Robert Lawrence Blair
Gary Monroe Boutz
James David Brown
James Richard Burnham
Thomas Earl Bush
Albert Arthur Caporaso, Jr.
Thomas Spencer Crain
Robert Thomas Crowder II
Salvatore Joseph Culosi
Donald Douglas Dailey
David Bennett Dews
John Stephen Donovan
Peter Lloyd Drahn
Frank Ralph Giordano
Michael Joseph Gray
Michael Edward Harlan
Tommy Wade Harman
George Frank Hromyak, Jr.
Mont Hubbard, Jr.
Tyler Bennett Huneycutt III
Nicholas Boehm Kemp
Franklin Delano Knight
Randall Phillips Kunkel
John Barrett Kyle
Emil Theodore Lechner
Jon Thomas Little
Henry Coval Liverpool, Jr.
George Ernest Lonsberry
Donald Alexander MacIsaac
Lassiter Albert Mason, Jr.
Jeffrey Lynn Merrill
Leroy Mills
John Quincy Mulvaney
William Thomas Murphy
Gregory Michael Olson
Kenneth Kevin Ordway
David Russell Perkins
Richard Edmund Peterson
Richard Edward Plymale
Richard Allan Puckett
David LeRoy Ramsay
John Wallis Raymond
Jere Michael Richardson
John Robert Rogers
Howard Kane Schue
Richard Stephen Schuley
Kenneth Lansing Scott, Jr.
Jerry Lee Shelton
Ronald Howard Smith
Leo Vincent Spinelli
Henry Larry Strickland
Jeffrey Victor Sutherland
Richard Joseph Tiplady
Edward Stanley Topor
William Charles Van Buskirk
Frank Clarence Watson
Sigmund Tatar Weiner
Clifford Earl Williams
Richard George Williams
Karl Robert Wilson
Edwin George Winborn

The following midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

John Melvin Cremin, Jr.
Gayle Thomas Kelley
Jeffrey Michael Miller
James Leroy Williams

HOUSE OF REPRESENTATIVES

MONDAY, MAY 18, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 3: 5: *Trust in the Lord with all thine heart; and lean not upon thine own understanding.*

Most merciful and gracious God, whose resources of wisdom and power are inexhaustible, may we be blessed this day with the clear and commanding conviction that truth and righteousness and justice are virtues that can never be destroyed.

Grant that the Members of Congress may have a large share in maintaining the moral and religious principles of our beloved country lest the forces of atheism and agnosticism cause us to go down in defeat.

May their deliberations and decisions help to establish a commonwealth of freemen, strong and great in the love of God and man, walking in the ways of peace and sustained by a radiant vision of its ultimate triumph.

To Thy name we ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1964, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 7, 1964:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

On April 11, 1964:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

On April 27, 1964:

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

On May 14, 1964:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (allias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Doctor Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 302. Concurrent resolution relating to the sesquicentennial of the Norwegian Constitution.

The message also announced that the President pro tempore, pursuant to Senate Concurrent Resolution 71, had appointed Mr. JORDAN of North Carolina, Mr. SPARKMAN, and Mr. SALTONSTALL, as members on the part of the Senate, to the Joint Committee To Make Arrangements for the Inauguration of the President-elect and Vice-President-elect on January 20, 1965.

THERE WILL BE A KEE IN CONGRESS

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, in my brief service in Congress, it has been a source of great inspiration to serve with the first lady ever to represent the State of West Virginia in the Congress, Mrs. ELIZABETH KEE. We all regret that she has reached the decision not to run again this year. At a later date, I am sure there will be an occasion and opportunity for Members to express appreciation to the gentlewoman from West Virginia [Mrs. KEE] for her distinguished service in this body since 1951.

We had a primary election in West Virginia last Tuesday. It was not quite as earth shaking as the Presidential primary of 1960. But it did produce some significant results, not the least of which was the nomination of Mrs. KEE's able son, James Kee, as the Democratic candidate for West Virginia's Fifth Congressional District seat which Mrs. KEE now holds. With a registered Democratic majority of over 3 to 1 in West Virginia's Fifth Congressional District, I am confident that James Kee will join us next January as a new Member of the 89th Congress.

Jim Kee won the Democratic nomination by rolling up 28,456 votes, as against 16,733 for Harry G. Camper, Jr., and 11,040 for Robert J. Staker. Jim is already well known to most of us, having served as Mrs. KEE's administrative assistant. He will continue the tradition of outstanding service which was started by the late Representative John Kee, who served in this body from 1933 to 1951, and was chairman of the House Foreign Affairs Committee.

Jim Kee was born in Bluefield, W. Va., and was educated in the public schools in Bluefield. He later attended Greenbrier Military School, Southeastern University School of Law and the School of Foreign Service at Georgetown University. He served in the Army Air Force during World War II. He has a gold life membership in the American Legion and is at present vice commander of the American Legion of the department of the District of Columbia. Among his many other accomplishments, Jim Kee is former national president of the Conference of State Societies and served as chairman of the State Societies' Participation Committee of the 1961 Inaugural Committee. He was recently elected to his fourth term as president of the West

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Virginia Society in Washington, and is past national president of the Alumni Association of Greenbrier Military School.

During his foreign service career, Jim Kee was a Staff Foreign Service officer assigned to international conferences with service in Washington and Canada, as well as having served in the American Embassy in Uruguay. In 1962, he was presented the Award of Honor as Son of the Year by the Sons' and Daughters' Day Foundation, Inc.

An Episcopalian, Jim Kee is married to the former Helen Chapman of Welch, W. Va. They are the parents of three daughters and have two grandchildren. He makes his home at 105 Oakhurst Avenue in Bluefield, and in this area at 5441 16th Avenue, Hyattsville, Md.

Mr. Speaker, I am proud to make this announcement concerning the future of the West Virginia delegation in Congress. We look forward to welcoming Jim Kee as a Member of this body.

ELECTION OF CHAIRMAN OF COMMITTEE ON APPROPRIATIONS

Mr. MILLS. Mr. Speaker, I offer a resolution, House Resolution 725, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 725

Resolved, That GEORGE H. MAHON, of Texas, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE LATE DR. VLADIMIR MACEK

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, over the weekend Dr. Vladimir Macek, exile head of the Croatian Peasant Party and leader in anti-Communist groups throughout the free world, passed away here in Washington. Dr. Macek had lived in Washington since 1947, having fled Yugoslavia in 1945 as a refugee from Communist oppression.

He had a long and honorable career, serving as a member of the Yugoslav Parliament in Belgrade, acting as the head of opposition parties in that country, and in 1941 becoming Vice Premier in a Yugoslav Government. During World War II he was held in a concentration camp by Nazi authorities and, as I have indicated, fled the country in 1945 to escape the Soviet-directed takeover of Yugoslavia by Dictator Tito.

