substantially higher than that earned on our residential business as a whole." Recently Commonwealth Edison launched a similar program; and AEP will provide underground wiring for electric subdivisions, service wiring for electric homes. "We see no reason," says AEP's Cook, "why we shouldn't supply the same service as the telephone company."

However they may feel about actually lowering rates, most utilities strongly favor stable rates. Thus Southern Co., three of Middle South Utilities' four subsidiaries and Central & South West have not had a rate increase since the war, Detroit Edison and Philadelphia Electric since 1949, Virginia Electric since 1954. But companies that lacked the growth or efficiency to offset their rising costs felt such pressure on earnings as to force them to seek increases from State regulatory commissions. Con Edison, for example, got a $15.7-million interim increase in 1960, a second of $10.4 million in 1962, and is now back asking for $27 million more.

For most utilities, however, rate increases are much less crucial. The industry's plant expansion is paying off in higher efficiency and rising profits just when capital spending is off sharply, because growth in demand has slackened somewhat. Therefore net income has been rising faster than net property, and the industry's rate of return has moved up steadily. Even those companies earning less than 6 percent (e.g., Niagara Mohawk, Consumers Power, Middle South Utilities, Southern Co., Pacific Gas & Electric) can look forward to significant improvement in the normal course of events.

The trend has been speeded by the ruling of many State commissions that tax savings from faster depreciation cannot be normalized by a charge to income, but must flow through to net—a decision that notably improved both reported net income and rate of return of the companies involved. In fact, for many companies the rate of return is so high that some analysts fear they are now threatened with rate reductions.

CREATIVE MANEUVER

Most utilitymen are inclined to minimize the problem. "We do not expect to run into our rate ceiling in the near future," says Consumers Power's Chairman Alphonse H. Aymond, Jr.; while Commonwealth Edison President J. Harris Ward adds, "We are not earning an excessive rate of return."

Corporate profiles

[In millions]

	Total assets	Latest 12 months	
		Sales	Net income
ELECTRIC AND GAS			
American Electric Power [1]	$1,655	$389.7	$62.0
Central & South West	782	212.9	38.0
Commonwealth Edison	1,837	536.2	91.0
Consolidated Edison [1]	2,831	747.1	68.9
Consumers Power	1,139	349.3	47.8
Detroit Edison	1,029	316.4	46.5
General Public Utilities [1]	1,078	237.9	34.4
Middle South Utilities	859	249.4	28.6
Niagra Mohawk Power [1]	1,129	351.8	37.1
Ohio Edison	727	184.7	32.6
Pacific Gas & Electric [1]	2,809	748.9	[2] 100.0
Philadelphia Electric [1]	1,123	309.1	44.4
Public Service Electric & Gas [1]	1,552	472.7	54.5
Southern California Edison [1]	1,537	375.7	53.9
Southern Co.	1,578	377.0	53.6
Texas Utilities	899	260.7	50.8
Virginia Electric & Power [1]	766	195.0	35.7

See footnotes at end of table.

Corporate profiles—Contined

[In millions]

	Total assets	Latest 12 months	
		Sales	Net income
TELEPHONE AND COMMUNICATIONS			
American Telegraph & Telegraph	26,717	9,343.9	1,442.0
General Telephone	2,564	1,404.9	98.5
Western Union [1]	528	291.8	[2] 10.9

[1] Flow-though benefits have been eliminated in net income figures.
[2] Estimated.

Nonetheless, in the last year or so nearly every major utility has reduced some rates—and for good reason. For the cuts were mostly on promotional rates for volume business, which tend to generate more revenues and earnings; while the utility commissions would probably have cut rates across the board.

Yet promotional rate cuts in time create a happy problem of their own. For given excess capacity—and this is what most promotional cuts are designed to plug—it costs little to produce even large amounts of extra power. "We've got the capacity, the manpower and the equipment," says Central & South West's President John Osborne, "the only cost is the fuel. If rate reductions are promotional—and ours are—you do more business than before and you earn more money on it."

The long-term solution to the rate-of-return problem seems to lie in expanding the rate base. This should result in part from normal capital spending, beginning to rise again after a dip that has continued since 1958. But some of it will come from expanding the whole concept of what constitutes utility plant. Thus Commonwealth Edison, AEP and Southern Co. are rolling the cost of their rewiring programs into their rate bases. And while Commonwealth Edison hopes to cut rates by $5 million yearly when its integral trains start running, it will also spend $5 million on freight cars to provide the service. "The arrangement will reduce rates via the fuel clause," says President J. Harris Ward, "and at the same time increase our rate base."

THE CONSEQUENCES

The important thing for investors to remember is that running into a regulatory ceiling need not mean catastrophe. Any intelligent regulatory commission will probably allow a certain premium for good management. Thus it might view more sympathetically a company that has cut its rates over the years than one that has raised them. And it would likely look with more kindness on a company with the lowest rates in the State than on the one with the highest.

Further, if a company is ordered to hold down or even reduce its total return on investment, this may not be reflected in the trend of earnings per share. The industry is generating some 62 percent of its capital needs internally versus only 32 percent 5 years ago. Thus net per share can continue growing on the basis of reinvested earnings. For it is no longer necessary for utilities to finance their expansion by issuing the new common that so regularly diluted earnings in years past.

THE COMMUNICATORS

By contrast with the electric utilities, rate cutting by the big communications companies—American Telephone & Telegraph Co., General Telephone & Electronics Corp., and Western Union Telegraph Co.—has never been particularly popular. But there were regulatory problems of a different sort. The FCC last year rejected A.T. & T.'s proposed rate structure for its wide area data service,

but A.T. & T. had not given up hope that the Commission would accept its wide area telephone rate proposals. Main fly in the ointment: opposition from A.T. & T.'s prime competitor, Western Union.

A.T. & T. competition had already forced Western Union to cut rates on its private wire service—reductions that Western Union's slender margins could ill withstand, especially when Western Union desperately sought more revenues. To get them, last year it posted another increase on its public message (i.e., regular telegram) business, which will doubtless decline even faster as a result. But Western Union needed the added revenues to complete its $100 million transcontinental microwave network, which will help it compete more directly with A.T. & T. in several telecommunications areas.

Though still paying out most of its earnings in dividends, Western Union was penny-pinching in some areas by cutting executive salaries 10 percent and eliminating most of its advertising. The effort seemed to be paying off at the 9-month mark, when WU reported earnings nearly doubled on a 7-percent rise in revenues. But some of the gain stemmed from tax credits, while WU still had some heavy payments to make to its pension fund. And even with the completion of its microwave system, it was uncertain whether WU could generate the revenues to offset its higher costs, and whether it has the financial muscle to stand up to one of the world's largest and richest companies.

BETTER MIX

If Western Union was no match for A.T. & T., General Telephone & Electronics was doing fine. In the last 5 years, GenTel's telephone revenues and profits have grown much faster than A.T. & T.'s, but its total profits have not. Reason: GenTel's net from manufacturing peaked out at $37 million in 1959 when Sylvania was bought, then declined so fast (to $24 million in 2 years) that rising telephone earnings could not plug the gap.

Since then GenTel's Chairman Donald Power has tidied up the Sylvania operation by selling the camera division, strengthening the dealer network and upgrading the semiconductor operation. Hence manufacturing profits last year were back to a more satisfactory $33 million, and GenTel had the biggest and best year in its history.

So, for that matter, did A.T. & T., which completed a $47 million addition to its oversea cable network, orbited a second Telstar satellite, introduced a new touch tone telephone, and cut its night rates on long-distance telephone service. But the real measure of A.T. & T.'s management was that no one was surprised at the record results. Like the man who did the difficult at once and took only a little longer for the impossible, A.T. & T. seems to have turned recordbreaking into a routine performance.

FBI DIRECTOR STAYS ON

Mr. HRUSKA. Mr. President, Lyle C. Wilson, the able syndicated columnist and vice president of United Press International, in a recent column takes note of the fact that President Johnson intends to waive the requirement that Federal Bureau of Investigation employees must retire at age 70 in order that the FBI's distinguished Director, Mr. J. Edgar Hoover, be allowed to serve past January 1, 1965.

President Johnson thus reflects the great trust and confidence the American public has in Mr. Hoover.

I ask unanimous consent, Mr. President, that Mr. Wilson's column, entitled, "FBI Director Stays On," be printed in the RECORD.

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

[From the Washington (D.C.) Daily News, Mar. 9, 1964]

FBI DIRECTOR STAYS ON

(By Lyle C. Wilson)

President Johnson has told White House callers he hopes J. Edgar Hoover will continue as Director of the Federal Bureau of Investigation. Mr. Johnson has said that he wants Mr. Hoover to direct the FBI at least as long as he remains in the White House.

That pleases Mr. Hoover who enjoys vigorous good health. He has no desire to retire so long as he can be of service to his country. Sometime before January 1, 1965, therefore, the President will sign an Executive order waiving with respect to Mr. Hoover the requirement that FBI employees retire at age 70. Next New Year's Day will be the Director's 70th birthday.

Mr. Hoover's age and the Federal retirement law had combined to arouse some speculation that the Director's distinguished career would end with this year. There was a bit of wishful thinking in the speculation, no doubt, because left wingers of American politics declared open season on Mr. Hoover long ago.

American Communists constantly have campaigned to retire Mr. Hoover. They had ample cause for their anti-Hoover crusades. Under his direction the FBI became an effective and genuinely feared opponent of Communist subversion. But Mr. Hoover's enemies were not limited to the American Commies.

The non-Communist left wing of American politics is a much more dangerous enemy of Mr. Hoover and of the FBI than are the Communists. The commies cannot do much beyond yapping their resentment each time the FBI turns over a Red rock to examine the insect life beneath.

The non-Communist lefties, however, often have connections in high places, sometime including the White House. They often hold high political positions themselves. From such power points in Washington the Hoover hunt has been directed for years. Lefties in and out of the Truman administration made a big hidden play against Mr. Hoover.

They hoped to persuade Mr. Truman to impose certain rules and regulations on the FBI, the idea being that Mr. Hoover would resign rather than preside over the destruction of the Bureau by Executive order. HST was too smart for his lefty friends who sought to enlist him in the anti-Hoover movement.

Mr. Hoover probably is the best known American civil servant. Many persons familiar with Government rate him the ablest administrator in public office. No public servant rates higher with Congress than does Mr. Hoover.

His direction of the FBI has not been openly challenged since the early New Deal years when the Democrats were back in power clamoring for jobs after many lean years. Chairman Kenneth McKellar, Democrat, of Tennessee, of the powerful Senate Appropriations Committee demanded FBI jobs for deserving Tennessee Democrats. Mr. Hoover balked, enraging Senator McKellar.

The Senator undertook to discipline the Director, bawling threats in a series of Senate speeches. Few men, including presidents, could cross McKellar and get away with it. Mr. Hoover could and did. The word that Mr. Hoover will stay on the job will get no cheers from the American lefties. All other Americans are likely to applaud.

VIETNAM: COMPLEX AND DIFFICULT

Mr. BARTLETT. Mr. President, the Senator from Louisiana [Mr. ELLENDER] expressed great interest on the floor the other day during the course of a discussion on this subject—I desire to say that last Saturday, March 7, it was my pleasure to address a conference on Vietnam at Wingspread, Racine, Wis. This meeting was sponsored by the University of Wisconsin in cooperation with the Johnson Foundation. Present were distinguished scholars and public servants.

Dr. Wesley R. Fishel, professor of political science at Michigan State University and one of the country's few recognized experts on South Vietnam, spoke on the U.S. role in that country. Speaking on strategic problems in southeast Asia was Col. Donald S. Bussey, a man with a scholastic record as extensive as his combat record. Richard Dudman, a St. Louis Post-Dispatch correspondent, who last year was denied reentry into Vietnam because of the Diem regime's displeasure with his reports, gave an observation on the present scene. Particularly illuminating was a round table discussion on alternate policies with Congressman Henry S. Reuss, from Wisconsin, Benjamin V. Cohen, attorney and diplomat who served in many positions under the Roosevelt and Truman administrations, and Dr. Fishel.

In my own speech I tried to emphasize the complexity of Vietnam.

There are no easy answers.

We cannot, we should not, accept defeat.

The military situation must be improved before there can be hope for a satisfactory negotiated settlement.

This does not mean we should close our ears to talk of such a settlement. We should not scorn the efforts of our allies to find solutions other than military in southeast Asia.

Mr. President, I ask unanimous consent that my speech be made a part of the RECORD at this point.

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

VIETNAM

(Address of Senator E. L. "BOB" BARTLETT at Johnson Foundation Education Conference Center, Racine, Wis.)

I should start by explaining why I am here. I am here because recently I gave a speech on the Senate floor discussing America's role in South Vietnam. My speech, and one given on the same day by Senator MANSFIELD, have caused a good deal of heated controversy. This controversy has been not a little aided by the fact that most of those engaging in it have not had the time nor the opportunity to read what actually we said.

The policy that Senator MANSFIELD and I advocated on that Wednesday 2 weeks ago has been called a policy of passive surrender. It is neither passive nor surrender. It is more an attempt to combine active hope with cool realism.

I cannot, of course, speak for Senator MANSFIELD. I would, however, like to take this opportunity to clarify, if possible, my purpose in speaking out. If I do succeed in such clarification, it will be a remarkable achievement, for the situation in Vietnam is anything but clear. Misinformation, confusion, contradictions, and doubts abound.

It is, alas, sadly true that the only way to be really clear on Vietnam is to speak in such general terms as to render the points made practically useless in application to what is actually happening in Vietnam. The alternate approach is equally unhappy, for

if I were to speak in detail, using only that detail of which I am absolutely sure and qualifying each point on which I am not completely certain, my talk would be tedious, hesitant, and largely irrelevant.

Let me start with a principle: for the foreseeable future we must stay in South Vietnam; we cannot pull out. As a nation we are committed to assisting South Vietnam in the preservation of its integrity and independence.

There is little doubt the recent succession of coup upon coup has weakened the morale of the army and that the military situation has deteriorated. Secretary McNamara's visit to Vietnam is testimony of this. The number of guerrilla raids—incidents as they are called—has increased markedly. The Vietcong has begun daylight forays. The number of desertions from the South Vietnam Army has increased; and, as one correspondent put it, only 3 percent of the South Vietnam Army's attacks over the last week actually made contact with the Communists.

Some have suggested that to save the situation we must take the war to North Vietnam. I fail to see that our national security is endangered enough by happenings in South Vietnam to warrant the risk of a major war. For, count on it: selective bombings of North Vietnam could be but the beginning of a very grave and hazardous game, a game which would give us little were we to win and which would cost us dearly were we to lose.

Perhaps there is an alternate policy, a policy leading to settlement of the Vietnam struggle. If there is, our position in seeking for it will not be improved by bombing Hanoi or even Shanghai.

The war in South Vietnam, although in many ways supported by the North Vietnamese, and for all practical purposes directed by the North Vietnamese, remains a South Vietnam war. The guerrilla fighters for the Vietcong are recruited from South Vietnam. Most of the equipment used by the Vietcong is American, stolen in raids. It is my understanding that what ammunition is not stolen from us is purchased across the border in Cambodia.

Recently Defense Department officials have said that they have captured sophisticated weapons of Chinese origin from Vietcong strongholds. However, the State Department has informed me that the principal means of bringing equipment from the north into the south is by way of the so-called Ho Chi Minh trail which is nothing more than a series of jungle paths. Only material which can be carried on the back of a man can be carried on this trail. There is a limit, obviously, to what can be carried in this way.

Even if we were to close the Ho Chi Minh trail and to blockade North Vietnam, and even if this did not cause further retaliation in kind from North Vietnam and China, what would we gain? The rebels are in South Vietnam now; they would still be there even then.

This guerrilla war in this little country is surely, as Secretary Rusk said this week, "mean, difficult, and frustrating." Guerrilla warfare is as different from conventional warfare as is night from day. Mao Tse-tung has said that the strength of his guerrilla fighters during the overthrow of China was that they were fish who could swim in the sea of the people. When guerrillas are not fighting, they fade into the landscape. They live on the land and among the people.

A guerrilla-type insurgent movement which has the support of the people has yet to be beaten. Such a movement which has succeeded in terrorizing the people into silence is extremely difficult to beat.

If guerrilla outbreaks are to be defeated by a central government, that government must have the confidence of its people. It must be able to protect them when they assist in tracking down the outlaws.

It is precisely this point which makes American participation in South Vietnam so difficult. Americans are not South Vietnamese. Americans cannot lose themselves in the people. They cannot swim in the sea of the people.

We can arm and train and equip the South Vietnamese troops but we cannot fight for them. The people of Vietnam fought the French from 1946 through 1954 to achieve their independence.

We must at all costs avoid being cast in the role of an imperialistic, colonial power. If, through misadventure or folly, we should allow the struggle in Vietnam to become one of Asian versus white intruders, we have lost a good deal more than South Vietnam.

The war in South Vietnam is a South Vietnamese war. It will be won only by the South Vietnamese themselves. It will only be won when they have something worth winning it for.

Our best hope appears, I believe, to hold and strengthen the military situation as best we can while at the same time to press hard for improvements in the central government. Unless the soldier and the peasant believe there is real hope for economic and social reform, we cannot win. If there is such hope, we shall not lose.

Let me list four examples of reforms which if instituted would have powerful effect:

1. The "sweep through" strategy so popular with the Vietnam Army must be changed. This policy has meant that a single valley or hamlet has repeatedly changed hands; first it is under Vietcong control, then central government, then Vietcong again. This has led to the repeated burning of villages in order to smoke out a few Vietcong. This causes great destruction and casualties among the peasants for nothing because as soon as the army sweeps by, the Vietcong moves back in.

What is needed is the far more arduous, far less flashy "clear and hold" policy developed and used successfully by the British in Malaya, although the British had an easier task because they were the legal government. After an area is cleared, it must be held. This is hard dirty work but it must be done and we must insist the Vietnamese Army do it.

Battles are demoralizing. Repeated battles over the same land lead not only to demoralization but to passiveness among the people. And this is what is happening now to the Vietnam peasants. Too many no longer care who wins: they just want the fighting to go somewhere else.

2. There must be a really visible and serious effort to end the corruption and stealing with which the central government has preyed upon the people. Soldiers should be paid; a peasant should have the benefit of his crops. Of course corruption is hard to stamp out. This does not mean, however, that a try should not be made. While it is important that corruption be eliminated, it is even more important now, at this stage, that the people see that someone is trying to eliminate it.

3. A really serious effort must be made to insure the continuing operation of local government functions.

A government, if it is to maintain the respect of its people, must provide schools, hospitals, and the safety of the streets. In guerrilla warfare, far more than in conventional warfare, it is vital that the basic governmental functions which touch each and every person must be sustained as strongly and as long as possible. This has not always everywhere been done in South Vietnam.

4. Lastly, real, and again visible, efforts must be made to find employment for the more than 40 percent of South Vietnamese men who are currently out of work; to establish a real land reform program in this agricultural country where 2 percent of the landowners hold close to one-half of the land, and most of them are absentee landlords.

All of this and the many more reforms that are needed as well, constitute a most difficult program to carry out at a time when the country is wracked by civil war. It must be done, for unless the Vietnamese people have something worth fighting for, they won't continue to fight, and they are the only ones who can win this war.

In talking about winning and victory, we must be quite clear about what sort of victory we can expect. I foresee the probability that we may, at some time in the future, go to the conference table in order to achieve something like a settlement in the Indo-Chinese Peninsula. We cannot go to the table until the military situation is improved. Guerrilla warfare is always an up and down affair, and right now, our side is in the down. We must improve our military position. We must avoid, however, that attitude of mind which maintains that although we are strong today, let us not open negotiations today, let us wait until tomorrow when we may be stronger.

For we will never be able to obtain a fortress South Vietnam armed and secure, resolutely anti-Communist, resolutely democratic. History, geography, and demography are against this happening. Southeast Asia, especially the Indochina Peninsula, is neither neat, tidy nor strong. Not one of these countries of the southeast will ever alone be in a position to defend itself completely against the forays of its huge and powerful neighbor, China. We cannot, as Secretary Dulles would have had us, assert that we intend to use massive retaliation whenever and wherever a Vietnamese or Laotian border is transgressed by a guerrilla or an insurgent band; for this is neither creditable nor necessary. The pressures and the turmoil in the subcontinent are ages old and they will cause trouble long after we have gone. What we can work for in southeast Asia is responsible peace, responsible freedom, and responsible stability, not total security.

We can expect to keep the guerrilla menace under substantial degree of control, we should not expect to eliminate it everywhere.

There have been dissidents in the jungles of southeast Asia since 1941, in Malaya, Malaysia, Burma, Laos, and the Vietnams. By no means are they all Communist or all united. They are rebels against society and they must be kept at manageable size if society is to operate in these nations.

We must remember that when we went into the South Vietnamese conflict, our objectives were limited. They should remain limited still; we should resist any move to elevate these objectives and with them the war. Our objectives would be satisfied by a free Vietnam uncommitted to the West, balanced by a Communist North Vietnam uncommitted to the East, as part of a defused Indochinese Peninsula in which the great powers and the Indochinese powers undertake to maintain the integrity of the borders of each of the Indochinese countries. We should not reject out of hand any moves toward a diplomatic solution such as this.

It is for these reasons, and for many others, that I spoke out on the Senate floor that Wednesday 2 weeks ago.

The President of France, recalling France's 80 years of experience, knowledge, and interest in Indochina, had announced his intention to seek "a possible neutrality agreement relating to the southeast Asian states." I pointed out to the Senate that France has advantages here which we do not have. I felt strongly, I still feel strongly, that we should not spurn our allies' efforts in this matter.

I said, that Wednesday 2 weeks ago, in view of the long and incredibly costly struggle in Vietnam, "It would seem evident, Mr.

President, that any possibility of obtaining a diplomatic solution should not be scorned; it is just this possibility which France now intends to explore." I said then, I say now, let us be rational, let us be flexible. We can no longer afford in men, in money, or in wisdom, to do otherwise.

COAST GUARD RESCUES CREW OF SINKING SHIP

Mr. BARTLETT. Mr. President, the Coast Guard was founded 173 years ago. It is the smallest of our Armed Forces. It numbers but 32,000 men.

In this year, when military appropriations will exceed $55 billion, the Coast Guard's appropriation is but $350 million.

The Coast Guard is small but it is important, important in many ways. It provides navigational assistance to ships of the world through its loran—long range aid to navigation—stations in both the North Atlantic and Pacific Oceans, in the Sea of Japan and the Philippine Sea.

It performs important research work in oceanography.

The maintenance of coastal security is its responsibility and its constant surveillance patrols are an important part of our Nation's defenses.

The most well known of the Coast Guard's duties is that of search and rescue. In the century and three-quarters life of the Coast Guard, many thousands of persons have been rescued, many thousands of tons of cargo have been saved. Last year alone, the Coast Guard answered 37,330 calls for assistance involving a total property value of $1 billion, almost 2½ times the entire Coast Guard budget for the year.

In 1963 the Coast Guard saved 1,900 lives, a remarkable record.

The bravery, the courage, the hard work of the Coast Guard was clearly demonstrated recently, Mr. President, when the weather ship, *Coos Bay*, went to the rescue of the crew of the British freighter, the *Ambassador*, which sank in seas running 40 to 50 feet high, 1,000 miles east of New York.

In spite of the high waves, the crew of the *Coos Bay* was able to extend a line to the deck of the sinking ship and laboriously to pull across, one by one, the *Ambassador* crew members.

All of the crew was rescued, with the exception of 14, who took to rafts which were swamped and lost, and the captain, the last to leave the ship, who gave his life for his ship.

Skipper of the *Coos Bay* is Comdr. Claud Bailey. He and his crew deserve our praise and our thanks. Particular congratulations should go to BM3c. David Bichrest. He has been recommended for the Coast Guard's Life Saving Medal, and rightfully so.

As the rescue operations were underway, observers on the *Coos Bay* noticed a rubber liferaft with two men on it, capsize and go under. Six men, led by Ens. Erwin Chase, volunteered to go after the two now at the mercy of the seas. They rescued both. As they were helping one of the two onto the deck of the *Coos Bay*, they failed to notice that the other had become entangled in a cargo net at water's edge and that he was drowning. Young Bichrest, ignoring the direct orders of the skipper, dived overboard without a lifeline and, using his own knife, cut the British sailor free. Young Bichrest disobeyed an order and saved a life.

Usually we say that ends do not justify the means. But this is, perhaps, an exception to the rule.

Senators will wish to congratulate Boatswain Bichrest, Commander Bailey and the officers and men of the *Coos Bay*.

They performed in the highest traditions of the Coast Guard, and there is no higher praise for them.

PROPOSED INCREASE IN HOURLY WAGE AND REDUCTION OF WORKING DAY SOUGHT BY CERTAIN UNIONS

Mr. LAUSCHE. Mr. President, I read from an article which appeared in the Cleveland press, issue of Monday, March 9, under the title "Two Building Unions Ask 7-Hour Day and Raise of 40 Cents an Hour."

The article reads in part:

A 40-cent hourly increase and 7-hour day are being sought by two major building trade unions in this year's contract negotiations.

The wage hike and 1-hour reduction in the work day are being sought by Structural Ironworkers Local 17 and Bricklayers Local 5.

I quote further:

The bricklayers obtained 42 cents in 1961 in their 3-year contract. Their hourly rate now is $4.30½ plus employer payments of 20 cents an hour for health and welfare and 10 cents an hour for pensions.

The ironworkers get $4.46 an hour plus 10 cents an hour for the health and welfare fund.

I have calculated that, on this basis, the daily pay now runs to about $39 a day.

The reason why I rise to discuss this subject is that I have been hearing on the floor of the Senate arguments that, in order to keep our people employed, the U.S. Government must spend money by way of public works, financing of housing construction, and otherwise.

That argument is very appealing, but I put this question: What are the labor leaders trying to do with respect to helping people find jobs? How is the little man earning a wage far below the approximately $40 a day going to get himself in a position to buy a house or have one built? What are they doing to put Americans to work?

It is ironic that, in view of what the Government is trying to do by way of helping individuals buy homes and helping people find jobs, we see practically annual demands for wage increases that would soon put houses beyond the reach of the ordinary worker to buy.

If this group should obtain the increase requested, it would mean that the carpenters, the electricians, the plumbers, the tinners, and the painters would likewise get their demands for increased wages.

I voted for the housing programs on a number of occasions. Now we are confronted, as we are practically every year, with demands for increased wages and less hours for the same pay when these construction workers are earning $40 a day.

How are we going to persuade people to study to be professors in colleges, or teachers in schools, or engineers, or nurses, when the most lucrative field of endeavor seems to lie in fields requiring less vigorous and lengthy training and preparation?

I shall await with interest the arguments that will be made when the housing bill comes before the Senate.

Can the taxpayers of the United States suffer this inordinate drain upon their finances? Can they suffer the vision of government trying to help in the development of an industry to provide homes for its citizens while those who profit most want more and more out of every dollar the government puts into it?

I realize that what I am talking about will mean bitter recriminations against me, but I would be a coward if I did not speak up.

Mr. President, I ask unanimous consent that the article from the Cleveland Press of March 9, 1964, to which I have referred, may be printed in the RECORD.

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

TWO BUILDING UNIONS ASK 7-HOUR DAY AND RAISE OF 40 CENTS AN HOUR

(By Antony Mazzolini)

A 40-cent hourly increase and 7-hour day are being sought by two major building trade unions in this year's contract negotiations.

The wage hike and one-hour reduction in the work day are being sought by Structural Ironworkers Local 17 and Bricklayers Local 5.

Other crafts are expected to make proposals similar to those of the ironworkers and bricklayers in negotiations covering nearly 40,000 construction workers in this area.

The contracts of all the building trades unions, except that of Electrical Workers Local 38, expire at midnight April 30.

Most of the 19 building trades unions are expected to be guided by negotiations between a policy committee of the AFL-CIO Building Trades Council and a committee representing the Building Trades Employers Association and the Cleveland chapter of the Associated General Contractors of America.

The BTC policy committee and employers' committee are expected to begin negotiations in late March, said Thomas McDonald, BTC business manager.

The 3-year contract that expires this year provided wage increases of 15 cents annually for all the unions, except the bricklayers who negotiate their own contract outside of BTC negotiations.

The bricklayers obtained 42 cents in 1961 in their 3-year contract. Their hourly rate now is $4.30½ plus employer payments of 20 cents an hour for health and welfare and 10 cents an hour for pensions.

The ironworkers get $4.46 an hour plus 10 cents an hour for the health and welfare fund.

The electrical workers will get 12 cents an hour May 1 to pay for holidays under a 3-year contract that expires in 1965.

THE AUTOMATION PROBLEM

Mr. BOGGS. Mr. President, it is encouraging that the President has decided to make a study of the impact of automation.

While I am sure the study he proposes will be worthwhile, I would be happier if he were following the approach I have proposed in my bill, S. 185, which provides for a White House conference on the impact of automation.

Besides combing the country for information and recommendations on automation, the White House conference method assures widespread kindling of interest in the problem itself. Since automation is a recent and generally misunderstood problem, the public needs to know more about it, and this is accomplished in the White House conference process which builds up from community to area to State levels. The data and recommendations finally considered in Washington are the end result of thousands of meetings in every section of the country. In this way the Nation speaks to Washington.

If the White House conference plan is well carried out, it is the best way I can think of for arriving at a national consensus on a problem of vital interest to us all. The problem is serious enough, and immediate enough, to require such a thorough study and then concerted action.

The Christian Science Monitor for March 11, 1964, carries a penetrating editorial entitled "The Priority Is People" which underlines importance of dealing with the automation problem and I ask unanimous consent that this editorial be printed in the RECORD.

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

THE PRIORITY IS PEOPLE

President Johnson's message on manpower defined the problem, suggested what should be done, and announced "two new major administration actions" that have been taken. One of the latter is the establishment of a Committee on Manpower to study the broad issues. Such study is obviously necessary. But no less urgent is the other more specific, and perhaps therefore more promising, administration action: a study of the impact of automation.

The whole message should serve as a warning, a spur to wise legislative action, and an encouragement to public discussion. But when the President says that his programs will succeed "only when we become determined that nothing is to take priority over people," the question of automation comes to mind with special force. Probably civil rights is the only issue that might outrank the automation employment equation as "the major domestic challenge, really, of the sixties," to use the Kennedy phrase. Even in civil rights the particular effect of automation on the employment of unskilled nonwhite workers heightens the problem.

Last year in the United States Secretary of Labor Wirtz said that "automation is absolutely essential to the preservation of the productive advantage which this country has always had." The solution then is not to stop the march of the machine, as attractive as this may sometimes seem, but to use it to the best human advantage.

Because of the speed of this march, planning—by labor, management, and government—is more essential than in previous ages of technological advance. Automation is not just a better mousetrap; it makes the mousetrap obsolete.

It also makes some workers obsolete. Not only the factory workers, who are estimated to be losing 200,000 jobs a year to automation, but the white-collar workers—even junior executives—who are confronted by computerization of their jobs.

At one extreme is the point of view that it is not automation that causes unemployment, but the minimum wage law which prevents the hiring of workers not considered worth the minimum wage. Another view is that of Henry Ford II, who said earlier this year that any loss of jobs was due not to too much technological progress "but too little."

Things have changed since the first Henry Ford brought more pay and more jobs to workers through a degree of mechanization. There was then a huge untapped market ready for the increased production.

The new situation requires new thinking. The International Labor Organization is planning a conference representing 12 countries this month. There have been others. Before the Senate is a proposal for a legislative "Hoover-type" commission on automation.

Meanwhile the administration study would seem to be the least that can be done. Labor has called for such study while expressing doubts about mere study.

Certainly the study must lead to action. It could decide, for example, that the present Manpower Development and Training Act, helpful as it is, should be made less cumbersome in operation and perhaps available to many more workers. There is the question not only of displaced workers but the "silent firings" of workers never hired for jobs no longer necessary. There is the question of identifying which industries will be hit with automation next, so plans for change can be made.

"We can no longer value a man by the jobs he does: We've got to value him as a man," says Norbert Wiener from his long experience with cybernetics.

This does not mean a return to 19th century "Taylorism," with its intricate plans for paying a man not according to the position he held but to the skill and devotion with which he filled it. But as jobs change overnight, the individual ability to adapt will probably be at a premium.

When the statistics are reeled off—the comparisons between a dwindling increase in jobs and a growing increase in labor force, for example—it becomes terribly clear that many people could get lost in the shuffle. We hope the problem will be seriously considered at the forthcoming United Nations Conference on world trade. We are glad the U.S. administration is taking steps now.

MANNED AIR AND AEROSPACE CRAFT AND NATIONAL SECURITY

Mr. SIMPSON. Mr. President, with the trained Air Force flying officer rapidly being replaced by a system of computers and missiles, I think it behooves us to reflect briefly upon the wisdom of the metamorphosis and also the efficacy of it. An article by retired Army Col. D. P. Yuell in the American Security Council's Washington Report, issue of February 24, questions very seriously the dependability of our Nation's missile system and the defense philosophy which places total reliance on missiles as a strategic panacea.

The Yeuell article is an excellent corollary to a Washington Report on the same subject authored last May 6 by Dr. James D. Atkinson, associate professor at Georgetown University.

The article written by Colonel Yeuell, who since 1960 has been in advanced program planning in the aerospace industry and a consultant on military technological problems, was the subject of an editorial February 28 by James Flinchum, editor of the Cheyenne, Wyo., State Tribune.

Editor Flinchum notes, "The debate over missile reliability has been raging for several years," even while the United States has made great strides in weaponry.

Colonel Yeuell cautions, however:

The blunt fact is that no operational missile or any prototype thereof has ever been married to a nuclear warhead for the complete test firing cycle from launch to target.

Editor Flinchum continues by underscoring this statement:

Because of the Nuclear Test Ban Treaty, we cannot now or in the future completely test the ability of our present missile system to fire, deliver, and explode a nuclear weapon on target. We can only guess and hope they will do so. This is one of the severely limiting factors of the Nuclear Test Ban Treaty.

The frightening thought is that the Soviets have actually tested missiles with nuclear warheads from launch to target and we have not.

Mr. President, on March 6 I placed in the RECORD several lines of testimony given by Secretary of Defense McNamara during hearings of the Armed Services Committee, February 20, 1963. In that testimony, Secretary McNamara stated:

I do not believe any of them (our missiles) are proven in the sense you (Senator STENNIS) are using the word. For statistical reasons based on the law of probability, we must carry out a specific number of launchings under operational conditions in order to develop any accurate estimate of missile reliability. None of the weapons systems have passed through that, what I call reliability testing, program as yet. They haven't passed through it because of lack of time.

Mr. President, in view of the questions which remain unanswered after the administration's outraged indignation over the suggestion by Senator GOLDWATER that perhaps our missiles are not consummately reliable, I should like to have placed in the Appendix of the CONGRESSIONAL RECORD the articles by Dr. Atkinson and Colonel Yeuell, as well as the editorial by the Wyoming State Tribune's Jim Flinchum.

I hope the views of these men will help dispel some of the questions which linger in the aftermath of Senator GOLDWATER's statement and the reluctance of the administration to propound a declarative reply.

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

[From Washington Report, May 6, 1963]

MANNED AIR AND AEROSPACE CRAFT AND U.S. NATIONAL SECURITY

(By Dr. James D. Atkinson)

(EDITOR'S NOTE.—Dr. James D. Atkinson is associate professor at Georgetown University and a research associate in its Center for Strategic Studies. He is president of the American Military Institute and has written widely in the field of military affairs.)

Throughout military history, no search has been more persistent than the search for the ultimate weapon, the impregnable position, the invulnerable force. Now in America in

this decade of the 1960's, the search seems finally to have centered on the ballistic missile as the invulnerable answer to the complex problems of defense which beset us.

Underlying this missile strategy is a quantity theory of warfare. It assumes that X numbers of missiles directed against Y targets will equate with absolute deterrence. But now, and especially in the future, armaments competition is not solely quantitative. The United States might, for example, be able to convince the Soviet Union that we can and will maintain superiority in the production of missiles. We are unlikely, however, to convince the Soviets that they will be unable to achieve scientific and technical breakthroughs which might give them overall military parity and perhaps even superiority at some period in the future.

Within the next decade, both the United States and the Soviet Union can be expected to devote strenuous efforts to countering or neutralizing threats posed by the ICBM and the IRBM. Should Soviet efforts prove successful even to a limited degree, the present and projected numerically superior missile capability of the United States may be largely neutralized. Conversely, the possession by either the United States or the Soviet Union of a manned, continuously powered, nonorbiting spacecraft would have a strategic impact quite without relation to quantity.

All of this is not to say that missiles are worthless. They may be most useful, but they are inherently inflexible and thus should be complemented and supplemented by the flexibility provided only by manned systems.

It is to say that we must avoid the Maginot line thinking which assumes that a future war (or its prevention) is based on a ballistic missile exchange. Despite the most careful mathematical measuring and weighing, warfare does not develop according to preconceived images.

The current debate over the RS-70 will alone have served a useful purpose if it causes us to rethink the entire question of manned air, aerospace, and spacecraft. During and beyond the next decade, there appear to be vast new possibilities for using manned systems in preventing general thermonuclear war and in controlling limited and unconventional warfare. VTOL's (verticle takeoff and landing) convertiplanes, air cushion vehicles, very low level penetration aircraft, ultrahigh altitude aircraft, aerospace and space craft—all indicate the expansion of ideas, the development of tactics, and the utilization of technology in support of strategy that can be applied to present and to future modes of conflict facing us.

In the coming decade and, even more importantly, in the years beyond, manned systems will offer these significant advantages over missiles:

1. Operational capabilities: Among these are an unpredictable flight pattern; a superior ability to carry out electronic countermeasures and to operate foxing devices to foil enemy defenses; an enhanced versatility, notably standoff capability; propulsion systems based on nuclear fuel or, perhaps, on fuel cells; and an enhanced reliability factor as a result of the ability to improvise and to make repairs in flight.

2. Controlled launch: Manned air or aerospace craft can be launched in response to a low-grade equivocal warning and can later be recalled. This permits a significant safety cushion with reference to unverified warnings for which missiles cannot at all be launched, but which should require a controlled reaction on our part.

3. Show of force: Manned systems provide the show of force so often important in deterring a potential enemy military move. This role is automatically denied to missiles. The importance of the show of force in maintaining the general peace has often been demonstrated. The display of strength through the deployment of obvious military power has a psycho-political value which can scarcely be obtained from missiles buried deep in underground silos. The rapid response and controlled presence of a squadron of RS-70's, for example, would give significantly observable evidence of U.S. intensions to safeguard the peace in a threatened area.

4. Sustained information gathering: Missiles are incapable of reporting what has been accomplished by their strikes. Manned systems can do more than just report their own mission achievements; they also can supply continuous assessments of missile strikes, target damage, shifting of mobile targets, and the like. The side with such continuing information fights with clear vision, the other side fights blindfolded. Such sustained information gathering can best be performed—and in most instances only be performed—by manned air or aerospace craft.

5. The mix factor in deterrence: The variety of our possible choices of action adds immeasurably to an enemy's complications in preparing responses to our capabilities. The "mix" compounds the task of the enemy. This makes deterrence meaningful. There are many uncertainties and unknown factors in working out the problems of offense versus defense, since the acid test is—and only is—actual war. Hence those things which complicate the enemy's task set up cautionary signals for him. Those things—such as complete or even too great a reliance on missiles—which simplify this problem, reduce his uncertainties and unknown factors. Such simplification may tempt the enemy to deliver a surprise attack. Above all, the mix is significant in the load factor which it places on a potential enemy's defense structure. The Soviets are not all powerful; there are many limitations on what they can do. Every time we force another defensive requirement on them, it limits their capability in the development of qualitative breakthroughs in offensive weapons.

While manned systems can be expected to take on increased importance in the next decade and beyond, there are three areas that seem worthy of special note. These are:

1. Low-altitude penetration aircraft: Increasingly, it would seem that very fast and ultra-low-level aircraft will have high survivability in face of enemy defense capabilities. Advances now on the horizon in terrain avoidance equipment suggest that low-altitude penetration aircraft will have very great utility in unconventional, limited, and general war situations.

2. Carrier aircraft: Deployed aircraft-carrier-based forces appear to be less vulnerable to surprise attack, particularly to ballistic missiles. Carrier-based aircraft will in many cases be more efficient than land-based aircraft because of the geographic considerations involved. In fact, carrier aircraft may be the "door-opener" for land-based aircraft in an area in which it is desirable to assist forces friendly to the United States. Additionally, carrier-based aircraft can put up a maximum air effort immediately upon arrival in an area. This latter factor can be expected to have increased importance in the sub-limited challenges with which we will be confronted in the coming years. The contribution of carrier task forces to the mix is likewise important since there is much evidence to suggest that no small portion of the Soviet military effort is directed toward countering them.

3. Manned low space and spacecraft: The X-15 rocket research aircraft has flown at 314,750 feet. Manned aerospace or low space craft will be operational at altitudes well in excess of this figure in the next 10 years. Such craft will possess obvious attack capabilities. Equally important will be the intelligence capabilities which will flow from the operation of manned low space craft.

In the 1960's and 1970's, the outer space environment offers intriguing new possibilities for the exercise of power by the United States in the interest of maintaining peace. Manned systems in space have the potential for controlling the communications utility and the military threat of attack from space. Thus, for example, the United States might well preclude a trouble-inciting nation from effective functioning on earth and from conducting operations in and from space.

The military exploitation of space will require large expenditures and much vision. Most of all it will require the abandonment of the naive belief that we can treat space as a peaceful arena while the Soviet Union actively pursues a course in which the scientific side of space is merely incidental to the military.

SUMMARY

Whether one envisions manned systems operating at very low levels, at high altitudes, in low space, or well out in space, present and projected technological advances indicate that manned systems are not obsolescent. Rather they will assume new and higher roles in the makeup of a credible strategic deterrent, and in winning and rendering harmless limited or unconventional wars.

The creative, competitive thrust of the American free enterprise system offers us significant advantages in the research and development of the material for advanced manned systems. The American heritage of drive-to-win offers equally great advantages in the area of human resources. These factors do not guarantee success. They do offer the potential—if we have the will to develop and employ them—for victory.

Our present policies with reference to research for and development of manned weapons systems will—if continued—jeopardize the future security of the nation to an irretrievable degree. Equally dangerous for the future is the temptation held out to the Soviets to play the game of strategic blackmail, or, worse, the temptation to gamble on a first strike against America.

[From the Cheyenne (Wyo.) State Tribune, Feb. 28, 1964]

MISSILE DEPENDABILITY

Not only was Senator GOLDWATER correct in raising doubts about this Nation's missile dependability, but the entire defense program of this Nation of the sixties that tends to place total reliance on missiles as a strategic panacea can well be questioned by every thoughtful American.

So wrote in essence, Col. D. P. Yeuell, Jr., a West Point graduate who retired from the Army in 1960 after a career as an artilleryman and staff planner, in an issue of the Washington Report of the American Security Council published this week.

This studious essay, which does not purport in any sense of the word to be a white paper for GOLDWATER but which very well could be used as one by the Arizona Senator, raises some grave questions about this country's current defense program. It also offers some serious hindsight to the questionable aims that led us into the nuclear test ban treaty with the Communists.

Colonel Yeuell, now a civilian consultant in the aerospace industry, is a onetime Army careerist who plainly supports the idea that we must not place all of our reliance in missiles or in any one weapon and who interestingly enough favors both manned and unmanned systems. In other words, we would judge he wants both bombers and missiles as our primary deterrent.

The debate over missile reliability has been raging for several years, Colonel Yeuell notes; and this country has made great strides in this type of weaponry. But he raises the question about whether too much has been claimed for it. In considering

claims and counterclaims, he points out, very careful consideration must be given to the distinction between mechanical reliability, and the dependability with which a missile system achieves its overall purpose.

This is the total performance capability of a missile: Its firing and its delivery to the target of a nuclear warhead which also is exploded.

Colonel Yeuell points out that the country must face "the blunt fact that no operational missile or any prototype thereof has ever been 'married' to a nuclear warhead for the complete test-firing cycle from launch to target" although he notes that a partial test was achieved with the firing of a Polaris missile with warhead attached in 1963.

Further tests in this realm cannot be brought about because of the limitations imposed by the nuclear test ban treaty.

We should like to underscore this statement: Because of the nuclear test ban treaty, we cannot now or in the future completely test the ability of our present missile systems to fire and deliver and explode a nuclear weapon on target. We can only guess and hope they will do so. That is one of the severely limiting factors of the nuclear test ban treaty.

Colonel Yeuell also raises the point we need to test further the capabilities of our currently prime weapons in the missile field: Titan II and Minuteman. Recently, he says, it has been pointed out that the reliability of their total systems has been announced as in excess of 70 percent for preoperational tests. But considering, says this writer, that these at present are the world's most complex weapons systems, such levels of predicted success "appear to be highly optimistic."

Even with our present standards no modern weapons ever have approached this degree of success from an operational standpoint as compared with test results, he says, adding that no perfect weapons system is ever expected by military people.

Therefore the question still remains, how operationally dependable are they?

Yeuell says operational readiness is even less predictable, and cites the checkout methods employed for Minuteman where computers are used for this procedure both at the launch site and in flight. Computers and other machines still are used by people, says Yeuell, and while the former may be reliable the latter always involves some elements of human error.

"Missiles of these advanced types leave many questions open as to how well they function under the variables and pressures of live operations," writes Colonel Yeuell.

As for the application of all this to the present, Colonel Yeuell points out that in the present fiscal year SAC's manned bomber forces will be decreased some 30 percent largely because of the scrapping of the B-47's, along with the elimination of the first generation Atlas squadrons which will be felt first here at Warren Air Force Base.

Yeuell also notes with some implied uneasiness that the Soviets proposed disarmament of conventional forces in the 1950's and of nuclear forces in the 1960's as evinced by the nuclear test ban, contending that they have sought our disarmament in areas in which they would like to see us weakened. He then adds: "One may well inquire, therefore, the true meaning of the Soviet proposal to scrap all bomber aircraft."