He was extremely active throughout his years of exile in numerous organizations dedicated to opposing the spread of communism and the colonial control the Soviet Union exercises in Eastern Europe. He was interested in securing freedom for all the people of Yugoslavia and in restoring legitimate democratic government to that land. His passing thins the ranks of the stalwart leaders who serve as the voice of the oppressed millions in Communist-dominated Eastern Europe.

The passing of leaders such as Dr. Macek makes it necessary for us to rededicate ourselves to the cause of freedom that he so consistently served. I wish to express to his family and loyal supporters the necessity of their continuing their efforts in his memory to bring about the goal for which he so steadfastly strived.

We recognize that the race is not always to the swift. Exiles now in the free world who are working to restore freedom to their native lands must pass on the banners of leadership to succeeding generations until ultimate victory of freedom over communism and, self-determination of peoples over autocratic rule is achieved.

It would be especially timely, Mr. Speaker, to have the foreign policy of the United States reverse its present practice of accommodation of communism and work effectively with the exiled leaders of Communist-held lands to carry an economic, psychological, and diplomatic cold war offensive against the Red colonial empire until the peace and security of all the world is fully guaranteed. Such an effective, affirmative program would prove that valiant leaders such as Dr. Macek did not live in vain.

VIETNAM

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, some of us in the House of Representatives are beginning to be deeply disturbed by information filtering through to us from our personnel in Vietnam, indicating that they are being supplied with obsolete equipment and that the effort being made there on our part is far from sufficient.

I was personally dismayed some weeks ago, after being invited to join a small bipartisan group of Members of the Armed Services Committee, who proposed to travel to Vietnam, inspect the area, and the operations in that country, and judge the situation for themselves, to be told shortly after the return of Secretary McNamara from one of his visits to Vietnam, that authority for the trip would not be granted.

It makes me wonder just what is being hidden with respect to our operations in Vietnam. I shall be particularly interested in finding out this Wednesday, if the Secretary of Defense, or the White House, played a significant role in the denial of authority for the trip to Vietnam which I had expected to make. It seems to me the time has arrived when we, as Americans, must decide whether we want to win, or get out in Vietnam.

MUTUAL DEFENSE AND DEVELOPMENT PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 307)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Last January, in my budget message to the Congress, I pointed out that this budget made no provision for any major new requirements that might emerge later for our mutual defense and development program. I stated then that if such requirements should arise I would request prompt action by the Congress to provide additional funds.

That need has emerged in Vietnam. I now request that the Congress provide $125 million in addition to the $3.4 billion already proposed for foreign assistance. Seventy million dollars is required for economic and $55 million for military uses in Vietnam.

Since the 1965 budget was prepared, two major changes have occurred in Vietnam:

First, the Vietcong guerrillas, under orders from their Communist masters in the north, have intensified terrorist actions against the peaceful people of South Vietnam. This increased terrorism requires increased response.

Second, a new government under Prime Minister Khanh has come to power, bringing new energy and leadership and new hope for effective action. I share with Ambassador Lodge the conviction that this new Government can mount a successful campaign against the Communists.

In March, Prime Minister Khanh declared his intention to mobilize his nation. This intention has now been confirmed by his new and enlarged budget for 1964. It provides for:

Expanding the Vietnamese Army, civil guard, self-defense corps, and police forces, and integrating their operations with political, economic, and social measures in a systematic clear-and-hold campaign.

Greatly expanding and upgrading the Vietnamese civil administrative corps to increase the Government's effectiveness and services at the village, district, and Province level. Local government capacity, responsiveness to popular needs, and initiatives are to be strengthened.

Better pay scales for the men and adequate budgets for the organizations engaged in this struggle of many fronts.

Manifold expansion of training programs, to provide teachers, health workers, agricultural, financial and administrative staffs for the rural areas.

These and other measures, if promptly carried out, will require an increase of about 40 percent in Vietnam's domestic budget expenditures over the 1963 level—a far greater expansion of Vietnamese effort than was assumed in the assistance plans submitted in January. Under present circumstances, Vietnam's domes-

tic revenues cannot be increased proportionately. Severe inflation resulting from a budget deficit would endanger political as well as economic stability, unless offsetting financial actions are taken. We expect the Vietnamese Government to take all possible self-help measures to deal with this problem internally, but substantial increases in economic assistance also will be required. We must share the increased costs of the greatly intensified Vietnamese effort.

Our more direct support of the expanded Vietnamese military and civil operations also must keep pace with the intensified Vietnamese effort. On the civil side—through AID's counterinsurgency program—this means more fertilizer, medical supplies and services, repair parts and replacements for war-damaged railway rolling stock, school supplies and building materials, well-drilling equipment and teams to bring fresh water to the villagers, and enlarged advisory staffs in the provinces.

On the military and paramilitary side, additional equipment, ammunition, training and supplies will be needed as the organization and functioning of the armed forces improves. Additional aircraft, pilot training for the Vietnamese and airfield improvements are required. Increased activity will require additional ammunition. Additional support equipment is required for all forces.

The vigorous decisions taken by the new Government of Vietnam to mobilize the full resources of the country merit our strongest support. Increased Communist terror requires it.

By our words and deeds in a decade of determined effort, we are pledged before all the world to stand with the free people of Vietnam. Sixteen thousand Americans are serving our country and the people of Vietnam. Daily they face danger in the cause of freedom. Duty requires, and the American people demand, that we give them the fullest measure of support.

We have reviewed the entire budget for mutual defense and development programs once again to determine whether we can accommodate within it these added requirements. We cannot. In fact, recent events in Brazil and elsewhere may add to the economic programs originally planned. Military programs have already been cut to the bare minimum. We cannot respond to the new situation in Vietnam within the limits of the original budget proposal without unacceptable danger to our other basic security interests.

I am today forwarding to the Speaker of the House of Representatives amendments to my 1965 budget increasing my request for appropriations for supporting assistance from $335 million to $405 million, and for military assistance from $1 billion to $1.055 billion. Both of these increases are covered by the budget's allowance for contingencies, so that they will not affect overall budget totals.

I ask the Congress to enact authorization for supporting assistance and military assistance sufficient to permit appropriations in these amounts.

I strongly urge the Congress to provide this additional $125 million to Vietnam, and to appropriate the full $3,517 million now required for our mutual defense and development programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 18, 1964.*

RECESS ON THURSDAY, MAY 28, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, May 28, 1964, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of Ireland.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, is there to be legislation on that day?

Mr. ALBERT. There will be no legislation that will involve this request, I will say.

Mr. GROSS. I recall the last permission that was given for recessing the House and the application that was made of that authority. So there will be no legislation on that day? Is that what the distinguished gentleman from Oklahoma says?

Mr. ALBERT. Will the gentleman bear with me in my statement that this is only for the purpose of receiving the President of the Republic of Ireland and will not in any manner affect the handling of any legislation, if there is legislation, on that day.