He concludes with the statement that with so many unpredictable factors in the matters of war, there is no proof whether all-missile or bomber-missile defense is the best. But he notes, with a reference back to World War II when one nation fatally placed all of its military deterrent in one thing, that a Maginot line of missiles waiting in concrete silos can become outmoded like anything else.

Colonel Yeuell's remarkably perceptive treatise on the current debate on missile reliability, and the controversy over whether we shall have a carefully integrated defense setup or one based essentially on one type of weapon, is deserving of widespread consideration both by the country's leadership as well as the general public.

[From Washington Report, Feb. 24, 1964]

MISSILE DEPENDABILITY?

(By Col. Donovan B. Yeuell, Jr.)

(EDITOR'S NOTE.—A graduate of West Point, Col. Donovan P. Yeuell, Jr., retired from the U.S. Army after a distinguished career as an artilleryman and staff planner. Since 1960 he has been in advanced program planning in the aerospace industry and a consultant on military-technological problems.)

In the 1960's the United States is tending to embrace guided and ballistic missiles as a strategic panacea. For, based in large measure on theoretical predictions and highly controlled scientific tests, American missiles have become our star performer in the current drama of "deterrence." This may be all to the good. The new technologies that have permitted our decisionmakers to make the momentous judgments favoring missiles are awesome indeed. To be sure, we are on the crest of a technological avalanche that has literally made possible what once was impossible. But every thoughtful American can properly question whether this new weaponry claims more than it can deliver.

Elements of dependability: The American people are entitled to more than either a statistical survey or a mystical and condescending assessment of how much security the ICBM's, IRBM's, and MRBM's are buying. With due regard for not giving away our secrets, the country needs to know in general terms how well these missiles would function if used. The answer lies in a vast complex of technical and operational factors. It can be appreciated that many of the variables in a dependability assessment are bound to be applied subjectively. Until experience provides a broader statistical base, the thinking citizen will have to count on a judgment somewhere in between extreme viewpoints.

The subject has been one of continuing debate for several years. Its current revival is important at this turning point in our defenses. For an intelligent assessment of the problem, a clear distinction should be made between mechanical reliability and the dependability with which a missile system accomplishes its overall purposes. Reliability of a mechanical malfunction type shares the pro's and con's of dependability with readiness, survivability, penetration, and human performance. As experience grows, the relative weights will shift, and the confidence factors in dependability will improve. These military-technological factors are germane to the dependability question:

1. Estimated missile reliability against deterioration, over that indeterminate period until and if fired operationally.

2. Acceptability of probable errors: propellant, electronics, mechanical, and ballistic.

3. Proven reliability of total system and its parts—or mean-time-between-failure (MTBF) experience.

4. Soundness of targeting gunnery techniques; i.e., methodoloy of programing for launch, guidance, correction, and arming of warhead.

5. Vulnerability to destruct at launch site and in flight—direct attack, sabotage, electronic countermeasures (ECM), decoys.

6. Statistical validity of test and theoretical data for reliability extrapolation and mathematical techniques for telemetry, and automatic data processing systems (ADPS).

Add to these considerations the rigorous demands of training, maintenance, and combat readiness, and you have a basis for the vital "confidence" factor. This constitutes the aggregate "feel" on the part of responsible military commanders and technical directors that the missiles deployed and planned will, in relation to the total strategic posture, achieve anticipated results.

Senator GOLDWATER's charges: When Senator BARRY GOLDWATER raised the question in January of 1964, it was high time that missile dependability be opened wider to public scrutiny. This question is perfectly fair. Senator GOLDWATER is not alone; there are many qualified authorities who will not accept any absolute weapon contentions, be they for missiles, neutron bombs, or space vehicles. Hopefully, the investigation to be made by Senator STENNIS's Preparedness Subcommittee will produce objective findings, but not without overcoming extremes on both sides. The assertions of assurance by Secretary of Defense McNamara do not entirely remove, but rather sharpen the question whether or not the American people are being expected to accept without a doubt that missiles are dependable.

The Defense Secretary's presentation to Congress late in January 1964 is central to the debate. With the B-52's (main strategic bomber aircraft), we have gained considerable operational experience. The dependability rate of a bomber not to abort can be, therefore, closely established. On the other hand, the Minuteman, being new in the strategic retaliatory force, has acquired little experience. Operational test firings have so far indicated a high reliability rate, but "the number of firings is too small for a firm estimate." Hence, we use a wide range of dependability for Minuteman. "As a result of our penetration aids and numerical superiority, once our missiles are launched and on their way they would destroy their targets." Mr. McNamara paired this thought with "greater uncertainty about the proportion of the bombers that will get through" because of Soviet air defenses. The Defense Secretary then spoke of the "striking conclusion" that there is "greater uncertainty about the systems dependability of the B-52's than about the Minuteman." But can such a conclusion be drawn from this uneven comparison between a proven operational system and a partially tested theoretical system?

This missile matter is not merely an idle argument. Neither the opponents nor advocates can prove their case short of war. Theory and experience are in conflict. Hence, it is of special importance to look at all sides objectively. The concern underpins more than the realm of strategic ballistic missiles in a possible United States-U.S.S.R. nuclear exchange. Missile dependability bears on air and missile defense systems; on many tactical weapons that might be used short of allout war; on civil defense; and on the future of rocketry in the atmosphere and space alike, for both scientific and utilitarian purposes. It is also related to the great uncertainties arising from the blunt fact that no operational missile or any prototype thereof has ever been "married" to a nuclear warhead for the complete test firing cycle from launch to target. These are considerations indeed worthy of inquiry. Dependability, in fact, has become a kind of hallmark of modern technology as it relates to our defense posture.

Acceptable dependability: A word is in order about "how dependable is acceptable?" Gen. Thomas Power, commanding SAC which has the largest share of operational responsibility for delivering strategic missiles, made the following comments in late 1963. (His remarks covered manned aircraft as well as missiles, but the point is valid for both.) Said he: "Not every bomb is going to arrive at the target. Many will be destroyed by enemy action. Some will be duds. But we have figured this all out mathematically for every sortie and every weapon, and we have arrived at a confidence factor * * * I have

a 90-percent confidence factor using different types of weapons from different areas to get a reliability factor that is acceptable * * * if they all got there, yes, we would be overbombing and overkilling."

No matter how you read it, here is evidence of the highest order that dependability must be compensated for by deliberate redundancy of attack.

The specifics of technical makeup, performance, and target-hit necessarily remain classified, but these are not necessary to a public understanding of whether missiles are being oversold or not. In the light of our national experience and fascination with "fixit" solutions, the United States needs to ask continually if such sophisticated gadgets are being properly balanced with our whole arsenal of weapons, or are being emphasized to the exclusion of other weaponry. Secretary McNamara assured the Congress that "our presently planned program retains for us sufficient flexibility to make changes in time to meet any Soviet program shift." The obvious caveat is that no weapon is the absolute and exclusive answer to complex security problems.

Congressional concern: Missile dependability has usually been tied to the future of manned aircraft. Missile reliability was questioned by the House Armed Services Committee as early as 1961. The committee had these things to say about over-reliance on missiles: "The manned bomber, the one strategic weapon which has been tried and which works, appears to be destined to become the forgotten weapon in our arsenal. * * * Without intending to minimize the importance of the intercontinental ballistic missile * * * are we proceeding too rapidly in the area of what is essentially an unknown weapon at the cost of weapons whose capabilities are tried and known?"

The committee pointed out that, although extrapolation of scientific data may let us assume that our nuclear weapons will work, "it nevertheless remains a fact that none of these weapons, as a complete weapons system, has ever been tested under conditions approximating those of combat * * *" In this connection it should be noted that not until 1963 was the first U.S. missile firing of a nuclear warhead achieved by marrying it to a Polaris missile which delivered it to the target. This rather marginal experience will not be extended to other missiles under the Nuclear Test Ban Treaty.

Engineering reliability: When the dependability issue is not implied in counterargument to developing more advanced manned aircraft, it may be brought up incidentally, as in the case of the nuclear test ban. Or cited in its engineering context. Some extracts from a recent talk by Lt. Gen. Howell Estes, vice commander of the Air Force System Command—exhorting the Air Force/industry team to bear down on the reliability problem—set forth some principles and working rules. While it is a hopeful sign that the problem is thus recognized, the fact that it is of such moment does not as yet suggest great comfort to be found in our dependability. Drawing on his intimate technological background, General Estes warned that:

"Among the many elements of a technical program, none interact more vigorously or are more influential on all the others than the selection of a desired reliability level and the devising of the plan and controls through which this level will be achieved.

* * * * *

"Progress in system reliability, though notable in many instances, has simply not been adequate overall * * *. A failure of a $25 fuel valve in a ballistic missile brought about both loss of the bird and major damage to the launch site for a total bill of $22 million.

* * * * *

"So important has electronic reliability become to overall mission success that * * * our attention has been concentrated on this field. Future efforts must be toward nonelectronic equipment reliability * * * propulsion, hydraulic, flight control and other similar mechanical subsystems."

In describing what both the Air Force and its industrial partners need to do, General Estes left no doubt that there is decidedly room for improvement.

Professional military viewpoint: In this period when theoretical mathematicians hold ascendancy in defense matters, it is all too easy to overlook our experienced, professional military men whose lives are dedicated to national security. No one man is more responsible for America's strategic deterrence than Gen. Curtis LeMay. While not criticizing the reliability of missiles directly, the Air Force Chief of Staff strongly implied some shortcomings in the dependability of missiles as a predominant strategic arm. General LeMay made these comments at the end of 1963:

"There simply is not and never will be a single perfect weapons system * * *. I am in complete agreement with the need for modern, effective ballistic missile systems.

* * * * *

"The very presence of the manned aircraft in the overall force, side by side with the ballistic missile, compounds manyfold the offensive and defensive problems of the enemy.

* * * * *

"Now, the question is not, which weapon system is better—missiles or aircraft * * * they are complementing—not competitive * * *. We must develop and produce a new manned strategic aircraft."

Two phases of dependability: Two broad phases of a missile's life should be considered. Certainly, the reliability of missiles during the research, development, testing, engineering, and production phases has reached levels of required acceptability heretofore unheard of. Once deployed, however, missiles also place demands on the other dependability factors. In something like half a generation, the marvels of technology—ranging in giant steps from advanced theory to electronic, mechanical, and metallurgical-cryogenic advances—have attained a workable excellence that already marks them as major breakthroughs. The orders of reliability on total ICBM systems like the Titan II and Minuteman recently have been announced as in excess of 70 percent for preoperational tests. Considering that these are the world's most complex weapons, such levels of predicted success appear to be highly optimistic. Even with stringent contemporary American technological-military standards weapons systems have never come anywhere near this close to anticipated operational, as distinguished from test results. Dependability is an historic military consideration; no perfect weapon system is ever expected by military people. Certainly, no manned bomber system or conventional artillery formation has ever reached such a figure as "70-percent effective." Military operational experience would make a reasonably prudent man settle for weapons systems capable of 25 to 50 percent of the book effects. Tribute and confidence are owed to our scientific-industrial talent for the exacting results so far achieved. But while the technical standards are being continually pushed higher, the question still remains, how operationally dependable are they?

The other phase, operational readiness, is far less predictable. Field conditions naturally differ from those of the missile ranges, even when the imponderables of combat are accounted. Given such sophisticated missile systems as the Minuteman, where computers are used for missile checkout at both the launch site and in flight, there is still room for human error. Some missile crewmember might be a few minutes late in plugging in and activating the checkout computer. Or another crewman might misread an electronic warning. Communications breakdowns cannot be legislated against, nor has the machine yet been invented which can exercise human judgments, or correct all human errors. The point needs no belaboring. People use machines, and even if the latter are highly reliable, the former will always embody some elements of chance. Lacking the large bank of performance data that may be drawn from the actual experience in use of other weaponry, missiles of these advanced types leave many questions open as to how well they function under the variables and pressures of live operations.

With due regard to the excellence of our scientists and engineers, our technicians and military commanders, and our amazing advances in sophisticated technologies, the total experience with missiles so far lacks knowledge of some of the key factors upon which decisions embracing reliability should be made. With all the attendant wonders of mid-20th century science, we still have no realistic basis to expect too much for this relatively untried weaponry. We dare not stake the major share of our security on it.

Trends in major missiles: When President Kennedy was at the Air Force Academy in 1963 he referred to certain popular beliefs that missiles would be ending the use of manned aircraft. "Nothing could be further from the truth," he told the air cadets. But is it nevertheless true that missiles predominate?

How big an investment has the United States in these new weapons? Fiscal years 1963 and 1964 saw the largest outlays for strategic missiles. Missile weapon systems became a billion-dollar Defense Department budget item in 1952, although very little of this amount was devoted to strategic missiles. For fiscal years 1963 and 1964, such weapons account for six to seven billion dollars yearly. In 1952 nearly all funds expended on missiles were in the air defense category. In 1964, long-range missiles absorb about half the total money for missiles.

As to numbers of missiles, the proposed fiscal year 1965 budget will augment the present 600-plus long-range missiles of the Atlas, Minuteman, and Polaris types to 1,000. The number of SAC bombers will decrease from 1,300 to around 900, largely because of B-47 bomber obsolescence. Polaris submarine missiles, like the Minuteman, seem to be growing in dependability and are well along toward their programed goals in terms of numbers. This same budget calls for scrapping a number of the "first generation" Atlas missile squadrons. The more advanced Titan missiles are now fully deployed and remain, for the present, in the "inventory." The manned bomber strength drops by almost 30 percent; but an augmented inventory of "hardened" Titans, Minutemen, and ocean-protected Polaris missiles are by no means fully accepted as compensating for manned systems.

An interesting sidelight comes from current disarmament offers. Traditionally the Soviets have proposed disarming in areas in which they would like to see us weakened—conventional forces in the 1950's, nuclear test ban in 1963. One may well inquire, therefore, the true meaning of the Soviet proposal to scrap all bomber aircraft. Is this just another ploy on their part, to maintain the psycho-political initiative? Or could it mean that they are more concerned about our manned aircraft systems than our missiles?

No analysis can prove any side of this question beforehand; for there are too many unpredictable factors in matters of war. We do, however, need to urge a great measure

of reason both on the officials responsible and on their critics. And regardless of our domestic politics or Soviet tactics, we Americans need to learn much more about whether or not we are in fact placing too much confidence in missiles for the keeping of an uneasy peace or the winning of a possible war. What if missiles do not measure up to present expectations? How long will our present bomber force be effective? How much leadtime does it take to produce a new generation of bombers? A Maginot Line of missiles waiting in concrete silos can become outmoded. For one or both sides will find a defense against ballistic, strategic missiles. The march of technology will surely open up new vistas. When this happens, will we be ready with newer weapons systems that can insure our national security?

SENATOR DOMINICK ASSESSES A CROSSROAD IN U.S. FOREIGN POLICY

Mr. SIMPSON. Mr. President, less than 2 months ago the Senator from Colorado [Mr. DOMINICK] outlined a brilliant philosophy for national security in a speech that received nationwide attention. It was my privilege to have that speech placed in the CONGRESSIONAL RECORD of January 20. I am pleased to be able to take the floor again today, Mr. President, to cause to have inserted in the RECORD of this body another masterfully prepared address by my friend from Colorado.

Speaking February 29 at the Republican State Convention in Oklahoma City, Okla., Senator DOMINICK traced the shameful conduct of our foreign policy through the past 3 years—years that saw the United States condone a massacre at the Bay of Pigs, sponsor a Communist takeover in Laos, and surrender our preeminence in Panama.

In a presentation destined to join his earlier speech before the Air War College as vital references in the study of foreign policy, Senator DOMINICK states:

After 4 years of Democrat foreign policy, Cuba has been transformed into an island firmly in Communist control; with the second largest arsenal of military weapons in the hemisphere; with around-the-clock Communist propaganda pouring into Central and South America; exporting arms and trained saboteurs to Central and South American countries; convicted by the Organization of American States as guilty of exporting aggression to other countries in this hemisphere; and a training camp for Communist provocateurs active from Venezuela, to Ghana, to Gabon, to Zanzibar, to Burma.

My friend from the Rockies struck deep at the heart of the crises in America's foreign relations with the statement:

For 4 years Democrat foreign policy has been based on the principles that communism will evolve into something with which we can live if we do nothing to disturb its leaders; that Khrushchev is the most moderate of Communists and cannot be forced into a corner lest we get someone worse; and that communism thrives amongst the poor and uneducated and hence can be overcome by scattering Yankee dollars. Each of these planks have been demonstrated failures of self-delusions. After 4 years of these policies the free world is in disarray, the NATO Alliance is shattered at the political level, the last strongholds of freedom in Asia are tottering, and communism is on the march in Africa and South America. Our prestige about which we were so concerned in 1960 is now nonexistent and every pipsqueak nation in the world is taking turns first kicking us around and then demanding foreign aid.

In fact, if I might make an observation of my own, it has long occurred to me that an attitude of belligerence spiked by liberal doses of bloody anti-Americanism seems to warm the heart of our foreign aid officials and actually enhances the stature of a nation seeking the "Yanqui" dollar.

Senator DOMINICK continues:

For 4 years, recognition of the dangers faced by the free world have been studiously avoided. For 4 years the steady downhill progress of freedom has been overlooked by use of oratory instead of organization; palliatives instead of plans; and forensics instead of foresight. Action is needed now if we are to regain self-respect, stability in foreign fields, opportunity to resist Communist encroachments, and success in future problems.

As in his earlier speech, the Senator does not point with alarm without propounding positive recommendations to correct the crisis of confidence existing between America and her allies.

Under the subtitle "The Will To Live," the Senator enumerates 10 positive points that read like an outline for America's return to political sanity. The last of the Senator's points, but by no means the least salient one, is the recommendation that we "stop apologizing for the very factors which have made this country the greatest nation on earth, and make it known that we intend to take such steps as may be necessary to give people existing under Communist terror the hope of living under freedom's banner."

Mr. President, I ask unanimous consent that Senator DOMINICK's profound and scholarly address before the Oklahoma Republican State Convention be printed in the CONGRESSIONAL RECORD with my remarks and my sincere felicitations.

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

A CROSSROAD IN U.S. FOREIGN POLICY

(By PETER H. DOMINICK, U.S. Senator)

Four years ago a vibrant man was campaigning for high public office in this country. Two of the three major campaign issues as defined by him were (1) inaction by the Eisenhower regime in solving the Cuban problem, (2) loss of U.S. prestige in world affairs.

No one can say whether or not the Kennedy position on these points was responsible for winning the election by a few votes, but there is little doubt that it played a substantial part. Since we are once again approaching a presidential election it is worth while to reexamine the premise on which these issues were based, to study the results of the Democrat administration of foreign policy in the last 4 years, and to suggest some remedies for the problems we are now facing.

In 1960 Castro had already come to power in Cuba with the active backing of a majority of Cuban professional and middle income groups. This support had been given massive publicity in this country, and the news media, spearheaded by Herbert Matthews of the New York Times, had hailed Castro as a conquering hero who would return liberty to the Cuban people. Disillusionment, however, had set in as more and more communistic terror tactics were unfurled, climaxed by Castro's public announcement in the spring of 1960 that he was a Communist and embraced support from the Soviets and other communistic nations. Refugees were commencing to pour into our country and demands for action to eliminate this Communist beachhead in this hemisphere were broadcast by Americans and Cubans alike. During the interval between the election of 1960 and the inauguration of 1961, Kennedy was briefed on the project already underway to equip, train, transport and support a small group of Cuban exiles who would land on Cuban soil, establish a provisional government, and request support from the United States and other free world countries.

By January 1961, these exiles had been gathered together and training and equipping were proceeding, but no date or place had been set for the landing and the final plan had not been cleared by the National Security Council. Following inauguration, plans for this expedition formalized: the date and place were decided upon by President Kennedy; the transport ships were set in motion; the first air attacks initiated; the men were landed; and at the last possible minute the administration withdrew authorization for any air cover.

We know, to our sorrow, the disastrous Bay of Pigs, which will be a black mark on the history of U.S. honesty and integrity. We know, to our shame, the Government initiated and supported attempts to trade tractors for prisoners of that disastrous operation. We know, to our pride, the overwhelming rejection of that plan by the American people. We know to our mortification the final ransom paid for the prisoners with chemicals and drugs dragooned from the American companies by U.S. officials of this administration. We know, to our bewilderment, the dispersal of the refugees; the orders prohibiting Cuban exiles from use of any of our shoreline for attacks on the Castroites and the persistent denial during 1962 by the U.S. Government of the clear evidence that Cuba was being made a major Communist arsenal in this hemisphere. We remember with soaring pride the sudden, dramatic, and courageous recognition of the direct threat to our country posed by a missile armed Cuba; the unequivocal demand on Russia that all surface-to-surface missiles and long-range aircraft be removed from Cuba; that her territory be open to on-the-spot inspection by neutral teams or Red Cross inspectors. We remember the initial success of this program with the announced withdrawal of missiles and aircraft, and with a sinking heart we recognized that the inspections were to be dropped as high U.S. officials stated that Mr. Khrushchev must not be pushed too far. We have seen the building of Cuba as a front line, first-class arsenal and training camp for militant communism; and the arrogant contempt with which they supported the Panamanian riots and then contemptuously cut off our water supply at Guantanamo while we said and did nothing of substance.

After 4 years of Democratic foreign policy, Cuba has been transformed into an island firmly in Communist control; with the second largest arsenal of military weapons in the hemisphere; with around-the-clock Communist propaganda pouring into Central and South America; exporting arms and trained saboteurs to Central and South American countries; convicted by the Organization of American States as guilty of exporting aggression to other countries in this hemisphere; and a training camp for Communist provocateurs active from Venezuela to Ghana, to Gabon, to Zanzibar, to Burma.

A record no citizen of this country, regardless of party, can view with pride or satisfaction. The vacillating, wavering inconclusive policy of this administration with respect to Cuba must be changed.

The second plank of that 1960 campaign was devoted to the low prestige of the United States in Europe and in other portions of the world and the need to regain leadership and direction of the free world struggle. This plank was repeated endlessly during the 1960 campaign; and as purported evidence, statements were made that the NATO countries had not accepted U.S. programs for strengthening the Alliance; that the Communists continued to advance in South Vietnam; that the solution to German reunification had not been reached; and that U.S. sanction of U-2 flights over Russia had lost us respect in all countries.

Shortly after inauguration in 1961, the President stated in a worldwide television news conference that we would come to the aid of Laos, a small but strategic country in southeast Asia under attack by the Communists.

Shortly thereafter, we retracted this stated position, advocated a cease fire, actively solicited a coalition government, and forced this upon that defenseless country, with the Communists given the key posts of Ministry of Defense and Ministry of Interior. These are the two governmental posts historically used by Communists to take over control of a country. Thereafter, the Cuban Bay of Pigs fiasco occurred. Then the President met with Mr. Khrushchev in Vienna and upon his return to this country stated that Mr. Khrushchev had made no new demands upon him. A short 10 days later, Mr. Khrushchev published a written memorandum of points and demands submitted at that conference. In August 1961, in violation of all agreements and all decency, the Communists constructed the Berlin wall. A major city and the families in it were divided, and the flood of refugees from Communistic East Germany and East Berlin subsided to a slow trickle. The only reaction from the United States was a verbal protest and a speech stating that we would support the remaining half of the city. Nuclear test ban discussions had been continuing and the United States had preserved a moratorium on testing, when suddenly the Soviets undertook a new program of testing, unprecedented in scope and in size of blasts. The United States did nothing. Communist attacks in South Vietnam increased substantially and civil disorders broke out. Despite warnings, the United States took no action to discourage a coup against the Nhu government and the apparent murder of Diem and his brother. Since then, the first government has been overthrown, a military dictator replaced it, and the process of defending against Communist attacks grows weaker. The United States supported the unprepared African nations against our traditional allies, jeopardized the faith of our allies, and released in the United Nations and on the world scene many countries wholly unprepared for self-government.

We supported Sukarno, the militant dictator of Indonesia, in seizing Dutch-held property in West New Guinea. We castigated Portugal for holding Angola and said nothing about India's armed invasion and seizure of Goa from Portugal. We refused to share nuclear competence with France as we have with Great Britain. We reneged on our agreement to supply Great Britain with nuclear air-to-ground missiles, and have recently tried to placate the rapacious Sukarno, who is slavering over newly created Malaysia Panama is now physically as well as verbally attacking U.S. military personnel, Venezuelan bandits have raided U.S. military quarters, stripped U.S. offices, despoiled the U.S. flag, and even kidnaped a U.S. colonel. Communists led by Cubans in Zanzibar, attacked the U.S. consulate, imprisoned consulate officials, ransacked the premises, and as punishment get recognized by our Democrat regime. A prominent German has summed up our foreign policy activity by the following:

"American foreign policy seems to be hostile to her friends, friendly to the neutrals, and neutral to her enemies."

As the National magazine has said:

"America today is going from defeat to defeat in almost every corner of the world."

For 4 years Democrat foreign policy has been based on the principles that communism will evolve into something with which we can live if we do nothing to disturb its leaders; that Khrushchev is the most moderate of Communists and cannot be forced into a corner lest we get someone worse; and that communism thrives amongst the poor and uneducated and hence can be overcome by scattering Yankee dollars. Each of these planks have been demonstrated failures of self-delusions. After 4 years of these policies the free world is in disarray, the NATO Alliance is shattered at the political level, the last strongholds of freedom in Asia are tottering, and communism is on the march in Africa and South America.

Our prestige about which we were so concerned in 1960 is now non-existent and every pip-squeak nation in the world is taking turns first kicking us around and then demanding foreign aid.

It would seem that the worst must be over. To the contrary, the worst was and is still to come. The floodgates of cynicism were opened when the United States, long the leading exponent of trade and aid barriers with Communist countries, wholly lost its direction. The wheat sales to Russia, negotiated, directed and demanded by the Democrat administration, sales which are subsidized by the American taxpayers and with Communist credit guaranteed by the American taxpayers, have loosened the floodgates and successfully undercut any and all efforts to cut off trade with our enemies. Against our protests, Great Britain has sold 400 buses to Cuba with another 600 on order; four British airliners are being reconditioned for delivery and negotiations are almost complete for delivery to Castro of $1.4 million heavy road building machinery. France is negotiating for the sale to Castro of $10 million worth of trucks. Spain is completing plans for the sale of 100 fishing boats and two freighters. Italy is negotiating for an increase in sales and Prime Minister Ishibashi, a leading Japanese advocate of trade with Red China, has not only been given a basis for the renewed trade negotiations between these two countries, but publicly hailed the wheat deal as the "big turning point" in trade with Communist countries. But the most serious reaction was France's opening of trade relations and almost immediate recognition of Red China—Red China, the most aggressive of all Communist nations; the butcher of 18 million of its own citizens, as well as the raper of Tibet; Red China, the power behind the Korean war and responsible for the deaths of so many American and free world soldiers; Red China, the activating agent in the Communist takeover of southeast Asia; Red China, the attacker of India, Quemoy, Matsu, Formosa, and the despoiler of Outer Mongolia; Red China, still branded as an aggressor by the United Nations; still preaching war and terror as national policies; still castigating the leader of the free world; and still preaching universal communism spread by force, revolution and aggression.

It seems apparent that after the last 4 years, American prestige is not merely low, it has totally disappeared; that new policies must be developed and new programs instituted if we are to regain even self-respect; and that future problems must be foreseen and plans developed now. For 4 years those in charge of this administration have been chanting the defects in our system. These defects are now predominant in the minds of many people who do not know our country and our heritage.

For 4 years, recognition of the dangers faced by the free world have been studiously avoided. For 4 years the steady downhill progress of freedom has been overlooked by use of oratory instead of organization; palliatives instead of plans; and forensics instead of foresight. Action is needed now if we are to regain self-respect, stability in foreign fields, opportunity to resist Communist encroachments, and success in future problems.

This fall we will be faced with a fight over admission of Red China to the United Nations. French recognition will add great weight to this annual exercise and there is a very great chance that Red China will be admitted unless the United States takes definite steps now to offset this threat. Certainly admission of Red China to the United Nations would constitute a cynical disregard of the ideal and purpose of the organization and would make membership an award for aggression. Just recently, I was informed by "authoritative sources" in the State Department that the United States will continue its objection to Red China's admission, but that no plans had been made as to our course of action if our objections should be unsuccessful.

A mere outline of the situation we now face after the last 4 years of bumbling, vacillating, inefficient foreign policies indicates clearly that a crossroad is directly ahead. Either we change direction or we continue stumbling and weaving down the dusty road to oblivion.

Positive programs are needed and they are needed now. Many have been made and more will be made, but I would group the overall need for a change under the title "The Will To Live."

1. Announce a new Western Hemisphere doctrine specifically excluding from governmental power in this hemisphere communism or Marxism, whether imposed from without or infiltrated from within.

2. Form as rapidly as possible an English-speaking military and political alliance with announced goals in opposition to Communist aggressions in the world.

3. Start negotiations to create a common market with Canada and announce policies designed to encourage Latin and South American common markets.

4. Create governmentally sponsored training courses in this country for all U.S. personnel desiring to go into governmental foreign service, emphasizing in the process the history, background and culture of the United States and the tactics of the Communist conspiracy, as well as the language, culture, and credo of the country to which each may be assigned. The principal institution under this program should combine the concept of a Foreign Service Academy and the need for a Freedom Academy.

5. Eliminate all U.S. aid and trade to Communist governments and extend trade or aid to the people of those countries only where it is managed, distributed, and organized under direct U.S. supervision.

6. Announce our positive intent to retain Guantanamo Bay and the Panama Canal and the will to use such force as may be necessary for such purpose.

7. Institute a quarantine of Cuba as a health and military menace to the world.

8. Actively encourage the millions of freedom loving people in Europe, Asia, Africa, and the Americas to resist communism.

9. Recognize that the economy of this country is the first and strongest bulwark against communism and institute trade programs and policies which will enhance that

economy instead of injuring domestic industries.

10. Stop apologizing for the very factors which have made this country the greatest Nation on earth and make it known that we intend to take such steps as may be necessary to give people existing under Communist terror the hope of living under freedom's banner.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to consider the bill (H.R. 7152) 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I have consulted with some of my colleagues with reference to the address which is about to be delivered by the Senator from Connecticut [Mr. DODD]. I ask unanimous consent, despite the rule of germaneness, that the Senator from Connecticut may be permitted to speak for not to exceed 45 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DODD. Mr. President, I am grateful to the distinguished Senator from Minnesota for his assistance.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

SOUTH VIETNAM: LAST CHANCE FOR FREEDOM IN ASIA

Mr. DODD. Mr. President, if the American people could see 9,000 miles toward the Orient with the eyes of history, they could discern a dark, funnel-shaped cloud spinning on the far horizon and beginning to twist across southeast Asia. Like a natural tornado which leaves in its wake ravaged terrain, shattered buildings, and twisted wreckage, so this political and military tornado menaces the continent of Asia with ravaged nations, shattered peoples, and twisted patterns of history.

TODAY WE ARE LOSING

The struggle to preserve South Vietnam, the key to the independence of southeast Asia, is at a critical peril point.

Two South Vietnamese governments have gone down in 4 months; a third is suffering repeated hammer blows at the hands of subversion and intrigue at home, and counsels of despair and surrender from abroad.

This unhappy nation, in the midst of a mortal combat for survival, has had to suffer the traumatic shock of a complete turnover in leadership all the way from the smallest village compounds up to the presidential palace.

The Communist Vietcong guerrillas, following the toppling of the Diem regime last October, have scored a series of impressive military and psychological gains. They now control one-half of the Mekong Delta, the most crucial prize.

France has made an ignominious bid to return to Asia as an influential force, first by recognizing Red China and then by counseling the free world to throw in the towel in South Vietnam, thus adding appeasement to a French legacy in Asia which historically has been characterized by exploitation in peace, capitulation in war, and abandonment of responsibility at the surrender table.

Some prominent American newspapers support France's plea for neutralization and distinguished U.S. Senators are sympathetic to this proposal and publicly question the continuation of military and economic assistance there.

Even our Defense Department added to the flood of contradictory official statements and unofficial news leaks by announcing a substantial withdrawal of American forces from South Vietnam by 1965, notwithstanding the worsening military situation there and despite the internal disintegration for which we bear a measure of responsibility.

The situation, therefore, is critically grave. We must assume that at this moment, we are losing. Only a supreme effort by the South Vietnamese and an increased effort by the United States will turn back the Communist tide.

INDIFFERENCE AND DEFEATISM

Yet, forces are at work within the free world whose effect is to sap our will to win this crucial struggle.

A significant number of Americans, highly placed in private and in Government circles, look upon what is happening in South Vietnam as something of marginal concern to us.

For a long time they engaged in the now familiar luxury of becoming all lathered up over the mote in the eye of an embattled ally while remaining serenely indifferent to the beam in the eye of its aggressor.

They chose for their crusade, not the cause of turning back Communist aggression, but the cause of destroying the Diem regime, which, whatever its faults—and they were vastly exaggerated—was energetically leading the anti-Communist war in South Vietnam.

They had their way. Diem was overthrown and murdered; and the result was a complete catastrophe, a catastrophe that can be measured in terms of political chaos, military defeat, and psychological defeatism. The heralded attempt to liberalize and democratize the South Vietnam Government resulted, as was easily and often predicted, in gun barrel rule by a succession of military juntas, lacking even a facade of legitimacy.

And so the anti-Diem crusaders in this country and elsewhere, apparently shamed by the sorry consequences of their effort, but unwilling to admit their error, have decided that the situation is hopeless and that the only reasonable alternative left is to pull out of Vietnam altogether, or to make a shabby deal to turn this area over to the Communists piecemeal, a process which they call "neutralization."

So I take the floor of the Senate because I feel it is the duty of everyone who believes that South Vietnam must be preserved, to counter, each in his own way, the attitudes of indifference and defeatism which threaten to paralyze our national policy.

First of all then, I say that we must preserve the independence and freedom of South Vietnam for exactly the same reason that we must preserve the independence and freedom of West Berlin—because the cause of freedom everywhere in the world, and the efficacy of the United States as the leader of that cause, is squarely on the line in the Mekong Delta.

Let us not join the querulous, fainthearted chorus of those who always ask the price of victory.

Let us ask, "What is the price of defeat?"

And having soberly assessed the price of defeat, let us determine upon victory, and then we shall find the ways to achieve it.

THE MORTAL STAKES

What is the price of defeat?

What is primarily at stake is the capacity of the free world to deal with a particular method of aggression that is peculiarly suitable to the Communists.

In Korea, whatever else we failed to accomplish, we did prove that we could effectively deal with open, traditional military aggression; and we have had no major confrontation of that type since Korea.

The Communists are now testing us with a different method, guerrilla warfare, with its accompanying complex of military, psychological, and propaganda tactics. Through this method, they intend to subjugate Asia, and if we prove unable to overcome it in Vietnam, all Asia is within their grasp.

Guerrilla warfare is made to order for the Communists because it enables them to turn their weaknesses into strengths, while it transforms into weaknesses the strengths of its victims.

It puts a premium upon a small investment of men and material, upon stealth, terror, upon limitless patience, upon the avoidance of head-on confrontation with basically stronger foes. It does not require the armament, the logistics and the economic support necessary for other types of combat. And, so long as we submit to its rules, it effectively prevents the forces of freedom from making use of their massive superiority in traditional military power, in air and sea might, and in economic strength.

It takes 20 South Vietnamese soldiers to deal with 1 Vietcong guerrilla. This is no reflection on the South Vietnam-

ese; it is inherent in the type of warfare, as proved true in previous guerrilla conflicts in the Philippines and in Malaya.

And so the North Vietnamese and their Red Chinese backers, stricken with poverty, hunger, economic collapse, and demoralization at home, through the relatively inexpensive device of fielding 20,000 or 30,000 guerrilla soldiers, lightly equipped and able to live off the land, can successfully maintain a war of deadly attrition against a nation superior in every respect and backed by the wealth and power and training of the United States.

They can tie down an army of 400,000 South Vietnamese, half regular soldiers and half militia. They can engage in this riskless warfare indefinitely without jeopardizing their own home base because, up to now, free nations have not treated guerrilla invasion as a kind of war which merits retaliation on the homeland of the aggressor.

Guerrilla warfare enables the Communists, through prolonged terror to gradually destroy the will to resist of the peoples it invades.

It has enabled them to assassinate 1,000 local South Vietnamese officials each month for sustained periods of time.

It has destroyed communications and transportation in large areas of the country.

It has forced a whole population to live in thousands of barbed wire entangled encampments, in constant fear.

It places terrible pressures upon any government, and upon the very conduct of civilized life and thus, if unchecked, threatens with inevitable demoralization the whole fabric of the attacked society.

If the United States cannot deal with this method of aggression in South Vietnam, where we have invested so much in terms of aid and training, where we have developed and equipped an indigenous army with great possibilities and where, therefore, our entire credibility is at stake; if we cannot successfully assist the South Vietnamese to turn back a relatively puny enemy weakened by famine, discontent, and economic collapse, is there any reason to hope that we can succeed in the other countries of Asia?

On the contrary, if South Vietnam falls to guerrilla warfare as North Vietnam did, it is inescapable that the predictions of President Eisenhower and President Kennedy will be borne out and that the nations of Asia will fall to communism like a string of dominoes.

There are those who scoff at what is called the domino theory. I do not think it is anything to be scoffed at. This theory was one of the strong ideas behind the NATO Alliance. We recognized that if one European country fell at a time, they would fall in just that fashion, like dominoes. I think it is even more true in Asia.

If South Vietnam is yielded to the Communists, Laos and Cambodia, already with one foot in the grave, are automatically doomed.

Thailand, comparatively helpless, with its 1,000 miles of frontier adjoining Laos and Cambodia, will then be immediately imperiled.

If Thailand goes down, nothing can save Malaya and Singapore. When Malaya has been subjugated, Indonesia, with its huge Communist movement, will be a pushover.

With communism thus solidly entrenched in the Pacific all the way from the Arctic Circle to Indonesia, the defense of Australia and New Zealand, even with Anglo-American naval assistance, would become hazardous and extremely difficult.

Inevitably the Philippines, South Korea, Japan, and Formosa will be swept into the maelstrom and the whole Pacific will indeed become a Red ocean.

And this is only part of the cost of defeat in South Vietnam. The freedom of half the world is dependent upon alliances which are based upon confidence in the capacity of the United States to stand up effectively to Communist aggression. What would be the posture of the United States if we permit ourselves to preside impotently over such catastrophes?

Three Presidents of the United States have committed us to the defense and assistance of South Vietnam. If we do not have the will and the capacity to carry out that relatively modest commitment, why should anyone have confidence in us? And why should we have confidence in ourselves?

More than two decades ago, immediately following the Japanese attack upon the United States and Great Britain, Winston Churchill said to the Congress of the United States:

> What kind of a people do they think we are? Is it possible that they do not understand that we shall never cease to persevere against them until they have been taught a lesson which they and the world shall never forget?

The Congress rose in a mighty ovation to those words, representing the unanimous determination of the American people.

Surely we are today opposed by a threat in Asia which, if less spectacular, is equally grave. And surely, once we understand this, our determination will be equal to whatever we are called upon to risk and endure.

NEUTRALIZATION

There are those who agree openly that the consequences of a Communist victory in South Vietnam would be disastrous, but maintain that the solution is "neutralization" of the contested area.

Even in its most charitable interpretation, neutralization is a philosophic monstrosity.

Heretofore, our concept of collective security has been that if an independent nation were attacked by the Communists, the concert of free nations would assist that nation to defend itself. Now it is contended that the nation which is attacked must be disarmed, must have some sort of coalition government imposed upon it from without, and must have its future existence entrusted to some sort of international supervisory body, over which its enemies exercise a veto power. What is to be done with the aggressor state which attacked the nonaggressor nation has never been made clear.

The only practical experience we have had with this strange concept is in Laos, where the Communists have used it as a cover under which they have continued their piecemeal subjugation. The protective devices that were supposed to maintain peace in this area have proven, as was predicted, absolute nullities.

However, there is another variety of neutralization with which we do have long practical experience. When there is an internal struggle going on within a nation between the forces of communism and liberty, the neutralization concept is applied in the form of a coalition government in which both Communists and non-Communists divide the cabinet posts. We have assisted or acquiesced in the establishment of many such governments, with uniformly tragic results. Through this Rumania, Poland, Bulgaria, Hungary, Czechoslovakia, and Yugoslavia have been totally enslaved by the Communists.

China was lost in part because during the very period when the Nationalist Government could have taken firm control of China it was immobilized and demoralized for a protracted period of time while we sought to impose upon mainland China a neutralized coalition government made up of Communists and non-Communists.

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

Mr. DODD. I yield.

Mr. HUMPHREY. I wish to emphasize the point the Senator from Connecticut has made in regard to so-called coalition governments, in which Communist representatives are included, supposedly in an effort to ease them off, so to speak, from their campaign of subversion and terror. Certainly that does not work; the Senator from Connecticut is absolutely correct. We have learned from the cruel facts of history that either the Communists or the Fascists will turn any cabinet in which they are a part to their own use, and ultimately to the destruction of democratic institutions. That was the record of Hitler in Germany, and it has been the record of every so-called Socialist-Democrat regime which included Communist representatives, and including the experience in Czechoslovakia. If Communists are placed in a cabinet, the Communists insist on having the posts at the head of the ministry of interior, the ministry of labor, or the ministry of transport.

Mr. DODD. Or the ministry of information.

Mr. HUMPHREY. Yes; and that means that if they hold those posts, they can control the secret police and the communications and the labor movement. When the Communists obtain control, as a result of having control of those three posts, the record shows that they take over.

Regardless of one's views on South Vietnam or on any other part of the world, it is a fact that there is no safety in a coalition government; it means slow death, and nothing else.

I thank the Senator from Connecticut for emphasizing this point.

Mr. DODD. I thank the Senator from Minnesota. His words of approval give me great comfort and encouragement.

It is difficult to discuss neutralization in the context of southeast Asia, because of the vagueness with which the proposition is advanced; but let us try to do so, nonetheless.

If neutralization of the current conflict means that both North Vietnam and South Vietnam should be disarmed and placed under some kind of international supervision which effectively removes both from the cold war, then it is futile and absurb even to discuss it.

It is futile and absurb, because the Communists reject it utterly, openly, and contemptuously, both as an abstract concept and as a practical solution to any conflict in which they are involved. They have specifically and violently condemned it as a solution to the current conflict in Vietnam.

True neutralization can thus be dismissed; it has never been a possibility. Only false neutralization has any chance of being considered.

Under false neutralization, South Vietnam would be disarmed, given a half-Communist government probably, and placed under the so-called protection of some international body which has no substance, and exists only on paper.

The victim of aggression, not the aggressor, is to be neutralized; and this neutralization serves only to delay for a short time complete Communist enslavement.

So let us be candid about neutralization. If we use the term, let us define what we mean by it.

If we mean that both the Communist aggressor and its victim are to neutralized—and even this would be an injustice on the face of it, since it treats equally the aggressor and the victim—let us immediately dismiss it until we receive some indication that the Communists have totally abandoned their philosophy and their tactics and are willing to entertain a suggestion so contrary to their doctrine and their history.

The above situation would be similar to that of a quarrel between two men, in which one of them was entirely innocent and had not been doing any wrong; if, when he was attacked by a hoodlum, the police rushed up and said, "We are going to punish both of you"—obviously an injustice.

And if we mean by neutralization that only the victim of aggression is to be neutralized, let us call this term what it is—a dishonest substitute for unconditional surrender.

Mr. SALTONSTALL. Mr. President, will the Senator from Connecticut yield briefly to me?

Mr. DODD. I yield.

Mr. SALTONSTALL. I appreciate very much the Senator's comment. It is so important that I believe it should be repeated; and, with the permission of the Senator from Connecticut, I shall do so now:

> And if we mean by neutralization that only the victim of aggression is to be neutralized, let us call this term what it is—a dishonest substitute for unconditional surrender.

That is what neutralization in South Vietnam would do at the present time, would it not?

Mr. DODD. It most certainly would. I am happy that the distinguished Senator from Massachusetts has risen to call our attention to that point.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. DODD. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Many years ago I read a statement to the effect that even the best of men cannot have peace unless their wicked neighbors are willing to permit them to do so. Is it not true that up to the present moment the neutralization of a country has resulted, in a sense, in denying that country the power to defend itself, and making it subject to the will of its wicked neighbors?

Mr. DODD. In every case. There has been no exception. The most recent has been the case of Laos. That has been the rule in so-called neutralization.

Secretary Rusk recently made an excellent statement on neutralization which put it in its proper perspective.

I applaud, also, the repeated rejections of neutralization by both President Kennedy and President Johnson. The only ends served by treating neutralization as a possibility are to hearten our enemies and dismay and demoralize our friends.

THE KEY TO VICTORY

Over and over again we hear it said that the key to victory is the morale of the South Vietnamese people; their belief in their way of life; their willingness to stand up and fight for it.

This is a vast oversimplification. Obviously, the morale of a people under attack is a very important element. But in this war, in which South Vietnam is actually a battleground between the Communist world and the free world, the morale of the people should not be the key to victory or defeat.

The real key is our capacity to respond effectively to the method of guerrilla warfare, supplied and directed from the privileged sanctuary of North Vietnam.

Were it not for this onesided method of warfare which gives all the initiative to the enemy, which permits hardened guerrilla soldiers to terrorize an entire people for years on end, to turn a whole nation into a series of barbed wire encampments—were it not for all this, the durability of the South Vietnamese would not even be in question.

Armies exist for the purpose of saving civilian populations from having to fight. It is the failure to deal effectively with the military threat that makes the morale and courage of the people a vital element in the war.

Let us be frank. Let us ask ourselves how our own people would stand up in such a contest if they were subjected to ceaseless attack year in and year out, from which their own army seemed powerless to protect them.