Mr. GROSS. And only one recess on that day. Is that correct?

Mr. ALBERT. I would think there would be only one, but I would ask the gentleman not to pin me down. This is done only for the purpose of receiving the President of Ireland.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will report the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE JOHN MUIR NATIONAL HISTORIC SITE, CALIF.

The Clerk called the bill (H.R. 439) to provide for the establishment of the John Muir National Monument.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTABLISHING FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 946) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORITY OF POSTMASTER GENERAL TO LEASE PROPERTY

The Clerk called the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2109 of title 39, United States Code, is amended to read as follows:

"§ 2109. Time limitation on agreements

"Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964."

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BARRY. Mr. Speaker, I rise in support of H.R. 9653. This bill continues, in effect, the provisions of section 2103 of title 39, United States Code, which contains the Post Office Department lease construction authority and the related authority to acquire and dispose of real estate which, under present law, will terminate on July 22, 1964.

The continuance of this dual authority as one of the alternative methods of obtaining space for postal needs is vital to the Department's space acquisition program.

The lease construction program enables the Department to spread the cost of space over the entire period of occupancy. This has become a common practice with most companies in private industry. During this same period, the rental costs are reflected as an item of costs of the postal service and are paid, for the most part, from revenues from the users of the mails.

The Department uses a 30-year lease for the larger lease facilities—over 100,000 square feet—where the postal service needs are firm for 30 years or more, and when a special purpose building is needed with built-in features peculiar to the postal service. In the absence of these conditions, the Department generally uses a lease of a lesser term.

It is well established that the annual rental rates are substantially less under 30-year leases than the rates would be if H.R. 9653 is not enacted and the Department is compelled to return to the 20-year lease, authorized by section 2102 of title 39, United States Code.

A Post Office Department survey, included as exhibit A on page 21 of the hearings, shows that the annual percentage of the cost of rent of the initial cost of the project is 4.5 percent in favor of a 30-year lease over a 20-year lease for the identical facility. If occupancy goes up to 40 years, the advantage is 25.9 percent in favor of the longer term lease and 43.9 percent if occupancy goes up to 50 years. It is not unusual to expect that the occupancy of many of these buildings will continue for at least 50 years.

Exhibit C of the Department's survey, which may be found on page 22 of the hearings, converts the percentage figures into actual dollars of savings attributable to the use of the 30-year term. This exhibit shows that if the Department had been compelled to use the 20-year lease terms, with renewal options, on the 25 projects where the 30-year term was actually used, the additional rental cost to the Government over the 30 years would have been $10,420,860. The exhibit shows that if occupancy had continued to 40 years, the additional cost attributable to the use of the basic 20-year term would be $22,885,720, and that this amount would increase to $42,502,870 if occupancy were extended to 50 years.

It might be well to point out here that less than 1 percent, in terms of number of Post Office Department leases, is for 30-year terms. About 90 percent is for 10-year terms and the remainder for 15- to 20-year terms. However, the 1 percent includes virtually all the Department's large and important facilities not located in Federal buildings.

It seems clear that the 30-year basic lease term has greater value to the Government than does the 20-year term and, of course, is more economical.

To achieve the lowest possible rents, a lease construction program must be competitive. True competitive bidding requires that all bidders bid on the same project and on the same site. Thus, it is obvious that the site must be controlled by the Post Office Department in order to have true competitive bidding. If the Department loses its land acquisition and land disposal authority on July 22, 1964, it also loses its basis for true competitive bidding.

It is abundantly clear to me that the continuation of the lease construction program, under section 2103, is but one of the several necessary tools of management the Post Office Department needs in its space acquisition program.

Mr. Speaker, I urge that the Members give favorable consideration here today to H.R. 9653.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The Clerk called the bill (H.R. 9938) to amend the Watershed Protection and Flood Prevention Act, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by striking out "more than five thousand acre-feet of floodwater detention capacity" and inserting in lieu thereof "more than twelve thousand five hundred acre-feet of floodwater detention capacity".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BANK FOR COOPERATIVES

The Clerk called the bill (H.R. 10419 to amend further the Farm Credit Act of 1933, as amended, to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 36(b) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134l(b)), is amended by adding the following sentence at the end thereof: "For any fiscal year that a bank for cooperatives is subject to Federal income tax under chapter 1 of the Internal Revenue Code of 1954, it shall pay in money instead of class C stock such portion of its patronage refunds as will permit its taxable income under said chapter 1 to be determined without taking into account savings applied as provided in (2), (4), and (6) of subsection (a) of this section.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

U.S. DISTRICT COURT AT MONTPELIER AND ST. JOHNSBURY, VT.

The Clerk called the bill (S. 980) to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 126 of title 28, United States Code, is amended to read as follows:

"Court shall be held at Brattleboro, Burlington, Montpelier, Rutland, Saint Johnsbury, and Windsor."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELOCATION OF ANIMAL QUARANTINE STATION

The Clerk called the bill (H.R. 1642) to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clinton to provide for the establishment of a new station and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS Mr. Speaker, reserving the right to object, I would like to ask someone who is knowledgeable on this bill as to why some of the land previously was acquired at 75 percent of the appraised fair market value, and is the remainder to be sold on that basis.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SALE OF LAND IN GRAND JUNCTION, COLO.

The Clerk called the bill (H.R. 6601) to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I believe the gentleman from Colorado is the sponsor of the legislation. Is it his best judgment that the proceeds from the sale of this land by the Federal Government will be adequate to purchase additional land and build the new facility?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, it is my hope that it will be. All I can say to my friend from Michigan is that this property lies in the heart of Grand Junction, which is the largest town in that part of the United States, western Colorado, and eastern Utah. It is not convenient for

the use which was intended. It is surplus to the needs at the present time, except for storage. It should sell for a good price. It is my hope that the Department, when they come back and ask for any facilities will keep the facilities within reason and that the moneys received will take care of the complete cost of the transaction.

Mr. FORD. It is my understanding that the land to be sold, which is currently owned by the Government, will be sold at not less than fair market value?

Mr. ASPINALL. The gentleman is correct. Otherwise it would have to be declared excess.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, for not less than fair market value, all right, title, and interest of the United States in and to lots 23 and 24, block 119, in the city of Grand Junction, Colorado, and the improvements thereon and to apply the proceeds of such sale to the purchase of other land in or near Grand Junction and the construction thereon of similar improvements.

With the following committee amendment:

Strike the period at the end of line 9 and add the following: "after coming into agreement with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF SPECIAL MILK PROGRAM

The Clerk called the bill (H.R. 9747) to permanently extend the special milk programs for the Armed Forces and veterans' hospitals.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by striking in subsections (a) and (b) the words "December 31, 1964,".

Amend the title so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals".