Does anyone suppose that under the same conditions the people of North Vietnam would fight to protect their status? Of course not. But that does not prevent their enslavers from successfully carrying forward aggression against their neighbors.

Our task is to change the nature of this conflict.

If we continue to permit the war in South Vietnam to be, in considerable measure, a contest between professional guerrillas against helpless civilians, most certainly we are in grave danger of losing. But what a monumental abdication of responsibility it would be to attribute our defeat, if we suffer such, not to our own unwillingness to change the terms of battle, but to the morale of the people whom we are asking to live in constant danger by day and by night for a period that is apparently to have no end.

Those who are entrusted with the responsibility for the defense of South Vietnam can reverse this situation almost overnight by carrying the struggle to its source: North Vietnam.

The key to victory in South Vietnam is the effective carrying of the war into North Vietnam until the forces of Ho Chi Minh have sustained such terrible attrition that they cease their aggression against the South. How can it be done?

A PROGRAM FOR VICTORY

I fully recognize here the limitations of Members of the Senate; I do not present myself as a military tactician. Yet, those who believe that we should push on in Vietnam—as I do—have as much information at our disposal and as much occasion for speaking up as those who believe we should pull out.

One does not have to be an architect to know that a house is falling down, and one does not have to be a military expert or a foreign service officer to know that our military and political effort in South Vietnam is going badly and that the course of our efforts must be changed if we are to succeed.

Our first task is to stabilize the rapidly deteriorating political situation in South Vietnam. There are a number of ways in which we can help to bring this about and I shall cite only three:

First, we must make clear our irrevocable determination to see this struggle through to victory, as long as the South Vietnamese carry their part of the burden.

President Johnson's statement of February 21, and subsequent statements contained just such a commitment and have helped a great deal to stem the confusion and demoralization resulting from statements by other Americans. Secretary McNamara's clear assertions have had a good effect.

On the radio this morning I heard a report of a speech by Secretary McNamara in which he told the people in Vietnam that we would render whatever aid was necessary for as long as it was necessary. I say, good for him.

There must be other statements by the President and by other top American leaders.

There should be statements in the Congress, perhaps congressional resolutions.

There should be pledges by leaders of both parties, until our posture with re-

spect to South Vietnam is as clear as our posture concerning West Berlin.

Second, we should help the present Government of South Vietnam, under General Khanh, to ride out its present difficulties. We have no choice but to support this Government as it is, with its strengths and its weaknesses.

In doing so, we must seek to help it overcome its shortcomings, through persuasion and example, not only for the immediate purpose of strengthening its resistance to communism, but so that it may ultimately become a beacon of justice and progress for all the peoples of southeast Asia.

General Khanh is probably as good a man as can be found in the Vietnamese armed forces, and we may count ourselves fortunate that the second coup was not instigated by a man of less stature. He has a reputation as a capable and aggressive commander and as a careful planner.

According to all the reports I have heard, he is also a man of integrity and strong personal loyalty. He has displayed sound political instinct in retaining the popular Gen. Duong Van Minh as Chief of State and in bringing certain prominent political leaders and intellectuals into his Cabinet; while his energetic visiting to villages and to soldiers at the front suggests that Vietnam may at last have found the benevolent strong man it so sorely needs. His initial pronouncements, moreover, suggest that he recognizes the imperative need for constructive village programs if the people's loyalty is to be won and retained.

Instead of standing on the sidelines, waiting to see how General Khanh will shape up, we must do everything in our power to help the government of General Khanh stabilize itself and to help the general himself develop the popular image that is essential to effective national government.

We must make it unmistakably clear to the other officers in the Vietnamese Army that we are opposed to any more coups and that we shall support the Government against any attempted coup. This is mandatory because another coup or two and even the Marines will be unable to save South Vietnam. Secretary McNamara has performed admirably in this regard during his visit.

Third, we must use our influence and our aid to assist the new Vietnam Government to build upon a beginning that has already been made in encouraging the development of village democracy; in improving agriculture, education, and public health; and in giving the Vietnamese people the feeling that they have something to fight for and something worth daily risking their lives for. The plan announced by General Khanh last Saturday, if properly implemented through our aid, will mark a significant step forward.

We must help turn the war against North Vietnam.

We must explain to our own people, to our allies, and to the world the reasons which impel us to carry the fighting to the home base of the aggressor.

One method of doing this would be the publication of a white paper on North Vietnamese and Red Chinese aggression in South Vietnam, setting forth in detail all the massive information that has been accumulated about guerrilla infiltration and the smuggling of arms from the North, the evidence that the war is in fact directed from the North, and the evidence of Red Chinese involvement.

We have the truth; and we have the means to disseminate the truth to all who are disposed to believe it. Having made this attempt to solicit favorable world opinion, we must go forward and do what the facts of the situation require of us.

We now come to the critical point of our policy. What should be the nature of our attempt to take the offensive in this war which has been forced upon South Vietnam from the North?

It is, of course, for our military leaders to decide upon the tactics and for our diplomatic leaders to assess the possible repercussions.

But it is the direction of our efforts, not the details, that is my principal concern.

As a minimum, I believe we must permit, train, and assist South Vietnamese guerrilla forces to begin hit-and-run raids along the coast of North Vietnam, directed against targets like marshaling yards, harbor facilities, refineries, factories, bridges, dams, and so on. As experience and confidence are gained, it should be our goal to assist the South Vietnamese to open up sustained guerrilla operations in North Vietnam and give the Communists a full taste of their own medicine.

Every day that this war continues the Red regime in Hanoi should be hurt in a very material way. And every day that we allow them to ravage South Vietnam with complete impunity to their home base, we give them an advantage which they should not have and which could be decisive in the war.

That is the minimum.

The maximum operation against North Vietnam would be to build up South Vietnamese air and sea forces so that they could launch air strikes against industrial and military targets and conduct naval blockades against commerce.

We have all read that this alternative is under serious consideration by the administration. We know that action of this kind would be a very bold step and that there are many reasons why any administration would be reluctant to undertake it. But if it is necessary it should be done, and I believe that the Congress and the American people will support this action if our best advice tells us that it is the quickest and most effective way to end the agony of South Vietnam and redeem our commitments in southeast Asia.

Three years ago, upon my return from Laos and South Vietnam, I urged that we not continue a purely defensive war but that we enable the forces of freedom to go over to the offensive. I stated the objectives of such an approach in words which I should like to repeat now:

> The best way for us to stop Communist guerrilla action in Laos and in South Vietnam is to send guerrillas in force into North Vietnam, to equip and supply those patriots already in the field; to make every Communist official fear the just retribution of an outraged humanity; to make every Communist arsenal, government building, communications center and transportation facility a target for sabotage; to provide a rallying point for the great masses of oppressed people who hate communism because they have known it.
>
> Only when we give the Communists more trouble than they can handle at home, will they cease their aggression against the outposts of freedom.

I think these words are even more applicable today than they were when I first spoke them 3 years ago.

Finally, I believe that we should make an effort to involve the other nations of the area in the task of keeping South Vietnam free.

As late as April of 1961, the SEATO nations in the immediate area, the Philippines, Thailand, Australia, New Zealand, and Pakistan, all favored common action against the Communist menace in Laos. But the British and French were opposed to such action, and we ourselves set on the fence; and the result was that nothing was done.

In the absence of American leadership, SEATO has inevitably become an organization of questionable effectiveness. When I was in the Philippines in May of 1961, Foreign Minister Serano made a statement to me which I shall never forget. "We are prepared to fight and die with you if necessary," he said, "but we cannot fight without American leadership." Our failure to react to the challenge in Laos is one of the chief reasons for Pakistan's loss of confidence and her consequent erratic behavior.

Given American leadership and given the evidence of our determination to defend southeast Asia, it is not too much to hope that SEATO can be reactivated. Certainly it would be salutary and helpful to have other Asians fighting alongside the South Vietnamese and Laotians, in defense of their common freedom.

Conceivably, France might object to the reactivation of SEATO, now that De Gaulle seems bent on the appeasement of Mao Tse-tung. But if France should take this stand, then in my opinion she no longer belongs in SEATO, and we should ask for her withdrawal.

THE CONTINUING CRISIS

In South Vietnam, as at so many other pressure points around the globe, the American people are being tested as never before, and as no other people have been tested.

In the past our Nation, like other nations, has risen to direct challenges which brought us under open attack and which clearly imperiled our survival.

In such conflicts our danger was obvious, our objective was clear, and our people could throw themselves into a total national effort with confidence that our sacrifices were only temporary and that total victory was attainable and foreseeable.

Such have been the challenges of the past. But the current crisis is not a clear military challenge emanating from definite sources, combatable by traditional means, and subject to total retaliation.

We are challenged on every continent, in every country, by every means, but not directly, not overtly. It is always some other nation that is under direct attack, and the attack comes disguised in many forms, subversion, infiltration, revolution, espionage, propaganda, psychological warfare, economic warfare, guerrilla warfare, and on and on—war without form, war without limitation, war without end.

It has fallen to us to lead the defense of freedom against this omnipresent but illusory onslaught. And we have undertaken to do so, for our own sake, and for the larger cause of humanity. That we have often failed in individual instances is to be grievously regretted; that we have tried, that we have attempted to mount a many dimensioned global defense equal to the challenge, is to our eternal credit.

Our sons at this hour are stationed in military bases in the farthest and most remote corners of the earth. Our aid missions and Peace Corps units and technical assistance teams are functioning in fourscore nations and more. Our information programs seeking to combat falsehood with truth are operating around the globe. In outer space, in the air, on the land, on the sea, and under the sea we have mounted a tireless defense against the ultimate enemy attack, a defense for ourselves and for all people.

The struggle in South Vietnam is a crucial part of this larger struggle; perhaps the most vital part at the moment because it is the most challenged at the moment.

In the normal course of my duties as a Senator, I have had the privilege of visiting and talking with our American soldiers in South Vietnam just as I have had similarly rewarding experiences in meeting the young men who man our Polaris fleet, and those who go out into outer space in an attempt to insure our predominance even in that remote sphere.

It is in pondering the sacrifices and achievements of these men and in confronting the challenges which have caused them to undertake these tasks that we begin to grasp something of the meaning of being an American in this sixth decade of the twentieth century.

In the early years of our Nation Benjamin Franklin and Thomas Paine had an exchange which prophetically outlined the course of our history and explained our present posture in the world today. Franklin said, "Wherever freedom is, that is my country." Paine responded, "Wherever freedom is not, that is my country."

This seeming contradiction has been harmonized by the development of our history. There is no free nation which has not had the active and continuing assistance of the United States in the effort to fulfill and defend its liberty. There is no free nation under attack today whose survival is not dependent upon this American involvement. There is no enslaved nation whose hope for ultimate freedom does not rest with us.

Americans of our day realize more completely even than did Franklin and Paine the indivisibility of freedom. To preserve our own freedom we must see to it that the South Vietnamese preserve theirs. That is why we are there. That is why we must continue there until victory is assured.

And that is why Americans of this decade, like their predecessors, are earning a place in history which, in Lincoln's words, "the world will forever applaud and God will forever bless."

Mr. President, I ask unanimous consent to insert at this point in the RECORD a statement I prepared early in February for the February 17 issue of the Washington Report of the American Security Council.

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

[From Washington Report, Feb. 17, 1964]

FORMULA FOR VICTORY IN VIETNAM

We are rapidly approaching the moment of truth in southeast Asia. The events of the coming year will, in all probability, decide whether freedom has any future in this strategically vital area, or whether the few free flags that still wave there will all be replaced by the hammer and sickle.

If we minimize the gravity of the situation, if we continue to engage in half-measures, if we permit the Communists to operate from privileged sanctuaries, if we again permit ourselves to become involved in plots against our allies, then southeast Asia is doomed.

I believe southeast Asia can be saved. But it can be saved only if we are prepared to face up to the facts in all their gravity and ugliness and act with the utmost resoluteness.

There are those who say that the United States is overextended, that we cannot defend Asia as well as Europe, that we must reduce our commitments in southeast Asia, even though this might result in a Communist takeover. I find this proposal as lacking in logic as it is in morality.

For better or for worse, our own fate is intertwined with that of southeast Asia. Indeed, the Communist conquest of the area would produce so serious a shift in the world balance of power, that our very ability to survive would be called into question. Moreover, our prestige is so heavily committed in South Vietnam that if we accept defeat there, or if we accept defeat on the installment plan under the name of neutralization, no nation could in the future place any confidence in America's commitment to its defense.

The gravity of the situation in southeast Asia and the continuing downward spiral of our fortunes there simply do not jibe with the optimistic reassurances of the Department of State.

In Laos, the hard-pressed royalists, now supported by the neutralist forces of Gen. Kong Le, have been forced back from one position after another by a series of limited but carefully calculated offensive actions, initiated by the Pathet Lao forces of Prince Souphannavong. The coalition government triumphantly put together by Mr. Harriman, for all practical purposes does not exist. The Americans have withdrawn from Laos, the North Vietnamese have not. The tripartite supervisory committee has been able to operate in the non-Communist portions of the country; but it has not been able to inspect those areas under Communist control, sometimes because of the obstruction of the Polish member of the committee, more frequently simply because they have been denied access by the Pathet Lao.

In Cambodia, Prince Norodom Sihanouk, himself an anti-Communist, has sadly accepted the inevitability of Communist rule throughout Asia, and has severed relations with Britain and America and terminated their assistance programs. He has been remarkably frank in stating that his only purpose in doing so is to buy a bit more time for himself and his people. There is mounting evidence that the Vietcong has been using his territory for hit-and-run attacks on South Vietnam.

In Vietnam, the war has been going disastrously for our side ever since the overthrow of the Diem government last November 1. The military junta which overthrew President Diem has, in turn, been overthrown, and no one can tell where the damage done to the political stability of the country will end.

Internationally, our position has been undermined by the decision of President De Gaulle to recognize Red China. Perhaps the most single serious consequence of De Gaulle's action is that it may induce a weakening of U.S. policy by emboldening these elements in the Department of State who have always believed that the way out of the southeast Asia crisis lies via coalition governments and neutralization and disengagement. Already some of our pundits and editors are saying that if a brave and stanch anti-Communist like De Gaulle accepts the inevitability of the recognition of Red China and the neutralization of southeast Asia, we might do well to heed his example. Almost without exception, these pundits are opposed to all those things De Gaulle has stood for in Europe. But they do not hesitate to invoke the authority of his name in pressing for appeasement in southeast Asia.

We shall hear more such opinions and witness more such pressures over the coming months.

Against this otherwise bleak background, there is at least one faintly hopeful ray. The new government of General Khanh, although it has still not been able to repair the damage done to the apparatus of administration and command by the overthrow of Diem, appears to be a definite improvement over the first junta. General Khanh has a reputation as a resourceful and courageous commander, and as a careful planner; and it was impossible not to be impressed by the swiftness and smoothness with which he executed his coup. All the news indicates that he has taken power firmly into his own hands and that he is shaping up as the wise and benevolent strong man his country so desperately needs. General Khanh's reputation for personal loyalty should be a definite asset, in his relations with his fellow officers and in his relations with us.

He has shown his political astuteness in retaining the popular Gen. Duong Van Minh as head of state. Although the generals guilty of plotting with the French have been imprisoned, there has been none of the wholesale dismissals and reshuffling of commands that characterized the military junta. And whereas the junta had been foolish enough to give all key posts to the so-called southerners, General Khanh, himself a northerner, has wisely distributed his posts between people coming from the north, south, and center.

To add to all this, Khanh seems to have the political instinct and gregariousness of an American presidential candidate, and an ability to move from one point to another on the fighting fronts that reminds one of the way Mayor La Guardia played the role of inspector-general in New York. In short, everything about Khanh looks good. In him Vietnam may well have found a man capable of unifying and leading its diverse peoples. Let us hope that we will give him our unstinting support, that we will do our utmost to help him develop the national image essential to the task of leadership, that we will let it be known that we stand by this government, and that we will use all our influence to discourage any new plots or coups. For the fact is that Vietnam cannot afford more coups. Another two or three

coups and even the American marines would not be able to save South Vietnam.

The firming up of the Khanh government is the first task in any formula for saving southeast Asia. In helping to firm it up, I hope we will not insist on a dilution of authority, in the name of democracy, because no civil war can be successfully prosecuted without a strong government.

Second, it is essential that we let the world know in unequivocal terms that we will not abandon southeast Asia, that there will be no neutralization of Vietnam, and that we will have no part of a conference to neutralize Cambodia.

Third, by way of preparing the ground for a political and military counteroffensive, the Government of South Vietnam should be encouraged to bring out a white paper incorporating all the massive evidence that the Vietcong guerrilla war is not of indigenous origin, but has been planned, armed, organized, and led by the agents of Ho Chi Minh. Similarly, the anti-Communist elements in the Laotian coalition should be encouraged to prepare a white paper detailing the repeated violations of the cease-fire and of the terms of the Geneva Treaty by the Pathet Lao and the evidence of the continuing presence of North Vietnamese forces in Laos.

Fourth, having given these facts to world opinion, we should then unleash the South Vietnamese and put an end to the one-sided set of rules under which the war in South Vietnam has heretofore been conducted. Up until now, the war has been fought entirely on the territory of South Vietnam. The South Vietnamese Army has had to spread its forces thin to protect bridges and railways and powerplants and other installations against territory attacks. The North Vietnamese have operated under no such penalty. Not a week goes by without the murder of several hundred South Vietnamese village leaders and local officials by the Vietcong. But the political commissars in the North have been able to carry out their work of political control and repression in absolute safety.

The situation in Vietnam, indeed, provides a classic example of our tacit acceptance of the Communist ground rule that the cold war and hot wars, both, must always be fought on the territory of the free world and never on the territory of the Communist world.

We must put an end to this imbalanced situation. Ho Chi Minh must be made to pay a penalty for his aggression in the south. Sustained guerrilla warfare may be difficult to conduct in a country under the iron control of the Communists. But North Vietnam, because of its long coastline, is exceedingly vulnerable to hit-and-run raids from the sea. The minute the South Vietnamese are given the green light to mount such raids, the minute they start blowing up bridges, and dams and generators and factories in the north and ambushing patrols and political commissars, it will have an immediate impact on the conduct of the war in the south.

Fifth, Ho Chi Minh conducts his activities in the south under the ostensible auspices of a front for the liberation of South Vietnam, which maintains representatives in 15 countries. There are capable and determined men among the refugees and defectors from the north who would like nothing better than to be granted permission to set up a front for the liberation of North Vietnam from the tyranny of communism. We must encourage, not inhibit, the creation of such a front, committed to a program of liberation and social reform and we must provide it with the necessary propaganda facilities.

Sixth, it can be taken for granted that the Communists will again attack in Laos. We must respond to the next attack by announcing that we consider the Geneva agreement to be abrogated, by encouraging General Phoumi and Gen. Kong Le to counterattack, and by giving them the necessary support. We should make it our strategic objective to assist the anti-Communist forces in securing at least the southern half of the country, including the Laotian panhandle through which the Ho Chi Minh is infiltrating men and supplies into South Vietnam. No measure we could take would do more to take the pressure off South Vietnam or would have greater psychological impact throughout Southeast Asia than the liberation of Tchepone, the chief Communist base in the panhandle.

Senator THOMAS J. DODD,
Guest Editor.

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

Mr. DODD. I yield.

Mr. SALTONSTALL. I am grateful to the Senator for making so clear our responsibilities in the cause of freedom. We have a real cause today for which to work and to fight, in assisting the South Vietnamese in the Far East.

Yesterday, we listened to a speech on the floor of the Senate by another distinguished Senator, who took a contrary position to the one the Senator from Connecticut has taken today.

Mr. DODD. Yes.

Mr. SALTONSTALL. I personally believe that we should help them in every way we can so long as we are advancing the cause of freedom by doing so.

While the Senator feels at the present time that we have this cause, and that we should go forward with it, ultimately we must make decisions that may have to be changed because the situation changes and new factors of the different facts involved are introduced. Our role in South Vietnam is related, not only to our relationships with the South Vietnamese but also with other countries in the Far East and in the world, where our prestige may be involved. Does the Senator feel that that is a correct interpretation of the remarks he has made?

Mr. DODD. Exactly so.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Connecticut may proceed for an additional 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 additional minutes.

Mr. DODD. I believe we are faced with a situation in which we have no alternative. My view is that if we should back out, or give up in South Vietnam, all of Asia ultimately would be lost; and I do not believe that fateful day would be too far away. That is, of course, of the gravest importance.

But besides that, I believe the rest of the world would lose confidence in us. Whether we like it or not, we are the leaders of the free world. I believe it is true, as I have tried to say that there is not a free country in the world that we have not helped. There is not an enslaved country in the world whose hope for freedom does not rest with us. We have friends and we have allies who help us; nevertheless, it rests with us. If we pull out, if we take the advice of those whom I call "the fainthearted ones," I believe one disaster after another will attend us, and we shall face a time and an hour when we shall be alone. There will be no allies to help us and we shall face the accumulated might of a foe the like of which has never been seen on earth.

I know it is much easier to say, "Let us get out."

All of us are conscious of the sacrifices of American boys there.

I have four sons, and all of them are of military age. Two are in the Army Reserve. I do not want my boys in a war any more than I want the boys of others to be in a war. But I believe the surest way to be certain that my sons and the sons of others will not be involved in a war is to do what is required of us, and to do it now. If we do not, our sons will be in that war, and what will be worse, the chances of their surviving it will be greatly reduced.

Mr. SALTONSTALL. What we must do, if the Senator will permit me to comment, is to accomplish our objective of furthering the cause of freedom. We must use methods which we believe will be most helpful in attaining that objective. That is what we are doing today in many places.

Mr. DODD. The Senator is correct.

Mr. SALTONSTALL. So long as we maintain our prestige, so long as the opportunity of achieving our objective exists we should go forward. Does the Senator from Connecticut believe that to be a fair statement?

Mr. DODD. Yes; I believe the Senator from Massachusetts is absolutely correct.

Mr. SALTONSTALL. I thank the Senator.

Mr. DODD. I thank the Senator for his comment.

Mr. ERVIN. Mr. President, will the Senator from Connecticut yield for an observation?

Mr. DODD. I am glad to yield.

Mr. ERVIN. I commend the able and distinguished senior Senator from Connecticut for making a most illuminating speech. The speech should receive the consideration of the public, as well as the consideration of those who make our military and diplomatic policy in southeast Asia.

I believe the Senator has expounded in most eloquent fashion what Kipling said in a beautiful poem he wrote at the beginning of the First World War, the substance of which was that free men can keep their freedom in this precarious world only by keeping their hearts in courage and in patience and by lifting up their hands in strength.

The Senator's able address has been a fine exposition of the same thought.

Mr. DODD. I am very grateful to the Senator.

Mr. SALTONSTALL. Mr. President, will the Senator yield so that I may make an observation on what the Senator from North Carolina has said?

Mr. DODD. I yield.

Mr. SALTONSTALL. If we were to agree to neutralization in South Vietnam

today, as the Senator from Connecticut has said, we would be agreeing to neutralization by only one side, with no commitment by the other side. That would really lead to defeat.

Mr. DODD. I believe that is correct.

Mr. JOHNSTON. Mr. President, I commend the Senator from Connecticut for what he has brought before the Senate today. We must remain strong and do everything that we possibly can to help South Vietnam at this time. If we do not remain firm, our allies will become weaker and weaker. If that were to happen, of course, it would be harder and harder for us to remain there. We must stay there under all the circumstances at the present time. If we do not, it will appear to the world that we are a very weak nation.

Mr. DODD. I believe the Senator has stated the reality of the situation. I am grateful for his comments.

Mr. HUMPHREY. Mr. President, I commend the Senator for his forthright statement. This kind of debate is always helpful. Neutralization, as has been indicated, cannot be very helpful; it could be detrimental, unless it were applied to the entire peninsula. I shall not go into a detailed discussion of the Senator's address. I claim no expert knowledge in this area. However, these debates are helpful, and I am sure the administration welcomes such discussions. We must have a national consensus on this subject if our policy is to succeed.

Mr. DODD. I agree with the Senator. That is one of the reasons for my remarks today.

Mr. JAVITS. Mr. President, I am pleased that the Senator from Connecticut has discussed our problems in Vietnam on the basis that he has in the course of his distinguished speech to the Senate.

I do not necessarily agree with every aspect of the matter, as he discussed it. However, the fundamental thrust of his remarks demonstrates two things:

First, a need to expose the situation to the view of the American people. In that regard, the Senator from Alaska [Mr. GRUENING]—who has discussed this matter with the Senator from Connecticut and with me and with other Senators—also is rendering a service in presenting his point of view. Certainly the people should know the points on both sides; and, as Members of the Senate, it is our duty to make that analysis available to the people.

Second, although I do not necessarily agree with all the points the Senator from Connecticut has made in the course of his speech, certainly its fundamental thrust is that our people should understand that the great stake we have in South Vietnam—namely, to keep that country from going over to communism—is fundamental. The casualties which already have occurred there are tragic; but it is clear that our choice now is between those casualties and perhaps much greater casualties later on—including the possible casualty of the loss of freedom there.

In that respect, Mr. President, the speech of the Senator from Connecticut is most valuable; and I am grateful to him.

Mr. DODD. I thank the distinguished senior Senator from New York.

Mr. HUMPHREY. Mr. President, is there any time remaining under the unanimous-consent agreement?

The PRESIDING OFFICER. Ten minutes remain.

THE PRESIDENTIAL INAUGURATION IN VENEZUELA

Mr. HUMPHREY. Mr. President, today is an important day for those in this hemisphere who believe that political liberty, social progress, and economic development go together. Today is an important day for those who wish to see a successful example of the Alliance for Progress at work. For today in Venezuela a new President will be inaugurated, the first constitutional President in Venezuelan history to succeed another constitutional President. Today President-elect Raul Leoni will succeed Romulo Betancourt as President of Venezuela. President Leoni was chosen in a free election in December, an election held despite continuous violent harassment by Communist and Castroite groups. His victory, together with the impressive showing of COPEI, the partner of Action Democratic in the Betancourt coalition, is assurance that Venezuela will continue the same enlightened progressive domestic policy and pro-Western foreign policy that characterized the Betancourt government.

The successful peaceful transition from one freely chosen government to another is a triumph for the principles underlying the Alliance for Progress, a triumph for the Kennedy policy in Latin America. And no one would have been more pleased today to witness this triumph of Venezuelan democracy than our late President John F. Kennedy.

The election which brought President Leoni to the Presidency showed that the people of a wealthy, rapidly developing country like Venezuela support the political parties whose objectives and programs are virtually identical to the aims of the Alliance for Progress. But if the new Venezuelan Government is to have a chance to continue the work of the Alliance for Progress in Venezuela, it must have the firm support of its allies in this hemisphere. It must have—and I believe it will have—the firm support of the United States under President Johnson, just as President Betancourt enjoyed the full support of President Kennedy. As a new government, it should merit special consideration from other republics in this hemisphere for protection against Communist subversion directed and financed from Cuba.

The report issued last month by the OAS makes it indisputably clear that Cuba has smuggled arms to terrorists in Venezuela. It has presented photographic evidence of the plan and the plot to subvert the Betancourt government at the time of the election in December 1963.

I wish my position on this subject to be crystal clear. Our national policy should be one of clear, unequivocal support for taking the necessary steps to cut off arms shipments from Cuba to Venezuela. We can no longer condone Cuba being an arsenal for terrorism, revolution, and chaos. It is about time, instead of merely worrying about governments of friendly countries being able to stay in power and resist violence, that we choke off the source of that violence.

We have stated before that we will not permit the Castro regime to subvert the democratic governments of its neighbors through armed aggression, whether covert or open. We have repeatedly stated this as our policy. Today we have a clear, carefully documented case of arms shipments into Venezuela. The Venezuelan Government has presented convincing photographic evidence of the smuggled arms shipments. The OAS report has confirmed the accuracy of the Government's allegations.

What is our response to the situation? I believe we should mean what we have been saying. We should take all steps necessary to prevent further arms shipments from Cuba into Venezuela. And I mean all steps—whatever steps are required in terms of naval operations, or any form of activity to stop these arms from crossing over into the Caribbean areas and Latin America.

Mere words alone will be of little avail. The Johnson administration should serve notice on the Soviet Union that we do not intend to see friendly governments like the new one in Venezuela subverted by terrorists armed from Cuba.

We ought to make that so clear that there can be no doubt as to our position. If action is needed to convince the Cubans that we mean business, then action should be the order of the day. Either we defend our friends in Latin America against armed subversion, or we may as well forget about a peaceful, democratic revolution in Latin American countries through the Alliance for Progress.

The Venezuelan Government has asked for support and assistance. We should provide it—now.

The Venezuelan Government has asked for support and assistance in the OAS. We should provide it.

I suggest that we energetically, wholeheartedly, and determinedly support the position of the Venezuelan Government in the Organization of American States. I would hope that such action as is needed can be accomplished within the framework of the OAS. But if it cannot, this should not mean that we will permit friendly governments like that in Venezuela to remain defenseless because of the inaction of its neighbors. If the existing machinery of the OAS impedes the successful handling of problems of this sort, then it may be that the machinery may have to be modified.

We have talked a lot about curbing the influence of Castro in this hemisphere. The Venezuelan Government is one of the few that has taken action to do so. President Betancourt, in one of his final actions as President, informed Britain and France that if they continue to trade with Cuba, they may find their trade relations with Venezuela severed. President Betancourt stated:

> It is not comprehensible that countries that are within the free world * * * trade

with a government that is actively promoting Communist subversion in this hemisphere. This subversion is a risk and a danger to all the free world.

Secretary Rusk has said for the United States: "We agree."

Are we to leave a new Venezuelan Government that follows the decisive course of President Betancourt in discouraging trade with Cuba undefended against terrorist attacks from within, financed and armed from abroad by a Cuban Government dedicated to the subversion of the hemisphere? I believe we cannot. The wars of Communist inspired subversion with all its aspects of armed attack, guerrilla warfare and systematic assassination are not confined to the rice paddies of southeast Asia. They are being waged in our own hemisphere—as the recent report of the OAS establishes beyond doubt—in Venezuela. If we are prepared to risk so much in a distant struggle in a far-off land, should we not be prepared to take resolute action to defend our friends and neighbors in our own hemisphere?

The new Government of President Leoni needs our support. It deserves our support. We should give it. We should take all necessary action to prevent Venezuela from becoming Castro's first victim on the South American mainland—which would give him a base for subverting the hemisphere.

I ask unanimous consent to have printed in the RECORD an editorial and article bearing on this subject, published in the New York Times of yesterday.

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

VENEZUELAN SUCCESSION

Venezuela will see her first transfer of power from one constitutionally elected President to another tomorrow when Rómulo Betancourt gives way to Raúl Leoni. This will be a great historic moment for all of Latin America.

It will also be an extraordinary personal triumph for President Betancourt. He has been a revolutionary operating by constitutional means, showing a political flair that no statesman in Venezuela and few elsewhere in Latin America have equaled. He has displayed great courage and tenacity in hanging on for 5 years against military plots, terrorism and assassination attempts.

Since no Venezuelan President can succeed himself, Señor Betancourt now retires at the relatively young age of 55. His services to his country need not end, but he is wisely stepping aside for a time to allow his successor to establish his authority.

Dr. Leoni has a fortunate heritage, but a difficult one. He does not have the popular appeal of Betancourt, although he is a most experienced politician. His party, Acción Democrática, remains split and is without a majority in Congress. The Christian Socialists, headed by Rafael Caldera, who performed a very valuable service for 5 years in coalition with President Betancourt's AD, is not joining the Leoni government. A strong new party, headed by Arturo Uslar Pietri, will probably be in opposition, but it certainly would not be a destructive opposition.

The military, whose effective leaders stuck by President Betancourt from beginning to end, retain the ability to overthrow any Venezuelan Government, but they display every intention of supporting Dr. Leoni loyally.

The economic situation is excellent. The confidence of foreign investors has been restored. The agrarian reform—one of the soundest in Latin America—is off to a good start. The unions have been favored and seem satisfied.

The terrorists, backed by the Castro regime with arms, money, guerrilla training, and propaganda, failed so miserably at the time of the elections that they were completely discredited. The courage of the Venezuelan people in turning out en masse to vote constitutionally was one of the most encouraging civic manifestations in recent history of Latin America.

Raúl Leoni, despite obstacles, has good reasons to hope that he will survive his 5-year term of office and hand on the Presidency to still another elected candidate.

VENEZUELA LOSES RULING COALITION—GAINS BY SMALLER PARTNER END 5-YEAR ALLIANCE

(By Richard Eder)

CARACAS, VENEZUELA, March 9.—When Dr. Raúl Leoni is inaugurated as President of Venezuela on Wednesday, it will be in a political atmosphere that has changed significantly since his election in December.

The change has come with the decision of the Christian Democratic Party to pull out of its 5-year coalition with Dr. Leoni's Democratic Action Party.

This has forced Democratic Action to negotiate with several smaller parties to obtain a congressional majority for the Government

There is as yet no firm consensus as to how much stability will be lost by the division between the former allies.

Since the December election, the atmosphere of political warfare and terrorism to which Venezuela had become accustomed has given way to a time of relative peace. and of startlingly polite relations between Democratic Action and its election rivals.

These days Caracas is scrubbed clean of political slogans and free of the din of sirens, shots and rumors.

The very factor that made the Christian Democratic Party—called Copei Lere—a solid and satisfactory partner for Democratic Action led logically to the breakup of the coalition.

Copei, like Democratic Action, is a solidly organized, energetic party of left-to-center views and strong commitment to resisting takeover either by the Communists or by the army.

In the December elections Copei raised its share of the vote from 15 to 21 percent, while Democratic Action's share declined from 48 to 33 percent. In such a situation, although both Dr. Leoni and Rafael Caldera, Copei's leader, saw strong advantages to Venezuela in the two groups remaining together, there were internal pressures in both parties for a break.

GAINS SEEN IN SEPARATION

Democratic Action leaders considered that the ministers allotted Copei in the coalition, including agriculture, had provided the basis for its rising strength.

Copei leaders felt that their party had reached a point where for continued growth it must assert its own personality and break out of the coalition.

With this background, conflicts over posts in a new government proved too much for coalition advocates in each group.

On the Democratic Action side one of the strongest proponents of coalition was President Romulo Betancourt, who in his last years in office has lost touch to some extent with the party machinery that put up Dr. Leoni as his successor.

Mr. PROXMIRE. Mr. President, I commend the Senator from Minnesota on his speech. We so often rise in the Senate to denounce and criticize our foreign policy, and the failure of this program or that program.

What is greatly encouraging is the fact that the events in Venezuela are a triumph for the Alliance for Progress. Here is a dramatic, heart-warming case where our programs and policies have worked to win for freedom and frustrate communism.

It is most encouraging to see democracy win. Venezuela has succeeded under the most difficult and terrible circumstances.

I am delighted that the majority whip has made the fine statement that he has made.

Mr. HUMPHREY. I am grateful to the Senator from Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 75 Leg.]

Aiken	Hart	Morton
Allott	Hartke	Moss
Anderson	Hayden	Muskie
Bartlett	Hickenlooper	Nelson
Bayh	Hill	Neuberger
Beall	Holland	Pastore
Bennett	Hruska	Pearson
Bible	Humphrey	Pell
Boggs	Inouye	Prouty
Byrd, Va.	Javits	Proxmire
Byrd, W. Va.	Johnston	Ribicoff
Cannon	Jordan, N.C.	Robertson
Carlson	Jordan, Idaho	Russell
Case	Keating	Saltonstall
Church	Kuchel	Scott
Clark	Lausche	Simpson
Cooper	Long, Mo.	Smathers
Curtis	Long, La.	Smith
Dirksen	Magnuson	Sparkman
Dodd	Mansfield	Stennis
Dominick	McCarthy	Talmadge
Douglas	McClellan	Thurmond
Eastland	McGovern	Tower
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, N.J.
Fong	Metcalf	Williams, Del.
Goldwater	Miller	Young, N. Dak.
Gore	Monroney	Young, Ohio
Gruening	Morse	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota, [Mr. BURDICK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Washington [Mr. JACKSON,] the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH], are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

I further announce that the Senator from California [Mr. ENGLE] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. COTTON] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] is absent on official business.

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

LENGTH OF TODAY'S SESSION

Mr. HUMPHREY. Mr. President, I wish to notify the Senators that it is our intention to have the Senate remain in session until 8 o'clock this evening.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of House bill 7152, the Civil Rights Act of 1964.

Mr. ELLENDER. Mr. President, I have been a Member of this body for more than 27 years. I came to the Senate during the depression era; I have been here through the Second World War, and through the difficult postwar period, to this day.

But in all my experience in this Chamber, Mr. President, there has never come before the Senate a more dangerous or more far-reaching measure than H.R. 7152, euphemistically referred to by its proponents as a civil rights bill.

This highly controversial bill has not been studied by a standing committee of either House. Its paternity has never been disclosed. It has not received adequate committee hearings. It was railroaded through the Judiciary Committee of the other House. In short, it has had no real committee consideration. Yet we are being asked to take up H.R. 7152, and to bypass the normal procedure in this body—the normal procedure, Mr. President, that has served this Senate so well from its very beginning, and which has been employed almost unvaryingly, even in times of great urgency.

Later in these remarks, I shall document some of the unorthodox methods used by the Judiciary Committee in the other House in preparing and reporting the bill for floor action. At present, suffice it to say that should H.R. 7152 be made the pending business of the Senate, the only wise and correct course to follow would be for the Senate to send this legislative atrocity to the appropriate Senate committee.

There the dust can be allowed to settle. There—in the quiet of the committee room, at a table surrounded by reasonable men, who are insulated to a degree from the terrific and unbridled pressures which various minority groups are bringing to bear on our public officials—this legislative steamroller can be cooled off, taken apart, carefully examined, and analyzed.

In light of this bill's history, in light of the effects on our society, our Government, and our business methods—which its sponsors admit they are aiming for—any other course except referral of this measure for committee consideration would be the height of folly.

Here is a chance for the time-proved and time-honored Rules of Senate Procedure to serve the Senate, the Congress and the Nation well. Here is a time when adherence to those rules may well save the Senate, the Congress, and the Nation irreparable grief and misery in the future.

I implore Senators to support the rules of orderly procedure, to let this bill be aired and examined by the appropriate standing committee, or even by a special committee, as was suggested last Monday by the Senator from Georgia [Mr. RUSSELL]. A reasonable time limit for reporting the bill to the Senate could be imposed.

I have, however, little hope that either my plea or that of others, made more eloquently and forcefully by my embattled colleagues, will be heeded or successful. Therefore, it follows that what will not be allowed to be done in committee will have to take place on the Senate floor.

I can offer little objection, if such must be the case. This Chamber is a little larger and a little more raucous and noisy than the ordinary committee room. But this bill is no stranger to rowdy conditions, just as it is no stranger to abnormal procedure. The Senate Chamber can be made to serve very well, as it has so many times in the past.

Periodically, during my long tenure here, I have seen measures daubed with the camouflaging colors of civil rights brought up before this, the greatest deliberative body in the world. During the course of the deliberations, as the Senate considered and worked its will on the various proposals, the camouflage was slowly brushed away. As the camouflage was removed, so, too, was removed the chance of passage of pernicious, illegal, and dangerous proposals.

There were some exceptions, particularly in 1957 and 1960. In those 2 years, wolves in sheeps' clothing—or Federal control in the guise of civil rights—were able to slip past the guardian Senate and enter the fold of American jurisprudence. I objected to the passage of those two laws, first in 1957 and again in 1960 and if I had been able to foresee in full what I could foretell only in part, I would be standing behind this desk still objecting.

It was easy enough, for example, to predict that the U.S. Commission on Civil Rights, created supposedly for 2 years only, by the 1957 act, would prove to be one of the most permanent of the temporary Government agencies. It was simple enough to see that the Commission was a political animal, trained from birth to be on our good southern people like a bird dog on a covey of quail. Such animals, as we all know, do not die easily in the climate hovering over our great Nation today. And if the Civil Rights Commission was trained from birth to harass our responsible citizens, when the first of its staff were drawn from such institutions as Howard University, it became obvious that the Commission was being given the necessary instinct, as well. Then the hunt across our Southern hills and fields was on.

While such political animals cannot be expected to die, as I previously indicated, it appears that this one seeks to propagate itself, bringing to life a little brother, to be known as the Equal Employment Opportunity Commission. I shall have a great deal to say concerning this little brother, both later in this speech and in future days whenever the opportunity shall present itself, as I am sure it will. Suffice it to say here that, since the two are so closely allied—the Commission on Civil Rights and the Equal Employment Opportunity Commission—it might be feasible and more economical to combine the pair into one organization. The names of the two could be integrated into some title such as "Commission on Opportunity, Rights, and Employment," or simply CORE for short. This would have the distinct advantage of giving the American public a clearer understanding of just what is involved here between "big" and "little brother," and also a good idea of who the staff directors are.

I do not jest in this latter point, Mr. President, for as I shall indicate further in these remarks, as this bill is presently written, there is nothing at all to prevent the militant personnel of any of the Negro organizations from first attaching themselves to the Employment Commission, and then going out and filing the cases, on behalf of some other party, which the Commission will then be called upon to investigate.

But to turn from the bird into the bush to the bird in hand, or as some might say, from the devil we do not know to the devil we do, it was easy enough to predict, in 1957, that the Civil Rights Commission would still be in existence in 1964. What is surprising, given the political climate in the Nation, is that various efforts to give the Commission permanence in name and stature, as well as in fact, have thus far met with failure. The latest attempt to have this accomplished was in the bill now under discussion. Only the vigilance and the good sense of the House of Representatives turned back the attempt.

Mr. ERVIN. Mr. President, I wonder if the Senator from Louisiana will yield to me for a question.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina.

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

Mr. ERVIN. I ask the Senator from Louisiana if there is not now in the Department of Justice a division which is charged specifically with the duty of enforcing civil rights.

Mr. ELLENDER. Yes. That division has been in the Department for some time.

Mr. ERVIN. I ask the Senator from Louisiana if, in addition to this agency of the Department of Justice, which is authorized to act in this field, the Civil Rights Commission, whose life is about to be prolonged by this bill, is not a second agency of Government charged with the specific responsibility of investigating charges and making recommendations on civil rights.

Mr. ELLENDER. Yes; and its responsibilities are being broadened.

Mr. ERVIN. Was not assurance originally given to the Senate and the House of Representatives that the Civil Rights Commission would exist for only 2 years?

Mr. ELLENDER. That is correct; I so stated.

Mr. ERVIN. I ask the Senator from Louisiana if at the present time there is not an attempt on the part of the supporters of the so-called civil rights legislation to extend the life of the Civil Rights Commission so that it shall remain in existence until the last lingering echo of Gabriel's horn trembles into ultimate silence.

Mr. ELLENDER. They attempted to do that, but the House allowed an extension for only 4 years.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that the movement for the extension of the life of the Civil Rights Commission until the last lingering echo of Gabriel's horn trembles into ultimate silence is attributable to a feeling on the part of the advocates of that action that such rights cannot be settled until time ceases and eternity begins?

Mr. ELLENDER. I have no doubt about it. The agitators will seek to make certain that the Commission stays with us until eternity.

Mr. ERVIN. I ask the Senator from Louisiana if, in addition to having the Civil Rights Division of the Department of Justice to handle civil rights matters, and the Commission on Civil Rights to deal in the same field, the bill does not propose a third separate and distinct agency to be created in this field; namely, the Community Relations Service.

Mr. ELLENDER. Yes. I expect to cover that.

Mr. ERVIN. Does not the Senator from Louisiana think it can truly be said, in light of the action of these advocates, that the function of the Civil Rights Commission is to agitate, that the function of the Civil Rights Division of the Department of Justice is to aggravate, and that the function of the Community Relations Service is to conciliate what the other two have agitated and aggravated?

Mr. ELLENDER. I expect to point that out as I go along.

Mr. ERVIN. I thank the Senator.

Mr. ELLENDER. Mr. President, to continue, I commend the House for its action and only wish that the wisdom displayed on this question had been more in evidence throughout its consideration of this bill.

What is much more surprising than the foregoing, however, and a source of continual wonderment to me, is how the recommendations of such a group as the Civil Rights Commission could ever come to be taken seriously by the Congress of the United States. It is one thing for the Commission to recommend, as was done by its interim report issued under date of April 16, 1963, that:

> The Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

It is quite another thing altogether to find myself today, here in the Senate, having to seriously consider whether such legislation is, and here I quote again, "appropriate and desirable." The fact that I am forced to do so, or will be later in the discussion of this bill, is simply one more indication of the topsy-turviness of things, and of the manner in which rational men seem to lose their powers of reason when confronted with some proposal which will supposedly advance the cause of "civil rights," whatever that term has come to mean in recent years.

Again, it is one thing to have our President, the late John F. Kennedy, who was a very wise man and showed remarkable judgment on many public issues, announce the next day at his press conference, in reply to a question, as follows:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power.

How quietly sensible those words of our late President are, and how eminently true.

But now, it is quite another thing, and quite a surprise in the bargain, to find the bill which was reported by the House Judiciary Committee grant exactly such economic power—not to the duly elected President responsible to the people, but to appointed Federal officials several times removed from any form of popular control, and only remotely, if at all, responsive to the will of any of the electorate.

The final vote to report this bill from the House Judiciary Committee was taken on October 29. Our late President was then still alive, but the language of title VI goes directly contra to the strong, wise, and reasonable statement expressed by him a short 6 months before. Had the pressure and clamor of the various minority groups become too great for him to stand? I do not think so. Why had our President done a complete about face, reversed his position, in so short a time?

Or did he, in fact, know what was in the bill that was ultimately and under very strange circumstances to be reported to the floor of the House? I am inclined to believe he did not. This raises the question that if the President did not know what was to be in the bill, if the language was not, in fact, that of the administration, then who did know the facts and who did originate the language? In short, to whom do we owe the paternity of H.R. 7152?