With the following committee amendment:

Strike the period at the end of line 5 and add the following: "and inserting in lieu thereof 'December 31, 1967'."

Mr. BEERMANN. Mr. Speaker, I do not have a copy of the bill, but I thought that the language "to permanently extend" was stricken and that there was another 3-year program.

The SPEAKER. The Chair will state to the gentleman that there is an amendment to the title and for the information of the Members, and without objection, the Chair will ask the Clerk to report the amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals".

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To extend for three years the special milk programs for the Armed Forces and veterans hospitals."

A motion to reconsider was laid on the table.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I urge speedy and favorable consideration of H.R. 9747, which is a bill I am sponsoring to extend our very worthwhile veterans' and Armed Forces dairy program.

This measure provides for a 3-year extension of the program, under which surplus butter, cheese, nonfat dry milk and fluid milk are made available to servicemen and hospitalized veterans to supplement their standard rations of dairy products. Since the program was inaugurated in 1954, it has been extended three times by the Congress. However, unless this bill is enacted into law, the program will expire on December 31 of this year.

During 1963, the U.S. Armed Forces and veterans' hospital patients increased their consumption of milk over the standard rations by 581 million pints under this program. Total consumption of fluid milk by personnel in the Army, Navy, Air Force, Marines, Coast Guard, U.S. Merchant Marine Academy and veterans' hospitals was more than three times what it would have been if only standard ration purchases of fluid milk were made.

Mr. Speaker, under agreements made by the Commodity Credit Corporation with the Army Quartermaster Corps and the Veterans' Administration, a part of the increase is paid from CCC funds. Since this increase in milk consumption diverts fluid milk from the manufacture of dairy products, the CCC has to purchase less butter, cheese, and nonfat dry milk under the price-support program.

Last year, the CCC's share of the cost of this program was $4.08 per hundred pounds of milk, which added up to payments of $25,500,000 to the cooperating agencies. This figure is approximately the amount the CCC would have paid to purchase, handle, and store butter and nonfat dry milk produced from an amount of milk equal to the increase in consumption of 581 million pints brought about by this program.

Since the beginning of the veterans' and Armed Forces dairy program in November of 1954, milk consumption has increased by 4,693,489,000 pounds—or about 4,366 million pints. Payments by the CCC total $193,706,000.

Mr. Speaker, in addition to increasing the consumption of fluid milk, this program has significantly raised the amount of butter, cheese, and nonfat dry milk being consumed by our servicemen and hospitalized veterans. From 1954 through 1963, some 230,294,000 pounds of surplus butter, 18,736,000 pounds of surplus cheese and 700,000 pounds of surplus nonfat dry milk have been removed from CCC stocks for use in the program.

I am sure that everybody agrees it is better to utilize our surplus dairy products to improve the diet of our servicemen and hospitalized veterans rather than to let these nutritious foods lie in Government storage. According to a recent survey, milk leads the list of preferred foods in our soldiers' diets. I feel we should continue to make these nutritious dairy products available in abundance to our servicemen and hospitalized veterans.

Mr. Speaker, on February 28 of this year, Secretary of Agriculture Orville Freeman wrote you to recommend passage of legislation to extend the veterans and Armed Forces dairy program. A copy of that letter was included in the testimony on the proposal when hearings were held on April 9 by the House Dairy Subcommittee, of which I am chairman.

In that letter, Secretary Freeman said:

We recommend that section 202 of the Agricultural Act of 1949, as amended, be made a continuing part of the act by eliminating the December 31, 1964, termination date for section 202.

Section 202 requires Commodity Credit Corporation to donate dairy products (including milk), acquired under price support programs, for increased consumption by military personnel, veterans hospital patients, and personnel of the Coast Guard and Merchant Marine Academy. Transfers of dairy products under this authority have helped to reduce CCC's inventories of dairy products. Also a supplemental milk program operating under sections 201 and 202 of the act has more than doubled the consumption of milk by personnel of the participating agencies. This has helped to keep down CCC purchases of manufactured dairy products. The donations of dairy products and supplemental milk programs are expected to amount to $40 million of CCC funds in the fiscal year 1964.

It now appears that CCC will continue to carry out extensive dairy price support operations under the 1949 act. Elimination of the termination date of section 202 will make it possible to continue the veterans and military uses of additional milk and dairy products as long as these uses will aid in accomplishing the objectives of the act, without the necessity of repeated extensions of this section by congressional action has been done every few years since 1954.

Mr. Speaker, the members of the Dairy Subcommittee are in complete agreement concerning the benefits of this program and the need for its extension. So are the members of the full House Agriculture Committee, as is witnessed by the fact that both the subcommittee and the

full committee unanimously voted to favorably report out the legislation extending the program.

However, it is the feeling of the committee that permanent extension of the program, as advocated by the Secretary of Agriculture, would result in the establishment of still another Federal program which is not subject to congressional review and revision. We live in rapidly changing times. A program which serves a useful purpose in the 1960's may need to be extensively revised in order to meet the needs of the 1970's or the 1980's.

Once a certain program has been established, it tends to perpetuate itself. And if it has been made permanent, a program may continue to operate past the point of usefulness.

Furthermore, if we do not provide for congressional review of these programs by the appropriate committee and subsequently by the House and Senate, we invite an erosion of the duties and responsibilities of the legislative branch of our Government.

Mr. Speaker, for these reasons, the Dairy Subcommittee decided to recommend a 3-year rather than a permanent extension of the veterans and Armed Forces dairy program. The full House Agriculture Committee concurred, and the bill which we are considering today will extend the program from its present expiration date of December 31, 1964, to December 31, 1967. I urge speedy passage of this measure.

PROTECTION OF NATIONAL FORESTS AND NATIONAL GRASSLANDS

The Clerk called the bill (H.R. 7588) to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or a member of the committee several questions. First I would like to know whether or not U.S. Commissioners are paid on a fee basis or on a straight salary basis. I ask that question because if they are paid on a fee basis and this legislation passes they will have the opportunity of a great deal more work, many more cases and the probability that substantially more in fees will be paid and that they as Commissioners would be the beneficiaries. Does anybody know whether Commissioners who would get additional responsibility in these cases are or are not on a fee basis?

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. JOHNSON of California. To the best of my knowledge there are supposed to be no additional costs in making this change.

I do believe the Commissioners are paid a fee at the present time for their services. However, I may be wrong on that.

Mr. FORD. That was my understanding. And, if we give to the Commissioners a great deal more work to perform such as this proposed legislation might do, it might open the floodgates to substantial additional revenue for Commissioners because there could be, and probably will be, many more violations brought before them as Commissioners.

Mr. JOHNSON of California. If the gentleman will yield further, I do not think there will be much additional cost here. Further, I doubt whether it would amount to a fee being paid to the Commissioners for a specific case.