Several clues to the answer to this question are to be found in the additional and minority views accompanying the bill, but no definitive answer can be said to emerge. Representative GEORGE MEADER, of Michigan, says, for example, beginning on page 45 of the report, that—

> The origin of the substitute language is not entirely clear since it was not drafted by the committee. A copy was delivered to the home of the undersigned at 10:10 p.m. on Monday, only a few hours before the session the following Tuesday at 10:30 a.m., at which the substitute language was read, declared not subject to amendment, and then * * * was ordered reported.

On page 61 of the report, in the views of New York Representative CARLETON KING, we find the opinion that—

> The provisions of the substitute bill were never sufficiently debated either from a legal standpoint or from their social, economic, and political ramifications.

Further down the same page, we find him commenting:

> The manner in which this substitute was steamrollered through the full committee without debate, study, or explanation—

And so forth. The devious parliamentary procedures used to railroad H.R. 7152 through the House Judiciary Committee have been well documented by the beleagured minority, and I refer Senators to page 63 of House Report No. 914 if they are interested in a perfect example of how our committee system can be abused, wasted, and perverted.

I will not, at this time, go into the documentation so thoroughly provided by the minority report, except to note that it renders highly ludicrous the statement by the majority members, found on page 17 of the report, that:

> The full Judiciary Committee, in its deliberation and consideration of the bill, H.R. 7152, adopted an amendment in the nature of a substitute.

That statement is the extent of the majority comment on the issue. We are concerned here with an attempt to track down the bill's paternity, as I have previously indicated. We have already heard evidence that the bill's language was not drafted by the Judiciary Committee or any of its subcommittees, and that no opportunity was allowed for the offering of amendments, or debate or discussion, of a radical measure which had literally appeared suddenly out of the night.

Perhaps the best clue to the mystery is found in the minority report, at the bottom of page 62, which reads as follows:

> This legislation was drawn in secret meetings held between certain members of this committee, the Attorney General and members of his staff and certain select persons, to the exclusion of other committee members.

Who were these "select persons"? They are not identified elsewhere in the text. Do we once again see the fine handiwork of the NAACP? Or is it possible that here we have another example of the ubiquitous ADAM CLAYTON POWELL, who, according to reports, is quite experienced in aiding the executive branch in the preparation of documents and messages relating to civil rights? The answer is not supplied. Suffering from the slings and arrows of outraged Members of Congress, the bill was reported to the House floor, still carrying its burden of illegitimacy. One of the truest of the parting barbs was hurled by West Virginia Representative ARCH A. MOORE, JR., who remarked in his additional views that where—the bill—came from or who were its benefactors remains to this day a deep, dark secret.

The bill reported was conceived in segregation, born in intolerance, and nurtured in discrimination, he masterfully concludes.

And as a result, the reported bill gave an inestimable amount of economic power, not to the President, I repeat, but to appointed officials of the executive branch chosen to administer the programs authorized and funded by Congress.

Fortunately, the proponents of constitutional government in the House were at least partially successful in their efforts to limit or curtail this power through which it was sought to manipulate our society by the strings of the latest sociological fad. The power, however, still remains. The steel fist has only been hidden by a velvet glove. And because this is true, this provision of the bill represents one of the most obnoxious sections of any legislation ever seriously presented to the Congress. As I said, it is astounding, and I shall comment on it at much greater length in a discussion of title VI of H.R. 7152.

But what is even more astounding, as I indicated earlier, is that this recommendation, and others of a similar nature, have been given credence by either House of the highest legislative body in our land. The reputation of the Civil Rights Commission is well known. Its bias and instinct for prejudice—based not so much on the individual Commissioners but on the staff members which infest the levels below them—have been thoroughly documented by me on numerous occasions, and by many other Senators who share my viewpoint. The Commission's bias and fine flair for ignoring or subverting certain constitutional issues are also well known to any one who has taken the trouble to thumb through any of the reports it has issued during the past 6 years.

In this connection, an article in the February 1964 issue of the American Bar Association Journal is of great significance and pertinence.

The title of the article is "Civil Rights and Civil Wrongs," and its author is Edward F. Cummerford, who has practiced law in New York City for the last 17 years. The credentials of Mr. Cummerford indicate that he was educated by Fordham University, where he received B.S., LL.B. and M.A. degrees, with the latter being in political philosophy.

Of equal or more importance than his educational background is the fact that he has practiced law in the city of New York for the last 17 years, as I said, and also that the editors of the ABA Journal regarded his article sufficiently important to include it in their authoritative periodical. All too often, the press and much of the public seem to catch hold of and hang onto the idea that such legislation as H.R. 7152 is opposed only in the South, that it holds no danger for any other section of the country. Indeed, certain groups and writers seem to do everything in their power to spread this false notion.

Cummerford directs his thought to the thesis that, while racial and religious hates are obnoxious elements in our society, it does not follow that every action the Government might use in attempting to eliminate them is either good or necessary. He goes on to correctly point out that the drive to wipe out discrimination and bias may ultimately lead to the destruction of individual liberty. Because of the correctness and timeliness of his views, I expect to refer to them, and hear his writings referred to, from time to time throughout the debate.

For instance, on the question of the activities of such organizations as the Civil Rights Commission, Cummerford writes as follows, and bear in mind that the author is a veteran of 17 years' experience in New York City law practice:

Invariably these agencies—

He writes, and here he is referring to the New York State Commission for Human Rights, but he could be speaking of the U.S. Commission on Civil Rights just as well—

invariably these agencies begin their work in an unobtrusive manner, but with the passage of time they often become increasingly aggressive, seeking more powers, asking broader areas in which to operate and harsher punitive measures for alleged offenders. Some have stated very candidly that if enough complaints are not filed to keep them busy, they will go out searching for examples of bias. Frequently they query employers as to the proportions of races and creeds in their employ; they scrutinize employment applications to see if there are any questions deemed discriminatory; they scan advertising by hotels and resorts to ferret out language that might be a subtle cloak for bias. These commissions, in short, seem to view their scope as ever widening.

Mr. President, this is not my language. It is that of Mr. Cummerford, a distinguished lawyer practicing in the city of New York.

Mr. ERWIN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. Is the Senator aware of the fact that when the latest request was made for the extension of life of the Civil Rights Commission, those making the request assured the subcommittee conducting the hearings that the Civil Rights Commission had completed its initial work and that it would be necessary to give it additional and expanded work in order to justify continuing its existence?

Mr. ELLENDER. I recall such testimony.

What Cummerford reports as the recorder of the history of this type of agency, I foretold with more or less the same line of reasoning as a prognosticator in the debate of 1957.

But the fact that the Commission has apparently been accepted as a national authority, the fact that it should come to have so much influence in the years since 1957 is the surprising feature I was not able to predict. Who could have predicted that in 6 short years this brawling infant, brought into the world by political midwifery, would have been recommending the complete subversion of a system of constitutional government developed over a period of almost 200 years of proud and glowing American history?

To be honest, I did foresee this to a degree, as did other southern Senators who fought against adoption of the 1957 act. We tried to warn the Senate. We looked into a crystal ball composed of our knowledge of the civil rights agitators then active in the country, and of the political elements with which these agitators worked so well, and which were anathema to both our southern traditions and the U.S. Constitution. There we saw a clear and dangerous picture developing.

As I look back, I think all of us were aware that the 1954 Supreme Court decision on school desegregation was merely a portent of things to come. We simply could not and did not realize that the acceptance of the radical proposals put forward in this bill would come so soon, or would ever be accepted or approved by responsible authorities in either the legislative or executive branch of Government.

If we had been fully aware of all the ramifications of what was said to be a more or less innocuous commission, granted no powers of enforcement as such, you may rest assured that my colleagues and I would have spent the intervening years in seeing to it that that portion of the 1957 act never found its way into the statute books.

But the fact of the matter is that we did the best we could at the time and under the circumstances. We presented cogent and well-reasoned arguments, at considerable length, in opposition to the pernicious provisions contained in title III of the House-passed 1957 bill. We were successful in promoting the elimination of these provisions from the Senate bill, to the benefit of the entire nation. We of the South convinced the Senate, after some little delay and discussion, that it would prove extremely unwise to grant the office of the Attorney General blanket authority to institute civil actions, in the Federal courts, to enforce the terms of statutes enacted in the all-too-well-remembered era of Reconstruction.

Title III would have allowed the Attorney General to seek Federal court injunctions, and here I quote the bill's original language:

Whenever any persons have engaged, or there are reasonable grounds to believe that any persons are about to engage in any acts or practices—

And the so-called acts or practices then referred to are those written into statutes which date back to the period immediately after the Civil War. These laws were put on the books, many of them, for the express purpose of keeping the Old Confederacy on the level of vassal states.

The old title III, in one fell swoop, would have allowed the Attorney General to haul our citizens before the Federal courts on the extremely nebulous and virtually all-inclusive charge of acting or about to act in a manner as follows:

(1) to deny to any person the equal protection of the laws, or to injure any person or his property for lawfully enforcing or attempting to enforce the right of any person

or class of persons to the equal protection of the laws, or

(2) to conspire to deprive, either directly or indirectly, any person or class of persons of the equal protection of the laws, or the privileges or immunities of Federal citizenship.

Also included, but only mentioned here to show how the legislation harked back to the Reconstruction era, was the extension of this blanket injunction-seeking authority to conspiracies to prevent anyone from holding or exercising the duties of public office. There was a time when we of the South had a desperate need for such conspiracies which this law was originally passed to prohibit. Heaven protect us from ever having the need for them again.

I shall dwell on the legislative intent and history of title III just a moment longer before passing on.

During the 1957 debate, I questioned just what rights were embraced within those broad, generic terms—equal protection of the laws, and privileges and immunities of Federal citizens—which the bill had reference to in granting the Attorney General extraordinary powers.

I was aware, of course, that it was impossible to answer the question in specific terms at any specific moment because the equal protection and privileges and immunities clauses of the 14th amendment are constantly being given new, and usually broader, definitions by the Supreme Court. But the then Attorney General, Herbert Brownell, gave testimony in Senate hearings that among what I would call the hidden areas which title III might reach were these three:

First. Freedom of use and enjoyment of any Government-operated facilities on account of race or color;

Second. Discrimination in public employment on account of race or color; and

Third. Segregation under compulsion of State authority on account of race or color.

Do those areas sound familiar, Senators? Compare them to various titles of the pending measure. Here we see how diabolically this bill is drawn, and how well the proponents of Constitutional subversion learn the lessons of defeat.

Contained in one section of the 1957 bill, title III was stricken from the act. In 1964, we find the section chopped apart and spread throughout the current legislation. And like the many-headed Hydra, each part of it has grown larger and stronger than the original provision defeated by the Senate in 1957. Now we need a Hercules to come forward and do battle against this monster reincarnate.

TITLE I

Let us now turn to title I of H.R. 7152, which title is known under the misnomer of "Voting Rights," and examine it in detail in an effort to discover just what precedents it would establish, and whether those precedents bode good or ill for the future of our Republic.

The first thing to be noted in consideration of this title is that it drastically extends the precedents established by title IV of the 1957 act, and furthered by the so-called Civil Rights Act of 1960. In doing so, the long arm of the Federal Government is pushed a little deeper into the affairs of the State and local authorities.

I know that some will argue—and, indeed, have argued—that this title is actually a very mild one, that it does little more than amend existing law, to make it more effective.

Mr. President, that is a spurious argument. I contend that the language in this title is drawn in a manner diabolically designed to completely gut our Constitution and whatever power our local officials may still retain. It is drawn in a manner to insure that every southern election official would have the Attorney General's troops breathing down his neck tomorrow, if this bill were passed and enacted into law today.

As has been attempted so often in the past, title I of the bill proposes to amend an ancient section of the Revised Statutes—section 2004, 42 U.S.C. 1971—as that statute has already been amended by various and sundry provisions of the Civil Rights Acts of 1957 and 1960. Indeed, section 2004 of the Revised Statutes, which is a holdover from the pernicious anti-South legislation passed during the Reconstruction era, is being amended and expanded to such a degree that a separate law volume will soon be required to contain it.

Because this title I of the bill supposedly seeks to extend the long arm of Federal control to cover only what it repeatedly refers to as "Federal elections," it has been hailed as showing a great respect for constitutional and State authority. What the proponents of this measure usually fail to mention is that the term "Federal election" is defined elsewhere in the text of the bill as "any general, special, or primary election held solely or in part for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

I call the attention of Senators to the phrase "election held solely or in part." By some strange coincidence, and because most States hold combined elections for both local and national offices, this definition would extend the bill's authority to 46 of the 50 States.

Of course, Mr. President, I point out that under the Constitution, there is no such thing as a "Federal election." We may have elections for Federal or national office, but our Founding Fathers, in their infinite wisdom, chose to vest control of all elections in the hands of the State authorities.

Mr. President, at this point I wish to read an excerpt from a speech delivered on March 9, 1949, by President Lyndon Johnson, at that time a Member of this body. It was a very fine speech; and in it he spoke in admiration of the virtues of prolonged debate, or the filibuster.

He eloquently stated to the Senate that under no condition should the right of prolonged debate be restricted. So I shall now quote from the speech delivered by President Johnson on March 9, 1949, a speech against a proposed change in the cloture rule; and the following quotation from that speech has specific reference to elections:

The framers of the Constitution of the United States were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislatures. For that reason, and that reason alone, I believe that the proposed anti-poll-tax measures introduced in previous sessions of this body and advocated in the President's civil rights program is wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article I of the Constitution.

I quote further from the March 9, 1949, speech by President Johnson, then Senator Johnson:

Believing that, I think I have the right to use my freedom to speak and stand on the floor of the Senate as long as I have the will, the determination, and the breath to oppose such a measure. I believe that I, and any other 32 Members of the Senate have as much right and the equal duty to prevent the passage of an unconstitutional law as do 9 members or 5 members of the Supreme Court to strike it down after it has been passed. I am not willing to surrender that right or that duty because the President of the United States thinks otherwise, or because of the hue and cry set up by those who claim to protect the rights of a minority while at the same time saying the majority should always rule supreme.

Those were the words of Lyndon B. Johnson. As I have said, they are a part of a speech he made on the floor of the Senate on March 9, 1949. Those words were eloquently stated by him. I wonder whether his views have now been changed.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I ask the Senator from Louisiana whether the provisions of section 2 of article I of the Constitution and the provisions of the 17th amendment to the Constitution have been changed one jot or one tittle since President Johnson, at that time Senator Johnson, made that eloquent speech on the floor of the Senate.

Mr. ELLENDER. They have not been changed in any way; the language today is identically the same.

Mr. President, I should like to read many other parts of that speech by Lyndon B. Johnson but at this time they are not quite pertinent. So I shall keep them for future presentation. The entire speech is to be found in the CONGRESSIONAL RECORD under date of March 9, 1949.

The other day, someone said that when one reaches the top of a mountain he gets a broader view. I do not know whether that applies to our great President but it might be applicable.

Mr. ERVIN. Mr. President, at this point, will the Senator from Louisiana yield for another question?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. Is it not true that sometimes the fog is thicker on top of the mountain than at the bottom?

Mr. ELLENDER. Yes, at times. I have found that to be true.

Now another attempt is being made to abridge the rights, powers, and authority of the States. What this bill represents, in short, is another effort on the part of some in Congress to tell the States how the laws passed by the States own legislatures are to be enforced by the States own authorities.

For instance, I refer Senators to paragraph B on page 2 of the bill. This paragraph seems innocent enough. It provides that no person acting under color of law shall "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." I call especial attention to the words, "if such error or omission is not material."

Who, Mr. President, is to decide whether any error or omission on the part of the prospective voter is material or immaterial? Under normal circumstances, the local registrar is the logical person to make such local decisions, and I would be willing to put my faith in the local official's judgment. The proponents of this bill, however, are not so willing, but prefer to cast reflection and doubt on the integrity of the duly constituted State authorities. They prefer to use the completely negative approach to every problem, and this is true throughout the bill.

While we are on the subject of "errors or omissions," I might go back to the record of a speech I delivered on this floor on September 14, 1959, in connection with an extension of the life of the Civil Rights Commission. That speech is found on pages 19557 through 19565 of the CONGRESSIONAL RECORD, volume 105, part 15, for that date.

In it I discussed at length the bias shown toward southern voting registrars by this high-flying group, and particularly its efforts to discredit and hold up to ridicule our voting officials. I pointed out that while the Commission staff must have gone over thousands and thousands of voting forms to find one prospective voter whose registration was challenged because of error or omission, the best example they could come up with was of extremely doubtful veracity and significance.

This goes to show that there is no real need for this provision in the bill, and in all probability it was inserted merely to give the Attorney General a further excuse to harass and impede the local election officials. No doubt it was inserted to allow the Attorney General, under threat of a law suit, to tell the State authorities how to enforce or not enforce laws passed by the State's own legislature.

Once again, I remind the Senate that this was one of the main reasons that the pernicious Federal election laws of 1870 were repealed less than 25 years after their passage. Those years, by the way, represent one of the most interesting periods in American history. The events with which they are filled provide the most perfect case studies of Federal power gone rampant. I am sure that there will be ample opportunity in the days that follow to enlighten those Senators who may not be aware of the traumatic experiences which not only the South, but the whole Nation, was forced to go through.

The Federal election laws, as I indicated, were loaded with many provisions expressly aimed at removing election control from the hands of the State and local authorities and vesting it in the hands of the Federal Government.

As such, they were not at all different from the measure under discussion, nor, indeed, from the voting provisions of the 1957 and 1960 Civil Rights Acts. It appears that the Congress cannot learn from history, but you may rest assured it is not because of a lack of teachers.

I do not intend to discuss today the many similarities between those measures of the past and this one of the past-present. Nor do I intend at this time to go into the conditions of fraud, dishonesty, corruption, and violence engendered by the attempted enforcement of these measures.

But I do intend to call attention to the fact that the enactment of this provision would carry the Federal statutes several steps toward bringing them into line with the old Federal election laws of 1870, or in some cases, out in front of the old laws, in the ranks of the ridiculous. And I also intend to inform the Senate, to the best of my ability, of the reasons which led to the final repeal of these laws from the statute books in 1893.

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

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I should like to ask the Senator if he could not state those reasons in summary form by saying that the so-called enforcement act of 1870 was repealed by the Congress in 1894 as a result of the abuse of the law in an election in New York State, which shocked the Nation with its corruption.

Mr. ELLENDER. My good friend has anticipated me. I am proud to say that I was the one to point up that action. I had a very aggressive office staff, and they discovered the occurrence in old reports made in the House of Representatives. It was presented by me in the debate of 1957. I shall read a few excerpts from the report.

That is a report from Congress that was issued, as I have stated, during the 53d Congress, 1st session.

I shall quote from House Report No. 18, of the 53d Congress, 1st session. The report was written to accompany House bill 2331, which repealed the Federal election laws to which I have been referring. I call especial attention to the fact that this report was based on the findings of a select committee of the House appointed to investigate the workings of the election laws in New York City. This fact makes it plain that it was not only in the South that these laws were found to be vicious and foreign to concepts of responsible government.

I ask Senators to weigh these statements made by the select House committee very carefully. Bear in mind that they are directed at the operation of these laws in the great city of New York, considerably north of the Mason-Dixon line.

I quote from the report:

> Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinated. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the Government that has proposed it.

Mr. President, the same proposition is being made again in H.R. 7152 of the 88th Congress, 2d session.

Still in reference to the Federal election laws of 1870 which were repealed in 1893, the comments of the select house committee continue:

> But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union.
>
> The inference is irresistible that they were enacted because of a lack of confidence in the honesty, if not in the ability, of the States to conduct their own elections.

Mr. President, as I pointed out earlier, that is exactly the negative supposition made by the new Federal election law now under discussion. In the light of past experience, this section of the bill should be rejected in its entirety.

The same argument applies with equal or greater force to the language of this title which instructs the Federal courts that in any voting suit brought under the terms of the bill, and where State law requires a literacy test as a portion of the registration procedure, the claimant must be presumed literate if he has completed six grades of schooling. It is then up to the State authorities to rebut this presumption.

This sounds innocent enough, until the thought occurs that the local registrar, who has probably been hauled into court by the Attorney General, and who is more than likely facing all the legal artillery that the U.S. Government can bring to bear, must now set out to prove the illiteracy of his accuser. And if said individual refuses to voluntarily submit to a literacy test, the burden of proof carried by the local official would undoubtedly turn out to be impossibly heavy.

In that connection, I should like to bring out some recent statistics compiled by the President's Task Force on Manpower Conservation, and having to do with the literacy, or lack thereof, of the young men examined for the draft during 1962. Keep in mind, Senators, that the Federal courts would be instructed, under the terms of this bill, to consider as literate anyone claiming to have been illegally denied the right to vote and who had finished the sixth grade.

In 1962, 306,000 registrants were given preinduction examinations by the Selective Service, and of these, 152,500 were

rejected on either medical or mental grounds. Of the total number rejected, 24.5 percent, or about 38,200, were declared unfit for military service because of mental reasons, which translates into a lack of education.

Now, according to the task force established by the President to study the manpower problems of the Nation, 60 percent of the number of young men rejected by the military because of a lack of education, or almost 23,000, completed grammar school. Only 40 percent did not go beyond grammar school.

These figures indicate beyond a shadow of a doubt that school records are not a reliable guide to an individual's ability to read and write and thus reach intelligent decisions on political issues. They should be, I will admit, but the sad fact is that they are not.

This is yet another indication of the unrealistic manner in which this bill seeks to approach the issues of the day.

But of course, Mr. President, the fact is that my objections to this bill, as should the objections of every other Senator, go far beyond the recitation of facts, figures, and statistics to prove the foolishness and petty vindictiveness contained in every line of this legislation's language. The fact is, the language concerning the "rebuttable presumption of literacy" is patently unconstitutional, and its unconstitutionality is hidden like an iceberg—seven-eighths of it is below the surface.

It makes no difference how much the distinguished chairman of the House Judiciary Committee proclaims that the point in question does not represent "substantive" legislation, that it is merely "evidentiary" in character, and is therefore of little importance.

The truth of the matter is that cases brought under this title will be aimed at ultimately placing voters on the election rolls irrespective of definite and valid State laws under which the said voters may or may not be qualified. Congress is once again attempting to exert Federal control over functions reserved to the States, by curtailing the rights of the States to require literacy tests as a qualification for voting.

How devious are the minds of whatever individuals brought this ill-begotten creature out of the night and thrust it on the Congress. To what lengths will they not go in efforts to erase the last vestige of State power and authority?

A final provision of this section would give the Attorney General authority to request the establishment of special three-judge courts to decide voting cases. The House amended this section to make this right also available to the defendant in such cases. This is an improvement, but the right should not necessarily be made available to either the accused or the accuser.

This provision represents a totally unnecessary upheaval in our judicial system. It calls to mind the infamous "voter referee" provision contained in the 1960 act, over which so many blessings were said by the supposed friends of the supposed downtrodden in our society. In 1960, as in 1870, the voter referee was depicted as another Moses, and held up to the modern-day equivalent of "40 acres and a mule." Yet, what do we find when reality is allowed to supplant the myth that is spread about concerning life and conditions in the South?

In the grand total of 29 cases taken to court under the terms of the 1960 act, voter referees have been appointed in absolutely none at all. Of course, the truth is that such travesties are no more needed than this proposed setting up of three-judge courts to hear voting cases.

Supposedly this provision is in the bill to aid the expeditious consideration of voting cases, but I note that the Attorney General has brought only about 40 cases to court since the adoption of the 1957 and 1960 acts, according to the House report accompanying the bill. Surely this small number does not require so drastic an upheaval of our judicial system to obtain expedition.

Since the House report also notes that a number of the cases have not been decided in favor of the Government, we can only assume that the Attorney General seeks to insure that future presentations can be made before judges more favorably inclined to the Government's point of view.

As a final, closing note on title I of the bill, I point out that the Attorney General himself, in hearings before the House Committee on the Judiciary, came out in opposition to schemes to bring circuit judges into cases normally tried by the local district courts.

On page 2764 of the House hearings, the Attorney General was interrogated concerning "the possibility of bringing circuit judges into the picture," as this provision of the bill very definitely does. In reply, he stated, "I would be against that." Then he went on to say that "we must have confidence in them—that is, the district judges—or otherwise it questions our whole system."

I might add that the system to which he refers need not be solely the judicial function, but could well mean the entire interlocking, checked, and balanced system that is the American Government.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I am glad to yield.

Mr. ERVIN. Do not the provisions of subsection (h), on pages 4 and 5 of the bill, permit these things: (1) The Attorney General may shop around for what he supposes to be a favorable court if he believes that he cannot win a voting rights case before a judge of the district in which the case is brought? (2) On his simple demand, the Attorney General can require the convening of a three-judge court which effectively supplants the district judge? (3) Such three-judge court could be composed in part of two circuit judges or one circuit judge and one district judge from States of the circuit far away from the State in which the case arose?

Mr. ELLENDER. The Attorney General would have broad authority. There is no question that he could select judges of his own choosing.

Mr. ERVIN. Does the Senator believe there could be any legal process which could come nearer to undermining the confidence of the American people than that implied in this particular subsection, which intimates that the decisions of Federal courts are dependent on the personality of judge rather than on the law?

Mr. ELLENDER. That is why former Attorney General Brownell took the position 3 or 4 years ago that he had confidence in Federal district judges remaining within their jurisdiction, instead of circuit judges coming into the picture.

Mr. ERVIN. Does not the Senator from Louisiana agree with me that it would be most unfortunate to establish a procedural system under which a case of a particular character could be tried in one court, or in another court at the mere option of the Attorney General or any other lawyer?

Mr. ELLENDER. I agree with the Senator from North Carolina.

Mr. ERVIN. Would not this provision empower the Attorney General to have a case taken from one court to another court without any judge having anything to say about it?

Mr. ELLENDER. I have tried to point out how broad these powers would be. In other words, the Attorney General could get a decision of his own choosing.

Mr. ERVIN. Does not the Senator from Louisiana believe that whether there should be a three judge court should depend upon specifications set forth in statutes by Congress, or upon the decision of the court rather than upon the uncontrolled caprice or whim of the Attorney General or any other lawyer?

Mr. ELLENDER. I fully agree with that statement.

Mr. President, I now move to discussion of title II.

Mr. HUMPHREY. Mr. President, will the Senator from Louisiana yield again?

Mr. ELLENDER. I yield for a question; or does the Senator desire to make a statement?

Mr. HUMPHREY. No. I shall be more than happy to frame my comments in the form of questions.

Is the Senator from Louisiana aware of the fact that there are 200 counties in the United States in which less than 15 percent of Negroes of voting age are registered?

Mr. ELLENDER. I have not examined the record recently. But I state to the Senator from Minnesota that I heard over the radio at noon, and also last night, that difficulties are being encountered here in Washington in the registration of voters.

Mr. HUMPHREY. The difficulty is not in the procedure, however.

Mr. ELLENDER. No, but——

Mr. HUMPHREY. There is a great deal of difference.

Mr. ELLENDER. We in the South are blamed for having so few Negro registrations, yet in the city of Washington, where over 350,000 could register, approximately 70,000 have registered to date. In Louisiana we do not feel it necessary to engage in expensive and prolonged voter registration drives. We do not provide cars with loudspeakers to rove over the countryside urging persons to register. Perhaps because we do not,

the Senator thus has arguments to use in favor of this bill.

Mr. HUMPHREY. In 1963, it was determined that there were six counties in the South where the Negro population was greater than the white population, yet not a single Negro was registered. Yet in those same counties, white registration of voters ran from 65 percent of the eligible voters to 118 percent.

How does one justify or even explain those facts, in terms of the right of the Negro to register to vote?

Mr. ELLENDER. As I have said on the floor of the Senate in the past, it is true that in some States there are counties where the ratio of Negroes to whites is 2 to 1. There may be registration difficulties in those counties. But why?

Mr. HUMPHREY. I would be interested in having the point of view of the Senator from Louisiana on that point.

Mr. ELLENDER. It is because the few whites in those counties would be scared to death to have Negroes in charge of public office without qualification.

Mr. HUMPHREY. What the Senator from Louisiana is saying, is that although the whites are in the minority, they prevent the colored majority from registering to vote?

Mr. ELLENDER. I am saying that sometimes, and for good reasons, some Negroes do not register and vote.

Mr. HUMPHREY. How does the Senator justify that under the Constitution?

Mr. ELLENDER. Well——

Mr. HUMPHREY. The Constitution is rather explicit on that subject.

Mr. ELLENDER. I understand that. I am not saying they should not be registered, but I am giving the Senator the reason why. If this happened in the State of Minnesota, the Senator from Minnesota would do the same thing.

Mr. HUMPHREY. Not at all. Not at all.

Mr. ELLENDER. The Senator from Minnesota has not lived in the South. The situation does not exist in the State of Minnesota that has existed in the South. In some counties in the State of Mississippi, the ratio of Negroes to whites is 3 to 1.

Mr. HUMPHREY. I appreciate that.

Mr. ELLENDER. The Senator can cite such examples as are usually cited and I am familiar with some of them. I am frank to say that in many instances the reason why the voting rights were not encouraged is that the white people in those counties who are in the minority are afraid they would be outvoted. Let us be frank about it.

Mr. HUMPHREY. I can understand the position of the Senator from Louisiana in terms of his statement, but the Constitution of the United States provides in amendment 15, section 1:

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

It is a fact, is it not, that large numbers of colored people who are citizens of the United States, many of whom pay taxes, many of whom are called upon to perform all the duties of citizenship, in peace and in war, are denied the right to register and thereby denied the right to vote?

Mr. ELLENDER. That has been done in many places. I am glad to say that the situation is changing.

Mr. HUMPHREY. I am happy to say that it is changing, too.

Mr. ELLENDER. It will change, if it is allowed to take its regular course. But it cannot be changed by force legislation such as this bill.

Mr. HUMPHREY. What would title I in the bill accomplish that is not already being done, except to make sure that no discriminatory procedures are applied—in other words, that whatever the standards for voting are, such standards shall be applied uniformly; and, second, to expedite, through the Federal courts, those cases relating to voting rights? The reason for expediting them through Federal courts is quite obvious because the procedure has been slow. A procedure which denies the right to vote becomes a meaningless nonentity if the right is denied through constant harassment and illegal processes. That is why title I is indispensable.

Mr. ELLENDER. The object of the title, as I stated awhile ago, is to have the Federal Government supersede the States in determining who should or should not vote, by fixing the qualifications. The quotation I read from the speech made by the President shows that he believes that power should remain in the State. The title, which I have discussed, clearly would make it possible for the Federal Government to extend its long arm to the point of superseding the State. That is certainly the underlying intent.

Mr. HUMPHREY. Will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. HUMPHREY. Can the Senator show any part of the bill which indicates that the Federal Government is establishing any standards; the bill does prescribe an evidentiary presumption in a law suit that a citizen is literate if he has completed 6 years of formal education but such is not a Federal standard. It merely shifts the burden of persuasion in a law suit. The bill does prohibit practices that are used to disfranchise Negroes?

Mr. ELLENDER. The 20 pages I have just finished reading go into that exact point in very great detail. I will ask the Senator to refer to tomorrow's RECORD.

Mr. HUMPHREY. I shall do so. The Senator has frankly admitted that a number of Negro citizens of the United States have been denied their right to vote. We know that that has happened through practices that are not applied to white citizens. All that title I seeks to do is to prohibit these discriminatory practices.

Mr. ELLENDER. I would not agree with the Senator's last statement. In my State we have probably 4 or 5 parishes in which the Negroes predominate, and where some discrimination is likely to occur. I have given the reason for it. That is my personal opinion.

Mr. HUMPHREY. The Senator has been very frank about it.

Mr. ELLENDER. I am. I said it before, and I say it again. In most parishes there is virtually the same number of Negroes voting as there are whites, from the standpoint of population. I can definitely show that.

Mr. HUMPHREY. I am sure the Senator can.

Mr. ELLENDER. There is Evangeline Parish and also the Parish of New Orleans. No effort is made to stop qualified Negroes from voting in those parishes, for example. It is only in a few parishes where the Negro population is 2 or 3 to 1 of the white population that any large degree of discrimination is found. I do not blame the people in those parishes. If he had more knowledge of the situation, the Senator would also have some fear about putting those people in charge of the Government.

Mr. HUMPHREY. Lest there be any misunderstanding, I am fully aware of the fact that the State of Louisiana in the main has done a credible job of registering its Negro voters. I am not trying to be critical of any one State. I am merely asking, How does the Senator pass individual judgment on these matters, which can be discriminatory, when the Constitution provides that no citizen of the United States may be denied the right to vote by the United States, or by any State in the Union, because of race, color, or previous condition of servitude? We cannot have one law for the rich and another for the poor. We cannot have one law for the black and another law for the white. We do not have second-class citizens in the United States. We have only one kind of citizen. At least we are not supposed to have second-class citizenship. We have one kind. We do not say that a white person shall pay 30 percent in income taxes and a black person shall pay only 15 percent.

We do not say that if a person is white he must pay taxes, but if he is black, and is not permitted to vote, he need not pay any taxes. We might remember that we once said: No taxation without representation. That was the battlecry of this Republic.

Mr. ELLENDER. I shall discuss this matter a little later.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Louisiana may be permitted to yield to me for a question and an observation on the point which has just now been discussed, without his losing his privilege to the floor and without having his subsequent remarks counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I wish to comment on the accuracy of some of the evidence that is cited to secure the passage of title I relating to voting rights.

The Senator from Minnesota alluded to some data compiled by the Civil Rights Commission listing counties in which less than 15 percent of the registered voters were Negroes. One of the counties listed by the Civil Rights Commission was a county in North Carolina.

The Commission insinuated that such county was discriminating against Negroes because less than 15 percent of its registered voters were Negroes. As a matter of fact, Mr. President, there is not a single Negro residing in that particular county. Yet it is stated by such an august body as the Civil Rights Commission that discrimination exists in that county, and this statement is offered to support the enactment of additional voting rights provisions. The distinguished dean of the Harvard Law School came before a subcommittee of the Senate a year ago and drew inferences similar to those drawn by our distinguished friend from Minnesota. He pointed out the number of Negroes and whites registered to vote in certain counties in the Deep South and drew inferences from the figures alone that Negroes were being wrongfully denied the right to register and vote in such counties.

I asked the distinguished dean of the Harvard Law School if he did not think it was unreliable to rely on statistics of this nature. He said he thought that inferences drawn from statistics he was citing were thoroughly reliable.

I said, "Let me ask you a question about deductions based on figures. In this country there is a nonwhite population of about 11 percent. What percentage of the students enrolled in the Harvard Law School are nonwhites?"

He said, "About 1½ percent."

I said, "Do you think it would be fair for anyone to infer that you are discriminating against Negroes in admitting students to Harvard Law School, because you have only 1½ percent nonwhite students registered in a nationally recognized law school in a country having a nonwhite population of 11 percent?"

He said, "No; I think that would be an unfair inference to draw. There are economic and other factors."

Does not the Senator from Louisiana know that in many counties in the South there is one-party rule as a result of iniquities heaped upon the South by civil rights bills passed during Reconstruction days, and that no one is going to bother to spend energy or money to get people to the polls, where only one ticket is in the field?

Mr. ELLENDER. In the South, we do not have exactly a one party rule. Usually there is only one party that presents candidates. That has been the case since the South threw off the yoke of reconstruction. Of course, recently, we have had a few Republicans bob up.

Mr. ERVIN. I should like to ask the Senator if subsection 2(A) of title I on page 2 does not provide, in effect, that if a State election official violates the State law in passing on the qualifications of one voter, he must violate the law in passing on the qualifications of all other voters?

Mr. ELLENDER. Yes. This is right.

Mr. ERVIN. Is there any reference whatever in subsection 2(A) of title I, on page 2 to any denial or abridgement of the right to vote on account of race, color, or previous condition of servitude?

Mr. ELLENDER. The Senator is correct.

Mr. ERVIN. Therefore, this subsection applies to all voters, white or black?

Mr. ELLENDER. yes.

Mr. ERVIN. I should like to ask the Senator if it is not true that the provisions of the bill on pages 2 and 3 called A and B do not also apply to all voters, and are not appropriate to enforce the 15th amendment to the Constitution because they are not restricted to people whose right to vote is abridged or denied on the basis of race, color or previous condition of servitude?

Mr. ELLENDER. Yes.

Mr. ERVIN. This being true, does this section not constitute an effort to extend Federal power over elections in general?

Mr. ELLENDER. Yes.

Mr. ERVIN. The only power Congress has to enact legislation of this nature is under section 4 of article I of the Constitution, and that power is restricted to regulating the times, places, and manner of holding elections. This being so, this section is clearly unconstitutional.

Mr. ELLENDER. The Senator is absolutely correct. As I said a while ago, that is in direct accord with the views of our present President.

Mr. ERVIN. Is there not a statute, which is codified as section 242, title 18 of the United States Code, which makes it a crime, punishable by fine or imprisonment, or both, for any State or local official, anywhere, whether in the South or anywhere else in the country, to deny to any qualified citizen his right to vote?

Mr. ELLENDER. That is correct.

Mr. ERVIN. Does not the preceding section, section 241, title 18, of the United States Code make it a crime, punishable by 10 years imprisonment or a fine of $5,000, or both such fine and imprisonment, for any election officer to conspire with anyone else to deny to any qualified voter, of any race, anywhere in the United States, his right to register to vote?

Mr. ELLENDER. As was pointed out in the debates on the 1957 and 1960 acts, there are enough laws on the statute books now to punish violators of the voting laws.

Mr. HUMPHREY. Mr. President, I should like to address a question to the distinguished Senator from North Carolina.

Mr. ERVIN. I do not have the floor.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me.

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

Mr. HUMPHREY. The Senator from North Carolina is an able lawyer. He quotes statutes from the public laws and from the code with great ability. He has referred to "qualified voters."

Mr. ERVIN. Surely; no one but a qualified voter is entitled to register and vote.

Mr. HUMPHREY. The point is that in certain areas of the country a voter is disqualified if he is colored, but he is qualified if he is white, under the identical test. The record is replete with such occurrences, and every Senator knows it.

Mr. ERVIN. The Senator from Minnesota is not talking about any law that prevails anywhere in the United States. Every voter in the United States is qualified on exactly the same basis.

If anyone is not abiding by the law, the Attorney General ought to use section 242 of title 18; section 241 of title 18, section 371 of title 18, which is the general conspiracy statute; the Civil Rights Act of 1957; or the Civil Rights Act of 1960; or he should encourage the aggrieved party to bring proceedings under section 1983 or section 1985, of title 42 of the United States Code.

The Attorney General already has available to him five statutes sufficient to secure the right to vote of any qualified person of any race, anywhere in the United States. Two of these laws can be used in an equity proceeding before a Federal district judge sitting without a jury. An aggrieved individual has two other statutes available to him as an individual.

When I asked the Attorney General how many prosecutions he had instituted to punish persons for wrongfully depriving a qualified voter of his right to register and vote, he said, "None. None whatever."

So I said to him that his nonaction reminded me of the story of John and Mary. They were sitting on a bench, in the moonlight. The air was permeated with the fragrance of roses. It was a situation which could have inspired romance in the most stony and icy of hearts.

John said to Mary, "Mary, if you wasn't what you is, what would you like to be?"

Mary said, "John, if I wasn't what I is, I would like to be an American Beauty rose."

Then she turned the question on John and said, "John, if you wasn't what you is, what would you like to be?"

John said, "Mary, if I wasn't what I is, I would like to be a octopus."

Mary asked, "What is a octopus?"

John said, "A octopus is an animal or a fish, or something like that, that has got a thousand arms."

Mary said, "John, if you was a octopus and had a thousand arms, what would you do with them?"

John said, "I would put every one of them around you, Mary."

Mary said, "G'wan away with you; you ain't using the arms you got." [Laughter.]

The statute books contain seven laws which are sufficient to secure to any person, of any race, who is qualified to vote anywhere in the United States, his right to vote. The Attorney General is not making full use of them; yet he comes before Congress and wants more statutes. We are told that seven laws on voting are not enough. Why is it necessary to have more, if the Department of Justice is not going to use those already on the books? It is absurd to say there is a need to place more voting rights laws on the Federal statute books.

It is much easier to prove denials of voting rights before a congressional committee or on the floor of the Senate than it is in court. Also, it is politically more

rewarding. One can go before a committee, sit before the television cameras, and charge people with heinous crimes, without having to prove the charges. It is also possible to make similar charges on the floor of the Senate without having to prove them, except by statistics collected by people who do not know the facts that underlie the statistics.

So I suggest that the Attorney General not emulate John's example, but that he use some of the laws already on the books.

Mr. HUMPHREY. The Senator from North Carolina is one of the most able and distinguished Members of our body. His humor is better than his logic. The story which he has told is tremendous; I love it. We shall hear many other good stories in this debate. However, the fact is that in county after county, Negroes of voting age are denied the right to vote. They are denied the right to vote because they are denied the right to register. Only recently, within the past 2 weeks, we heard the story of Negroes who were compelled to stand in single file all day to register, and at the end of the day only 6 had been registered. Why? Because of the type of tests that are administered, tests that are not the same as those applied to the white voter.

There is not a citizen in the United States who has studied voting practices who does not know that the facts reveal abuses of voting practices and the denial of voting rights—all the stories, all the quotations of law, and all the subsections and articles to the contrary notwithstanding.

I heard the same story and the same argument against the 1957 Civil Rights Voting Act, which the Senator has quoted. I heard the same argument against the 1960 Civil Rights Act to fortify voting rights. Why did the Attorney General ask Congress for additional powers? What additional powers did he ask for? He asked, for example, for a law to prohibit the discriminatory practices used to disenfranchise Negroes. If those practices do not exist, the Attorney General will have no case. He must go before a Federal court.

I have heard the argument today, "You want to pick the judge." A Federal judge is a Federal judge; and he is not picked outside the circuit. He may be a district judge in the locality. If it is a three-judge court, one judge must be from the locality, the other two selected by the chief judge of the circuit. Those men are southern gentlemen. It has been the Federal judges in the South who have brought to bear the force of law—southerners who have seen fit to do their duty under the civil rights acts.

All the good law that is being quoted is the same good law that was resisted openly, as this particular bill is being resisted.

We have heard all types of arguments. We have been furnished statistics. For example, in Mississippi, 43 of the 82 counties have less than 1 percent of their adult Negro population registered. Something is wrong. That is prima facie evidence that something is wrong. In only 11 counties are more than 10 percent of the voting-age Negroes registered. Something is wrong. One can go into county after county and find this situation. One can go into many other counties and find entirely different situations. He can find there has been registration; there has been improvement. There has been harassment in some places. When Negro citizens are made to stand in single file all day in order to register, and only 6 are permitted to register during the entire day, something is wrong. That is so evident that no amount of legal gobbledygook can possibly disguise it. For example, I heard the other day that we have been following unusual procedures; that the committee should have been considering these proposals. I have heard that this bill should be referred to committee. I obtained the facts in connection with what has been done in connection with civil rights bills. From 1953 to 1963, a period of 10 years, 121 civil rights bills were introduced and referred to the Senate Judiciary Committee; 67 days of hearings were held on these bills; thousands of pages of testimony by thousands of witnesses were compiled; 1 bill from this total of 121 was reported from the Senate Judiciary Committee, and that bill was the civil rights bill of 1960 which was sent to the Judiciary Committee with instructions to report back on a day certain. This is the type of consideration that certain Senators are demanding, when people all over the country are rightly and justly demanding, to have their rights protected. Their demands are made because of their interest in the voting right and in basic and fundamental human dignities.

I am of the opinion that in the long run, many of these problems can be solved, when people have the right of self-government and when the laws are such that they are allowed to exercise their right of self-government.

I do not say that every person should have the right to vote; but if a person qualifies to vote under uniform standards, his right to vote should be protected.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield to me, with the understanding that in yielding to me, he will not lose his right to the floor, and that the remarks he will make thereafter will not be counted as a second speech by him?

Mr. ELLENDER. With that understanding, I yield.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I should like to bring a little solace to the Senator from Minnesota, by informing him that the Civil Rights Commission has reported that 104.1 percent of all the Negroes of voting age in my county are registered to vote.

I dislike, however, to bring him this news; but the statistics show that in the general election of 1960 less than 75 percent of the registered voters in California voted, notwithstanding the fact that one of the native sons of California was the candidate of the Republican Party for election to be President; and less than 75 percent of the registered voters in the Commonwealth of Massachusetts went out to vote for or against the Democratic candidate for the Presidency or for or against the Republican candidate for the Vice Presidency, even though such candidates were native sons and residents of that Commonwealth. I am sure that, notwithstanding the eloquence of the Senator from Minnesota, there were no sinful southerners in either California or Massachusetts manipulating the election laws or arrangements, so as to keep so large a percentage of the registered voters in those States from going to the polls when their native sons and residents were candidates for election to the two highest offices in the land.

Mr. HUMPHREY. Mr. President, will the Senator from Louisiana yield, under the same provisions?

Mr. ELLENDER. I yield, with the same understanding.

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

Mr. HUMPHREY. I know that often those who are entitled to vote do not register. That is a shame on America. I also know that often those who are entitled to vote do not exercise their right to vote. That, too, is a disgrace in this free country.

But all I am saying is—and I know every Senator knows this to be true—that when artificial or discriminatory barriers are established which tend to prohibit the exercise of the right to vote or when they tend to deny to anyone who is properly qualified, an opportunity to exercise the right to vote, that is illegal and unconstitutional, and it cannot be justified.

In title I—and this bill has been drafted after several years of experience with the 1957 act and the 1960 act and after careful analysis of the legal situation and of the congestion on the court dockets; at the present time voting cases do not have any priority—we are attempting to expedite the taking of action on the voting cases, cases dealing with the sacred right of American citizens to vote; and we are attempting to put an end to measures which result in disfranchising Americans who have the right to vote. Why such a bill is considered objectionable, I do not understand; that is beyond my comprehension. We are also attempting to put a stop to instances in which such voting-right cases have come up in court 3 or 4 years after the election was held.

Mr. ERVIN. I, too, favor putting an end to discrimination, for I am opposed to discrimination. I am also opposed to attempts to discriminate against Senators who wish to have this so-called civil rights bill made the subject of a committee hearing. I believe there should be a committee hearing on the bill. Nevertheless, the proponents of this bill, which purports to end discrimination, actually adopted a procedure which constitutes a discrimination against all Senators who wish to have a committee hearing held on the bill.

Mr. KUCHEL. Mr. President, will the Senator from Louisiana yield, under the same understandings which have already been reached?

Mr. ELLENDER. Yes; and, Mr. President, I ask unanimous consent that my right to the floor and my other rights in

that connection may be protected in the customary manner.

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

Mr. KUCHEL. Mr. President, I join, of course, in the request that all the customary and usual protections be afforded in that connection.

Mr. ELLENDER. Then, Mr. President, I yield.

Mr. KUCHEL. Mr. President, the Senator from North Carolina [Mr. ERVIN] asked the Senator from Louisiana whether the part of the bill beginning on page 2, in line 10, would apply to all citizens; and the Senator from Louisiana correctly answered that question in the affirmative. What point was the Senator from North Carolina trying to establish?

Mr. ERVIN. I was trying to establish a point which has been declared to be the law in a multitude of decisions by the Supreme Court of the United States; namely, that Congress has no power to legislate in respect to the qualification of voters or in respect to State elections, subject only to the exception that Congress can enact laws to prevent States from abridging or denying the right of a citizen to vote on account of race or sex. As I construe the provisions of title I of the bill, they apply to all people. Under the Constitution, Congress is prohibited from passing any law dealing with the conduct of elections, except laws with respect to the times or places or manner of holding elections; and even such laws can be enacted only when they deal with the election of Senators or Members of the House of Representatives.

As I construe it, this bill is an attempt to legislate with respect to the qualification of voters and in part with respect to how State elections are to be conducted—matters which the Constitution puts outside the province of the Congress.

Mr. KUCHEL. Does the Senator from North Carolina argue that under the Constitution, Congress can provide by law that no citizen shall be denied the right to vote because of his race, color, or previous condition of servitude, but not otherwise?

Mr. ERVIN. I was trying to invite the attention of the Senate to the fact that under section 2 of article 1 of the Constitution and under the 17th amendment, the power to prescribe the qualifications for voting for Senators and Members of the House of Representatives belongs solely to the States; and that the U.S. Congress cannot pass any law regulating the conduct of elections, except laws relating to the times or places or manner of holding election for Senators or Members of the House of Representatives.

The only other power which Congress has to enact laws relating to voting is the power it has, under the 15th amendment, and the 19th amendment, to enact laws to enforce the prohibition against State action abridging or denying the right to vote to a qualified person solely because of his race, color, previous condition of servitude, or sex.

This bill undertakes to have Congress legislate with respect to all citizens in areas where Congress has no power to enact legislation.

Mr. KUCHEL. That is the opinion of the Senator from North Carolina; but I disagree with him.

Mr. ERVIN. No, that is not only my opinion. It is the opinion of the Supreme Court of the United States, which has iterated it and reiterated it in numbers of cases.

Mr. KUCHEL. Did the Senator from North Carolina make the same argument of unconstitutionality at the time when the Senate passed the Civil Rights Act of 1957 and the Civil Rights Act of 1960? Of course he did not.

Mr. ERVIN. I have never denied the power of Congress to enact law, appropriate to enforce the prohibitions upon State action abridging or denying the right of a citizen to vote on account of race or sex.

The opinions I have expressed are in complete harmony with the decisions of the Supreme Court of the United States. I suggest to the Senator from California that he read the Lassiter, and the Gwinn cases as well as ex parte Siebold.

Mr. KUCHEL. I remember the 1957 debate, of course. Incidentally, Mr. President, I point out that, by unanimous consent, the Senator from Louisiana [Mr. ELLENDER] is protected in his right to the floor and in all his other rights in that connection; unanimous consent to that effect has been given.

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. As I was saying, I remember the debate in 1957, and I also remember the debate in 1960; and I remember that year in and year out we have received recommendations from the Civil Rights Commission, whose members were appointed by Presidents of the United States, both Republican and Democratic; and the members of the Commission have come from fine groups of American people, and they desired only to do a good job. I remember what they recommended; I remember what was recommended by the dean of the Southern Methodist University Law School, in Texas; and also by the President of Michigan State University; and also by Father Hesburgh, of Notre Dame University; and also by the other members of the Commission. In the group were Father Hesburgh, of Notre Dame, and others. I remember what they recommended unanimously. Those men are not legal incompetents. Those men are able and distinguished lawyers, law school professors, and men with a background of experience on the bench. They referred to the American Constitution. They referred to those articles of the American Constitution adopted many, many years ago. They said from that source, in their opinion, there exists in the Congress of the United States an unquestioned authority to provide that the men and the women in our country who are citizens and who are otherwise qualified can be given the protection of the Federal Constitution, acting through the Federal judicial establishment on proper proof, to register and to vote.

That is all we are talking about here. I do not understand the reasoning of my friend from North Carolina, able lawyer that he is, when he speaks of a capacity on the part of the Congress to take care of problems of racial discrimination on election day under Federal law in Federal elections, but turns his back on the other provisions that we have written into the first section of the proposed legislation.

I do not wish to impinge on the courtesy and the generosity of my friend, the Senator from Louisiana. I shall make one further statement, and then I shall be finished. In my judgment, the only thing wrong with title I of the bill is that it does not go far enough. If I, an American citizen, black or white, rich or poor, Christian or Jew, am denied the right to vote in a local election in my community, such as a school board election, or in my county or in my State, I am aggrieved under the theory of free constitutional government, just as much as if I were denied the right to vote for the President of the United States.

Does the Senator desire to talk about vices in the bill? I would say that we ought to strengthen the bill and apply it all across the board. My able friend from North Carolina is entitled to his opinion. But some of us in this Chamber disagree.

So far as I am concerned, we will make forward progress when we clothe the Government of the United States with the authority to take care of the voting needs of any man or woman, no matter who he or she may be, if they are otherwise qualified to vote.

In closing, I wish to recall that both major political parties in our country—the Democratic Party and the Republican Party—promised the people of the United States in the last presidential campaign that they would make forward progress with respect to the literacy test. A provision relating to that subject is written into the bill, too. So far as I am concerned—and I believe we ought to make a complete record on the subject on our own time—those are the reasons why the constitutionality of those sections ought to be and is, in fact, unquestioned.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from North Carolina without losing my right to the floor.

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

Mr. ELLENDER. I yield.

Mr. ERVIN. I have always maintained that any qualified citizen of any race is entitled to register and vote. Let me emphasize that I do not believe Congress has any powers except those which the Constitution gives to it.

All impediments raised by constitutional provisions should be respected by Congress. Certainly it should not be assumed that Congress is supreme both inside and outside its constitutional field.

I tried to say that under the Constitution of the United States, Congress has no power to regulate the qualifications of voters, because that power is reposed in the States, both in respect to candidates for Federal offices and candidates for State offices.

I was also trying to say that under the decisions of the Supreme Court of the United States interpreting the 15th amendment Congress has no power to pass laws applying to State elections, except laws to enforce the prohibition of State action abridging or denying the right of citizens, possessing the qualifications for voting prescribed by State law, because of their race, color, or previous condition of servitude. Under the Constitution, the powers of the Congress to legislate in this field are divisible into two classes. The first class relates to candidates for Federal offices; the second relates to State elections.

The distinction is plain and has been recognized in man; judicial decisions. I do not wish to impede my friend, the Senator from Louisiana, any further. I shall not undertake to call attention to the decisions of the Supreme Court of the United States which sustain my position. I thank the Senator for yielding to me.

Mr. HUMPHREY. Mr. President, will the Senator yield for one further interruption?

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to the Senator from Minnesota without losing my right to the floor.

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

Mr. ELLENDER. I yield.

Mr. HUMPHREY. What I am about to say will be my final argument on the subject. I am deeply interested in what the Senator from North Carolina states because, as both the Senator from California and the Senator from Minnesota have noted, he is an eminent lawyer and a highly respected Member of this body.

But I must remind the Senator of the 14th amendment. The 14th amendment does not relate to race. It relates to any citizen of the United States. The 14th amendment states in part—

AMENDMENT XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

As the eminent and able Senator from North Carolina knows better than the Senator from Minnesota, there are dozens of cases under the 14th amendment relating to the protection of citizens' rights and their privileges and immunities. One of those rights and one of those privileges of citizenship is the right to vote—the franchise to vote.

Mr. President, when we get to title I——

Mr. ERVIN. Mr. President, will the Senator permit an observation?

Mr. HUMPHREY. Yes.

Mr. ERVIN. I dislike to contradict the Senator, but the decision of the Supreme Court in Minor against Happersett holds that the right to vote is not an incident of citizenship.

Mr. HUMPHREY. There is no doubt at all but what the Constitution gives to the States general power to prescribe the qualifications for voting in both State and Federal elections. But it is also true that no State may deny any citizen that right or that privilege of citizenship and the general power of the States to prescribe the qualifications for voting in elections, like all other powers, is limited by other provisions of the Constitution. This doctrine was fully explained in *Gomillion* v. *Lightfoot*, 364 U.S. 339 (1960); *Gray* v. *Sanders*, 377 U.S. 368, 379 (1963).

It is also true that there cannot be any unequal application of the law. There must be equal protection under the laws. The cases are replete. The Senator from North Carolina knows them better than any Member of this body, because he can repeat them almost by rote.

When we come to the question of the 14th amendment, and the equal application of the law, we note cases such as *Davis* v. *Schnell*, 81 Federal Supplement 872 (1949), affirmed 336 U.S. 933; *Cooper* v. *Aaron*, 358 U.S. 1 (1958); *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886); *Rice* v. *Elmore*, 333 U.S. 875 (1948). We can go to the section that relates to the privilege and immunity of national citizenship as a right implicit in and guaranteed by the Constitution and the right of qualified voters to vote for Federal officers that cannot be denied by a State without violating the provisions of the Constitution. There are dozens of cases. It is my belief and contention that the right of qualified voters to vote cannot be denied by a State without violating fundamental principals of liberty and justice which be at the base of all of our civil and political institutions and to do so is an aspect of the liberty protected further by the due process clause of the 14th amendment.

All that title I provides is that where there is an unequal application of the rule, where there is prejudiced application of a standard, where there are discriminatory practices, some of which are as visible as a wart on one's nose, such cannot prevail, and the Federal Government has a right to guarantee the equal protection and application of the laws, and the privileges and immunities of national citizenship. That is what we are now talking about.

Mr. President, we shall have a mighty good discussion on the titles of the bill. Again I say most respectfully that the debate thus far on the bill has been invigorating. It has been enlightening. There are differences of opinion. That is why we have a plaintiff and a defendant in a court case.

There is a lawyer for the defendant and a lawyer for the plaintiff. That is why we have courts. We would not need courts if there were no differences of opinion. But somewhere along the line the decision must come down. The Congress has its responsibility. That responsibility relates to the citizenship of every citizen of this country, and no second-class citizenship; one class; just A–No. 1, A–OK citizenship.

Mr. ERVIN. Mr. President, one more observation.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield without losing my right to the floor.

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

Mr. ERVIN. The Senator from Minnesota was speaking of a legal principle. There are numerous decisions of the Supreme Court to the effect that the 14th amendment and the statutes which have been passed to implement it give Negroes all the civil rights possessed by white people. This being true, the allegation that we must pass this bill to accomplish that purpose is without foundation. This is not a bill to secure civil rights, but a bill to vest in the executive branch of the Federal Government the arbitrary power to rob all Americans of precious rights for a particular segment of Americans.

I am glad the Senator and I came so close together on an understanding of the 14th amendment.

Mr. ELLENDER. Mr. President, I was very glad to yield, and I enjoyed the debate very much, but I remind my friend from Minnesota that he alleged that in many States few Negroes had registered, and he gave as the reason for this fact the supposition that they were prevented from registering.

As I said a while ago, I wish he would tie that argument to what has happened in the city of Washington. In this city there are about a million people, and yet only 70,000 are registered. This is in spite of the most intensive public education campaign I have ever witnessed. Free time has been available over radio and TV stations. Mobile loud speakers have toured the city. I ask the Senator to seek his answer here.

Let us not be so sure that the figures show there was a denial of the right to register in any particular area because the people were colored. I seem to recall that the poorest registration turnout has occurred in the colored sections of the city. The same thing occurs in the South, but we are persecuted for it.

I reiterate that, insofar as I know, in my own State no effort has been made to prevent Negroes from voting, except probably in three or four parishes. There the ratio of Negroes to white is about 3 to 1.

Mr. HUMPHREY. In the District of Columbia, regrettable as is the fact that people have not registered as they should, there is no impediment to registration. There is no double standard, one for the white man and another for the colored man. There is only one standard.

The regrettable fact is that they do not register. Perhaps if there were local self-government they would. That generally is true. If they have local self-government, they register, if they are not prevented. In other States it may well be that there are two standards, one for one group and one for another, which delays or prevents registration.

Mr. ELLENDER. I shall not continue to argue the point with my friend from Minnesota. I merely emphasize that in many States the fact that many are not registered is not due to the impediments to which the Senator refers, but to the fact that little interest is shown. In my own parish of Terrebonne where I was born and raised, I come across many

Negroes I have known all my life, each time I go back home. I ask them, "Why do you not register?" They will not register. Why, I do not know. It is not because they are prevented from voting, but because they do not have the inclination.

And now, Mr. President, I will move to title II which purports to provide "injunctive relief against discrimination in places of public accommodations." This section is completely repugnant to our free enterprise system. Although a great deal of attention has been drawn to it by the advocates of this legislation, and although a great deal of rioting and other acts of general lawlessness have taken place in recent weeks and months in behalf of this so-called public accommodations title, I do not believe that title II is the most contemptible section of the bill.

By constantly and loudly stressing the importance of this provision, by letting it be known through constant and recurring waves of propaganda that this section is considered the heart of the entire legislative package, the proponents of this legislation seek to draw the attention of the public away from other sections that are more pernicious, and which, in fact, provide far more dangerous inroads on a government of the free.

I will pause here to note that one of its real dangers is to be found in the heading of the title itself, with its reference to injunctive relief. Because the implementation of this section is sure to result in the issuance of innumerable court orders of far-reaching consequence, the conclusion is inescapable that the enactment of this section would bring about a great, dangerous, and perverting extension of the equity powers of the Federal courts.

Through the power of injunction, judges would be given more control of the everyday life of the individual American citizen than ever before in this Nation's history, or, for that matter, the history of any other free nation in the world. In those few cases where such far-reaching expansion of the equity power of the courts has taken place or been allowed, we usually find that, sooner or later, steps are taken to reduce this power in favor of less arbitrary criminal procedure.

Title II attempts to use the force of Federal law—the long and all-powerful arm of the National Government—to regulate and desegregate the service and operation of every local restaurant, soda fountain, lunch counter, and boardinghouse in the Nation.

It should be made plain, here and now, that I have no quarrel with anyone in any part of the country who uses his right of private property to either segregate or desegregate his business. The property is his and it is up to the private businessman to determine what attitude he will adopt toward his customers.

If the customers were forced to frequent one establishment to the exclusion of others in the block, if hungry men were told by the Federal Government to eat their meals in a certain restaurant instead of in another across the street, there might be some justification for legislation of the type being proposed.

But if the clientele cannot be forced to buy, I do not see how the client—in this case the owner of a restaurant—can be forced to sell. Yet that is exactly what this section of the bill proposes.

And how do the proponents of this monstrous grab for Federal power reconcile the intent and purpose of this section with the fact that the National Congress has no powers beyond those granted specifically to it by the Constitution? We are told that the basis for this grant of unbridled power over strictly local businesses can be found in the equal protection clause of the 14th amendment, and in the interstate commerce clause of article I. Let us examine these two legs of the Constitution on which title II of this bill is supposed to stand. I believe we will find that in order to hold up the monstrous weight of title II, the constitutional limbs have been bent so much out of joint that they are about to break down and collapse. They are not equal to the task, which is clearly beyond their strength. I believe we will find that the whole structure of title II is slightly off balance, and it will require only the lightest touch of logic and constitutional history to bring it tumbling down.

Surely it is a travesty of constitutional intent, and would place the Congress in the position of advocating the rankest hypocrisy, to seriously attempt to base this octopuslike reach for more Federal power on the interstate commerce clause.

This poor little clause, giving Congress the right "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes" has already been twisted and perverted to such an extent that it would no longer be recognizable to any of the Founding Fathers. I dare say that none of those august gentlemen, in their sustained and conscious effort to pass on to their children a system of limited constitutional government, could have guessed that the few words quoted above would someday be used to undercut all their labor and extend the limits of congressional authority beyond their wildest dreams. And now attempts are being made, under the authority contained in those same few words, to remove forever the last vestiges of congressional power limitation.

Surely this is not a good leg on which to place the awesome power contained in title II. The interstate commerce clause has already been stretched so thin as to be weak and spindling. It has already been expanded to such a degree as to give it the consistency of rubber. And Senators, if we stretch it much further, there is a very great danger that one day it will snap back and pop us in the eyes.

It will be recalled that Congress first began exercising its rights under the commerce clause by regulating the carriers in which goods were transported among the several States. Later it moved to the regulation and quality control of the goods themselves, which made up the commerce in question. Then, with the Fair Labor Standards Act of 1938, congressional authority was extended to the regulation of conditions under which the goods were manufactured for commerce among the several States. The Fair Labor Act allowed Congress to get at sweatshop conditions, unsafe mines, and the like.

The courts have already taken it unto themselves to extend the powers of Congress, as first enunciated by the Fair Labor Standards Act, into areas and situations which were never meant to be brought under congressional control. I say this with some authority because I was a member of the Senate Labor Committee which drafted the original act in 1937, and I was one of the conferees who met with Members of the House to agree on the final version of the bill in 1938.

In 1960, during discussions of legislation to expand the minimum-wage coverage, I had occasion to explore and document the manner in which the act had been extended by court decisions contrary to the will and intent of Congress. Among many others, the following few cases provide a sampling of how the congressional intent was perverted.

First. Employees of a Government contractor, working at an Air Force base, repairing and extending runways used in connection with interstate flights of military personnel and material, were ruled to be engaged in interstate commerce and within the scope of the act—*Mitchell* v. *H. B. Zachry Co.*, D.C.N.M. 1955, 127 F. Supp. 377.

Second. Window washers of an office building, some of whose tenants transacted a portion of their business—about 25 percent of the total—in interstate commerce, were ruled to be covered by the act under the interstate commerce clause—*Frank* v. *McMeekan*, D.C.N.Y. 1943, 49 F. Supp. 926.

Third. A bakery with an annual business in excess of $1 million furnished bakery goods worth about $57,000 to two cafeterias, which in turn used about one-third of the goods for preparation of meals sold to airlines for use on planes flying in and out of the State. The bakery employees were ruled by the court to be engaged in the production of goods for commerce, and the bakery was thus brought within the purview of the act based on the interstate commerce clause—*Mitchell* v. *Royal Baking Co.*, C.A. Fla. 1955, 219 F. 2d 532.

I mention these cases merely to indicate the ridiculous situations which are likely to occur by basing such legislation as title II on the interstate commerce clause. Indeed, the coverage under the clause, as the terms are defined in this legislation, will be even broader and more ludicrous than the cases I have just quoted.

For instance, under the terms of this bill, establishments need not be engaged in interstate commerce to qualify for Federal control, but need only affect commerce. Of course, it goes without saying that it is the purpose of every business establishment to affect commerce in as great a degree as possible.

Furthermore, in section 201(c) of the bill as passed by the House, the operations of an establishment are said to be affecting commerce if the establishment:

serves or offers to serve interstate travelers or a substantial portion of the food which

it serves, or gasoline or other products which it sells has moved in commerce.

I ask my colleagues, could any language be more inclusive than what I have just quoted? Could any language go any further in perverting original constitutional intent of the interstate commerce clause? And could anything be more ludicrous than to state that the service of the corner soda fountain should be subject to Federal control because the chocolate syrup it uses has moved across a State line? Since chocolate is one of the favorite American flavors, I would imagine that enough of it is served to classify as a substantial portion of the food served.

Is every hamburger stand in the Nation to be placed under a new form of Federal authority because the meat it sells was produced in Texas by cows and bulls, and then processed in Chicago?

Is the service given by every Main Street cafe to be controlled by the Government because the coffee served found its way into the customer's cup only after crossing State lines?

A few short years ago, students of constitutional law would have said I was speaking in jest to raise such questions. Of course, as the Nation will soon discover, if H.R. 7152 is ever made the pending business and then enacted into law, the sad fact is that I am not speaking in jest at all. This bill is no laughing matter, although I will admit that it is as full of tricks as a barrel of monkeys. The questions I have raised, and the many others of serious import raised by the bill, cannot be explored adequately on the Senate floor. This bill, if it is made the pending business, should be referred to committees without delay. Only through the time-honored and time-tested Senate procedures can the kinks in this bill be straightened out, stripped of their emotional camouflage and laid bare before the American public.

I do not believe the public is in favor of bringing Federal intervention, on a massive scale, into an entirely new area of our national life. Nor do I believe that the Senate is willing to allow the Congress to be tricked into taking a position of the rankest hypocrisy.

This is what would happen if title II, in its present form, were to be enacted. For the first time, Congress would be attempting to regulate, in the name of interstate commerce, establishments which are completely outside any reasonable definition of that term. Once again, to state that the soda fountain on the corner is engaging in interstate commerce because a substantial portion of the chocolate syrup poured over the top of an ice cream sundae has moved across a State line can amount to nothing more than the sheerest hypocrisy.

It will also amount to a complete surrender to the Machiavellian philosophy that the end justifies the means.

It is proposed in this section of the bill that Congress should vest itself with the power to impose on completely local establishments and businesses the requirement to serve customers not of their choosing.

The requirement to render such service has never been attempted before under the interstate commerce clause. There is, I will admit, a similar requirement of public service corporations, such as light and power companies, but these organizations are usually granted an exclusive franchise. They are placed in a special category before the law. Since their customers are guaranteed, as it were, the customers are also guaranteed the right to be served.

These comments have shown how shaky and wobbly—indeed, how badly out of joint—is the leg of the interstate commerce clause on which title II is supposed to stand. They have served to show how badly this legislation needs the leavening consideration of the Senate Judiciary Committee. But let us now turn to an examination of the other leg; namely, the 14th amendment, to see if it carries the heavy burden represented by title II with any more assurance than does its partner. If not, this section of the bill is indeed a paraplegic, and will deserve more pity than scorn.

In considering the authority granted by the 14th amendment, we find, first, that in 1875, during the Reconstruction era, a radical Congress passed a law providing that all persons should, and here I quote the language of the old law, "be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement."

Let us compare this to the language of title II of H.R. 7152, which states that:

> All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations.

It is obvious that the main difference is the insertion of the words "goods" and "services." That addition, of course, is an attempt to bring this section under the purview of the interstate commerce clause, as I have just indicated. The backers of the legislation well know that the 14th amendment is a shaky base on which to build a constitutional argument to support title II, and I shall do my utmost to bear them out in this belief.

So it is obvious that the language and intent of this section is very similar to the language and intent of the public accommodations law passed by a radical Congress in 1875. Attempts on the part of the Federal Government to enforce that old law, passed in the aftermath of the Civil War as a slap at the South, threw many parts of the Nation into chaos and continual agitation.

As a matter of fact, so great was the strife it and similar laws evoked throughout the land that the Supreme Court struck it down as unconstitutional in 1883, just 8 years after passage. There is no doubt in my own mind that the Court was influenced, at least in some degree, by a desire to return peace and tranquillity to the land. In taking action to bring this about, it was ahead of the Congress by about 8 or 10 years. The post-Reconstruction era is one of the few in our history when the Court moved ahead of the Congress in reflecting the national mind and will.

Close attention should be paid to the language of the Court throughout the long opinion handed down in the *Civil Rights* cases (109 U.S. 3), which struck down legislation almost as pernicious as that which threatens to be laid before the Senate as the pending business. That language is as true today as it was then. And the constitutional interpretation it provided is as valid today as it was then, though some individuals and groups would have us believe that such is not the case.

The Court held in that instance—and, mind you, this was but a short 15 years after the 14th amendment became effective—in that instance the Court held the public accommodation law to be unconstitutional, and said in part:

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject of the 14th amendment.

By this action, the Court broke the supporting leg of the 14th amendment and sealed off that avenue for the intrusion of Federal power into the private businesses and private lives of America. The Nation has lived quietly under the protection of that opinion for almost 100 years.

In 1948, the Court reiterated the view that "it is a State action of a particular character that is inhibited," and that "individual invasion of individual rights is not the subject of the 14th amendment."

The 1948 opinion of the Court in the case of *Shelley* v. *Kraemer* (334 U.S. 1), states in part as follows:

> The principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

This view of Chief Justice Vinson, first stated in Shelley against Kraemer, supra, was in turn reiterated by the Court in 1960 in the case of *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715. Then the Court went on to state, on page 722, as follows:

> It is clear, as it always has been since the civil rights cases, that "Individual invasion of individual rights is not the subject-matter of the amendment," and that private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it.

This finding of the Court was repeated as late as May 20, 1963, in the case of *Peterson* v. *Greenville*, 373 U.S. 244.

And in a concurring opinion, which in reality seems to me to be a powerful dissent from the trend of the times which threatens to displace the individual's liberty in favor of governmental dictate, Associate Justice Harlan states:

> In deciding these cases, the Court does not question the long-established rule that the 14th amendment reaches only State action. And it does not suggest that such action, denying equal protection, may be found in the mere enforcement of trespass laws in relation to private business establishments from which the management, of

its own free will, has chosen to exclude persons of the Negro race.

I shall not quote much further from this opinion, but Mr. Harlan goes on to state, eloquently, the sound, logical, and constitutional construction of the 14th amendment which should prevail for the benefit of both the minorities of our land and private individuals. It is the doctrine of constitutionally limited government, which secured to our citizens the freedom to make this Nation great. It is a doctrine which title II of H.R. 7152 seeks to overturn.

Mr. Harlan continues:

This limitation on the scope of the prohibitions of the 14th amendment serves several vital functions in our system. Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the strictures of the amendment were applied to governmental and private action without distinction. Also inherent in the concept of state action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

I note in passing that the sponsors and drafters of this bill would like nothing better than to vacate this constitutional construction set forth by Justice Harlan. This, in fact, they sought to do, and almost succeeded.

On page 44, subsection (d), of the bill as reported by the House Judiciary Committee, the drafters of this legislation, whoever they may be, sought to define "State action" for the benefit of title II as any discrimination or segregation "carried on under color of any law, statute, ordinance, regulation, custom, or usage." Fortunately, the House modified this language to make it plain that before "custom" or "usage" could be considered as "State action," the customs must be required or enforced by officials of the State.

But the original text would have moved away from the historic construction of the 14th amendment, and would have uprooted from law those firmly embedded precepts referred to earlier. The original text would have stripped bare the protections which still cling in some degree to our individual citizens, and our individual liberties "would be overridden, in the name of equality," to quote one last time the piercing words from the pen of Mr. Harlan.

In recent years we have seen strange things done in the name of equality, even as they once were done in the name of justice. But the necessary constitutional authority for the even stranger things that this section of the bill seeks to accomplish can be found in neither the interstate commerce clause, wretchedly out of shape though it is, nor in the equal protection offered by the 14th amendment. In the process of trying to find a constitutional leg on which to stand, title II must have both of the above-mentioned clauses bending backward for its benefit. It must ask the interstate commerce clause to regulate commerce among the States where there is none, and it must request that the individual's right of private property be defined as action of the State and thus brought under the 14th amendment.

Because of this latter point, title II represents a massive assault on the private enterprise system and the concurrent rights of private property that have made it possible for this Nation to be developed into the strongest in the world. Now Congress is being asked to kill the goose that laid the golden egg.

No, I do not believe that Congress is even being asked or requested or petitioned. Congress is being told to make it a right of every citizen to intrude into virtually every private business in the Nation, where before it was the unquestioned right of the private businessman to offer or refuse service to anyone he chose, for whatever reason.

We are being commanded to make it the special right of one class of citizens to have their interests looked after by the Federal Government, and are being told at the same time to use the same Federal power to take away from other classes the right to associate with persons of their own choosing.

The truth is that under our system of government and society, the rights of one group cannot be expanded without curtailing the rights of some other group. I do not believe that this attempt to further circumscribe private property can be justified on moral grounds, and I am quite sure it cannot be justified on constitutional grounds.

The issues to which title II addresses itself are the issues of bed and board—the most local issues in the world. They are issues of the most extreme personal choice, and in a free society, should not be amenable to Federal control.

The fact that serious attempts are being made to bring these issues within the purview of the National Government, and in so doing threaten to overturn our systems of society, government, and business, is ample reason for referring the bill to the appropriate committee for consideration and study, should it be made the pending business.

Mr. HART. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. HART. The Senator from Louisiana made the comment that he felt strongly that there was no basis in law for the bill that is proposed to be taken up. He stated that he doubted whether there was any moral justification for it. Is the Senator from Louisiana familiar with the testimony which was presented to the Committee on Commerce by the spokesmen for the three major faiths in this country, who insisted, with particular reference to public accommodations, that this was indeed one of the most overriding moral obligations facing America?

Mr. ELLENDER. Yes. I did not read all of the testimony, but I am familiar with much of it. I was speaking of legal rights. As I said in my opening statement on title II, if a person has a restaurant and wishes to permit me or anybody else to come in that is his business; but do not let the Federal Government force it on him. That is my point. The morality of this position is found in the circumstances surrounding the distinctions made in the first instance. To own and hold property free from governmental interference finds as much justification in ethics and morality as any of the other liberties guaranteed in our Constitution. An understanding of law and morality must originate in an understanding of human nature.

Mr. HART. I understood the Senator to make the flat assertion, with respect to the legal argument, that he had some doubt about the moral justification.

I hope Senators will read carefully the eloquent testimony of the spokesmen for the three major faiths with respect to the moral obligation to provide equal treatment in places of public accommodation.

Each spokesmen for our three faiths supported the public accommodations bill; they urged its enactment and described this to be a moral issue. Certainly I believe it is a moral issue.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Wyoming [Mr. SIMPSON] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERPETUATE OUR NATION'S RELIGIOUS HERITAGE

Mr. SIMPSON. Mr. President, the people of our Nation are experiencing a period of great consternation. I have just recently returned from an extensive tour which emphatically verified the concern and confusion that my mail has suggested for many months. The people, as well as myself, are bewildered by the recent Supreme Court decisions affecting religion.

The Nation needs some guidelines which can be relied upon. Presently, we are in a state of transition. The Court has written two decisions which have opened the door to litigation that, heretofore, would never have been considered. It may have charted a course which will bring moral decay and destruction to this Nation, which has been blessed so richly by God.

Most of the people know that there is a God, and they want the freedom to express their love, dependence, and faith in God. They resent the idea that an atheist or a nonbeliever can deny them that freedom. The spirit of our Constitution was, has been, and should always be, that all persons, whether they be believers or nonbelievers, should have the freedom to express themselves. This is an inherent right which should not be subject to the whim of a majority or of a minority.

The Supreme Court has been highly criticized for its recent decisions concerning prayers in public schools. Much of the criticism leveled at the Supreme Court, which is a respected and equal branch of our Government, is without justification. I do not propose to argue the merits of those cases; the Supreme Court has ruled on them.

The consternation and criticism have come about because the people are worried, troubled, and concerned about what is happening in this country to the freedom to express one's faith in God. They know that our Nation was founded on a belief in God. They know the wordings of historical documents are evidence and proof that cannot be refuted. They have grown up expressing assurance of that faith in simple prayers in school. They have felt the thrill of singing "America" with its stirring:

> Our Fathers' God to Thee,
> Author of liberty,
> To Thee we sing.

And the "Star-Spangled Banner":

> Then conquer we must, when our cause it is just and this is our motto, "In God Is Our Trust."

And "God Bless America, land that I love." They have felt the warmth of a new glow when they now say in their pledge of allegiance, "One nation, under God."

There can be no denying that this is a religious nation whose very foundation is based upon our religious teachings. In fact, the history of our Nation reflects a deep religious heritage which we should perfect and perpetuate. Expressions of reliance upon divine providence are found again and again in our history: in the Mayflower Compact, 1620; the Declaration of Independence, 1776; the constitutions of all but one of the States—beginning in 1776; the National Anthem, 1931; the pledge of allegiance to the flag, 1954; which as recently as 1954 was modified by the inclusion of the words "under God"; and the national motto inscribed on our currency, 1955.

The religious principles upon which this Nation has been built, the divine inspiration that has guided and charted the course of this Republic, and the abundant blessings which have been bestowed upon this country by God are so patent that if I were arguing this case before a court, I would ask it to take judicial notice of the fact that we are a religious nation. In addition to the abundance of evidence which clearly establishes this Nation as a religious one, the Supreme Court in 1952 in *Zorach* v. *Clauson* (343 U.S. 306) recognized that fact when it said:

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

The framers of our Constitution and the builders of our Republic wisely provided for our religious freedom and the separation of church and state. I, too, believe in the separation of church and state but not in the separation of God and state or God and the individual.

The Court has attempted to impose a philosophy of "neutrality" for the Government when religious matters are considered. Indeed, the Government must be neutral as between the denominations and sects of the religious. But, there can be no neutrality between the believers and the nonbelievers, because if you leave out this spiritual dimension, the Supreme Being, in our schools and public institutions, then you have an image of a world view which one could describe as men and things without God, time and history without eternity; and that is the very definition of secularism. The result of neutrality is secularism. You cannot deny it; when you cut off the whole spiritual dimension of life, without even a reference to it, what you have left is actually a secularist view of life.

Secularism is a faith any American is entitled to hold. But there is no reason why it should be imposed on all of us, any more than we should impose our religion on others. Our Constitution is meant to protect the minorities; but it is not meant to impose on the majority the outlook of any minority.

Those of us who believe in the separation of church and state and the neutrality of Government as between the denominations and sects of the religious do not feel that church and state should be antagonistic toward one another.

Mr. Justice Douglas, who delivered the majority opinion in Zorach against Clauson, made this very point when he wrote:

> The first amendment, however, does not say, that in every and all respects there shall be a separation of church and state—that is the commonsense of the matter. Otherwise, the state and religion would be aliens to each other: hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls: the appeals to the Almighty in messages of the Chief Executive—so help me God in our courtroom oaths; these and all other references to the Almighty that run through our laws, our public rituals and our ceremonies would be flouting the first amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this honorable Court."

It was in this, the Zorach case, that Mr. Justice Douglas wrote:

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

While the attitude of the Government toward the religious must be one of neutrality, it is plain to see that the Government cannot, nor should it, be neutral between the religious and the nonreligious. In fact, by reason of the "free exercise" clause of the first amendment, the Government must take cognizance of the existence of religion, and in many instances it must act affirmatively to provide for and protect the free exercise of religion.

Mr. Justice Goldberg stressed this point in the recent school prayer case when he wrote:

> Untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of the noninterference and noninvolvement with the religious which the Constitution commands, but a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious; such results are not only compelled by the Constitution, but are prohibited by it.

Because concern has been demonstrated throughout the Nation about the interpretation by the Supreme Court of the clause relating to religion in the first amendment to the Constitution; and whereas we are a religious people whose institutions presuppose a Supreme Being; and whereas the history of man is inseparable from the history of religion, and the annals of our Nation reflect a deep religious heritage which Americans want to perfect and perpetuate; and whereas Government's role of neutrality should be between the denominations and sects of the religious, not between the religious and the nonreligious; and whereas we believe in the separation of church and state, but not in the separation of God and state or God and the individual; I propose to the Constitution of the United States an amendment relating to religion. My amendment would not change in any degree what I feel to be the meaning of the Constitution; but, rather, it clarifies and simplifies the religious clause of the first amendment to our Constitution.

The first amendment now provides, in part, that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

This amendment is held applicable to each State of the Union, under the provisions of the 14th amendment. Thus, we are protected from what nobody wants—an official established church on either the national or the local level.

But we must ask ourselves, what does constitute an establishment of religion? To answer that question, we must determine what the framers of our Constitution meant by the religious clause of the first amendment. The history books clearly indicate that the framers of our Constitution were concerned about the prospects of a nationally established religion which would be a suppression of the free exercise of the religion of one's choice. This was the evil which the first amendment was designed to prevent.

James Madison wanted to insert the word "national" before "religion"—that is, barring the establishment of a national religion. The original proposal leading to the first amendment was written by Madison, and read as follows:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established nor shall the full and equal rights of conscience be in any manner, or any pretense, infringed.

It is interesting to note that the first draft submitted to our distinguished predecessors in the Senate would have barred the setting up of a mode of worship. This was soundly defeated, because they were not talking about things in general; they were talking about a regularly established church, which meaning everyone understood.

The Senate and House of Representatives finally agreed upon the adopted language:

Congress shall make no laws respecting an establishment of religion.

This was a delicate subject which called for exact wording because no one wanted to discredit the then existing state establishments of religion, but rather to exclude from the National Government all power to act on the subject. Several of the individual States had recognized an established religion. This amendment did not, at the time of its adoption, even pretend to prohibit this practice. It was aimed exclusively at the Federal Government.

In commenting on the actual intent of the first amendment, Justice Joseph Story, the distinguished constitutional historian and author of "Commentaries on the Constitution," wrote:

Probably at this time of the adoption of the Constitution, and of the amendment to it now under consideration, 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.

Another noted constitutionalist, Mr. Thomas Cooley, who wrote "Principles of Constitutional Law" interpreted the establishment clause as follows:

The establishment of religion 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 Government should be prohibited from recognizing religion—where it might be done without drawing any invidious distinctions between different religious beliefs, organizations, or sects.

I think that is the proper meaning of the religious clause of the first amendment. It is my personal opinion that the Supreme Court has strayed from this meaning and that clarification should be made before further irreparable damage is inflicted upon the spirit of the Nation.

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

Mr. SIMPSON. I yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. Yesterday I presented to the Senate a column written by Bishop Sheen on the subject of the Government's attitude and the attitude of the framers of the Constitution respecting belief in God. The statement of Bishop Sheen is set forth on page 4799 of the RECORD of yesterday. The title of his column was "Ban on Prayer Invites Atheism." In the article Bishop Sheen, among other things, said:

By separating the church and state, our forefathers never separated religion from the state. There is a tendency today, however, to argue that on account of the pluralism of religion in the United States, there should be no recognition of religion whatsoever because it might be unfair to those who are antireligious.

May I have the Senator's comment on that statement of Bishop Sheen?

Mr. SIMPSON. One is always flattered when he discovers a man of the caliber of Bishop Sheen to be in accord with his own thinking. Bishop Sheen's remarks were potent and apropos of what I am trying to say. He has said much better than I have been able to say that there should be no neutrality between the religious and nonreligious. That is the thrust of his argument in that portion of his article.

Mr. LAUSCHE. Bishop Sheen went on to say that at present, preferential treatment is given to atheists as against theists.

Mr. SIMPSON. That is patent from what has happened. There are few atheists. And, yet, as the Maryland case brought so graphically to the attention of the American people, the will of a few can be inflicted upon 190 million other Americans.

Mr. LAUSCHE. Would the Senator be so kind as to read the last sentence of his remarks which prompted me to rise and ask my question?

Mr. SIMPSON. I said it is my personal opinion that the Supreme Court has strayed from this meaning and that clarification should be made before further irreparable damage is inflicted upon the spirit of the Nation.

Mr. LAUSCHE. Again referring to page 4799 of the CONGRESSIONAL RECORD, Bishop Sheen also stated in his column:

The Supreme Court thereby affirmed the "11th commandment": Thou shalt not pray. They who were committed to the defense of the Constitution which is based on religion, have now declared against it.

He further went on to say:

We ask the question: Quo vadis, America?

In other words, Whither art thou going, America?

I should like to hear what the Senator has to say on that question.

Mr. SIMPSON. As the Senator from Ohio and other Senators have said on the floor of the Senate, the people of America are terribly concerned. The people of America are wondering what they can do. Suppose the mother of two children should come to a Senator, as one did to me, and say to him, "Will you speak to my children and tell them you are a Member of the U.S. Senate and had nothing to do with the Supreme Court ruling?

"Will you tell my children why they are not allowed to pray in school and why they are not allowed to read the Bible in school?" When we try to answer the question in light of what has occurred today, we ask the question:

Quo vadis, America?

Whither art thou going, America?

That is certainly an apt expression today, because this country, founded on a belief in God, is undergoing a serious attack on its religious heritage.

In his concluding paragraph: Bishop Sheen has said what I have been saying, and what others have been saying:

America has reached a critical hour where its citizens must once again hear the words that Washington spoke to his soldiers at Valley Forge: "Put only Americans on guard tonight."

The Senator from Ohio well knows that people are concerned and confused about the present trend of decisions by the Court.

In Boulder, Colo., the festivities of Christmas and Easter are being challenged as unconstitutional. Attempts have been made to do away with chaplains in the Armed Services. I am pleased to note that in the newspapers of yesterday it was reported that the three service Academies, as a part of their discipline, insist upon cadets and midshipmen going to the church of their choice.

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

Mr. SIMPSON. I yield.

Mr. LAUSCHE. I am of the conviction that unless Congress does something about the problem, all of our present recognitions of a Supreme Being will be challenged and brought to an end, if the Supreme Court follows what it said in the "Prayer case."

Mr. SIMPSON. I agree with the Senator from Ohio.

I would go further and state that the Senate and the House of Representatives must make a forthright effort, with no equivocation, to come in with a proper solution. I have no pride of authorship in my measure, which I shall later introduce, and of which the Senator from Ohio is one of the cosponsors. When it is referred to the Committee on the Judiciary, the measure can be made as exacting as the committee desires it to be. But the Senate must come forth with the answer to the situation.

I believe, it must be an amendment to the Constitution. I am sure the House of Representatives is just as intent upon this search as the Senate is. Some 67 resolutions or bills have been introduced in the other body, but the Becker measure seems to have received the most attention. I believe there are 172 signatures on the discharge petition. Whether it will be successful or not, I do not know.

I agree with the Senator from Ohio that the people of the United States are waiting on the Senate and the House of Representatives to come forward with a proper solution.

Mr. LAUSCHE. I have been laboring to try to distinguish the present status in our country from that in Communist Russia, from the standpoint of government. Russia says religion is an opiate used by exploiters to render unconscious and place the general public in a state of coma so that they will not understand what is being perpetrated upon them.

Mr. SIMPSON. I invite the attention of the Senator from Ohio to a quotation from the Soviet Union's constitution which is embraced within the article by Bishop Sheen. It states:

The Soviet Union recognizes freedom of religious worship and freedom of antireligious propaganda.

It is to the latter that the Senator from Ohio has referred.

Mr. LAUSCHE. The Soviet Constitution recognizes freedom of worship and

freedom of antireligious propaganda. Are not those words clearly applicable to the exact situation which prevails now? Atheists have their say. Those who believe in a Supreme Being will be prevented from giving any manifestation of that belief in anything that they say publicly.

I wish to ask the Senator another question——

Mr. SIMPSON. Before the Senator asks me a question, Mr. President, I ask unanimous consent to insert in the RECORD at this point the protestation made by the atheist who brought the Maryland case, because I think the Congress and the people of our Nation should know the horrible diatribe contained therein, which was being perpetrated upon our country.

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

I am the Maryland atheist, sirs. I am a principal in one of the cases now pending before the Supreme Court concerning reading of the Bible and prayer recitation in the public schools.

The atheist's position (I am that Maryland atheist you mentioned) is one arrived at after considerable study, cogitation, and inner search. It is a position which is founded in science, in reason, and in a love for fellow man rather than in a love for God.

We find the Bible to be nauseating, historically inaccurate, replete with the ravings of madmen. We find God to be sadistic, brutal, and a representation of hatred, vengeance. We find the Lord's Prayer to be that muttered by worms groveling for meager existence in a traumatic, paranoid world.

This is not appropriate untouchable dicta to be forced on adult or child. The business of the public schools, where attendance is compulsory, is to prepare children to face the problems on earth, not to prepare for heaven—which is a delusional dream of the unsophisticated minds of the ill-educated clergy.

Fortunately, we atheists can seek legal remedy through our Constitution, which was written by deists (not Christians) who had enough of religion and wanted to grow toward freedom from it, not enslavement in it.

MADALYN MURRAY.

BALTIMORE, MD.

Mr. LAUSCHE. I am a cosponsor with the Senator from Wyoming of the proposal to amend the Constitution. I would like to have the Senator's expression on this statement of the law. The measure has been presented. It deals with a constitutional amendment. If it needs refinement or improvement, can that not be done in the committee to which the joint resolution will be referred?

Mr. SIMPSON. Beyond peradventure, that can be done. If there is any question about it, I shall rely upon the sagacity and judgment of those fine members of the committee to put the finishing and polishing touches on the measure, so that it can be placed before the people.

Mr. LAUSCHE. It is my understanding that the Senator takes no pride in authorship; he invites refinement of the joint resolution so as to achieve what was intended by the framers of our Constitution; but he emphasizes that time is of the essence. The measure should be introduced and a study should be started upon it so we can cure what seems to be an irreparable wrong that has been perpetrated upon the American people.

Mr. SIMPSON. The Senator is entirely correct. I may say to the Senator from Ohio that I have worked on this question for many months. We have had the best opinions of members of the American Bar Association, its legal committee, and of deans of law schools. We have submitted the proposal to ministers of the Gospel. We have gone to great lengths to procure the best information available with respect to the first amendment. All that research and work is behind us. It has been a most difficult and vexatious matter. I do not mean to imply that everyone has agreed to the wording of this proposal, but, I do think we have something that gets to the nub of this problem; and we have the type of joint resolution that can "cut the mustard."