I do believe the Commissioners are now on a salary.

The National Park Service uses this type person at the present time, and it does not apply to the National Forests or the national grasslands areas.

Mr. FORD. In my opinion the purpose of the legislation is good. But I do have some questions, based on my best recollection, that U.S. Commissioners are paid on a fee basis. If they are on a fee basis, and with some possibility of the expansion of their work, they would be the beneficiaries of violations and convictions.

Mr. Speaker, until this point is resolved, and resolved categorically one way or the other, we ought to put the bill over for 2 weeks. In the meantime I shall talk to the gentleman from California [Mr. JOHNSON] and we will attempt to ascertain from the Committee on the Judiciary what the facts are.

If the Commissioners are performing these duties on the basis of a fee, I believe there should be some limitation written into this bill so that we do not get into an unwholesome situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I should like, when the bill is called up again, for someone to explain why it is stated on page 2 of the report that the dockets of most U.S. courts are crowded. How can the dockets of the U.S. courts be crowded, in view of the fact that the Congress added something like 100 new Federal judges a year or so ago. Why are the dockets of the courts of the United States so crowded in view of all the judges that have been named, additional judges?

Mr. FORD. I think someone from the Committee on the Judiciary is better qualified to answer that than I.

Mr. GROSS. If the gentleman will yield further, this is one of the reasons given for the necessity of the bill.

Mr. JOHNSON of California. If the gentleman will yield further, that is quite true. I can say for the California Federal courts that they are considerably behind in their calendars.

Mr. FORD. Mr. Speaker, in light of our colloquy, I ask unanimous consent to withdraw my reservation and I now ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INCREASED FEES FOR NAVAL OCEANOGRAPHIC PUBLICATIONS

The Clerk called the bill (H.R. 10319) to amend title 10, United Code, to authorize increased fees for the sale of U.S. Naval Oceanographic Office publications.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7394 of title 10, United States Code, is amended to read as follows:

"§ 7394. Price of maps, charts, and navigational publications

"All maps, charts, and other publications offered for sale by the United States Naval Oceanographic Office shall be sold at such prices and under such regulations as may be determined by the Secretary of the Navy. Money received from the sales shall be covered into the Treasury."

(b) The analysis of chapter 639 of title 10, United States Code, is amended by striking out the following item:

"7394. Price of maps, charts, and nautical books."

and inserting the following item in place thereof:

"7394. Price of maps, charts, and navigational publications."

SEC. 2. The proviso under the subtitle "Bureau of Navigation" in the Act of February 14, 1879, ch. 68 (20 Stat. 284, 286; 44 U.S.C. 279a), is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORT DECEASED DEPENDENTS OF THE ARMED FORCES

The Clerk called the bill (H.R. 10320) to amend section 1485 of title 10, United States Code, related to the transportation of remains of deceased dependents of members of the Armed Forces, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) The catchline and subsection (a) of section 1485 are amended to read as follows:

"§ 1485. Dependents of members of armed forces

"(a) The Secretary concerned may, if a dependent of a member of an armed force dies while the member is on active duty (other than for training), provide for, and pay the necessary expenses of, transporting the remains of the deceased dependent to the home of the decedent or to any other place that the Secretary determines to be the appropriate place of interment."

(2) The analysis of chapter 75 is amended by striking out the following item:

"1485. Dependents of members of armed forces; death while outside the United States."

and inserting the following item in place thereof:

"1485. Dependents of members of armed forces."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSE OF CADMIUM FROM THE NATIONAL STOCKPILE

The Clerk called the bill (H.R. 10774) to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the cadmium authorized to be disposed of by Public Law 88-8, the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately five million additional pounds of cadmium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read a third time and passed, and a motion to reconsider was laid on the table.

INDEPENDENCE NATIONAL HISTORICAL PARK

The Clerk called the bill (H.R. 7096) to authorize the exchange of certain property at Independence National Historical Park, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand correctly that the Federal Government is going to exchange 15,700 square feet of property for 9,300 square feet in the city of Philadelphia?

Mr. MORRIS. Mr. Speaker, if the gentleman will yield, that is approximately correct. If I may respond to the gentleman further, it will also mean a savings of approximately $125,000 to the Federal Government.

Mr. GROSS. Please tell the House how this comes about.

Mr. MORRIS. Because it will cost approximately $325,000 to rehabilitate the property the Federal Government owns, and under this it will cost only $200,000 to build buildings on the site that has to be acquired from the Redevelopment Agency. This land, even though it is a smaller plot, it is land of equal value, as determined by appraisal.

Mr. GROSS. Then it is not worth as much, is it?

Mr. MORRIS. The appraisers say it is land of equal value and it is worth about the same amount as the Government land.

Mr. GROSS. It will cost the Government $200,000 plus the differential in the exchange of property?

Mr. MORRIS. There is not any differential in the exchange of property. I may say to the gentleman from Iowa it will cost $200,000 if we get the property exchanged. If we do not get the property exchanged, it will cost $325,000. In other words, the gentleman from Iowa and the Congress is saving the taxpayers $125,000 by agreeing to let them exchange this land.

Mr. GROSS. I hope the gentleman is right.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey on behalf of the United States a certain tract of land, or any interest therein, being a portion of Independence National Historical Park project B, embracing fifteen thousand six hundred and fifty square feet, more or less, and situate on the northeast corner of South Fifth Street and Marshall Court (formerly Manning Street), city of Philadelphia, Pennsylvania, together with the improvements thereon, to the Redevelopment Authority of the City of Philadelphia in exchange for property, or interest therein, owned by the authority of approximately equal value and which the Secretary deems necessary for use in connection with the Independence National Historical Park. Property conveyed by the Secretary pursuant to this Act shall thereupon cease to be a part of the park, and the property acquired in exchange therefor shall thereafter be a part of the park, subject to all the laws and regulations applicable to the park.

The bill was ordered to be engrossed and read a third time, was read a third time and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CENSUS ENUMERATORS FOR TELEPHONE TOLLS AND CHARGES

The Clerk called the bill (H.R. 9425) to amend title 13, United States Code, to authorize reimbursement of census enumerators for certain telephone tolls and charges.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to make inquiry of someone on the committee, or the author of the bill.

Could you explain, for the benefit of the membership of the House, just what prompts the need for this legislation?

Mr. OLSEN of Montana. At the present time, under the law the census enumerators may be reimbursed for the cost of long-distance telephone calls; but the telephone companies have now created a new category, which is a local toll charge. For that expenditure the census enumerators cannot be reimbursed. The enumerator can leave his house, get into his car, drive down to a phone booth and by telephone do his business on the pay telephone and be reimbursed not only on what is a local call, but a local toll charge as well.

We want to facilitate his doing his work, so he can from his own private phone be reimbursed for long-distance calls as under the present law, and be reimbursed for any local toll charge.