Mr. LAUSCHE. Mr. President, may I ask the Senator if I may obtain unanimous consent to have printed in the CONGRESSIONAL RECORD the article written by Bishop Sheen to which reference has been made?

Mr. SIMPSON. Yes.

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

BISHOP SHEEN SAYS: BAN ON PRAYER INVITES ATHEISM

One of the reasons why America's Founding Fathers insisted on the separation of church and state was because of the plurality of religion in the United States. Many nations such as England, Norway, Denmark, Sweden, and others had one established religion; so did about nine of the Colonies.

By separating the church and state, our forefathers never separated religion from the state. There is a tendency today, however, to argue that on account of the pluralism of religion in the United States, there should be no recognition of religion whatsoever because it might be unfair to those who are antireligious.

In connection with pluralism to recall the story of a king who had a parade of all his uniforms. Hundreds of lackeys paraded before the court—one bearing a uniform for a ball, another for mountain climbing, another for meeting foreign diplomats, another for state dinners, another for the throne, and another for Parliament, etc.

The pluralism of costumes was recognized as a successful event until a boy standing off at the edge of the room pointed out that the emperor was naked.

It is well to recognize pluralism of religious beliefs, but it is wrong to conclude that, therefore, there should be no religion in a nation. There are always some basic principles which are absolutely necessary for the well-being of a nation and which are never in dispute.

The Supreme Court, some time ago, judged that an innocuous 22-word prayer violated the first amendment of the establishment of a church. The Court, basing itself upon a figure of speech, namely, the wall of separation, forgot that no one puts up a wall without containing something, and without enclosing something. Religion was supposed to be inside of this wall, not an established church.

The Supreme Court thereby affirmed the "11th commandment": Thou shall not pray. They who were committed to the defense of the Constitution which is based on religion, have now declared against it.

We ask the question: Quo vadis, America? Does not this decision prepare the way for what may be the last decision of the Supreme Court? Some of us may live to see the day when it is passed. It will be the death sentence upon our great country.

That future decision will be a repetition of article 124 of the Soviet Constitution, which reads: "The Soviet Union recognizes freedom of religious worship and freedom of antireligious propaganda."

If a court says, "Thou shalt not pray," because it will offend the atheists, then is not the next step to give to the atheists rather than to God-fearing men the right to propaganda? The next decision logically will be that one which affirms that antiprayer and antireligion in school have the support of law in education.

America has reached a critical hour where its citizens must once again hear the words that Washington spoke to his soldiers at Valley Forge: "Put only Americans on guard tonight."

Mr. SIMPSON. I thank the Senator for submitting an excellent statement. It is brief and to the point. I think the concluding paragraph is one of the most beautiful admonitions to the American people I have ever seen.

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

Mr. SIMPSON. I yield to the Senator from South Carolina.

Mr. THURMOND. I congratulate the distinguished and able Senator from Wyoming for the magnificent address he is delivering on the floor of the Senate today. It concerns a very vital matter, one that is of great interest to all the people of the United States.

I especially commend the Senator for calling attention to the fact that our Nation has a Christian heritage.

In the address I observe that the Senator quotes a decision from the Supreme Court in the case of *Zorach* v. *Clauson*, 343 U.S. 306, which states that—

We—

Meaning the people of the United States—

We are a religious people whose institutions presuppose a supreme being.

I inquire of the Senator from Wyoming if he does not feel that that statement truly represents the thinking of the people of the United States.

Mr. SIMPSON. There can be no question about it. I believe that if we stray from that precept, this Nation will be lost, because we can have freedom and we can have faith, but if we do not have freedom of faith, we shall lose all freedom.

I am convinced that the American people are in a state of confusion, and that we need a repetition of the language contained in the Zorach case, even if we have to have it by means of a constitutional amendment.

Mr. THURMOND. Does not the Senator from Wyoming believe that the decisions of the Supreme Court in the last 2 years concerning prayers and Bible reading in the schools are almost to the contrary?

Mr. SIMPSON. I was greatly concerned when the June 1962, prayer case decision was handed down, concerning that little, 22-word prayer similar to, "God bless Mommy, God bless Daddy, God bless my parents, God bless my school, God bless my Nation." The Supreme Court has gone almost past the

point of no return. It is now up to the legislative branch of the Government, the Senate and the House of Representatives, to do what is needed to obtain a necessary amendment so that this situation cannot happen again.

Mr. THURMOND. If Congress does not take some action in this field, does the Senator feel that future decisions of the Supreme Court may go even further along this line?

Mr. SIMPSON. The prospect exists that it could. As the Senator from South Carolina well knows, a considerable number of cases are in the making.

Mr. THURMOND. The pledge of allegiance contains the words, "under God," and tests are now underway on this point.

Mr. SIMPSON. The Senator is correct. In 1954, Congress inserted the words "under God" in the pledge of allegiance. That was an indication of our belief in the Supreme Being.

Mr. THURMOND. The Senator has made a statement to which people should give consideration, because there are many who do not distinguish between the separation of church and state and the separation of God and state. The Senator has said so well that he believes in the separation of church and state, just as I do, and I am sure the American people as a whole do.

But the Senator also says, "but not in the separation of God and state."

In other words, the Senator feels that since our Nation has a Christian heritage, we do not believe in trying to separate God and State because we believe in the Supreme Being. Our whole Government history, embracing the Declaration of Independence and many other documents which the Senator has cited reaffirms the belief of the American people in a supreme being, is that not true?

Mr. SIMPSON. The Senator is entirely correct. It is my fervent and prayerful hope that we will not stray from that straight and narrow path.

I invite the attention of the Senator from South Carolina to the belief of the winner of the recent court case concerning prayer in school. The position taken by that Maryland atheist—and I am quoting from her statement before the Supreme Court—is:

> We find the Bible to be nauseating, historically inaccurate, replete with the ravings of madmen. We find God to be sadistic, brutal, and a representation of hatred, vengeance. We find the Lord's Prayer to be that muttered by worms groveling for meager existence in a traumatic, paranoid world.

That type of language is from the person whose prayer case was sustained in the Supreme Court.

Mr. THURMOND. The Supreme Court now opens its sessions with the words, "God save the United States and this honorable Court." Who knows but that at the next opening of the session of the Supreme Court, or some session in the future, it may determine not to do that. I am sure all Senators wish, as the American people wish, that the custom will continue, that the Supreme Court will continue to open its sessions with the words, "God save the United States and this honorable Court." Unless Congress takes some action to show that it is not in accord with the decision of the Supreme Court on this subject, is it not possible that those noble words might even be omitted in the future?

Mr. SIMPSON. There is that possibility. I believe some of the Justices of the Supreme Court are a bit unhappy with the majority opinion in the prayer case because of the neutrality doctrine, and they would like to get away from it. My proposed amendment to the first amendment would give them that "out."

Mr. THURMOND. I believe the Senator from Wyoming will agree that atheists in the United States—those who do not believe in God—constitute a small minority?

Mr. SIMPSON. There is no question about that.

Mr. THURMOND. Yet they have been able to go to court and persuade the Highest Court in the land to hand down a decision supporting their position and thinking which may completely take God out of our national life altogether.

Mr. SIMPSON. If there continue to be such cases, I agree with the Senator from South Carolina. I am sure that the Justices of the Supreme Court are God-fearing people; but by the same token I believe the recent Court interpretation of the first amendment, in the light of history and all the research that I have done is subject to conjecture and opposition.

Mr. THURMOND. As the Senator has so ably stated, the Government's role in neutrality should be between the denominations or sects of religion and not between the religious and the nonreligious. That is based on the principle that America has a Christian heritage, and that it should be continued.

Again, I express my appreciation to the able Senator from Wyoming. I am proud that there is in the Senate a man of such great ability and dedication, who is rendering the State of Wyoming and the Nation a valuable service.

Mr. SIMPSON. I thank the Senator for his over-generous remarks. My association with many Senators has given me the courage to concern myself with this subject and try to do something about it.

Mr. THURMOND. I am proud to join the Senator in his constitutional amendment, of which I am a coauthor.

Mr. SIMPSON. I thank the Senator.

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

Mr. SIMPSON. I yield.

Mr. SALTONSTALL. I was happy to join the Senator from Wyoming in sponsoring this joint resolution, because I believe the situation should be clarified, and I am glad that he has taken steps to do so.

Each of us may have a different way of worshiping God, but there is no reason why the worship of God should not be permitted.

Mr. SIMPSON. The Senator is correct. I believe I can add to that by way of stating something my mother told me many years ago:

> There are as many paths to the kingdom of heaven as there are people, and each one is holy.

Mr. SALTONSTALL. The purpose of the Senator from Wyoming is to make it clear that worship should be continued without involving the question of separation of church and state.

Mr. SIMPSON. The Senator is correct.

Mr. SALTONSTALL. I invite the attention of the Senator from Wyoming to the fact that every time a Senator enters the Chamber, he enters under the words "In God We Trust."

Mr. SIMPSON. I hope that the words "In God We Trust" will always remain there.

Mr. SALTONSTALL. I thank the Senator.

Mr. SIMPSON. I thank the Senator from Massachusetts for his cosponsorship of my proposed amendment.

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

Mr. SIMPSON. I am glad to yield to the Senator from Iowa.

Mr. HICKENLOOPER. I commend the Senator from Wyoming for his scholarly, dispassionate, and highly informative speech, the import of which I believe lies deep in the heart of every American.

This subject has caused a considerable amount of difficulty in the thinking of many Americans as to how to properly approach it. Scarcely anyone will disagree with the statement that the whole American concept of justice between men is founded upon spiritual values which we denominate as a belief in a Supreme Being and in God, regardless of the church we belong or the religion we profess.

There may be a few in the country—although I doubt whether their number is as great as some believe—who do not, either overtly or secretly, profess a belief in a Supreme Being, who do not have some dependence upon a faith in that Supreme Being, and who do not from time to time take comfort in His presence. Perhaps the Supreme Court has become more materialistic in its decisions. Perhaps I am hypertechnical in my view, but I wonder if, in the decision to which the Senator refers, the Supreme Court has not missed the real basis of its reason for existence.

Some years ago, when I was a young lawyer, a very wise old judge in our district, who had been on the bench for many years, made a very interesting observation. I picked him up to take him to the courthouse, which was in another town at that time. When I picked him up he was on his front porch, reading the Bible. Just before we started, he took off his glasses and said:

> Young man, if all the laws on the statute books of our State and of our country, and all the decisions of the Supreme Court were suddenly wiped out, and we did not have them available any more, we could write the fundamental and basic concepts of our laws right out of this book.

He tapped the Bible as he said that. He said:

> This is where they come from.

He meant the laws in the Old Testament and in the New Testament, and the lessons that are expounded in the Bible, and the equities and decencies between

the people, that are expounded in the Bible, as representing the basis of the whole concept of the American system of government, State and national. I have often thought how true that was.

The point is we must learn to differentiate between the State using its power to inflict a particular type of belief on people, which is definitely prohibited by the Constitution, and using the power of the State to exclude the acknowledgment, let us say, in a public institution of that spiritual reliance which most people depend upon.

While I have not yet joined as a sponsor of the Senator's amendment, as I told him the other day, I wished to examine it carefully before I become a sponsor, if I decide to become one. I have not been fully assured as to what the language means. I agree thoroughly in the spirit of the proposal. I shall study his presentation. So far as I am concerned, I wish to be of any assistance in furthering the appropriate resolution of this particular situation in accordance with what I believe to be the basic and fibrous concept of the American system and the desires of the American people themselves as a spiritual people.

I thank the Senator for the education he has given us in his speech thus far. I congratulate him. It is worthwhile to have the research and presentation he is giving us.

Mr. SIMPSON. I am grateful to the Senator. He knows the high regard in which I hold him. I certainly hope he will see fit to join in sponsoring the amendment and to offer any solution or any suggestion with respect to it. As I said, I have no pride of authorship in presenting the proposed amendment. I have done the best I could with what talents God has endowed me.

In view of what the Senator has said, I wish to tell him that I have known judges of that caliber, and I wish there were more of them.

Under the present status of the Supreme Court's decision in the school prayer case, we are probably violating the spirit and the intent of the first amendment to the Constitution at the opening of the sessions of the Senate. Certainly the prayer breakfast group, which meets in the Vandenberg Dining Room is flouting the law, because under the McCollum case any prayer held in a public place is contrary to the first amendment.

Mr. ERVIN. Mr. President, I wonder if the Senator from Wyoming would permit me to tell a story at this point.

Mr. SIMPSON. I would be delighted to have the Senator do so.

Mr. ERVIN. The story illustrates the point the Senator is making with respect to the peculiar condition in which we find ourselves as a result of the decision in the school prayer cases. It is a humorous story, but I do believe it illustrates the situation in which we find ourselves.

A schoolteacher went into a classroom early one morning, about 20 minutes before the class was supposed to meet. There she saw a number of boys in a huddle on their knees. She went to them and demanded of them, in a stern tone of voice, "What are you boys doing?"

One of the boys said, "We are shooting craps."

She said, "Oh, that's all right. I was afraid you were praying."

Mr. SIMPSON. I thank the Senator.

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

Mr. SIMPSON. I yield.

Mr. HART. I am about to venture out on the thinnest of all political ice. I am delighted that the Senator from Wyoming has asked the Congress carefully to reassure that we are a nation under God. I am all for that.

Now comes the very risky "but." The Senator from Wyoming referred to the mother who came to him and asked him to explain to her two children why they could not say a prayer in school.

Mr. SIMPSON. Yes.

Mr. HART. Let us not blink a very difficult problem that we have. It strikes me that it would be no less difficult to be approached by a mother who would ask the Senator to explain to her two children why they had been asked to say a prayer which was not their prayer at all.

I would not wish to impose my prayer formula in a public school on children whose faith was not my faith.

Mr. SIMPSON. That is why the amendment calls for voluntary adherence and no compulsion.

Mr. HART. To pursue the point a little further, the Senator from Wyoming says this is voluntary. Voluntary in what sense? The children I seek to raise are encouraged to recite the "Ave Maria." In this, my children are in the minority. In the unlikely event it was that prayer which a teacher asked to be recited in a public school, what of the non-Catholic students in the class? Would they be expected to leave? And is that "voluntary"?

Mr. SIMPSON. No; they would not have to participate. In the New York prayer cases, the nub was that the prayer was composed and imposed upon the children by the State authorities, and that is what made it contrary to the first amendment to the Constitution.

I am not disagreeing with the interpretation, and I do not mean to be criticizing the Supreme Court. All I am trying to bring about is an amendment which will clarify the first amendment so that its true meaning and purpose can be adhered to.

Mr. HART. The reason I make this point is that at the outset we be conscious, laudatory as is the objective of insuring the acknowledgment that there is a Divine Creator, we must realize that there are many children with many different prayer formulas in public schools.

Mr. SIMPSON. That has always been true throughout our history.

Mr. HART. We are approaching an extremely difficult problem. I, for one, am not prepared to say that we resolve this dilemma by saying to a 12-year-old sensitive child, "If it is a prayer that you do not believe in, leave the room; that is all right." That does not fit my definition of "voluntary choice."

Mr. SIMPSON. It is not a question of leaving. It is a question of not having to respond to prayer. It is a matter of staying there but not responding.

Mr. HART. This suggests what has seemed to me to be a more logical way to approach the question. Why not an amendment that will insure that there may be a period of silence in a public school classroom, where one child can invoke God as he has been taught and understands Him, and the child next to him as he has been taught and believes? Or if a child would daydream, so be it. That would be a third choice.

Beyond that, it seems to be there is an enormous element of pressure involved in saying to an impressionable child, "If you don't want to stand up with the rest of us, sit down; it is all right." That would almost put a fire under the child to require him to stand up. I raise this question only to insure at the outset that we realize the highly sensitive area into which it is proposed to move.

Mr. SIMPSON. I am convinced that my amendment covers some of the points that give the Senator concern.

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

Mr. SIMPSON. I yield.

Mr. LAUSCHE. I should like to observe that for practically 170 years no one found any distress in prayers to God which have been spoken in various ways at public functions and in schools.

But because one individual filed a case in court, the Supreme Court has swept aside 170 years of tranquil life. It has no difficulty in suggesting the idea, as Bishop Sheen has said, "Thou shalt not pray." In my opinion, that is the issue. In effect, the Court has said to every American, "Thou shalt not pray."

The issue is of far greater importance to me, so far as the future life of our country is concerned, than some other problems that face our people. For 170 years, public prayer created no trouble of any kind whatsoever.

I may say to the Senator from Michigan [Mr. HART] that the amendment proposed by the Senator from Wyoming may require refinement. But we cannot wait. Something must be done. If we wait until a perfectly acceptable resolution is prepared, I predict that there will never be a rectification of the wrong that has happened.

Mr. SIMPSON. I would hope that a proper solution would be reached. There are indications of a moral decay that is unwarranted and unwanted. We need to reassure the people that there is no such thing as the so-called 11th commandment.

Much needs to be done. I have said many times that there is no pride of authorship in this proposal. I would certainly want the members of the Committee on the Judiciary, including men of such caliber as the Senator from North Carolina [Mr. ERVIN], and other able lawyers, such as the Senator from Ohio [Mr. LAUSCHE], a distinguished lawyer in his own right, to be of assistance in adding to or perfecting the amendment. I would certainly welcome such help.

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

Mr. SIMPSON. I yield to the Senator from Florida.

Mr. HOLLAND. Some weeks ago, the distinguished Senator from Wyoming was gracious enough to ask me to join him in the introduction of his amendment. At the time, I told him, in effect, that I expected to vote for the best amendment that could be proposed in connection with this subject; but that not having had time to study his proposal, I preferred not to join him at the time.

At this time, because of what the Senator from Wyoming has said about the genesis of the amendment and the way in which it has been studied, particularly its approval by eminent members of the American bar, I should like very much to have him add my name as one of the cosponsors of his amendment. I would appreciate it if he would allow me to become a cosponsor.

Mr. SIMPSON. I can only say to the Senator from Florida that I am overjoyed at his desire to join as a cosponsor. Not only does it add to my own delight; I am sure his action will be persuasive with our colleagues.

Mr. HOLLAND. I thank the Senator from Wyoming for allowing me to join as a cosponsor at this late date.

In my own journeys around Florida, I find widespread confusion about the meaning of the Supreme Court decisions in this group of cases. For example, I have had good citizens say: "How is it that when we visit the Senate, we hear a chaplain pray either for the Senate or for the country, whichever may be the case, at the beginning of each session? When we go to the House of Representatives, the same thing is true. We understand that both of those eminent chaplains are paid out of public funds. We do not understand that there is any unwillingness on the part of the Government to pay those chaplains their well-earned salaries. How is it that they, exercising their religion as they do in their fervent prayers, and being paid for that service, have not been brought within the scope of the decisions of the Court?"

Frankly, the Senator from Florida has been unable to answer, except to say that he thinks the practice in the legislative branch of the Government is sounder than that which is apparently embraced by the members of the supreme tribunal.

A second question which citizens ask is: "How is it that in every branch of the Armed Forces, where our young men and young women serve, they are ministered to by chaplains of various faiths who are paid out of Government appropriations. The services of chaplains in the cause of religion are taken for granted, and their ministrations to members of the Armed Forces are regarded as a necessity without which the members of the Armed Forces would be poor, indeed, when they needed spiritual advice or comfort, and without the existence of whom the parents and relatives of the young men and the young women in the Armed Forces would feel that they should be much more concerned about the welfare of their beloved ones in the Armed Forces?"

The question has been asked: "How is it that this occurs, and apparently there is no objection to that practice?"

Frankly, the Senator from Florida has been unable to answer those questions.

A third matter that has been called to my attention is that whenever a new President is inaugurated, there is prayer not only from the lips and the heart of a distinguished member of the clergy of the faith of the President who is being inaugurated and sworn into the most solemn and most important office one can hold anywhere in the world, but also from members of practically every other group of religious people that can be mentioned, meaning the members of the clergy from the Catholic faith, from some Protestant faiths, or perhaps several from the Jewish faith, the Orthodox Greek faith, the Coptic faith, and other faiths. Sometimes I have found it necessary to refer to the dictionary to understand what faith was being represented by distinguished clergymen who have appeared at various inaugurations which I have had the pleasure to attend as a citizen.

I have been asked: "How is it that this occurs, with the manifest desire upon the part of the person being inaugurated as President, and also a manifest desire upon the part of the public, hundreds of thousands of them being present, and probably millions listening over the airwaves. How is it that no objection is made to this practice"?

Frankly, the Senator from Florida has not been able to give any clear and credible reply, other than to say he thinks those practices which I have just recited are much sounder and much more in accord with the views of the Founding Fathers and the religious faith of the Founding Fathers, their reliance upon divine providence which shows so clearly in all of our fundamental documents, and which our Nation relies upon. I think that is a sounder interpretation of our Constitution, and of our form of government, and of our national objectives than is embraced in these recent decisions which the Senator has so ably mentioned.

I wonder whether the distinguished Senator from Wyoming has had similar inquiries addressed to him—and, if he has, I wonder whether he has had answers satisfactory either to himself or to questioning citizens—on the points I have mentioned.

Mr. SIMPSON. The observations of the Senator from Florida relate to experiences similar to ones I have had; and this situation emphasizes the need for a change and for the adoption of such an amendment to the Constitution, because I can say to the Senator from Florida—as the Supreme Court indicated in the dicta in its opinion—that, in effect, we are in technical violation of that opinion, as a result of the things the Senator from Florida has mentioned. So if we wish to get back on the track and continue the traditions which are inherent in this nation, which is a religious nation, we need an amendment to the Constitution which will clarify the first amendment and prevent the Supreme Court from engaging in such an interpretation.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield again to me?

Mr. SIMPSON. I yield.

Mr. HOLLAND. I have read in the press—and at times I have witnessed those ceremonies—that when most members of the Supreme Court, and even the Chief Justice of the Supreme Court, assumed their duties, they insisted upon being sworn in, and most of them asked to have their mother's Bible used—or perhaps a family Bible dating even further back—so that the utmost of tradition would be attached to their assumption of the serious duties which they assumed by the oath they took in pursuance of whatever personal religious faith they have. The Senator from Wyoming is familiar with that practice. How does he square that practice with the decision of some of the other Justices of the Supreme Court, a little later, as handed down in the various school cases?

Mr. SIMPSON. I cannot square it; and I say that all of us are in a position of being in technical violation of that Supreme Court decision.

Mr. HOLLAND. I thank the Senator from Wyoming, both for his courtesy to me and for the care he has exercised in the preparation of proposed constitutional amendment.

Let me ask whether he recalls that one of the distinguished Justices of the Supreme Court in one of those decisions went so far as to say that in his judgment no public money could be paid to anyone for any exercise of religion or any religious ceremony.

Mr. SIMPSON. The Senator from Florida knows that that is in the decision.

Mr. HOLLAND. How could that philosophy be squared with all the instances I have recited and the ones which have been recited to me by God-fearing people of various faiths, both from my own State and other States, either when I have met them or when they have been enough concerned to write to me about this matter? How can we square the philosophy expressed in that decision with what is so clearly an established practice in the executive branch of the Government and in the legislative branch of the Government, and also to a certain degree even in the judicial branch itself?

Mr. SIMPSON. It cannot be squared. But we can thank Almighty God that that was a concurring statement, not a statement by a majority of the Supreme Court.

Mr. HOLLAND. The Senator from Wyoming recalls, I am sure, that that was a statement in a minority opinion, although it was one which upheld the majority decision, and was but an expression of the mind of the Justice who wrote that minority opinion—and I do not know how many others might have entertained the same opinion—to the effect that public funds could not under any circumstances be spent for a service in the religious field.

My feeling is that that is a part of a group of decisions; and we do not know

how far that philosophy extends among the members of the Supreme Court, because that was a special concurring minority opinion.

I thank the Senator from Wyoming. I wish him the utmost success. I shall support the constitutional amendment he proposes, and I am delighted he has conducted such an exhaustive study in connection with its preparation, as I knew he would.

Mr. ERVIN. Mr. President, will the Senator from Wyoming yield briefly to me—if it is understood, by unanimous consent, that in doing so he will not lose his right to the floor—so that I may make some observations?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. I yield.

Mr. ERVIN. It has always seemed to me that the Supreme Court ought not to have accepted jurisdiction in those particular cases. I say this because it has always been held that a person has no standing to sue unless he has a sufficient legal interest which entitles him to sue. So I am at a loss to comprehend why plaintiffs who were not required to participate in those ceremonies or why the parents of children who were not required to participate in those ceremonies had a standing to question the constitutionality of the action of others.

In addition, it seems to me that after the Supreme Court accepted jurisdiction, the Court should have adhered to one of its earliest and best-established rules for the construction of constitutional principles. That rule is that in determining the meaning of a constitutional provision, the Court will give great weight to the practical construction which, over a long period of time, has been put upon that constitutional provision by the people.

It seems to me—and I should like to ask the able and distinguished Senator from Wyoming whether he agrees with this observation—that from the time when the first amendment became part of the U.S. Constitution, around the year 1790, down to the date of these decisions, the people of the United States and the Federal officials and the State officials placed this practical interpretation upon this aspect of the first amendment; namely, that the first amendment did not prohibit the simple recitation of nonsectarian prayers or the simple reading of excerpts from religious books, if those who did not wish to participate in such prayers or reading were excused from doing so, and if no effort was made, in connection with the prayers or the reading, to proselyte or convert people to a particular form of religion.

So it seems to me that under that practical construction, the Supreme Court should have ruled that the first amendment permitted the saying of nonsectarian prayers and the reading of religious literature if there was freedom to abstain from participation by those who did not elect to participate, and if there was no effort to proselyte people.

Mr. SIMPSON. If a distinguished jurist of the caliber of the distinguished Senator from North Carolina is concerned and bewildered by the Supreme Court's taking jurisdiction, then just think what happened in the mind of a small town lawyer from Wyoming.

Mr. ERVIN. I thank the Senator from Wyoming for his compliment; but I assure him that I am an exceedingly small town lawyer, myself.

Mr. SIMPSON. Well, the Senator from North Carolina is a very able one, and much more able than this Senator.

I share the concern of the Senator from North Carolina. As the Senator knows, in my presentation I have not taken issue with the Supreme Court on the decision. It is a fait accompli. By the same token, corrective steps must be taken.

Mr. ERVIN. The amendment proposed by the Senator is an effort to make clear by a proper constitutional process that the practical interpretation placed upon the amendment by the people and the officials of the State and Federal governments for almost 170 years is a proper one.

Mr. SIMPSON. The Senator has made a very clear and succinct statement, to which I fully subscribe. I thank the Senator for his contribution.

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

Mr. SIMPSON. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have been deeply impressed by the belief that whenever there is a predisposition and a desire to do a thing—it makes no difference whether it is the Supreme Court of the United States or a justice of the peace in Cleveland—ways and means will be found to do that to which there is a predisposition

I had a law partner who tried a case before the Supreme Court of Ohio. The man was a graduate of Harvard—an excellent mind in law. He prepared what he thought was an impregnable brief against a finding adverse to him. But the decision of the supreme court was adverse.

He visited a justice of the Supreme Court of Ohio whom he knew very well and said, "Mr. Justice, how were you able to overrule the line of cases which I submitted in support of my position in the case?"

The Supreme Court Justice replied, "Mr. X, you were born and raised on a farm. I was born and raised on a farm. You have never been able to build a fence to keep a boar from augering through it if he so desired."

In my judgment, the Supreme Court looked around for reasons to invalidate the utterance of prayer in the schools.

I repeat what I said to the Senator from Wyoming a moment ago. For the past 20 years I have been making speeches about atheistic Russia, where the mention of God is a crime. What about the mention of God in our schools today? What about Communists being able to tell their people that in the United States children are not allowed to pray in their schools? What a great weapon that is in the hands of the propagandists in the Communist countries. We must face the issue. Shall we be permitted to harbor the belief that there is a supreme being? I do not wish the Government to tell me that I must believe or that I must not believe. However, I do not wish the Government to tell me that the atheists shall have preferential treatment in the schools over those who, by intuition and instinct, believe that there is a supreme being. That is the situation in which we find ourselves. The cards are stacked in favor of the atheists. The dice are loaded in favor of the atheists. Something must be done about procuring justice for those who believe that there is a supreme being.

Mr. SIMPSON. I agree with many of the things which the Senator from Ohio has said. I have had the same feelings as he has expressed. I hope that the amendment, of which the Senator from Ohio is a cosponsor, will accomplish its purpose.

I believe that a constitutionall amendment is necessary to clarify the true meaning of the first amendment. How do you draft an amendment that will clearly state what you already believe is understandable? At best, this is a difficult assignment, but I believe that I have a draft which meets all the questions and still accomplishes our objectives.

It may be helpful for a better understanding and to develop some legislative history, if I give a very short summary of the thought processes that developed over a period of several months while this amendment was in its gestation period. In an effort to summarize my study, I will probably be guilty of oversimplifying the proposition, but I feel the summary is worth that risk.

First. Our first amendment now reads:

> Congress shall make no law respecting an establishment of religion.

I do not object to the true and real meaning of this clause, but I do object to its recent interpretation.

Second. How can this be said in a way which will make it crystal clear to all readers? The obverse of the first amendment would be: "Nothing shall prevent Congress from enacting any law with respect to religion; except that Congress shall enact no law establishing an organized church or religious association as a preferred or favored church or religious association."

This suggestion is objectionable for several reasons, but the primary reasons are that it would upset a great deal of Federal thinking and overrule many of our Supreme Court decisions that need not be disturbed. For example, the Zorach case, which was a perfectly fine decision.

It would also establish the principle that Federal moneys could be asked for the support of parochial schools, and other religious activities, as long as no religion is given a preference. However, it would satisfy some of our objectives. It would permit the saying of a voluntary nondenominational prayer in our public institutions and perpetuate the right to express our faith in God on our coins and currency, in our courts, halls of legislation, and so forth. But, ever present, as is the case with so many

things, the broad Federal scope would not permit the needed flexibility to meet the particular needs of the local communities.

Third. Why not take the good aspects of the above-mentioned approach and apply it to the level of the State and its political subdivisions? This approach would read as follows:

Nothing contained in this Constitution shall prevent the enactment by any State of any law with respect to religion; except that no State shall enact any law establishing any organized church or religious association of any faith, denomination, or sect as a preferred or favored church or religious association.

This approach offers a solution to this problem which concerns our Nation. It leaves intact the case law applicable to the Federal Government's relationship to religious matters. And it places the question of religious involvement with the respective States and their constitutions as the framers of the U.S. Constitution and the first amendment always intended.

This approach would satisfy our objectives. It would remove the Federal obstacles and depending upon State law, would permit the saying of voluntary prayers in our public schools, the public expression of our love, dependence, and faith in our God, and the perfection and perpetuation of our religious heritage with which God has so clearly blessed us.

For purposes of clarity, let me propose some questions that immediately come to mind about this amendment.

Question. If this amendment were adopted as part of our Constitution, would it permit voluntary nondenominational prayers in public schools?

Answer. That would depend upon the State's constitution, but in every instance I know of it would be permissible and I have looked at them all.

Question. The amendment refers to "State law"; does that mean that there must be a general law applicable to the whole State?

Answer. Not necessarily. When we refer to the State, we also mean its political subdivisions. Consequently, if the State constitution provided that the State's political subdivisions would have jurisdiction over certain matters, there could be varying laws or rules as long as they were within the bounds of the State's constitution.

Question. Would State aid to parochial schools be permitted?

Answer. Again, that would depend upon the State's constitution and laws.

Question. Does this amendment directly determine the constitutionality of such things as "In God We Trust" on our coins, chaplains in our military service, et cetera?

Answer. No, it does not alter or change any of the Federal relationships with religious questions. But, surely, if adopted, the moral persuasion would be such that the Court would not continue on its present course.

Question. What objections are to be made of this approach?

Answer. I know of no serious objections. But, I expect that it will be objected to by the secularists and atheists.

Mr. President, I have worked long and hard on this matter. I feel that this approach meets the objections, satisfies our needs, and permits us to maintain the separation of church and state but does not separate God and state and will perfect and perpetuate the rich religious heritage which this God-loving country has enjoyed.

I propose as the next amendment to the U.S. Constitution the following:

ARTICLE —

SECTION 1. Nothing contained in this Constitution shall prevent the enactment by any State of any law with respect to religion; except that no State shall enact any law establishing any organized church or religious association of any faith, denomination, or sect as a preferred or favored church or religious association, or enact any law prohibiting the free exercise of religion.

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.

I introduce the Senate joint resolution on behalf of myself, the Senator from Nebraska [Mr. CURTIS], the Senator from Delaware [Mr. BOGGS], the Senator from Maine [Mrs. SMITH], the Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Delaware [Mr. WILLIAMS], the Senator from South Dakota [Mr. MUNDT], the Senator from Florida [Mr. HOLLAND], and the Senator from Kansas [Mr. CARLSON].

I ask unanimous consent that the joint resolution be held at the desk until Monday, March 23, 1964, so that other Senators who care to join as cosponsors may do so, and I also ask unanimous consent that the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relating to religion in the United States, introduced by Mr. SIMPSON (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:

SENATE JOINT RESOLUTION 161

Joint resolution proposing an amendment to the Constitution of the United States relating to religion in the United States

Whereas concern has been demonstrated throughout the Nation about the interpretation by the Supreme Court of the clause relating to religion in the first amendment to the Constitution; and

Whereas we are a religious people whose institutions presuppose a Supreme Being; and

Whereas history of man is inseparable from the history of religion, and the annals of our Nation reflect a deep religious heritage which Americans want to perfect and perpetuate; and

Whereas Government's role of neutrality should be between the denominations and sects of the religious and not between the religious and the nonreligious; and

Whereas we believe in the separation of church and state, but not in the separation of God and state or God and the individual: Therefore be it

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 prevent the enactment by any State of any law with respect to religion; except that no State shall enact any law establishing any organized church or religious association of any faith, denomination, or sect as a preferred or favored church or religious association, or enact any law prohibiting the free exercise of religion.

"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 7 years from the date of its submission to the States by the Congress."

Mr. SIMPSON. Mr. President, in concluding, I read a short quotation from an interesting book I have just read, entitled "The Dimension of Depth":

When God was banished in the French Revolution, human life was cheapened. What becomes of individual dignity, where the state is the only deity to which man can bow down? If we do not believe in man, can we truly believe in God? If we believe in God, must we not truly believe in man? If we believe in God and man, may we not safely believe in ourselves?

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Senator from Florida [Mr. HOLLAND] may now be permitted to obtain the floor and deliver his speech, and that I may be permitted to continue my speech on some other day without that speech being counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

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

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 76 Leg.]

Anderson	Humphrey	Nelson
Bartlett	Inouye	Neuberger
Bayh	Javits	Pastore
Boggs	Keating	Pearson
Carlson	Kuchel	Pell
Church	Lausche	Prouty
Clark	Long, Mo.	Proxmire
Dirksen	Mansfield	Ribicoff
Douglas	McCarthy	Russell
Ervin	McGovern	Saltonstall
Gruening	Metcalf	Simpson
Hart	Miller	Williams, N.J.
Hartke	Monroney	Williams, Del.
Holland	Morton	Young, Ohio
Hruska	Moss	

The PRESIDING OFFICER. A quorum is not present.

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

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

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Is the motion debatable?

The PRESIDING OFFICER. The motion is not debatable.

The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. CANNON, Mr. COOPER, Mr. DODD, Mr. DOMINICK, Mr. ELLENDER, Mr. ROBERTSON, and Mrs. SMITH entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) 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 public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HOLLAND. Mr. President, I had anticipated making rather extensive remarks today. I do not mean an overly long speech, but a speech covering title IV of the bill, which is the title dealing with public education and the effort proposed to use compulsion, through injunctions to be made available in unlimited quantity to the Attorney General, against public schools throughout the Nation to force racial integration in such schools.

My office, including myself, the Library of Congress, and other agencies have cooperated for a long time in drafting a speech on this subject which should be delivered at one time. It would take 2 hours or more to deliver it. I hope there will be colloquies in connection with it. So it would probably take perhaps more time than that.

I would not inflict the "cruel and unusual punishments" mentioned in the eighth amendment either upon my brethren of the Senate or upon myself by delivering a speech of that length at this time. So Senators be relieved. I shall speak very briefly. I understand that after I have spoken briefly, on incidental subjects, the acting majority leader [Mr. HUMPHREY] will ask for a recess until whatever hour tomorrow he proposes.

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

Mr. HOLLAND. I yield to the distinguished acting leader.

Mr. HUMPHREY. I think it is desirable that the Senator from Florida deliver at one time his well prepared and well documented speech. I am sure it is that, because he is a thorough and intelligent man. I do not mean that he should deliver it tonight. I know the Senator has engagements in Florida. I am very much interested in the success of those engagements.

Mr. HOLLAND. I thank my distinguished friend very warmly.

Mr. HUMPHREY. I hope all good things will come to him. I only wish I could participate in some of them. I had plans along that line, but those plans may be interfered with.

The Senator has been very patient. I am somewhat embarrassed that we had to keep him waiting for so long, but it is the duty of our colleagues to respond to quorum calls. I am sure many of them would have been present except for the fact they thought there would be no quorum calls after 6 o'clock. This should be notice to all of our errant brethren that they never can tell when we shall have these little moments of decison.

Having said that, and wishing my friend from Florida success in all his endeavors, except that he will not be too persuasive in the argument he will make in a day or two, I ask him to proceed.

I want Senators to know that when the Senator from Florida shall have completed his remarks, the Senate will recess until a reasonable hour tomorrow, when it will convene and continue to transact its business.

Mr. HOLLAND. I thank the Senator. I hope he is as complimentary toward me at the end of my rather lengthy speech—which, as I say, is already prepared—as he is now.

Mr. HUMPHREY. I am sure I shall be. I am not sure I will be persuaded by it, but the Senator from Florida is a good friend and I will always be complimentary toward him, even when he tries to persuade me to follow paths that I should not.

Mr. HOLLAND. If the Senator from Minnesota follows me, he will not get into any paths of that sort.

Mr. HUMPHREY. That is reassuring.

Mr. HOLLAND. He will be led along the straight and narrow path which leads to high ground. I believe the Senator will realize that, after he listens to the well-prepared speech, I have. I can assure him he is correct in saying that it is well documented.

I thank the Senator for his cordial interruption.

Mr. President, the main speech which I shall make another time will deal with title IV of the bill, which relates to public school education and the effort to force compulsory integration. I shall not dwell upon that subject tonight, because it is a subject which I believe requires continuity. Frankly, I hope that later many more Senators will be present in the Chamber to listen to my speech and discuss this subject than are now present.

However, there are several things in connection with that subject which I should like to mention briefly at this time.

First, title IV is divided roughly into two parts, one of which I can discuss briefly tonight. I refer to the portions of that title which do not relate to the use of the injunction suit, and giving the Attorney General unnecessary and excessive powers in connection with the bringing of suits in his discretion, and the making of findings which he could make upon almost any occasion.

The first part of title IV, relating to the integration of public education, deals with what I shall refer to briefly and seriously—and I do not want this to be taken other than seriously—as the "carrot on the stick" part of the bill.

It would provide, in the early part of the title, for the spending of unlimited funds. No ceiling is placed upon expenditures at all. Whatever sums might be appropriated by Congress could be spent for the purpose of aiding and bringing about compulsory integration in schools which are not yet integrated, establishing training institutes, making surveys and reports, making grants to school districts, or to teachers, for the employment of specialists, and for other needs that everyone desirous of integration might find to exist in connection with the entire subject.

It would even provide, in the section marked "Payments," for payments in advance, in the event such payments were requested by those who desired to avail themselves of subsidization by Federal funds to speed the integration of schools.

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

Mr. HOLLAND. I yield.

Mr. HUMPHREY. That particular portion was placed in the bill because of the experience that has taken place thus far in school integration. There have been so-called separate but equal facilities that were separate, indeed, but did not reflect equality in terms of equipment, of teachers' salaries, the curriculum, the textbooks, or other facilities. It is sometimes a serious burden upon a school district, or even upon a State, to make the changeover that integration requires. That burden, if not fulfilled, takes its toll upon the youngsters in the school system.

It is my understanding, from what I have read about the subject, that the proposal in the bill was not only designed to encourage integration—and that is a part of the carrot—but also to see to it that integration, when it takes place under a court order, because the Court has already ruled on this matter, would not cause the student to suffer, but would provide for him the benefit of a modern educational system. I believe that this would be one of the most salutary and beneficial parts of the bill.

I hope that the bill will be enacted, if for no other reason than to help the students, help the school authorities, and help the community go through the process of integration, without any setback to the student who seeks to learn.

Mr. HOLLAND. I thank the Senator for his comments. I believe I understand the purpose of the section. I am glad that the Senator recognizes it as a "carrot." I believe he uses that word in the same sense as I do.

Mr. HUMPHREY. The Senator is correct.

Mr. HOLLAND. It is a "come-on" invitation to people who may be decidedly

in the minority in the area affected, to rely upon the Federal Government, to throw their cares and expenses upon good old Uncle Sam to an unnamed extent which might easily amount to many billions of dollars.

I believe that anyone who reads the text of Dr. Conant's book, "Slums and Suburbs," will find that he makes it clear there is a great difference in the slums of all our great cities. Dr. James Bryant Conant, former president of Harvard University, has written ably upon the question of the differences in schools, as between those in suburban areas, those in well-to-do areas, and those found in every slum section of the Nation, and particularly in the great cities.

He particularly refers in detail to the cities of New York, Philadelphia, Detroit, Cleveland, and Chicago. There is no telling how large the expense would be; there is no telling how broad the invitation would be for Uncle Sam to put up the money in those and many other areas.

So far as I am concerned, that part of the title—the least offensive one—but offensive to my idea of what we should do in connection with authorizing an appropriation of money in an open end appropriation on as broad a subject as this would be, and with no limit placed upon it. Power would be given to the Attorney General, in lieu of the affected parties, to bring the question up wherever he chose to do so. I believe that would be an unwise, injudicious, and extravagant section. It would amount to Federal subsidization of almost all the new school buildings and new school locations that may be required in the various parts of the Nation where any school might be found to be substandard.

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

Mr. HOLLAND. I yield.

Mr. HUMPHREY. The purpose of this particular title in the bill, as the Senator has indicated, is to be of assistance to schools where desegregation takes place—desegregation that is ordered by the Supreme Court of the United States, whose decision is the law of the land. There is no question about that. The reason for Federal assistance is, I believe, quite plain.

I agree with the Senator that some schools in slums, regardless of the problems of segregation and integration, are below the levels of good schooling. Slum schooling has been a problem throughout the history of this country. We therefore have some forms of aid, particularly in the field of vocational education. Some States have equalizing programs. I know the State of Minnesota has them. I am sure Florida has, too. New York and other States have them. However, the problem of adequate schools in the slum areas is one of the major problems of the Nation. It must be dealt with.

The President of the United States has commented on the problem. In the so-called program against poverty, which the President will send to Congress, there will be included the proposal to upgrade the educational facilities, particularly in the area of small incomes.

We have another problem. It has to do not only with slums, but it has to do with segregation. It is a regrettable fact that in some areas, where schools have been established on the basis of separate-but-equal facilities, the financial capacity of the State to maintain two separate systems of schools has taken its toll upon good education. Regrettably, in some of those areas, schools for white children and schools for the colored children have both suffered.

The purpose is to benefit children. The Senator has used the word "carrot." It is an equalizer. These children are not only citizens of the State, but also citizens of the United States. For years we have had the doctrine of "separate but equal" facilities. Then the Supreme Court came along in its famous decision and ruled that segregation was illegal and unconstitutional, and that the schools should integrate——

Mr. HOLLAND. With deliberate speed.

Mr. HUMPHREY. With deliberate speed. The problem of integration is not an easy one to solve. I recognize that. I am sure the Senator is aware of the problem. Many times the problem of integration is not merely a struggle over social patterns, but also financial.

The purpose of this section is to provide teacher training, better training institutes, and upgrading of teachers. Many teachers in the so-called segregated schools for colored children have not been properly prepared. Some are, but some are not.

We include teacher institutes, technical assistance, and also some grants of money. Who makes them? Who is to decide these matters? It is not the Attorney General, but the Commissioner of Education and Congress.

Mr. HOLLAND. I thank the distinguished Senator. The distinguished author whom I have mentioned, Dr. Conant, largely equates the slum problem with the problem of integration and minority services.

The point I am making is that, well meaning as the Senator's intention may be, the bill is addressed to areas very much larger than anything that has ever been previously discussed in Congress.

This great author and educator, the son of an abolitionist, who was taught as a child to regard a Negro as being better than a white child, refers to the problem of minority races as the main point in the existing conditions. I shall deal with that subject in my principal address whenever I have the time to make it.

I come now to the second point of my brief remarks today. I object to this part very greatly, even more than I do to the first part of this title, because it would give such broad power to the Attorney General, to bring injunction suits at his own discretion upon various findings. There are two principle findings.

The first finding is that the people who are aggrieved are unable—meaning financially unable—to prosecute a suit.

The second finding is that, in the sole discretion of the Attorney General, they would put themselves in an invidious or painful condition, in which they might be penalized, economically or otherwise, if they themselves brought suit.

The proposed legislation is so broad that upon almost any finding that he saw fit to make—and the report of the House committee on this subject points out that this is not supposed to be subject to review, and is not drawn so that it can be reviewed in any court—the Attorney General could, in his own judgment and in his own discretion, approach this problem through the use of injunction. The use of injunction is, of course, the most arbitrary way to proceed in public matters.

What I am about to read is a part of the so-called Meader minority views. I shall read only a part of the views, as shown at page 46 of the House report:

> Such a decree is enforced by contempt proceedings in which there is no right to jury trial, and in case the defendant is found to be in contempt, he is punished by imprisonment at the discretion of the judge.
>
> The effect of the employment of this sanction of injunction rather than a civil action at law for the recovery of damages or the institution of criminal proceedings by indictment or information is that the defendant is shorn of most of the protections set forth in the Bill of Rights of our Constitution.
>
> In a criminal proceeding; for example, the defendant has all of the protections written into our body of criminal law such as (1) the presumption of innocence, (2) the right to be confronted by accusers, (3) the right of cross-examination, (4) the requirement that proof of guilt be beyond a reasonable doubt according to a body of well-developed rules of evidence, and (5) the right to trial by a jury of his peers.