Mr. FORD. May I ask, is there any record kept of the individuals that the enumerator calls, and the reasons for the calls? Is there any limitation on the number of calls?

Mr. OLSEN of Montana. There is a record kept. We have a typical record shown on pages 6 and 7 of the hearings. One is the example of reimbursable calls which are long-distance calls, and on page 7 an example of nonreimbursable calls under local toll charges.

These things are spot checked. If you will look at the amount of charges you will see that anyone, to make any money by false claims, would have to make a great many of these calls, because the charges are in the 10- and 15-cent category. So a spot check is an easy check to find out if the call is actually made.

Mr. FORD. Does the individual enumerator keep a list by name of the individuals he calls? Does he have to specify the purpose? Is there any limitation on the length of the calls?

Mr. OLSEN of Montana. There is a policy of limitation on the length. But let me say this, with a local toll charge which is either a 10- or 15-cent charge, a limitation of time is not as general as it is with long-distance phone calls. But, certainly, if any individual line item became larger than 10 or 15 cents, there would be questions having to be asked about such cases. The bill lists all the phone numbers called, but does not list the names of the party who is being called.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has not brought out very clearly the fact that an enumerator may want to call his office for additional information. Of course, he can go to a toll booth and call, but this takes time and expense. There is now the situation in many cases of limited calls on private telephones. This would give the enumerator authority to use the telephone in such a home where he is carrying out the enumeration of the census and be reimbursed. This will not amount to a great deal of money. We also have the situation around Washington, D.C., and all other cities where there is a small toll charge to call to and from suburban areas. This would take care of that situation.

Mr. FORD. Is the gentleman who is a member of this committee satisfied with the bona fides of this legislation?

Mr. GROSS. Yes, I am, I will say to the gentleman.

Mr. FORD. Is there any indication as to how much the estimated cost would be as a result of this legislation?

Mr. GROSS. I have forgotten the amount, but there is not very much involved.

Mr. OLSEN of Montana. Mr. Speaker, if the gentleman will yield, it is estimated that there will be a savings in that there will be less travel allowance to the enumerators if they are granted this reimbursement.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law prohibiting the expenditure of public money for telephone service, the Secretary, under such regulations as he shall prescribe, may authorize reimbursement for tolls or charges for telephone service from private residences or private apartments to the extent such charges are determined by the Secretary to have been incurred to facilitate the collection of information in connection with the censuses and surveys authorized in this title."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GOLD MEDAL FOR HENRY J. KAISER

The Clerk called the joint resolution (H.J. Res. 1020) authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. McFALL. Mr. Speaker, at the request of a Member who cannot be present at this time, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPROVING A CONTRACT NEGOTIATED WITH THE NEWTON WATER USERS' ASSOCIATION, UTAH, AND AUTHORIZING ITS EXECUTION

The Clerk called the bill (S. 1584) to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed contract designated "R.O. Draft 1/31/63; 3/12/63," negotiated by the Secretary of the Interior with the Newton Water Users' Association, Utah, to extend the period of repayment of the reimbursable construction cost of the Newton project and to establish a variable repayment schedule is approved and the Secretary of the Interior is hereby authorized to execute such contract on behalf of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE BIG FLAT UNIT OF THE MISSOULA VALLEY PROJECT

The Clerk called the bill (S. 1687) to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to negotiate and execute an amendatory contract amending the existing repayment contract between the United States and the Big Flat Irrigation District dated April 2, 1945, by reducing the construction charge obligation of the district in the amount of $7,190, representing the unmatured charges as of December 30, 1962, against one hundred and sixty-four and three-tenths acres of irrigable land presently classified as nonproductive. The reclassification of the lands of the Big Flat unit of the Missoula Valley project, Montana, dated January 1963, is hereby approved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INFORMATION RELATING TO SECOND-CLASS MAIL PUBLICATIONS

The Clerk called the bill (H.R. 5481) to provide for more uniform application of section 4369 of title 39, United States Code, which pertains to filing of information relating to second-class mail publications.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4369(a) of title 39, United States Code, is amended by striking out ": *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This is the last eligible bill on the Consent Calendar.

AMENDING THE ALASKA OMNIBUS ACT

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11037) to amend the Alaska Omnibus Act, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962;" and the period at the end thereof and inserting in lieu of the period "; and the sum of $23,500,000 for the period ending June 30, 1966."

SEC. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966"; and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Colorado [Mr. ASPINALL] is recognized for 20 minutes.

Mr. ASPINALL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 11037 is an emergency measure to provide sorely needed financial assistance to Alaska which is recovering from the March 27 earthquake and tidal disturbances.

Our bill will increase by $23½ million the amount Congress authorized in the Alaska Omnibus Act of 1959 to help the new State in assuming burdens which were borne by the Federal Government while it was a territory. The 1959 statute authorized the sum of $28½ million in transitional grants to be expended over a 5-year period ending June 30, 1964, for such purposes as construction and maintenance of certain highways, the administration of justice, and management of fish and wildlife resources. The initial amount had been nearly expended at the time Alaska suffered the earthquake disaster. Until that catastrophe occurred, the Governor of Alaska had no intention of asking for additional transitional funds. Through careful management, Governor Egan and all those working with him—on a bipartisan basis—had brought the State through its first 4¾ years of existence in a satisfactory financial condition. On March 27, the portion of the State which is inhabited by 50 percent of its population and which provides over 50 percent of its governmental revenues, estimated at $55 million annually under normal circumstances, suffered serious damage. I doubt if any State has ever been stricken with such a serious natural disaster. As a result, it will be some years before the State's revenues will enable it to carry on its normal functions of government through either its grant-in-aid programs or locally financed programs.

The Federal Government acted promptly to ease the suffering and hardship. Over $50 million in emergency disaster relief funds were immediately made available. I do not want to have any confusion between that sum and the amount provided in this bill. Our bill will authorize grants to the State of up to $23½ million to make up, in part, for the revenues the State will lose as a result of the disaster. It has no relationship to the $50 million emergency relief fund.

Dr. Seidman, spokesman for the Bureau of the Budget, advised our committee that the $22½ million was "based on the general assumption that the emergency period in State and local government finances will last about 18 months, with the major portion of the problem occurring during the next few months."

The total is made up of the following amounts:

First. An estimated loss of $4.8 million in State income taxes arising from write-off of casualty losses.

Second. An estimated loss of $4.4 million in State income taxes arising from unemployment and a decline in business.

Third. An estimated loss of $3.75 million to local governments in property and other local taxes.

Fourth. An estimated $9.55 million needed for extraordinary operating expenses of the State government and its local subdivisions plus the expenses of continued operation of certain airports.

The additional $1 million is needed to offset a short-term drop in the revenues of the Anchorage Independent School District. At the time the bill was introduced, April 27, 1964, the extent of damages to the assessment base of the school district had not been ascertained. It is now believed that $1 million will tide the school district over until the tax base has again been stabilized.