It is too bad that the ardent advocates of this great revolutionary measure choose to impose upon an unsuspecting public the right of the use of injunctions, in which citizens of this Nation can be virtually shorn of the great protections that are thrown around them otherwise by our Constitution.

Without attempting to quote in full, let me quote briefly from the latter part of the minority views:

> The undersigned is of the opinion that the objectives of the Civil Rights Act of 1963—

It started out as 1963 and has now become 1964—

> can be attained without resorting to this arbitrary, autocratic remedy which impairs the personal liberties of our citizens. Therefore, the undersigned opposes the use of the sanction of Government by injunction in any part of the act.

I have already stated that these are parts of the so-called Meader report.

There are other parts in this group of reports on the bill which make this point, but I shall refer to only one other, because it happens to be made by a colleague of mine from Florida, although of the party opposite to mine. He has made this point very ably in the minority views, in which he is joined by Representative RICHARD H. POFF. My colleague from Florida is Representative WILLIAM C. CRAMER. He is from the St. Petersburg-Clearwater district of Florida. I quote only enough of his views

to make it clear that he makes this point clearly and well:

If a person is cited for contempt in a proceeding under other titles of this bill, he would not be entitled to a jury trial, whether the citation was civil or criminal. Why this distinction between the public accommodations title and the FEPC title was made, the majority report does not undertake to explain.

If one reads what goes before that quotation, it is clearly stated that there are two sections of the bill under which, under certain circumstances, a jury trial may be allowed; but in this particular section, the one dealing with public education, no allowance of a jury trial of any sort is provided. I commend my colleague, the Representative from Florida [Mr. CRAMER] for making that report.

Enough about the preliminary statements. I shall go into a discussion of the real questions in connection with the effect upon public school education, public school pupils, and the homes of people whose children are public school pupils, in my principal statement on this general subject, whenever I am able to obtain the floor. I returned from Miami hurriedly by air on Monday in an effort to make this speech, but I was not able to obtain the floor on that occasion. I have been waiting, as the acting majority leader has indicated, most of today to do the same thing. It would be unwise to break up my speech in two parts, because it should be considered as a total.

One of the things having to do with the public school question is the question of residential areas where people of certain races or certain color have crowded together, particularly in the great cities.

Many cases are now pending in the courts in which it is claimed that there is de facto segregation, even though the law of the States affected does not require and does not even permit segregation. But segregation under those conditions is called de facto because the residential areas inhabited by those particular minorities are so large that the children who live close enough to attend the schools in those locations are naturally assigned to attend them.

There have been numerous indications lately that the rest of the Nation has realized that this is a national problem, particularly with respect to the question of residential requirements and limitations.

An hour ago, I took from the Associated Press news ticker in the adjoining room a dispatch from Seattle, Wash., which I shall read into the RECORD, as follows:

SEATTLE.—Voters rejected yesterday a controversial open housing ordinance that would have made racial and religious discrimination in the sale or rental of dwellings illegal.

The measure was defeated by a 2-to-1 margin during the city's general election. The vote was 112,448 against to 53,453.

However, backers of the ordinance indicated the battle had just begun. One Negro pastor said: "I think we're in for a long, hot summer."

Mr. President, this is not a laughing matter. So far as I am concerned, I speak of it seriously. I invite attention to the fact that the good people of Seattle, voting in a municipal election yesterday—and the votes tabulated on this question were about 165,000—voted better than 2 to 1 against so-called open housing, which would have made illegal any racial or religious discrimination in either the sale or rental of dwellings.

In discussing this referendum with the Senators from the great State of Washington [Mr. MAGNUSON and Mr. JACKSON], I was told that a similar election was held a short while ago in the city of Tacoma. Tacoma is either the second or the third largest city of the State of Washington, Seattle being the largest. The vote in Tacoma was 3 to 1 to reject a similar measure.

I mention these things to make it clear that the problem is national. The good people of the Nation have found that it is sound government for people of like dispositions, like races, and like colors to live together. That is as natural with human beings as it is with members of the bird family. I refer now to "bird" with a small "b," not to our dear friends, the two great Senators named BYRD, the one from Virginia, the other from West Virginia. Such an arrangement among the races is a natural development.

When hundred of thousands of people dwell together, people who are of the same kind naturally drift together in their dwelling place. It is clear from the two verdicts in the cities of Seattle and Tacoma—one as late as yesterday in the city of Seattle—that the good people of those great cities feel that that rule of nature is worthy of continuance. They have no disposition to permit a rule to exist in that city which would force people against their will to lease or sell to one able to lease or buy, notwithstanding the fact that it would break down well-established and traditional residential habits, and customs in that area.

Mr. President, I wish to refer briefly to another aspect of the general issue of civil rights.

I noted in the Miami Herald for Monday, February 17, an article entitled: "CORE Aid Warns Senators." I ask unanimous consent that this article be printed at this point in the RECORD.

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

CORE AID WARNS SENATORS

WASHINGTON.—A Negro leader said Sunday that direct action may be used against any Senator who fails to try to choke off a southern filibuster against the civil rights bill.

"The exact nature of the direct action has not been determined," said James Farmer, national director of the Congress of Racial Equality.

Farmer said he did not expect another mass march on Washington but action could take the form of protest marches in the hometown of any Senator who does not vote for cloture. He also said his group planned to have even more lobbyists on hand for the Senate civil rights debate that it had in the House.

The bill, banning discrimination in voting, employment, education, public accommodations, and use of Federal funds, was approved overwhelmingly by the House last week. The Senate is expected to take it up late this month or early next. A southern filibuster is certain.

Farmer said that passage of a strong civil rights bill would not mean any lessening in Negro demonstrations.

"We will have to be in the streets demanding its enforcement," he said. "Laws do not enforce themselves. We will have to go from restaurant to restaurant in Mississippi and Alabama."

Farmer said President Johnson had not asked the help of his group but as American citizens we have the responsibility to provide help.

Mr. HOLLAND. This article quotes Mr. James Farmer—who is referred to in the article as the national director of the Congress of Racial Equality—as saying that he "warned" Senators that "direct action" may be taken against any Senator who fails to try to choke off a southern filibuster against the civil rights bill.

Farmer, a Negro, was quoted under the UPI dateline of Monday, February 17, as saying that "the exact nature of the direct action has not been determined."

The article seems to promise direct action, not against those of us who are inclined to debate at some length our opposition to the pending bill, but seems to be a threat against Senators who are on the other side in this controversy. I have great sympathy for the distinguished Senators on the other side of this controversy. I am ready to come to their aid in any way that I can because of the concern this announcement must be to them.

I have learned in the past day or two that the same philosophy has been applied to me and other Senators who take a different position from Senators who support this measure. A telegram was received by me under date of the 7th or 8th of this month from the Tallahassee chapter of the Congress of Racial Equality—the same organization as CORE—in fact, a chapter of CORE. The telegram "demands"—that is the word used—that I not participate in the filibuster. The telegram contains other things that I do not regard as complimentary, and I shall not take the time of the Senate to read them. Mr. President, I ask unanimous cnosent that the entire telegram be printed at this point in the RECORD.

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

TALLAHASSEE, FLA.,
March 8, 1964.

Senator SPESSARD L. HOLLAND,
Washington, D.C.:

The Tallahassee chapter of the Congress of Racial Equality demands that you conduct yourself in a manner befitting the dignity of your office as Senator and the dignity of the State of Florida by refusing to participate in any filibuster against the civil rights legislation now before the Senate. The filibuster is nothing more than an antidemocratic weapon to block majority rule, the foundation of American Government. Joining in such an action would be degrading to both yourself and the State of Florida. The right to constructive debate and discussion is one thing, but no one has the right to employ parliamentary hankytanky to obstruct majority rule. We as citizens cannot tolerate such action. Should you engage in a fili-

buster, CORE will be forced to send its members to Washington to protest this action.

TALLAHASSEE CHAPTER OF THE CONGRESS OF RACIAL EQUALITY.

Mr. HOLLAND. Mr. President, I invite attention to the fact that the people who sent this telegram to me "demand" that I shape my conduct on the Senate floor as a representative of all the people in Florida, according to their idea of what I should do. I note that the message includes this kind of warning to me:

We as citizens cannot tolerate such action. Should you engage in a filibuster, CORE will be forced to send its members to Washington to protest this action.

I do not know what they intend to do when they come here. They will be very welcome. My office has always been open to citizens of my State and to citizens of any other State who come peaceably. These good people are not thinking too peaceably; otherwise they would not have used the language which they employ in this telegram.

Positions such as are taken in this announcement will not intimidate Senators on either side of the aisle from doing their duty as they see it. My own duty is to represent the great majority of the people of Florida, as I believe they think and believe on this subject. I propose to do so. It is too bad that the threats and the tactics now being used are being used by those who sent this telegram to me. It is unfortunate, and I regret it; but I think the record should show that Senators on both sides of this controversy are equally being subjected to hazards. The article in the Miami Herald states that even if Members who favor this bill do not carry out the will of these persons by voting for cloture, they will be picketed in their hometowns.

Of course, they are welcome to come to my hometown, even though I will not be there to defend them. But I would not advise them to go there without having someone like myself there to defend them. I happen to live in a small southern town, and I do not think their going there to picket in my absence would be very well received by my neighbors and other townspeople.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield again to me?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. I can understand the Senator's feeling about any such pressure, for I had such a feeling today. Today, my office force thought I was too happy, I suppose, so they brought to me a packet of letters which have been sent to me since I was on the "Meet the Press" program. The majority of them were very kind; but I did receive some which almost required the use of asbestos gloves to handle them. I shall share them with my colleagues.

However, this is an emotional issue; and some have become rather emotional about it, and some have become rather abusive in their comments. So I think we can almost match pressure for pressure. That is why I have been feeling rather good about the whole situation—in other words, because there is a sense of balance; the pressure from one side is about the same as the pressure from the other side.

So, I assure the Senator from Florida that when he shares with us the telegrams he has received—one of which indicated that there might even be trouble for the Senator from Michigan [Mr. HART] or for the Senator from Minnesota—he can rest assured that I have received a few communications of advice and counsel that carry with them a slight amount of threat, too.

Mr. HOLLAND. I may say that if trouble of that sort should be visited upon the Senator from Minnesota or upon the distinguished Senator from Michigan [Mr. HART] or upon other Senators, I would point out that in Florida we have a mecca where they will be received, welcomed, entertained, protected, and treated as gentlemen.

Mr. HUMPHREY. But not segregated.

Mr. HOLLAND. Notwithstanding the fact that this telegram coming from the city of Tallahassee has reached me and has been placed in the RECORD, I am sure that whoever sent the telegram—and I do not know who they are—do not speak for the vast majority of the people of my State. Regardless of how the vast majority of the people of my State feel about this controversy, not one person in any thousand of them in our State would subscribe to sentiments such as those set forth in the telegram.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield again to me?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. I find that a large amount of propaganda on this bill is being sent throughout the country. For example, today I received a pamphlet in which the words "unmasking the Civil Rights Act" were used; it was an attack upon the bill. A group headed by a Mr. Satterfield, I believe, formerly the head of the bar association, is conducting throughout the country a campaign, including advertisements.

Mr. HOLLAND. I assume the Senator means the former president of the American Bar Association.

Mr. HUMPHREY. Yes. All kinds of documents are being circulated. I believe that most of us who support this measure are receiving an unusually large amount of correspondence, some of it viciously attacking this measure and attacking those of us who are in favor of its passage. But I have become accustomed to receiving such abusive letters, and also to answering them, because I try to answer every letter received in my office. So those who send me the letters receive, in return, not a letter of abuse, but, I trust, a letter of information, and one that is respectful, and states what I believe to be included in the bill, which I consider to be reasonable and moderate, and one which was negotiated in the House of Representatives, and one which in a sense is a compromise measure. It received the affirmative votes of Republican Members and Democratic Members alike; the vote in the House was 290 yeas to 130 nays. I think that is a very good expression of popular support and of mature, thoughtful support by Members on both sides of the aisle of that body.

Mr. HOLLAND. Yes; but I think that was an expression by well-intentioned but uninformed persons; and I think the Members who knew most about what was in the bill and about what it would mean to a great area of the country, where approximately 50 million people live peacefully together, voted much more sensibly and much more wisely than did those who had little idea about what was included in the four corners of the bill.

Mr. President, in closing, I wish to say that, unfortunately, the things which have been happening have not been limited to ugly telegrams and letters. I shall have printed in the RECORD—if I may obtain unanimous consent to have that done—part of a special weekly report from the National Education Association. It is dated for release tomorrow, March 12, 1964. The part of it which I shall ask to have printed in the RECORD, in connection with my statement, is headed "Return Engagment: The Blackboard Jungle."

Mr. President, I ask unanimous consent that a portion of this pamphlet be printed at this point in the RECORD.

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

RETURN ENGAGEMENT: THE BLACKBOARD JUNGLE

(Published by the National School Public Relations Association, a Department of the National Education Associtaion. Member, Educational Press Association of America)

Roughhouse pupil behavior in big city schools, usually but not always in slum area schools, is becoming a major problem. New York, Chicago, and Detroit have provided conspicuous examples. Elsewhere the problem exists, but in less acute form.

There have been physical attacks on teachers with fists and kicks; rock throwing; scratching; and threats with knives and zip guns. Chairs and baseball bats have been wielded as weapons. In Chicago, police confiscated a sawed-off shotgun which had been hidden in a cloakroom by a 16-year-old boy who said he brought it to school "for protection." In Detroit a 15-year-old boy fashioned a zip gun in the school shop and used it to shoot at another boy in the school.

In New York last week 15 attacks on teachers were reported during the last three school days. Only 60 cases were reported in the year ended March 1, but teachers claim there has been a tendency on the part of principals to refrain from making formal reports of pupil violence.

In Chicago, School Board Attorney Thomas R. Tyrell says there used to be eight or nine cases of pupil attacks on teachers reported during a school year, but now there are that many a month. Between September and January, the school board reports, there were 46 pupil attacks on teachers.

In Detroit, as in the other two cities, proposals have been made that policemen be stationed in the schools and outside them to curb pupil violence. Teachers are asking for life insurance or indemnities to be paid in case a teacher is killed.

Theories as to cause of the upsurge abound. In part the difficulty may be attributed to the general rise in juvenile delinquency. In part it is attributed to overcrowded schools and inexperienced teachers. Teacher turnover in schools which have the biggest delinquency problems tends to be rapid, because good experienced teachers can get more

pleasant working conditions elsewhere. Principals of junior high schools in New York consider that the outbreak of violence there is a byproduct of civil rights demonstrations which have tended to lower the children's respect for schools and teachers. "Children who are imbued with hostility against their teachers by adult members of the community," said a statement issued by the principals' association, "will resist learning, disrupt the learning process in the classroom, and may go so far as to commit physical assaults upon teachers." Lack of adequate guidance programs probably contributes to the problem. New York's Bureau of Child Guidance, with a staff of fewer than 400, handled 22,000 cases last year.

Mr. HOLLAND. This article comes not from a southern source, but from the National Education Association. Perhaps I should point out the exact caption, which is as follows:

Published by the National School Public Relations Association, a department of the National Education Association.

The pamphlet shows that as a result of all of the parading in the streets, the lie-downs, the sit-ins, the ugly demonstrations, and all the racial talk—and particularly the talk by elders who should know better, terrible violence has come into the schools, not in the South, but in the schools of the great cities in the northern part of the Nation. I shall read parts of this report, and I shall point out that, just as what I read earlier came from Dr. Conant, who certainly is not a southerner or one prejudiced in our behalf, this comes from the National Education Association; and I now read from it:

Roughhouse pupil behavior in big city schools, usually but not always in slum area schools, is becoming a major problem. New York, Chicago, and Detroit have provided conspicuous examples. Elsewhere the problem exists, but in less acute form.

There have been physical attacks on teachers with fists and kicks; rock throwing; scratching; and threats with knives and zip guns. Chains and baseball bats have been wielded as weapons. In Chicago, police confiscated a sawed-off shotgun which had been hidden in a cloakroom by a 16-year-old boy who said he brought it to school "for protection." In Detroit a 15-year-old boy fashioned a zip gun in the school shop and used it to shoot at another boy in the school.

The distinguished Senator from Georgia [Mr. RUSSELL] spoke of the situation in New York, in the course of his very fine speech on Monday, for which I commend him greatly. The next short quotation from the pamphlet relates to the same area:

In New York last week 15 attacks on teachers were reported during the last 3 school days. Only 60 cases were reported in the year ended March 1, but teachers claim there has been a tendency on the part of principals to refrain from making formal reports of pupil violence.

I wonder, Mr. President, whether the long arm of the various Negro agitating organizations is now reaching out to make the principals fearful to report the attacks on their teachers or on themselves.

I read further from the pamphlet:

In Chicago, School Board Attorney Thomas R. Tyrell says there used to be eight or nine cases of pupil attacks on teachers reported during a school year, but now there are that many a month. Between September and January, the school board reports, there were 46 pupil attacks on teachers.

I continue to quote:

In Detroit, as in the other two cities, proposals have been made that policemen be stationed in the schools and outside them to curb pupil violence.

I ask my distinguished friends who do not seem to understand the seriousness of the situation at all to listen to the following:

Teachers are asking for life insurance or indemnities to be paid in case a teacher is killed.

Then there is another long paragraph, which I shall not take the time to read, entitled "Theories as to Cause of the Upsurge Abound." I wish to use the time to read this principal reason of the upsurge. This is the National Educational Association speaking:

Principals of junior high schools in New York consider that the outbreak of violence there is a byproduct of civil rights demonstrations which have tended to lower the children's respect for schools and teachers. "Children who are imbued with hostility against their teachers by adult members of the community," said a statement issued by the principals' association, "will resist learning, disrupt the learning process in the classroom, and may go so far as to commit physical assaults upon teachers."

Mr. President, that is a most lamentable situation. I wish to make very clear that those who are fomenting the trouble, those who keep preaching racial hate, those who keep demonstrating in the streets, those who keep preaching in favor of moving pupils across the City of New York from one school, which is a de facto segregated school, to another, so they say, to another miles away, are bringing about this condition.

It is high time that someone with sufficient patience should go to the bottom of the problem. We must realize that the trouble is not confined to our Southland. To the contrary, we have very little of it compared to what is going on now in the great cities. If someone does not show some leadership and some willingness to get away from the race-hatred approach and from the effort to break down community spirit by what is called "restoring the balance" or "preventing imbalance" in schools by transporting children from one school which is largely colored, let us say, clear across the town, miles away, to another school which is largely white, or in reverse, transporting them in the other direction, thus tearing down the morale of the children, the morale of the homes, the morale of the PTA's and the whole community life, it will not be the South which must pay the price. We will handle these problems, and I believe we will handle them wisely. I believe that when Senators listen to my speech on the subject, they will see in the main we are handling them wisely. It is not the South that is paying the heavy price right now. I hope that the complete lawlessness and violence against teachers who have dedicated their lives to teaching the young and against others will cease. I do not believe it will cease until there is some leadership that is sound in the whole area, because the principals themselves here say:

The outbreak of violence there is a byproduct of civil rights demonstrations which have tended to lower the children's respect for schools and teachers.

Children who are imbued with hostility against their teachers by adult members of the community, said a statement by the principals' association, will resist—

I stop there. There are many things they will resist.

Mr. President, the truth is that in many parts of our Nation, the school system is breaking down—because of the very reason the National Education Association gives.

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

Mr. HOLLAND. I yield to the distinguished Senator from Michigan.

Mr. HART. I know that the Senate has not yet taken up the bill. I hope that it soon will do so.

But even before then I should like to include in the RECORD at this point precisely the reach of title IV. I ask unanimous consent that, beginning at page 13, line 23, through page 14, line 2, the language of title IV be printed in the RECORD.

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

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. HART. That language defines desegregation. The bill does not undertake to authorize, finance, or otherwise develop a pattern of cross-hauling of children. It aims at a situation which I believe is long overdue for correction. I do not know how many years it has been since the Supreme Court spoke on the school desegregation cases, but there are several thousand school districts which have not done a single solitary thing to eliminate racial segregation in the public school system. Title IV expressly provides, years afterward, that we now propose to assist in requiring observance of the law of the land by those who are not doing so.

Mr. HOLLAND. Mr. President, I have no objection to the Senator including in his request all of title IV, if he wishes to put it in.

Mr. HART. Very well.

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

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Definitions

SEC. 401. 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, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(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.

Survey and report of educational opportunities

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for 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.

Technical assistance

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. 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, 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.

Training institutes

SEC. 404. 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. 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.

Grants

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) 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; and such other factors as he finds relevant.

Payments

SEC. 406. 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, as the Commissioner may determine.

Suits by the Attorney General

SEC. 407. (a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or her 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 the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement 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 any appropriate 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) The Attorney General may deem a person or persons 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 whenever he is satisfied 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) The term "parent" as used in this section includes any person standing in loco parentis.

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. 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 or in any facility covered by this title.

Mr. HART. I would make very clear that a precise reading is had of the definition of "desegregation." It should be understood that the term does not mean the assignment of students to public schools in order to overcome racial imbalance, but rather it seeks to move in those cases where there is by law racial segregation in public school districts.

Mr. HOLLAND. If the Senator has read the reports of the House of Representatives, he will find in 2 of those reports mention of the fact that it was clearly understood by the committee that the interpretation of "discrimination" as used in other portions of the bill is amply broad, in the opinion of the majority of that committee, to cover the same question of imbalance.

I do not believe the distinguished Senator was present when I made clear that the distinguished educator and author, Dr. Conant, former president of Harvard, in words which cannot be misunderstood, equates segregation with the slum school problem in most of the great cities, including the great city of which the Senator from Michigan is so proud, and of which we are all proud—Detroit—but which has this problem, as I understand it, in a very great degree.

Mr. HART. There is not a great city in America that does not have the problem. But the law is very clear. When anyone hits a teacher over the head, that is a violation of the law. Any child who seeks to go to the school nearest to him in his school district gets in. He is not checked at the door as to his color. I am delighted that all of title IV has been printed in the RECORD. I shall not refer to the report of our colleagues on the other side of the Capitol, but there is a very explicit definition of "desegregation" in title IV, and it reassures those who think that the provision undertakes to cross haul children in any city.

Mr. HOLLAND. Mr. President, I hope the Senator will read the report written by an able lawyer and representative from his own State to which I adverted early in my brief discussion, and which I believe goes into the question at some length.

Mr. President, I have nothing further at this time.

Mr. HUMPHREY. Mr. President, will the Senator yield for one observation?

Mr. HOLLAND. I am glad to yield.

Mr. HUMPHREY. I know that the Senator from Florida will make an extensive and very well documented presentation on the whole subject of title IV in the bill. It is a very important title relating to the desegregation of public education. I only wish to take a moment, as we conclude today's business, to say a word about these problems that we see or that we hear of and read from the bulletins of the National Education Association.

Mr. HOLLAND. The Senator recognizes that association as a great national body of dedicated teachers, by and large.

Mr. HUMPHREY. I certainly do. I have been interested in education all my life. I am a sort of refugee from the classroom. I was once a teacher.

Mr. HOLLAND. So was the Senator from Florida.

Mr. HUMPHREY. The problems of young people in the present generation are not unique. What is more important is the fact that slum conditions breed these problems. The colored student of today has lost his patience, as the President of the United States said in his memorable address at Gettysburg, Pa., on Memorial Day.

He is fed up, so to speak, on living in slums. He has been denied educational opportunities. His parents have been denied employment opportunities. The facts are so obvious that no one can miss them. Only recently the President's Council of Economic Advisers reported that discrimination in the United States as an economic factor cost the American economy from $13 billion to $17 billion. What are the facts on income relating to Negroes, on housing in the great cities, North and South, the facts in terms of the use of public facilities relating to Negroes?

For example, a white person who has an eighth grade education will in his lifetime earn twice as much income as a colored person who has a college education. These facts have been documented by the Bureau of the Census and other recognized institutions. I shall see to it that those facts are placed in the RECORD in rather detailed form.

I do not condone the violence that has taken place in schools, but I know of public schools where there has been no violence. In Minneapolis, one of the most law-abiding cities of the Nation, of which I was once mayor, there were problems. Such problems are due to the fact that our young people sometimes become unruly. There are many reasons for it. Perhaps home discipline has broken down. Perhaps both parents are at work, and they receive no guidance. Teenagers cannot get jobs. Teenage unemployment is up 17 percent. Schools are overcrowded. Schools have inadequate teaching facilities and other facilities. Teachers are frequently underpaid. Students come from filthy, rotten, dirty slums.

These are problems that need to be corrected. This bill is not a direct attack on some of those problems. President Johnson refers to some of those problems when he says that we must wage an all-out war on poverty. It requires money and effort. This particular section of the bill is directed toward desegregation of public education.

The law of the land provides that public schools must desegregate. The law of the land also provides that people must pay income taxes. Those who do not, go to jail. We enforce the income tax laws. What we are trying to do under title IV is a much softer approach. Under title IV we are saying, "We want to help you in desegregation." It is a violation of the law not to desegregate, just as it is a violation of the law to sell a product that is unwholesome or that violates the Pure Food and Drug Act.

It is a violation of the law not to pay one's taxes.

Title IV provides that when a parent or an individual has not the economic means to take a case to court to get his rights, the Government will step in. Is that unusual? The Antitrust Division in the Department of Justice acts on its own initiative in cases that are in violation of the Sherman and Clayton antitrust laws, with criminal penalties—going to jail—and civil penalties, depending on the nature of the suit.

Nobody is saying that the Justice Department ought not to do it. The Justice Department is criticized for not doing it when it comes to matters of money. But when it is proposed to have the Attorney General institute a suit, in the name of the United States, under the 14th amendment, to protect the citizenship of the American people, some persons say, "This is a great power being given to the Attorney General."

What power is being used on the people? The power of State law, contrary to the Constitution. The power of local ordinance, contrary to the Constitution.

It is citizenship of the United States we are talking about, not citizenship of Minnesota or Michigan or Florida. No State may make any law or deprive any citizen of the United States of life, liberty, or property without due process of law. All citizens are entitled to the equal protection of the laws. That is what we are talking about.

Mr. HOLLAND. I thank the Senator for his comments. I notice he did not mention the overwhelming action of the people of Seattle and Tacoma—neither of them southern communities—in rejecting the open housing ordinance, as they did in the recent past, one of them yesterday. I noticed also that the Senator made no direct comment on the report of the National Education Association——

Mr. HUMPHREY. Will the Senator yield at that point?

Mr. HOLLAND. I refer to the one I am mentioning now—that 15 assaults had been reported on teachers in the public schools of New York in 3 days of last week, with ample inference given there that many others were not reported.

Mr. HUMPHREY. Let me say to the Senator from Florida that I deplore it. I condemn it. It is outrageous. Not only are such acts in violation of the law; they are criminal assaults. They are acts of assault and battery. There are all kinds of laws to take care of them.

I do not condone such assaults. They are wholly unnecessary. There is a rising tide of violence, not only in the schools but elsewhere. A President was shot because of hate and violence. Airplanes are bombed, not because of civil rights demonstrations, but because some persons are victims of emotional and mental unbalance. The crime rate is rising, not only in Washington, D.C., but in the wonderful cities of the West, the South, and the North.

Why that is so would require more time to explain than we have tonight. There are many reasons for it. Some people say that the moral fiber and moral standards in the country have gone down. There are all kinds of problems.

The bill deals with certain basic legal rights belonging to the American people. It is not a cure-all. It is no answer to unemployment. It is not an effort to reduce taxes. It is not an effort to build up a new Military Establishment. It is merely an effort to give to citizens of the United States the rights to which they are entitled.

I am not unaware of what happened in Seattle. That was a local referendum. It indicated, unmistakably and clearly, the attitude of the people in that community.

This bill would not affect housing. The bill contains an exemption in terms of public funds, in terms of insurance and guarantees on housing.

This is a limited bill. I believe in local government. But I also believe in every one of the amendments in the Constitution. In the past the 14th amendment to the Constitution has been used primarily to protect property. Under the doctrine of reasonableness, it has been interpreted primarily as affecting property rights.

I once studied and taught constitutional law, so I think I know a little about the application of the 14th amendment. I am at the time of life when I think the 14th amendment should be finally applied as it was intended. There will be placed in the RECORD the opinions of eminent students of the law which show that the 14th amendment was not primarily designed to protect railroads or other large corporate interests; it was designed primarily to protect individuals, flesh and blood, mind, body, and soul. That is the question we shall have to debate.

Mr. HOLLAND. I thank the Senator. I point out that the same Congress that adopted the 14th amendment passed a law for segregated schools in the District of Columbia. If the Senator does not know that, the Senator can discover it by reading the law books. It is too late to discuss that tonight.

However, the Senator from Florida is not going to take part in fomenting this problem, which he thinks is being fomented by such agitations as lie behind this pending legislation.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, before it takes a recess tonight, I wish to compliment and thank my colleagues on the Republican side of the aisle for their cooperation this evening in gaining a quorum. They fulfilled every commitment, obligation, and understanding we have had between the combined leadership. I deeply regret that it took so long. I assure my colleagues that determined efforts will be made to see that it does not happen again. We shall conduct the business of the Senate and try to do it with dispatch, honor, and fairness—and I hope with a sense of reasonableness.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

JOINT RESOLUTION INTRODUCED

A joint resolution was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMPSON (for himself, Mr. CURTIS, Mr. BOGGS, Mrs. SMITH, Mr. BENNETT, Mr. SALTONSTALL, Mr. THURMOND, Mr. LAUSCHE, Mr. WILLIAMS of Delaware, Mr. MUNDT, Mr. HOLLAND, and Mr. CARLSON):

S.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States relating to religion in the United States; to the Committee on the Judiciary.

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

RESOLUTION

EXPRESSION OF THE SENSE OF THE SENATE IN STAYING ACTION BY THE VIRGIN ISLANDS CORPORATION

Mr. MOSS submitted the following resolution (S. Res. 303); which was referred to the Committee on Interior and Insular Affairs:

Resolved, That it is the sense of the Senate that no further action be taken by the Board of Directors of the Virgin Islands Corporation (a corporation wholly owned by the United States and created by the Virgin Islands Corporation Act) to dispose, by sale or lease, of that parcel of land with respect to which sealed bids were solicited pursuant to invitation and bid numbered PT-109, containing approximately seventeen hundred acres and situated on the Island of Saint Croix, Virgin Islands, United States, until such time as the Senate Committee on Interior and Insular Affairs has had an opportunity to consider certain pending legislation relating to the authority of such Corporation to dispose of its assets.

RECESS

Mr. HUMPHREY. Mr. President, I now move that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 29 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 12, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 11 (legislative day of March 9), 1964:

COMMISSION ON CIVIL RIGHTS

Mrs. Frankie Muse Freeman, of Missouri, to be a member of the Commission on Civil Rights, vice Spottswood W. Robinson III.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior assistant surgeons

Carl R. Merril
Gustave J. Weiland
Robert A. Gotshall, Jr.
Anthony F. Milano

To be senior assistant dental surgeons

Ray E. Sessions
Joseph J. Scancarello, Jr.

To be senior assistant sanitary engineer

James W. Meek

To be assistant sanitary engineer

Norbert A. Jaworski

To be junior assistant sanitary engineer

Robert G. Britain

To be senior assistant pharmacist

Kenneth I. Letcher

To be assistant pharmacists

Richard R. Ashbaugh
Robert L. Childress
William P. Heffernan

To be senior assistant sanitarian

Geswaldo A. Verrone

To be senior assistant veterinary officer

Glen A. Fairchild

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

John R. Sparks, Cullman, Ala., in place of T. A. Smith, retired.

Anna B. Neal, Town Creek, Ala., in place of J. W. Davis, transferred.

ALASKA

Lester Suvlu, Barrow, Alaska, in place of J. F. Connery, transferred.

ARIZONA

Balvina C. O'Neil, Hayden, Ariz., in place of B. L. Hastings, retired.

Mary E. Sulger, Huachuca City, Ariz. Office established October 27, 1962.

ARKANSAS

Herbert L. Kent, Arkinda, Ark., in place of E. T. Bush, declined.

Dolores W. Neal, Keo, Ark., in place of R. A. Waller, retired.

CALIFORNIA

Wanda M. Simpson, Big Bear City, Calif., in place of M. E. DeVilbiss, resigned.

Alvin R. Carter, Cupertino, Calif., in place of C. L. Gasich, retired.

Wilbert K. Ross, Hemet, Calif., in place of N. H. Wilson, retired.

Donald K. Miller, Saugus, Calif., in place of L. P. Scammon, retired.

COLORADO

Elmer D. Vagher, Bristol, Colo., in place of H. L. Elmore, resigned.

Clifford E. Anderson, Grover, Colo., in place of W. L. Robbins, transferred.

Goldie L. Simpson, Monument, Colo., in place of W. W. Carrothers, resigned.

Frank A. Batman, Jr., Pierce, Colo., in place of E. F. Huitt, retired.

CONNECTICUT

Kenneth B. Rutledge, Canaan, Conn., in place of L. M. Beaujon, retired.

DELAWARE

Gertrude W. Davidson, Saint Georges, Del., in place of B. M. Carrow, retired.

FLORIDA

Kenneth H. Hall, Ormond Beach, Fla., in place of W. P. Bangs, retired.

GEORGIA

Royce H. Braselton, Braselton, Ga., in place of R. G. Braselton, retired.

HAWAII

Masayo K. Kokame, Hanapepe, Hawaii, in place of Takeo Takeshita, retired.

ILLINOIS

Helen W. Miller, Palos Heights, Ill., in place of Joseph Leonardo, retired.

Mitchell Braun, Park Forest, Ill., in place of S. R. Forlenza, retired.

George G. Wright, West Chicago, Ill., in place of W. J. Brennan, retired.

INDIANA

William E. Hollar, New Paris, Ind., in place of Ora Stiver, retired.

Robert F. Meltzer, Shelbyville, Ind., in place of L. C. Neu, retired.

Donald L. Misch, Wheatfield, Ind., in place of C. R. Keene, deceased.

IOWA

Vivian G. Nissen, Dunkerton, Iowa, in place of M. B. Meier, retired.

Maxine A. Kucera, Garden Grove, Iowa, in place of E. C. Seitz, transferred.

Maurice W. German, Weldon, Iowa, in place of C. E. Garton, retired.

KENTUCKY

John P. Samuels, Lebanon Junction, Ky., in place of A. B. Samuels, retired.

LOUISIANA

Virgil L. Dixon, Shreveport, La., in place of A. L. Layton, retired.

MAINE

Richard E. Carr, Harmony, Maine, in place of N. E. Willis, retired.

MARYLAND

Francis J. Woodard, Chase, Md., in place of F. T. Crouch, retired.

Emory A. Harman, Greenbelt, Md., in place of E. C. Kaighn, retired.

MASSACHUSETTS

Raymond A. Perron, Auburn, Mass., in place of I. B. Cleary, retired.

MICHIGAN

Joseph J. Lozeau, Bridgman, Mich., in place of R. L. Klackle, retired.

MINNESOTA

Donald L. Ice, Excelsior, Minn., in place of A. P. Hein, retired.

Norbert H. Colhoff, Redlake, Minn., in place of F. W. Gurno, removed.

EuGene C. Wolfe, Silver Bay, Minn., in place of H. O. Turbenson, transferred.

MISSISSIPPI

Malcolm D. McAuley, Byhalia, Miss., in place of E. E. Perry, retired.

MISSOURI

L. Kelly Wyss, Jamestown, Mo., in place of M. M. O'Neal, retired.

Warren E. King, Union Star, Mo., in place of W. B. Dodge, retired.

MONTANA

Adele M. Coughlin, Helmville, Mont., in place of W. C. Coughlin, retired.

Jean F. Pederson, Lolo, Mont., in place of L. M. Hughes, resigned.

Leslie O. Smith, Victor, Mont., in place of J. E. Babbitt, retired.

NEBRASKA

Owen Ted Borders, Gordon, Nebr., in place of J. W. Robson, deceased.

NEW HAMPSHIRE

Henry J. Hatch, North Conway, N.H., in place of E. A. Davis, retired.

NEW JERSEY

Clarence P. Kinsley, Pemberton, N.J.., in place of B. M. Lippincott, retired.

John Kane, Jr., South Plainfield, N.J., in place of J. B. Geary, Jr., retired.

NEW YORK

Thomas J. Powers, Elnora, N.Y., in place of L. K. Petersen, retired.

Hazel M. Carr, Lisbon, N.Y., in place of E. E. Jones, deceased.

George D. Foley, Lowville, N.Y., in place of F. H. Woolshlager, retired.

Charles F. Herse, New Haven, N.Y., in place of H. D. Keefe, retired.

Elizabeth I. Bruso, Ray Brook, N.Y., in place of J. P. Boyd, removed.

Edward M. Matus, St. Johnsville, N.Y., in place of E. S. Bierman, retired.

NORTH CAROLINA

William P. Walker, Andrews, N.C., in place of Galusha Pullium, removed.

Frank E. Copeland, Jr., Burlington, N.C., in place of R. H. Andrews, retired.

Mary A. Austin, Rhodhiss, N.C., in place of H. B. Hemphill, retired.

NORTH DAKOTA

Phebe E. Kirmis, Jud, N. Dak., in place of A. E. Steinwand, resigned.

John R. Delebo, Langdon, N. Dak., in place of E. J. Donovan, retired.

OHIO

William O. Lightfritz, New Marshfield, Ohio, in place of F. R. Brewer, retired.

Wallace D. Starr, New Straitsville, Ohio, in place of A. P. McQuade, retired.

Robert E. Agner, Ottawa, Ohio, in place of Luella Sommers, retired.

OKLAHOMA

John P. Morgan, Weleetka, Okla., in place of M. M. Gregory, retired.

PENNSYLVANIA

Harry D. Hess, Bangor, Pa., in place of A. R. Cramer, retired.
Donald P. Fischer, Bethlehem, Pa., in place of J. W. Dawley, retired.
John A. Reph, Jr., Danielsville, Pa., in place of E. M. Reph, retired.
Hazel I. Suain, Hazel Hurst, Pa., in place of M. J. Suain, retired.
Byron D. Cooper, Johnstown, Pa., in place of F. H. Coyle, retired.
Marian A. MacDonough, Marshalls Creek, Pa., in place of E. N. Huffman, deceased.
Alfred Goldberg, Marysville, Pa., in place of J. S. Raisner, removed.
Luther D. Clewell, Nazareth, Pa., in place of J. U. Fetherolf, retired.
George W. Brehm, Newtown Square, Pa., in place of H. J. Niemeyer, resigned.
Raymond E. Hausman, New Tripoli, Pa., in place of F. D. Weiss, retired.
Norma A. Stoudt, Palm, Pa., in place of S. R. Stauffer, transferred.
Ernest W. Parsons, Pen Argyl, Pa., in place of R. W. Mosteller, retired.
Glenn C. Boote, Swiftwater, Pa., in place of T. R. McGuire, retired.
Florence E. Miller, Utica, Pa., in place of H. C. Brandt, retired.

SOUTH DAKOTA

George F. Sasges, Hartford, S. Dak., in place of T. M. Maier, retired.

TENNESSEE

Ralph N. Rogers, Martin, Tenn., in place of T. C. Tucker, retired.
Mary K. Roberts, Whitesburg, Tenn., in place of J. A. Britton, transferred.

TEXAS

Robert M. Gring, Freer, Tex., in place of E. C. Kelly, removed.
Jessie Richardson, Kennedale, Tex., in place of Sallie Helm, resigned.
W. Carroll Alexander, Lockhart, Tex., in place of W. R. Bellamy, transferred.

UTAH

Jay R. Farmer, Centerville, Utah, in place of H. D. Roberts, retired.
Newel D. Day, Fillmore, Utah, in place of W. P. Starley, retired.

VIRGINIA

James H. Collier, Big Stone Gap, Va., in place of G. L. Martin, retired.
Mitchell T. Twyford, Onancock, Va., in place J. R. Chandler, resigned.
Laura P. Strong, Rapidan, Va., in place of E. L. Peyton, retired.
Earl R. Loughborough, Upperville, Va., in place of C. C. Kenny, retired.

WEST VIRGINIA

Creda B. Morris, Burnsville, W. Va., in place of V. W. Knight, deceased.

WISCONSIN

John M. Bradley, Belmont, Wis., in place of C. G. Buss, transferred.
Quintin B. Collins, Kendall, Wis., in place of A. R. Harris, retired.
Ruth A. McDougall, Wilmot, Wis., in place of E. M. Pfaffenberger, retired.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be major, USAF (Chaplain)

John W. New, AO435013.

To be captains, USAF (Chaplain)

Francis T. Alewine, AO3061220.
Bruce E. Barrett, AO3060567.
Clarence E. Drumheller, AO3043340.
Donald K. Francis, AO3059653.
Mearle H. Jay, AO3061377.
Paul W. Ludwig, Jr., AO3059737.
Robert T. McManus, AO3061091.
Jack T. Moore, AO3074806.
James T. Myers, AO2259767.
Maurice J. O'Connor, AO3061036.
William J. O'Donnell, AO3060348.
William H. Reed, AO3059586.
Robert H. Scott, AO3054526.
Mark L. Smith, AO2255205.
Edward G. Spongberg, Jr., AO3061148.
James R. Styles, AO2255071.

To be first lieutenants, USAF (Chaplain)

Eugene L. Ballweber, AO3061420.
Forrest F. Bretscher, AO3061977.
Willie E. Buice, AO3061363.
Joseph L. Carroll, AO3061659.
Alston R. Chace, AO3061657.
Kirtley R. Cook, AO3061495.
John P. Donahue, AO3061983.
Don Downing, AO3061436.
Robert H. Festle, AO3062101.
Joseph E. Finch, AO3062180.
Walter L. Gallop, AO3061408.
Seymour Gitin, AO3061965.
Richard H. Greene, AO3092569.
Henry Guikema, AO3061806.
Duane S. Gunnison, AO3061419.
Raymond J. Hill, AO3061663.
Donald G. Hollenbeck, AO3061368.
Henry J. Husmann, AO2294741.
Bernard R. Ihrie, Jr., AO3088447.
Jeremy H. Knowles, AO3061619.
Daniel I. Leifer, AO3061968.
Alexander P. Ludwig, AO3062091.
John R. Lynch, AO3061681.
Patrick M. McGowan, AO3061117.
Kevin J. McHugh, AO3061703.
Dean L. Minton, AO3059487.
Robert M. Monti, AO3062079.
Thomas W. Murphy, AO3061515.
Swayne J. Payne, AO3061395.
Richard A. Seiber, AO3073923.
Patrick J. Sheeran, AO3062088.
James O. Sheerin, AO5014641.
Patrick J. Shelley, AO3061390.
Alexander B. Sinclair, AO4001039.
Wayne L. Stork, AO3094245.
James N. Thompson, AO3062202.
Kenneth R. Thompson, AO3059356.
Henry B. Thorsen, AO3062045.
Vernard T. Utley, AO3061492.
William D. Vickers, AO3061628.
Earl B. Wantz, AO3059699.
Samuel T. Young, AO3061895.
Vasten E. Zumwalt, AO3061520.

To be major, USAF (Judge Advocate)

John J. McCarthy, Jr., AO862523.

To be captains, USAF (Judge Advocate)

Donald F. Arnts, AO3060876.
Larry I. Ashlock, AO3006726.
Robert L. Atwood, AO3030002.
Dale L. Babcock, Jr., AO784275.
Loyd W. Bonneville, AO3057731.
Max S. Bowlden, AO3103053.
Barry W. Brandt, AO3060902.
Thomas B. Bruton, AO2205687.
Alva J. Butler, AO3082207.
Guido J. Casari, Jr., AO3103064.
Edward J. David, AO3060926.
George G. Dean, Jr., AO3053670.
Armando DeLeon, AO3102823.
William N. Early, AO3059940.
Charles E. Edwards, AO3046597.
Robert D. Haines, AO3060668.
Leslie W. Harper, Jr., AO774145.
Alfred L. Harston, AO3103054.
Roger L. Holte, AO3082390.
Richard K. Jacoby, AO3060656.
William H. Kirkman, Jr., AO3046884.
Bill B. Lambert, AO2206165.
Frank W. Lane, Jr., AO2220220.
Thomas P. Lesesne III, AO4059181.
Shannon D. Mahoney, AO3102666.
Jerry L. Malesovas, AO3074370.
John T. Murphy, AO1852232.
Keith E. Nelson, AO3086913.
James J. Nero, AO3102737.
Donald F. Paar, AO776784.
Clarence E. Powell, AO3052278.
William J. Powers, Jr., AO3102132.
Bert R. Reed, Jr., AO3060899.
John E. Roberts, Jr., AO3047022.
Murray H. Rothaus, AO3059947.
John A. Ruttan, AO3048959.
John C. Ryan, AO711487.
Frederick J. Schmitt III, AO3014338.
William H. Seckinger, AO3102403.
Allan C. Smith, AO2255122.
Roy L. Smith, AO3082321.
Martha S. Stokes, AL3060304.
William P. Templeton, AO3060809.
Jay D. Terry, AO3060431.
Herbert K. Tom, AO3049947.
Donald E. Weight, AO3028622.
Gary C. Wendel, AO3102739.
William B. Wirin, AO3055693.
Sam P. Zerilla, AO3102253.