Mr. Speaker, I want to make it abundantly clear to our colleagues that this $23½ million authorization will not cure all of Alaska's ills. Within the next few days or weeks additional legislation will be forthcoming to authorize funds for construction and rehabilitation purposes but prompt enactment of H.R. 11037 will permit the normal functioning of the State government.

This bill passed our committee by a unanimous vote. It has the blessings of the Alaska congressional delegation, the Governor of the State, the Alaska Legislature, and the Bureau of the Budget. I want to impress our Members with the urgency of the bill and hope for its prompt enactment.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend the gentleman from Ohio.

Mr. BOW. This perhaps has nothing to do with this particular bill.

I was somewhat disturbed last week when I received a communication from a former constituent now living in Alaska who has been buying a home in an area which was one of the areas which suffered the worst destruction by the earthquake. His home was completely destroyed and probably will be condemned and not be occupied. He is called upon to continue to make his payments through the FHA, and they have been unable to secure any relief or help from any Government agency. Is there in this bill or any other bill that the gentleman knows of an arrangement through which a person in this situation can go to some organization to receive help to rehabilitate a home?

Mr. ASPINALL. May I say to my colleague there is nothing in this bill that treats of this situation. This legislation treats purely of Government services.

I noticed in yesterday's paper that the Federal agencies of Government interested in the matters which the gentleman from Ohio now brings to our attention are preparing to take care of these situations. It must be done that way as I see it. We are preparing for some additional legislation in an omnibus bill which will be taken up by the Committees on Interior and Insular Affairs in both bodies in the next few days.

Mr. BOW. So it is contemplated that something will be done for situations of this kind?

Mr. ASPINALL. It is contemplated to help these people out because without it many of them will lose all they have.

Mr. BOW. And still have a responsibility on the mortgage.

Mr. ASPINALL. That is correct.

Mr. BOW. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, I urge the support of this legislation in spite of its many shortcomings. Basically this is an operation in futility. When the Governor of Alaska appeared before our committee, in response to questions by myself and other members, he admitted that the amount of $23.5 million was not sufficient to take care of the needs of Alaska during the next several years and that all that was being requested in this bill was sufficient funds to take care of Alaska for the next 18 months. When I asked the Governor the total amount that would be necessary to provide the Government fulfillments due to loss of revenue as a direct result of the earthquake, he stated that for the next 3 years it would take $44.5 million and that was the amount he felt ought to be in the bill. But the Director of the Bureau of the Budget said they could only come in and request the amount for the ensuing 18 months. Since this is only an authorization bill and since we are faced with reality, what we are going to do after we pass this bill is wait until the next session of Congress and then do the same thing over and over again. If I had my way, I would have amended the bill and seen to it that the full amount that was necessary to take care of the needs of Alaska until they are completely rehabilitated would have been provided in this authorization act.

Mr. ASPINALL. Mr. Speaker, will my colleague yield?

Mr. SAYLOR. I will be happy to yield to the distinguished chairman of the full committee.

Mr. ASPINALL. I wish to join my colleague in his last statement. That would have been my way of doing this, also. In fact, I think the committee desired it that way. But under the circumstances, which my colleague so well knows, we were unable to do it because of procedural matters.

Mr. SAYLOR. That is correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I want to endorse what the chairman of the committee has said, that we should have included in this bill the amount necessary to carry the Government along in this period in which they are going to be in rather distressed circumstances. Had it not been for the existing situation I think we should have included in this authorization bill a sufficient amount all at one time so that the Congress would know what the bill finally was going to be.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Alaska.

Mr. RIVERS of Alaska. The procedural obstruction, I understand, arises because of the situation in the other body.

Mr. SAYLOR. That is correct.

Mr. Speaker, one of the things brought to our attention in the committee several weeks before this bill was considered, is this. We had representatives before the committee from the Geological Survey. They had come before us on an entirely different matter. They indicated that one of their responsibilities was to predict earthquake areas. They showed us a map they had prepared many years ago and had predicted an earthquake would occur and the area in which that earthquake would do the most damage. They placed an overlay on that Survey map. Mr. Speaker, it is almost uncanny that the earthquake with the resulting damage occurred where an agency of the Federal Government charged with this responsibility indicated it would occur.

I hope the people of the State of Alaska will take advantage of all the facilities of the Federal Government, including those of the Geological Survey, and make sure that if facilities are rebuilt, public and private, in the State of Alaska, they will not be rebuilt where the Geological Survey indicates that earthquakes will occur.

Mr. Speaker, this bill will take care of Alaska for the next 18 months. It will take care of the needs of that great State. I hope the bill will pass.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I wish to speak in support of H.R. 11037 to increase by $23.5 million the amount heretofore authorized to assist the State of Alaska and to extend by 2 years the time during which the Federal Government may provide services and property normally incidental to statehood.

Due to the earthquake and tidal wave which struck Alaska on March 27, 1964, the need of this legislation is very great. The disaster greatly reduced normal State revenues and the grants and assistance of the Federal Government are especially necessary in view of the State's inability to help the various local communities and the extraordinary expenses of repairing the damage.

It is estimated that it will cost more than $200 million for earthquake reconstruction. I think that various Government agencies and the administration are doing their utmost to assist in rebuilding public facilities. The real and difficult problem is in the private ownership field.

In this connection, my distinguished colleague from the State of Washington, Senator JACKSON, has introduced retroactive earthquake insurance. I favor legislation of this type to help individuals, but I remember what the Senator from

Alaska [Mr. BARTLETT] told 600 businessmen in Seattle right after the Good Friday tragedy. He asked prompt aid and predicted that sympathy for Alaska would soon cool. Tears, he said, are like dewdrops on the rose, when next the summer breeze comes by, the flower is dry, or words to that effect.

Time is passing and sympathetic action to assist Alaskans in connection with their personal losses seems more remote. America's sympathy has cooled off.

Last week the House passed the International Development Association authorization bill after previous rejection. That legislation provided for soft loans payable over 50 years and no interest in some cases.

Cannot we do as well for our own in the distressed area of the 49th State.

Let me cite excerpts from a letter which describes the losses of homeowners and their situation. This letter was from Mrs. Lowell Thomas, Jr., to the editor of the Sioux Falls Argus-Leader. It describes first hand what the situation is and what people face in parts of Alaska:

And there is so much to do here now, one doesn't quite know where to begin. The most difficult problem we private citizens face is the total loss of our homes. Over 300 families in Anchorage alone are involved, and as the law stands at the moment we either must declare bankruptcy or continue paying FHA mortgages on destroyed homes. (Their insurance does not cover earthquake damage.) Many of our friends simply cannot afford to buy new homes and carry this burden as well. All the Federal Housing Authority tells us is that we can have a "90-day moratorium" on payments, period. We are all concerned that Congress will vote emergency aid to the State for road and public facilities reconstruction, but will forget about the hundreds of private howeowners who are the backbone of our present economy and our hopes for the future.