To be first lieutenants, USAF (Judge Advocate)

Gene H. Anderson, AO3120974.
James L. Anderson, AO3093575.
David P. Barrett, AO3096197.
Wallace D. Berning, AO3103902.
Clifton D. Blanks, AO1865175.
James L. Branton, AO3118994.
Herman H. Braxton, Jr., AO3120964.
Lyle R. Carlson, AO3117362.
Herbert B. Chadwick, AO3120963.
John H. Cheatham III, AO3108607.
Richard M. J. Cleary, AO3121959.
David B. Coggins, AO2205964.
Sterling G. Culpepper, Jr., AO3095108.
Ernest D. Cunningham, AO3067279.
Phillip L. Dearment, AO3071437.
Verlin D. Dickman, AO3116348.
Charles W. Dixon, AO3130127.
John T. Dorman, AO3118115.
Robert E. Eicher, AO3121763.
Robert J. Elfers, AO3121779.
David B. Erwin, AO3121895.
Anthony F. Farina, AO3104014.
Franklin P. Flatten, AO3121873.
Charles W. Fowler, AO3115914.
John J. Franco, Jr., AO3104923.
Lawrence A. Frazier, AO3121765.
John T. Grablewski, AO3116142.
Lloyd Graven, AO3121944.
Paul A. Gruber, AO3117354.
Danford L. Hoben, AO3120977.
Donald M. Holdaway, AO3116135.
James R. Horton, AO3118109.
James Z. Howey, AO3087013.
Robert G. Johnson, AO3117363.
Raymond A. Jolly, Jr., AO3121768.
Robert W. Jones, AO3121966.
Ross L. Jones, AO3093052.
Thomas E. Joseph, AO3118120.
George P. Kazen, AO3106598.
Joseph T. Kelly, AO3116043.
Brian W. Keohane, AO3121971.
Frederic L. Kirgis, Jr., AO3084276.
Albert F. Knorp, Jr., AO3117352.
Irving D. Labovitz, AO3096932.
Stephen A. Land, AO3120960.
Robert D. Langford, AO3086785.
David M. Lewis, Jr., AO3120967.
John H. Lewis, Jr., A3121957.
William H. Logsdon, AO3096288.
John D. Lomax, AO3105883.
Philip W. Marquardt, AO3083969.
William D. Matthews, Jr., AO3082895.
Walter H. Mayo, AO3121948.
James D. McDade, AO3120978.
Patrick A. McDonald, AO3086303.
Paul B. McNellis, AO3096804.
Edward W. McTagne, AO3121863.
Charles P. Menges, AO3121979.
Edgar G. Merson, AO3121778.
James R. Miles, AO3121884.
John W. Montgomery, AO3093369.
Richard M. Mott, Jr., AO3094096.

John W. Nelson, AO3116356.
John R. Nichols, AO3098055.
Patrick B. O'Brien, AO3121989.
Michael D. O'Keefe, AO3121889.
Vernon J. Owens, AO3100470.
Thomas A. Parlette, AO3121952.
Norman S. Pattison, AO3097664.
Robert T. Pfeuffer, AO3098940.
Samuel M. Pierson III, AO3074473.
Peter J. Preisner, AO3097596.
Daniel Riesel, AO3093287.
James C. Roan, Jr., AO3115901.
John I. Rogers III, AO3118119.
Kirby S. Ross, AO3121977.
William P. Rudland, AO3118108.
Patrick J. Salve, AO3086956.
Stark O. Sanders, Jr., AO3115904.
Werner E. Scherr, AO3120969.
Leo L. Sergi, AO3116350.
Philip C. Sessoms, AO3116351.
Richard W. Shelton, AO3115915.
Charles O. Simmons, Jr., AO3072123.
Fred M. Sims, AO3096577.
Robert G. Smith, AO3116154.
Barton L. Spillman, AO3096227.
Thomas J. Springob, AO3120971.
Henry J. Steenstra, Jr., AO3116139.
Thomas S. Streetman, AO3121033.
Jack C. Strobel, AO3096475.
Jerome A. Susskind, AO3104351.
James G. Taylor, AO3103828.
Alfred R. Tyminski, AO3072884.
Ralph E. Vannorstrand, Jr., AO3121878.
Clarence D. Ward, AO3121867.
Harold W. Wells, AO3094526.
Frank W. Wilson, AO3074482.
Stow L. Witwer, Jr., AO3086497.
Stuart R. Wolk, AO3086763.
Robert A. Wright, AO3116353.
Robert C. Zimmer, AO3108966.

IN THE REGULAR ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Cooley, Edwin R., O51770.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Alfaro, Daniel V, O92282.
Anderson, Charles, Jr., O99040.
Anthony, Ronald T., O90260.
Arnold, Billy R., O92294.
Bailey, Gary L., O92299.
Baker, Barrie McK., O92302.
Baker, James D., O93114.
Barber, Major J., O92309.
Beem, Gladwin G., O92317.
Berkley, Clyde J., O92322.
Blackwell, Joseph W., Jr., O92336.
Blair, John D., 4th, O93120.
Bliss, Edward F., O93123.
Boyd, Quinton P., O93128.
Brown, Robert A., O94168.
Brown, Roland P., O92363.
Broyles, Robert F., O92366.
Burgess, Douglas R., O92372.
Burwell, Rodney P., O94370.
Byrd, Johnnie P., O94171.
Champagne, Shelton J., Jr., O92390.
Chandler, Charles E., O93375.
Cisneros, Marc A., O92396.
Cowling, Bobby W., O92410.
Crump, Harry F., O92418.
Durel, Francis M., O92450.
Durell, William E., Jr., O92452.
Evans, Floyd L., O92460.
Faison, Robert H., O92463.
Farquharson, Glen D., O92465.
Featherston, Jimmy J., O92468.
Gallucci, John V., O92490.
Gallup, Lelland L., O93172.
Gardner, William C., O92491.
Garner, Joe A., O92493.
Gonzalez, Carlos M., O93175.
Giorgianni, Barbaro F., O99321.
Goss, Joseph B., Jr., O92508.
Harman, Richard A., O92522.
Harper, Donald W., O94198.
Hatch, Robert W., O92526.
Haugland, Harlan K., O92528.
Haygood, James L., O93193.
Herzog, Joseph E., O93197.
Hickey, William J., Jr., O93430.
Himmelsbach, Robert B., O92547.
Holder, Alex M., Jr., O94202.
Hughes, Billy M., O92565.
Jackson, Joseph M., O93437.
Johnson, Daniel G., Jr., O93208.
Jolley, John R., O92587.
Jones, Otis D., O93211.
Kellim, Ronald R., O92599.
Kershaw, Theodore G., Jr., O92689.
Kilburn, Darrell D., O93215.
Langston, Edward H., Jr., O93226.
Ledbetter, William N., O92639.
Liewert, Karl H., O97936.
Linden, Laurence E., O97320.
Magness, Charles F., O99346.
Manners, William E., Jr., O98497.
Markos, George, O93236.
Matthews, John H., O93238.
McGee, William J., O97466.
Miller, Charles A., O92714.
Mitchum, John A., O92723.
Moffett, Joseph U., O92724.
Monford, Ronald T., O92728.
Montgomery, John J., O99356.
Mowery, Robert W., O92741.
Mullens, Frederick T., O92744.
Musmanno, Francis J., Jr., O95307.
Musselman, James A., O93259.
Nash, Norman W., O92750.
Norwood, Thomas E., O99363.
Olson, David E., O92773.
Orsa, George, O99371.
Owen, Jerry D., O92778.
Palmer, Richard H., O99373.
Parsons, Wayland D., O92786.
Philippovic, Gordon, O92798.
Pojmann, David M., O92808.
Polich, Victor J., Jr., O97021.
Prentice, Leland E., O92815.
Redding, Thomas S., Jr., O97189.
Reynolds, William E., O97962.
Ricketson, David M., O93282.
Sampson, Donnie G., O94240.
Serafini, Terry A., O92871.
Sewell, Isiah O., O93295.
Shambarger, Bob E., O93296.
Sherman, John R., O92879.
Smith, Frank T., O94249.
Smith, Ronald H., O93303.
Spence, George W., O93306.
Steele, Rowland G., O92921.
Sterneckert, Richard W., O92924.
Stone, Ronald P., O94252.
Stubbs, Frederic H., O94253.
Swanson, Charles T., O93313.
Taggart, Carl D., O92944.
Tanner, Howard C., O94255.
Trotti, David L., O93323.
White, Dewey E., 092987.
Whiteside, Daniel L., O93334.
Williams, Frank LeR., Jr., O92997.
Williams, Lenton G., O93337.
Williams, Timothy P., O93000.

To be first lieutenant, Women's Army Corps

Groome, Sally L., L623

To be first lieutenants, Medical Service Corps

Cantrell, James E., O92382.
Capps, Joseph H., 097486.
McDaniels, Melvin B., O97159.
Mills, Wade T., O93253.

The following-named persons for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Adams, Gilbert N., O18737.

To be major

Cassedy, William P., O25044.

To be first lieutenant

McIlwain, Robert H., O64099.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be first lieutenants

Boroski, Marvin R. (MSC), O85727.
Briggs, Duncan D., Jr. (MSC), O94569.
Dickson, Richard C. (MSC), O82317.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be lieutenant colonel

Revis, Walter E., O455353.

To be majors

Jones, Robert L., O1913433.
Santangelo, Francis A., O1330598.

To be captains

Aoyagi, Toshio, O2263324.
Atkins, Roy A., O4026350.
Baker, Roger M., Jr., O4066017.
Bryan, Charles D., O2274327.
Carpenter, Carl L., O4010285.
Davaz, Carl G., O1876382.
Dews, Henry L., Jr., O4031131.
Dotson, Richard F., O1890108.
Foote, Alonzo D., O4031056.
Griffin, Thomas N., Jr., O73705.
Hager, Robert H., Jr., O4076416.
Hall, Franklin D., O5405015.
Hegdahl, James O., O4028023.
Holmes, William P., III, O4074824.
Howitz, Ivan H., Jr., O1931074.
Hunter, Robert L., O4016100.
Kelley, Thomas J., O4064829.
Kennington, Joseph M., O1876294.
Luster, Albert B., O4025011.
McAfee, Darwin L., O2105109.
Montague, Thomas W., O4032194.
O'Meara, Patrick B., O4062401.
Porter, Covington B., Jr., O1940028.
Powers, George F., Jr., O4023854.
Roys, Gerald R., O2211713.
Schumacher, David J., O1935989.
Torres, Frank C., Jr., O4070634.
Winn, Frank B., O4074869.

To be first lieutenants

Arbogast, William R., O5207279.
Boland, Jimmie D., O5510043.
Bowe, Robert M., O5705722.
Campbell, George C., O5207066.
Cooper, Robert H., O5307192.
Cuccaro, Joseph T., O5006873.
Dickey, Leonard H., O5306133.
Dunham, David L., O5502761.
Dye, Joseph D., O5704390.
Eisenbarth, Roland W., O5700282.
Elliott, John D., O5310994.
Farmer, Robert E., O5009303.
Freeman, Larry M., O5403886.
Frey, Heino J., O4084336.
Gee, John T., O5508921.
Groves, Delmer W., O5308307.
Hiller, Donald R., O5005678.
Horton, John B., O5311595.
Jeter, James W., Jr., O5309685.
Kannarr, Harold E., O4058271.
Kirn, Paul L., O5405171.
Kunz, Farrell J., O5705143.
Larkins, James M., O5306261.
Lee, Robert C., O5213743.
Murchison, Richard A., O5308999.
Murray, Charles M., O5304400.
Pauli, John T., O5210487.
Sanderson, John O., O5513369.
Siegling, William A., Jr., O5307650.
Smith, Horace A., O5309048.
Steadman, Gordon S., O5008363.

Stronach, Ronald E., O5304074.
Turgeon, Gareth M., O5204220.
Turner, Duane B., O5410081.
Wilson, David G., O5509622.

To be second lieutenants

Acinapura, Joseph N., O5008415.
Arnold, Wallace C., O5212394.
Beedle, Charles E., O5214907.
Biegler, Duane R. J., O5406041.
Chatfield, James M., O5013675.
Dinger, Timothy S., O5214476.
Fisher, Donald J., O5412722.
Frater, Arthur W., O5216404.
Hicks, Robert A., O5515340.
Horowicz, Richard E., O5214584.
Howard, William A., O5516290.
Jones, Malcolm W., O5214132.
Mackintosh, Eric I., O5315119.
Mason, Ralph A., Jr., O5411942.
Mayer, John H., O5313681.
McPherson, William R., O5215807.
Medaris, David M., O5217057.
Mottl, Richard J., O5216340.
Olson, Raymond S., O5515923.
Perrin, William H., O5706738.
Price, Carl N., O5219285.
Samas, Frank R., O5516927.
Stanek, Richard J., O5514856.
Svoboda, Joseph A., O5405836.
Van Loon, Weston O., O2311173.
Worcester, Theodore E., O5516658.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, and 3311:

To be captains, Army Nurse Corps

Cooper, Robbie F., N900237.
Hennek, Angeline, N902343.

To be captains, chaplain

Hosutt, Charles H., III, O4057220.
Hughes, Marvin C., O4075741.
Ricks, Billy G., O5407992.

To be captains, Dental Corps

Cohen, Merlin L., O5312614.
Pawlowski, Anthony C., O5004561.
Ross, Lincoln A., O5206950.
Salem, John E., O5213519.

To be captains, Judge Advocate General's Corps

LaPlant, Earl M., Jr., O4029794.
Stevenson, Bruce E., O2291515.

To be captains, Medical Corps

Diggs, Carter L., O5217671.
Kleinman, Burton A., O5216771.
Orzano, Randel M., O5220540.
Rammer, Martin A., Jr., O5211536.
Reed, James W., O4004462.
Russell, Willis M., III, O4012667.
Szymonski, Zdzislaw, O5518123.

To be first lieutenants, chaplain

Brough, Alfred E., O2307659.
Linderman, James R., O5501055.
Moore, Bobby D., O5306887.
Wilk, Max W., O5501068.

To be first lieutenants, Judge Advocate General's Corps

Glod, Stanley J., O5203977.
Jacob, Gustave F., O5504015.
O'Roark, Dulaney L., Jr., O5212572.
Robins, Philip L., O2309837.
Runke, Richard P., Jr., O5507875.
Smith, Robert B., O2298787.

To be first lieutenants, Medical Corps

Benson, Vernon R., O2305712.
Buckingham, Frank M., O2309349.
Clark, James R., O2309427.
Harper, Randall C., O2313047.
Mack, David W., O5505872.
Martin, Loren W., O2309555.
Sebesta, Donald G., O5217274.
Shukan, Donald C.

To be first lieutenant, Medical Service Corps

Burris, Jimmie D., O5410255.

To be first lieutenants, Veterinary Corps

Fairchild, David G., O2309036.
Van Zytveld, William A., O2307928.

To be second lieutenant, Army Nurse Corps

Nace, Patricia A., N5411571.

To be second lieutenants, Medical Service Corps

Kuhns, Kurt L., O5316485.
Schiefer, Bernard A., O5409912.

To be second lieutenants, Women's Army Corps

Higgins, Betty L., L5317057.
Smith, Tamma C., L2310351.

The following-named distinguished military students for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3292:

DiStefano, James G., O5007358.
Hedges, John W., O5208238.
Lapin, Michael L., O5513282.
Tersigni, Anthony L., O5311225.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Aasen, Robert B.
Berryhill, Robert P.
Bigelow, Donald E.
Blankenship, Dumont G.
Boland, Edward J.
Bosworth, Weldon S., Jr.
Briggs, Ashley
Brye, Paul E.
Carriere, Samuel
Ciancaglini, Joseph L.
Dougherty, Neil J.
Ely, Thomas L.
Ethington, William E.
Fechner, Robert F.
Fleming, John R.
Foxworth, John M.
Gares, William M., Jr.
Gotthold, William E.
Haessig, Arthur G.
Harwell, Richard M.
Hebert, Henry J., Jr.
Kelley, Randall R.
Kernen, George G.
Kopperud, William R.
Larsen, Dennis M.
Mallory, Reginald
Mauldin, Billy G.
Melton, Jackson D., Jr.
Metz, Richard H.
Micek, Jerome J.
Nelson, Larry L.
Nelson, Paul S., O5531950
O'Neal, Jerry L.
Poe, Gerald D.
Potter, George R.
Reineck, Theodore C., Jr.
Rogers, Francis D.
Salko, Joseph E.
Sargent, Martin W.
Schlenker, Patrick A.
Schulze, Robert C.
Strehlow, John R.
Taggart, William V.
Thompson, Carleton K., Jr.
Turner, Milton E.
Watts, Olen C.
White, Francis P.
Winiecki, Stephen D.
Wisdom, Jesse A.
Wood, Robert T.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Acton, Donald R.
Adams, Leland J., Jr.
Adams, Robert G.
Adams, Stanley L.
Adams, Thomas L.
Adkerson, Ronald E.
Alexander, David M., Jr.
Alexander, Gordon L., Jr.
Alldredge, Donald M.
Allen, John E.
Allen, John M.
Allison, Richard G.
Allman, Gary W.
Allred, John F.
Anderson, Darwin J.
Anderson, Dean R.
Anderson, John F.
Andre, James C.
Ankerson, John M.
Appel, George C., Jr.
Armstrong, John S.
Arntz, William C.
Ash, Gerald R.
Ashbrook, Lonnie R.
Austin, Lavern M.
Babinec, Gehl P.
Bader, David A.
Badger, Terry S.
Baggett, William B.
Bailey, Dalene G.
Baillargeon, Paul P.
Baker, Joel S.
Baker, John B.
Bald, James F., Jr.
Baldwin, Cecil A., Jr.
Ball, Francisco P., Jr.
Ballou, Roger W.
Banjanin, Thomas G.
Barbara, James C.
Barnes, Charles W., Jr.
Barnett, Charles D.
Barnett, Phillip G.
Baron, Thomas S.
Barrett, Robert W.
Barry, Anthony
Bartz, Richard C.
Basile, Domenic F.
Batchelder, Michael J.
Batchelor, Thomas J.
Batrow, Peter P., Jr.
Battey, Robert E.
Baukert, Frank P.
Baumann, Charles H.
Beall, Marshall D.
Beane, Jeffrey J.
Beardslee, Harold M.
Beaumont, Richard A.
Bechtold, Earl E.
Bedford, Ralph F.
Bell, David G.
Bell, Donald J.
Bell, Ronald B.
Benedict, Charles T.
Bennett, Leon L.
Benson, Furdon E.
Benson, Joseph W.
Benton, Maurice L.
Bergdolt, Paul F.
Betterley, Edward W., Jr.
Bickmore, Robert H.
Bidorini, Edward K.
Bienkowski, John C.
Binney, Stephen E.
Bippes, Jackie E.
Bird, James E.
Bjork, Gary F.
Black, Bruce R.
Black, Sanford
Black, William L., Jr.
Blackwell, John P.
Blair, Joseph M., III
Blanchard, James A., Jr.
Blessing, Randall M.
Bloomfield, Douglass R.
Blue, Stephen M.
Blumenthal, Russ
Bogensberger, Paul F.
Boldt, David R.
Bolick, Richard P.
Bolin, Daniel H.
Boling, Joseph E.
Booth, Teddy J.
Bornholdt, John N., Jr.
Boroff, Michael A.
Bortree, Walter E.
Bouchard, Frederick R.
Bounds, Hugh M., Jr.
Bowers, Thomas A
Bowman, Thomas E.
Boyd, Robert R.
Brackett, Herbert B., Jr.
Brackett, Ronald L.
Bradbury, William B., Jr.
Bradley, Gene M.
Brake, William M., Jr.
Brawley, Michael J.
Brinton, Robert H.
Brockliss, John A.
Brogdon, James M., II
Brophy, Daniel M.
Brophy, Patrick J.
Brotzman, Ellis R.
Brown, Albert S., Jr.
Brown, James H.
Brown, Martin G.
Brown, Philip H., Jr.
Brown, Richard J.
Brown, Robert B.
Brown, Roger J.
Brown, Victor A.
Broyles, William L.
Bruggeman, Bradley P.
Bruton, Robert W.
Buettner, William S.
Bullard, Charles N.
Burch, James L.
Burke, James A.
Burke, John C., III
Burke, Kevin F.
Burke, William F.
Burkett, Lawrence A.
Busse, Roy J.
Butlak, Jan M.
Butler, Richard J.
Byrd, Ernest L.
Byrd, Wayne W.
Cahill, Gregory
Call, James A.
Camp, Terrence J.
Campbell, Don L.
Cappellino, Anthony J.
Cappone, Theodore T.
Capponi, Jimmie L.
Cardinali, Richard
Cardwell, Stephen G.
Carey, John P.
Carle, James F.
Carmichael, John H.
Carollo, Jack R.
Carr, Jeremiah T.
Carter, Orwin L.
Caruthers, Ralph P.
Casey, Bernard J.
Casey, Michael T.
Cassidy, Christopher J.
Cates, Willard, Jr.
Cates, William N., Jr.
Cavanaugh, Roger J., Jr.
Cerjan, Stephen T.
Chaffers, James A.
Chaffin, Sherrill T.
Chancellor, Charles L.
Chandler, Calvin C.
Chapman, Geoffrey W.
Charlton, Darrel T.
Cherrie, Stanley F., Jr.
Childress, Richard T.
Ching, Wendell T. P.
Chiota, Robert J.
Christoffersen, Jon M.
Christopher, Edwin A.
Churchill, Floyd V., Jr.
Clelland, David H.
Clement, Thomas A.
Clingham, James H.
Cochran, Gill
Coffey, Vincent J.
Cole, Coye M.
Coleman, George T.
Colin, Paul B.
Collins, Arthur L.
Collins, David R.
Collins, Ronald S.
Concannon, Thomas J., Jr.
Condon, Thomas B.
Confer, Kenneth T.
Conlon, Joseph F., III
Conn, Peter N.
Conner, John T.
Connolly, Patrick C.
Conrad, Joseph C.
Cook, Robert E.
Cooper, Norman G.
Corcoran, Edward J.
Corey, George C.
Cornett, Donald C.
Cousins, Lawrence F.
Covalucci, Robert J.
Cox, William A., III
Coyle, Ronald D.
Crites, Richard J.
Crone, William H., IV
Crossman, John S.
Cullen, James G., III
Cunningham, Richard J.
Cunningham, William A. IV
Cupp, James L.
Cusick, John J.
Cutshaw, Charles Q.

Czepiel, Ronald W.
Dahms, William J.
Daily, James I.
D'Amico, Frank A.
Daniels, Harry J.
Dash, Michael E.
Daub, Russell S.
Davidson, William C.
Davis, Carlton E.
Davis, Glendel C.
Davy, Douglas C.
Dean, Richard V.
Deasy, Kevin B.
Decoteau, Glynn T.
Dee, Raymond C.
Delay, James F.
Deloatch, Voneree
DeMaria, Gerald C.
Derrah, Donald W.
DeRuosi, James R.
Devanney, Thomas M.
Dexter, Paul D.
Dias, Willam R.
Dice, Kenneth E., Jr.
Dick, Donald E.
Dickson, Donald J.
Diesing, Richard C.
Dietze, Jeffrey C.
DiNapoli, Patrick A.
Dixon, Daniel D.
Dixon, Peter J.
Donaldson, Guy II
Donnelly, Joseph J. III
Dorton, James M.
Dowdy, Edward C., III
Dovas, Christos A.
Downie, John P.
Downs, Michael C.
Dresser, Paul A., Jr.
Drillock, Serge
Druesne, Barry N.
Dubois, Joseph J. R.
Dudley, Kyle E.
Duncan, Floyd H.
Dunn, Emet C., Jr.
Dunn, Richard L.
Dunning, Raymond M., Jr.
Dunning, Thurlow R., Jr.
Durrenberger, Cyril J.
Duryea, Walter S., II
Dussling, William J.
Ebbs, John Q.
Ebert, Charles D.
Echols, Ewell E.
Eckman, Arthur G.
Edwards, Jerry W.
Edwards, John R.
Edwards, Lloyd L., Jr.
Edwards, McKinley C., Jr.
Egan, Peter F.
Egel, Dan K.
Eggers, Howard C.
Eichenlaub, Alfred J., Jr.
Eimers, Garth W.
Elkins, Michael L.
Elling, Gary R.
Elliott, Charles B., III
Ellison, John S.
Ellsworth, Lynn S.
Ely, Douglas C.
Enderle, Alan G.
Endress, George W.
Engelking, Roger F.
Esch, Edward W.
Ettrich, Bernd D.
Falise, Ferdinand R.
Farr, David A.
Faulkner, Fred D.
Felker, Richard F.
Felton, William D.
Ferguson, James K.
Ferguson, Joseph W., Jr.
Fernandez, Carlos M.
Ferry, John V., Jr.
Field, Charles L.
Filaseta, Michael A., Jr.
Fillingame, Billy W.
Fiorini, Albert E.
Fischer, Ronald E.
Fitch, John A.
Fitzgerald, Daniel J.
Flanagan, James A.
Fletcher, Jeffrey
Flick, Michael B.
Flynn, Harold D., Jr.
Fond, Jerrold S.
Forepaugh, Vance B., Jr.
Foresee, Dale D.
Forshaw, Harold A.
Fortunato, Edward T.
Foster, Frank C., Jr.
Foster, Richard A., Jr.
Fostervold, Harald M.
Fox, David W.
Frado, Edward L., Jr.
Francis, George F., III
Francisco, John R.
Francisco, Sidney C.
Franco, Alfred N.
Franz, William S.
Fraser, George D.
Freestone, William H., Jr.
French, John R., Jr.
Freund, Robert J.
Friedman, Eugene J.
Friedrich, Robert L.
Friend, Gary G.
Friesenhahn, Henry J., Jr.
Fritchie, John W.
Fuentes, Henry L.
Furey, Donald A.
Gabriel, Richard A.
Gadarowski, James J.
Gaetje, Frank C.
Gagnon, Donald L.
Gaither, John B.
Galaida, Michael A.
Garber, William B., Jr.
Garcia, Henry G.
Gardiner, Jan P.
Gardner, Benjamin R.
Gaston, Hardie M.
Gates, Elmer A.
Gauger, George H.
Gawronski, Kenneth E.
Gelb, Alvin R.
Gentner, William E.
George. James D.
George, Raymond L.
Geraghty, James D.
Geyer, Albert P., Jr.
Gibbs, William B.
Gilmore, Gerald T.
Giuntini, Charles H.
Givens, John W.
Glase, Peter J.
Glass, Allen F.
Godfrey, Gary C.
Godfrey, Jeffrey H.
Godwin, Harry M.
Golas, Robert J.
Gomsrud, Lowell R.
Gonzalez, John A.
Gooch, Gerald L.
Goodman, Euell D.
Goodman, Hubert C., Jr.
Goodwin, Larry K.
Gould, Roy A.
Grammel, Ronald G.
Graser, Alfred J.
Gray, Roy V.
Green, Jerry D.
Griffin, Sanford W., Jr.
Grippe, Jerome P.
Grosso, Gerard S.
Grotheer, Allan J.
Grubar, Joseph J.
Gryniuk, Bernard P.
Guillot, Lloyd J.
Guimond, Paul R.
Gulliksen, John E.
Haas, Charles W., II
Haddock, Spencer R.
Hadlock, Walter J.
Hagen, Christian G., III
Halberg, Richard C., Jr.
Hall, Philip L.
Halleck, Robert H.
Hamburger, Kenneth E.
Haraszko, Dennis A.
Harbold, William A.
Hardy, Bob A.
Hardy, John L., III
Harris, Philip R.
Harris, Terrance B.
Harrison, George C.
Harrison, Thomas R.
Hasse, Max A., III
Hauser, Donald G.
Hayashida, Myron K.
Haydon, David E.
Hazelton, William C.
Herbert, Sherrill G.
Heckmann, Richard J.
Heger, Richard G.
Hegg, George H.
Helmick, Richard A.
Henderson, Robert S.
Hess, Michel E.
Hetherly, David C.
Hibbard, Jack
Higginbotham, Norman D.
Hill, Wayne S.
Hillard, David F.
Hiller, Jack H.
Hines, Kerry L.
Hite, Ronald V.
Hodges, Edwin C.
Hodor, Robert P.
Hoefler, John L.
Hoekelman, Thomas P.
Hoff, Richard L.
Holler, Joseph C.
Hollingsworth, Ronald T.
Holmes, Jack J.
Holsome, Welton C.
Holt, Wayland T.
Holtz, Charles A.
Holtz, William J.
Hospodar, William G.
Houck, Merle L.
Houston, James A.
Huber, Charles M.
Huber, Walter D.
Hudson, Kelly S.
Hunt, Leon T.
Hutchins, Paul D.
Hunter, Ronald E.
Iacino, David
Igel, Peter A.
Incendio, Joseph R.
Inman, Paul M.
Isaac, Alfred G.
Jackson, George B.
Jackson, Richard E.
James, Langley B.
Jenkins, George D.
Jiles, James H.
Jimeniz, Robert J.
John, Jim P.
Johnson, Charles L.
Johnson, Donald R.
Johnson, Richard T.
Johnston, Julius C.
Jones, Buddington B., Jr.
Jones, Donald L.
Jones, Herman H.
Jones, Joseph B., Jr.
Jones, Philip A.
Jones, William A.
Jordon, Jack D.
Jordan, Robert K., Jr.
Jorgensen, Michael R.
Julian, Robert A., Jr.
Jzyk, Theodore J., Jr.
Kalen, John J.
Kane, Mark A.
Kaufman, Benjamin J.
Kavanaugh, Kenneth J.
Kawamoto, Spencer K.
Keating, Ronald F.
Kedra, Martin J., Jr.
Keefer, Ellis B., Jr.
Keenan, Robert L.
Keeshan, Edward J., Jr.
Keller, David M.
Kelley, Richard J.
Kelly, James A., Jr.
Kelly, James P.
Kelly, Robert J.
Kelly, Thomas C.
Kendall, Arnold E.
Kendall, Glen R.
Kendra, Joseph A.
Kendy, Joseph, Jr.
Kennedy, Condon P.
Kennedy, Peter B.
Kernahan, Gregory P., Jr.
Kerr, William B.
Kerrigan, Robert J.
Kesler, Robert W.
Kevitz, Eric A.
Keyes, Joseph E.
Kidd, Wayne E.
Kiely, William L.
Kievenaar, Henry A., Jr.
Kindergan, John F.
King, Henry C., Jr.
King, Jay P.
Kirk, Bedford J., Jr.
Kirsch, Carl V.
Kitchen, Walton J., Jr.
Klein, George C.
Klint, Ernest K.
Knotts, Ralph D.
Kochenour, Neil K.
Kolanowski, Stanley J.
Konig, Lawrence K. A.
Kormanik, Robert
Korponai, David A.
Kozak, Peter T.
Kramer, William J.
Kraus, John D., Jr.
Krause, Michael D.
Kruger, Lawrence J.
Krummenacker, George G.
Kubal, Ralph R.
Kubicek, Charles K.
Kyle, William T., Jr.
LaButti, Ronald J.
Lamarine, Paul A.
Lamoureux, Michael P.
Landowski, Robert R.
Laney, John T., III
Lang, Lawrence A.
Lange, David L.
Lanier, Tharan J.
Lanning, James W.
Larkin, Andrew M., Jr.
Larson, Edward B., Jr.
Larson, Thomas R.
Latimer, William E. Jr.
Laughton, Sherman M.
Lawless, James G.
Leary, Robert N.
Lee, Robert E.
Lee, Robert E.
Lehner, Jon O.
Lehowicz, Larry G.
Leve, Bruce A.
Lewis, Dennis A.
Lewis, James M.
Leyendecker, John S., Jr.
Lincoln, Daniel B.
Lindman, Alan A.
Lindsay, David O.
Lindstrom, Lawrence A.
Lisech, Howard D.
Loar, Jerry E.
Lockart, Henry C.
Lollis, Stuart H.
Londino, Nicholas J., Jr.
Lopez, Robert B.
Lord, John M.
Lorenz, John F.
Losey, Myron D.
Lottman, Bruce R.
Lovelace, Frederick W.
Lowe, Richard A.
Lowthian, John T.
Loyd, Gerald E.
Lum, Franklin Y. S.
Lumb, Randolph C.
Lundquist, Loren G.
Lundy, Robert J., Jr.
Mabie, Gordon W.
MacDonald, Clifford M., Jr.
MacDonald, Terence S.
Mahn, Michael J.
MaKieve, Michael M.
Manhart, Michael H.
Manke, Bruce B.
Mann, William H., III
Manske, Tad P.
Marcy, John
Marler, Richard L.
Marlow, Michael M.
Marsh, David R.
Martin, Edward G.
Martin, Jim I.
Martin, Loren D.
Martin, Peter R.
Martin, Steven J.
Martinez, Fernando
Masso, Frank J., Jr.
Mathieu, Jean-Paul E.
Matlesky, Gerald G.
Matrosic, Charles A.
Maulella, Vincent M.
Mazik, Peter D.
McAdams, Thomas A.
McCann, Wayne D.
McCloskey, John S.
McClure, John A.
McClure, Robert N.
McConnell, Jeffrey A.
McCormick, James M.
McCoy, Frederick W., Jr.
McCoy, Harry A.
McCracken, Dudley J., Jr.
McFarlin, Robert P.
McGowan, Duncan S.
McGown, Michael D.
McGrath, Dennis J.
McGrath, Francis C., III
McIntosh, Bruce A.
McIvor, Thomas R.
McKinney, Wilson W.
McLaughlin, Richard J.
McNeill, David, Jr.
McTigue, Norman P.
Meabon, David L.
Medlock, Ralph E., Jr
Meixell, David O.
Mellett, Richard E.
Mendel, William W.
Menig, David B.
Menzel, Sewall H.
Merkle, William F., III
Messinger, Boyd R.
Metzgar, William H., Jr.
Mietus, John R.
Mikula, Emery G.
Miller, David E.
Miller, John W., Jr.
Miller, William G., Jr.
Milo, Lawrence J.
Mingo, Frederick A.
Mirus, John E.
Mitchell, David A.
Mize, Arthur C., Jr.
Moebes, Jerry W.
Moehrl, Michael F.
Montgomery, John L.
Moody, Robert W., Jr.
Mooney, Howard T., Jr.
Moore, John E., Jr.
Moore, Peter C.
Morasco, Francis M.
Morgan, Ronnie L.
Morig, Robert D.
Morimoto, Warren S.
Morin, Dennis L.
Morse, Jan R.
Mortimer, Stanley M.
Morton, Frederic W., Jr.
Moser, John T.
Moss, John L.
Mullen, James F.
Munera, Antonio, III
Murphy, Michael K.
Murphy, Robert M., Jr.
Murray, David J.
Murray, Kenneth L.
Murray, Thomas R., Jr.
Musante, Louis P.
Nagy, Edward L.
Neeb, Randall
Neese, Jimmie M.
Nelsen, James W.
Nester, Harley D.
Nielsen, Alan R.
Nieman, Lowell T.
Nisbet, Gerald D.
Noble, William C.
Norris, John H.
Norton, Robert C., Jr.
Nugent, Thomas
Nunnally, Charles E.
O'Brien, Daniel T.
O'Brien, Thomas M.
O'Brien, William H.
O'Bryan, James M.
O'Connor, Edward T., Jr.
O'Doa, David P.
O'Donnell, Robert M.
Odum, Michael R. R.
O'Grady, Martin J.
O'Mara, Timothy M.
Onweller, Arthur E.
Orell, Seth R.
Osterlin, Howard P.
Ostertag, William J., Jr.
O'Sullivan, Kevin E. F.
Paduch, Dale F.
Page, Donald G.
Pagonis, William G.
Palanchar, James M.
Palumbo, Guy B.
Pappas, John E.
Patch, George E.
Paton, Thomas D.
Patterson, Alexander W.
Patulea, Gregory N.
Peake, Charles A.
Pearson, William R.
Peckett, Jack E.
Pedersen, William N.
Pence, Albert L., III
Penn, John E.
Perrill, Robert D.
Pert, Agu
Peterson, Jay R.
Pfeffer, Albert J., III
Pfeiff, William P.
Pheeney, Walter T.
Pickett, George E., Jr.
Pickthall, Thomas W.
Pilant, Dale L.
Pike, A. Nolan, III
Pinnell, Steven S.
Pitt, Alan B.
Pitt, Don L.
Plaut, Peter K.
Plumadore, Jan H.
Polliard, John C.

Polonitza, Edmund H., Jr.
Poole, Kenneth A.
Potter, Gerald D.
Pozzetta, George E.
Prentice, Eugene M., III
Price, Jerry C.
Price, Robert D.
Principe, John J., Jr.
Prischmann, Clinton R.
Prohaska, Thomas G.
Propp, Carl R.
Proto, Francis J.
Przybylski, John J.
Puckett, John D.
Pullen, Peter W.
Pullins, Jerald L.
Pulsts, Peteris
Quesnel, John R.
Quirk, Michael F.
Racine, Maurice D.
Rafanelli, Gene H.
Rayman, John R.
Rea, Sam W. P., Jr.
Read, Bruce H.
Reaves, Donald W.
Redmond, James P.
Reeves, Howard R.
Regan, Ronald T.
Regner, John C.
Reid, Gerald F.
Reilly, Philip H.
Reth, Thomas B.
Reynolds, George W., Jr.
Rice, Bradley S.
Richardson, Charles D.
Richardson, James A.
Rieke, John L.
Riggs, John P.
Rimm, William R.
Riscavage, George A., Jr.
Rivard, James L.
Roach, John H., Jr.
Roberts, Harlan E.
Robinson, John C.
Robinson, Robert R., III
Robinson, Winston T.
Rodgers, Roland F.
Rodier, William I., III
Roemer, Harold E., Jr.
Rogers, Arthur N., III
Rolland, Daryl L.
Roochvarg, Alan C.
Rosler, Edward F.
Ross, Anthony F.
Rowe, Charles K.
Rowland, Michael Y.
Rubin, Leonard J.
Rudnitsky, Marvin
Rundquist, James W.
Rutt, Richard T.
Ruzyla, Lawrence
Ryan, Michael J.
Ryan, Michael L.
Sadler, Larry D.
Sanford, Teddy H., Jr.
Sarno, Dominico
Satkevich, Paul
Sauter, William A.
Scardina, John A.
Scecina, Joseph T.
Schaaf, Clifford C., Jr.
Schantz, Vincent L.
Schimmel, David W.
Schlangen, Joseph A.
Schmidt, Edward M.
Schmidt, Robert J.
Schoeller, Herbert J., Jr.
Schwartz, Ronald J.
Schwartz, Thomas M.
Seelig, Louis C.
Seketa, Charles S.
Semon, Martin R.
Sepsi, Gary J.
Sestili, Robert J.
Shafer, Lee D.
Shaker, Richard A.
Shannon, Kenneth M.
Sharratt, Thomas B.
Sheak, Jack C.
Shepherd, David A.
Shimotori, Gene N.
Simmons, Douglas C.
Simmons, Douglas M.
Simus, John O.
Slabaugh, Bryce L.
Slama, Richard A.
Sligar, Norman F.
Smay, Donald R.
Smith, Billy P.
Smith, Charlie W.
Smith, Elijah H., Jr.
Smith, John C.
Smith, Raymond C., Jr.
Smith, Stephen C.
Smith, Walton N.
Smothers, Curtis R.
Sneider, Anton C.
Snow, Joseph T.
Sombart, Rolland A.
Sommer, John R., Jr.
Sommerkamp, Robert M.
Sorensen, Kenneth C.
Spells, John D.
Speranza, Nicholas P.
Sprouse, Charles T., Jr.
Stack, John J.
Stafford, Stanley D.
Stanberry, Marlin E.
Stanley, Furman K., Jr.
Staples, Arthur W., III
Starkey, James A., Jr.
Starnes, John L.
Starzynski, James R.
Statz, John R., Jr.
Stearns, Craig B.
Steffick, John S.
Steltmann, Harry F.
Stephens, James C.
Sterling, Dale M.
Stewart, James B.
Stewart, Robert L.
Stewart, William T., Jr.
Stickler, Tom E.
Stisitis, Robert P.
Stock, Mark W.
Stocker, Ralph F.
Stolte, Robert R.
Stone, Haskel P., Jr.
Stone, Paul W., Jr.
Stroup, Loyd R.
Studt, Steven A.
Stulak, John
Sullivan, Dennis J.
Sullivan, Timothy J.
Sumner, William Q.
Surowiec, Arthur E.
Sutton, Boyd D.
Swanson, Roland I., Jr.
Swink, Terry E.
Swiss, Jeffrey A.
Taylor, James V., Jr.
Teates, Hunter B.
Tedesco, Vincent J., Jr.
Tellis, Andrew J.
Tepedino, Michael E.
Terry, Robert B., Jr.
Textor, William M., Jr.
Thackston, Bruce L.
Thalken, Thomas D.
Therrell, Brock M.
Thie, Harry J.
Thies, Bobby L.
Thimsen, Jeffrey J.
Thompson, Donald L.
Thompson, Harold J.
Thwing, Theodore N.
Tinari, Frank D.
Tingle, Gordon W.
Tivol, Edwin A.
Toney, Elizer
Tornabene, William S. L.
Torres, Walter, Jr.
Townsend, Elester C.
Traskey, John P.
Travis, George J., Jr.
Trotsky, Joseph E.
Tschanz, Arnold T.
Tucker, Edwin H.
Tunin, Ronnie M.
Turner, Joseph J.
Turner, William E.
Tuttle, Herbert M.
Underwood, Alan K.
Underwood, John L.
Underwood, Lawrence C.
Vail, Leslie B., Jr.
Van Horn, John B.
Van Matre, Donald G., Jr.
Van Stone, Donald L., Jr.
Van Winkle, James C.
Velkey, Robert J.
Vennard, Gerald A.
Verdier, Douglas L.
Veselka, Shelburne J.
Viall, Charles C., Jr.
Vice, John W.
Vigue, Ronald L.
Villiere, George J.
Vingelen, Allan D.
Vlk, James F.
Wagner, Frank J., Jr.
Wahl, William E.
Walbeck, Daryl G.
Walker, Charles A.
Walker, Charles L.
Walker, Patrick E.
Walker, Thomas M.
Ward, Emmett J.
Warner, Alvin L., III
Watson, Gordon E.
Weatherspoon, Charles P.
Weatherwax, Wallace W.
Webb, William F.
Weeden, Donald C.
Weichel, Frederick P., Jr.
Welch, Alan H.
Wells, Geoffrey F.
Welsh, William E.
Wettack, John T., III
Wetzel, David C.
Wetzel, Lawrence R.
Whalen, Roy E.
Whitaker, James P.
White, Edwin J.
Whitehorne, Joseph W. A., IV
Whitmer, Bruce L.
Whitney, James I.
Whitney, Roger B.
Whitten, Wilburn L.
Wickens, Donaldson V
Wilder, Thomas F.
Wiley, Howard L.
Wilkerson, James V.
Wilkinson, Terry W.
Williams, Edward G.
Williams, Gary E.
Williams, Oler P., Jr.
Williford, Loyd E.
Willis, Dudley H.
Willis, Ralph H.
Wilson, James L.
Wilson, Robert D., Jr.
Wilson, William W.
Winkler, Karl F.
Winslow, Wendelin W.
Wiser, James W.
Wolfe, Bert P., Jr.
Wolfgang, John R.
Womack, Robert L.
Wood, Marion D., Jr.
Wood, Norman, M., Jr.
Wood, William R., Jr.
Woodbury, Kenneth M.
Woods, James H.
Work, Samuel C.
Wrenn, Norris C.
Yamada, Earl M.
Yenrick, Philip C.
Yolch, Andrew A.
Young, Philip W.
Youngblood, Norman E., III
Zaccaria, Michael A.
Zacheis, David W.
Zanca, Peter A.
Zelten, Robert A.
Zerofsky, Michael C.
Zigo, Paul E.
Zipp, Kenneth A.
Zitz, John E.
Zolkiwsky, Donald J.
Zugmier, George A.
Zweig, Richard N.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 11 (legislative day of March 9), 1964:

POSTMASTER

The nomination sent to the Senate on February 3, 1964, of Gordon P. Atwell to be postmaster at Clarence, in the State of New York.

EXTENSIONS OF REMARKS

Louis W. Kaufmann

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1964

Mr. MURPHY of New York. Mr. Speaker, I want to express my deepest sympathy to Mrs. Louis W. Kaufmann and Lt. Louis W. Kaufmann, Jr., on the passing of one of Staten Island's most foremost citizens, Louis W. Kaufmann.

Louie Kaufmann was "Mr. Real Estate" of Staten Island. The high regard in which all segments of his industry, the banking industry, the legal field, and the county, city, and Federal Government, held him was a source of pride to all Staten Islanders.

He will be missed by all who knew him, but his wife and son may take some comfort in the knowledge that his good life will be rewarded in the next.

Chamberlain Questionnaire

EXTENSION OF REMARKS

OF

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1964

Mr. CHAMBERLAIN. Mr. Speaker, it has been my practice since first becoming a Member of Congress to solicit the views of the citizens of the Sixth Congressional District of Michigan early in each session of Congress. I recently received the computer tabulation of my eighth annual questionnaire and I hasten to make the results public. It is especially noteworthy that while 56 percent favored the recent tax cut bill, 85 percent said that Federal spending should be cut to compensate for the loss of revenues due to the \$11½ billion tax reduction. Furthermore, 77 percent said that they were opposed to any further increases in the Federal debt ceiling. This response leaves little doubt that the public demands a cut in Federal spending and an end to budget deficits.

I would also point out the response to questions about proposals to alleviate unemployment which revealed that 27 percent favored, while 55 percent opposed, the 35-hour workweek and 33 percent favored and 50 percent opposed the attempt to discourage overtime work by requiring doubletime wage rates for such work. Because of the industrialized character of the Sixth District, I believe that these figures are significant.

The wheat deal was another topic that evoked a decided opinion with 76 percent saying that credit should not be extended to Communist countries purchasing U.S. surplus wheat. From the time this wheat deal was in the rumor state, I have expressed my disapproval of it, and I am gratified that so many are in agreement. This substantiates the position of those of us who have twice voted not to grant such credit and questions the wisdom of the administration in forcing Congress to