Another way in which we could use a great deal of help—our local Alaska Crippled Children's Treatment Center will have to close its doors in 2 or 3 months unless we find some outside help. This has been my special baby for the last 3 years—it is the only place in Alaska where our deaf children can learn to read lips and talk (we employ 12 therapists), and where children with cerebral palsy, or any other crippling disease can obtain physical therapy, and learn in many ways to lead normal lives. It has always been a hard job to finance the center because we just don't have any philanthropists or big businesses here, and this year we put on an all-out Easter seal drive to try to raise over $30,000. Big emphasis was to be placed on Easter weekend, so the Good Friday quake dashed our hopes for the drive. And there will be no money available to charity in this community this coming year. I hate to beg for help in the form of contributions, but I only do so because so many of you sincerely wanted to help, and because it will be a real tragedy to have to close the doors on over 1,000 handicapped kids. Actually the biggest help of all would be if any of you knew if any organizations in your communities might like to adopt the Alaska Crippled Children's Center this year—perhaps helping us in little ways over the coming months. (It takes $100,000 a year to keep the center going.)

Mr. Speaker, as I said at the start, I support this bill, but in doing so, I want to urge that the Congress recognize that never before in history has a section of our country suffered from a natural disaster such as has central Alaska. I hope that with the passage of H.R. 11037 Members will not feel they have discharged their full responsibility. Let us do for Alaskans what Alaskans would do for us if we had lost our homes and property.

Mr. ASPINALL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Speaker, I rise in support of H.R. 11037 to amend the Alaska Omnibus Act, which is Public Law 86–70. This legislation would provide financial support to the State and local governments of Alaska in order that essential State and local governmental services can be continued during the reconstruction period, with which Alaska is confronted.

This support would give the Alaska Legislature an opportunity to budget and appropriate funds basically necessary for the functioning of the State government at a most critical period in Alaska's history. Otherwise the State of Alaska will not be able to provide the executive and administrative support required to formulate and carry out an effective reconstruction program.

The Alaska Omnibus Act, Public Law 86–70, was enacted in 1959 after passage of the Alaska Statehood Act to complete the change in Alaska's status from a dependent territory to a sovereign State of the United States. The statute has some 50 sections, most of which are technical in nature. Section 44, however, authorizes certain money grants, totaling $28.5 million to the new State to assist it in assuming some of the burdens formerly borne by the Federal Government. These grants are to terminate with the end of this fiscal year, June 30, 1964, under the law as it stands.

Section 1 of H.R. 10037, as amended by the committee, would add an additional $23.5 million to the authorizations, and would extend the termination date to June 30, 1966.

This section also adds an additional 2 years to the period within which the President may transfer to the State property, real or personal, which has been used by the Federal Government to perform services which the State is taking over.

In brief, the funds authorized by this legislation now before us would, to the extent appropriated, be turned over to the State and pursuant thereto a portion would be passed on to local governments within the disaster stricken area. The need is great and time is of the essence, so I very much appreciate the fact that the gentleman from Colorado [Mr. ASPINALL], the distinguished chairman of the Committee on Interior and Insular Affairs, with the cooperation of the leadership, has brought this before us for action in such a timely manner. I also wish to thank all my colleagues for their sympathetic interest and cooperation in behalf of Alaska during its time of great need.

Other provisions of section 44 of the Omnibus Act authorize Federal agencies to continue to perform functions, until the State is able to take over, upon request of the Governor of Alaska and the approval of the President. The time period in which Federal agencies may continue to provide these services is also extended to June 30, 1966, by section 2 of H.R. 11037.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 11037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

A motion to reconsider was laid on the table.

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2772, to amend the Alaska Omnibus Act, a bill identical to the one just passed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 44 of the Alaska Omnibus Act (73 Stat. 141) is amended by striking the word "and" following "1962" and the period at the end thereof and inserting in lieu of the period "; and the sum of $23,500,000 for the period ending June 30, 1966."

SEC. 2. Subsections (b) and (c) of section 44 of the Alaska Omnibus Act are amended by striking "June 30, 1964" wherever it appears therein and inserting in lieu thereof "June 30, 1966" and subsection (a) of section 45 of that Act is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1966".

Passed the Senate May 13 (legislative day, March 30), 1964.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11037) was laid on the table.

GOLD MEDAL FOR HENRY J. KAISER

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 1020, authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser.

The Clerk read as follows:

Whereas Henry J. Kaiser, world-famous industrialist and humanitarian, has devoted his full life to the business of serving and building people; and

Whereas he has demonstrated to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy; and

Whereas he pioneered a new approach to solving the problems of providing medical care for the average man by applying the instruments of private enterprise; and

Whereas Henry J. Kaiser's remarkable wartime record of building ships, planes, weapons, and military installations set the pace for the rest of the Nation to supply her the

necessary materials she needed for victory; and

Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding and consequently have earned for him the respect of labor, management, and the public; and

Whereas Henry J. Kaiser has helped peoples of the world to rise to freedom and a more ample life by searching the globe for areas of human want and need—and then fulfilling them: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America bestow upon Henry J. Kaiser a Congressional Medal of National Honor and therewith express the admiration, respect, and appreciation in which he is held by the Congress, by the people of the United States, and by the people of the world for his contributions to upholding the dignity of man.

SEC. 2. The President of the United States is hereby authorized and requested to present to Henry J. Kaiser in the name of the people of the United States of America, at an appropriate program of presentation, a gold medal of appropriate design. The Secretary of the Treasury shall cause such a medal to be struck and furnished the President. The sum of $2,500 is hereby authorized to be appropriated for the purpose of paying for the medal and incidental expenses in connection with the presentation.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, today I am going to talk about an old friend. I like to talk about old friends. The fact that this one happens to be an authentic, great American gives me even keener pleasure.

I am going to discuss some of the achievements of Henry J. Kaiser. At the same time I am asking the Congress to approve House Joint Resolution 1020 authorizing the issuance of the Congressional Medal of National Honor to him for the incredible number of contributions he has made in the varied fields of business and construction, but, more importantly, for his efforts in upholding the dignity of man.

This year marks the 50th anniversary of Mr. Kaiser's first company. Today the journals of history have not closed their pages on Henry Kaiser's career. They had better not. Although he turned 82 only last week, he is like a young man in dreaming up new projects. Many of these will add to the enviable role he has played in contemporary history.

His urge—or should we call it his surge—to keep America great by building men of character and responsibility and worthy creations continues to flow into every corner of the globe. He might be called a one-man public works project of the world. New companies—new services—on every continent—that originate in his mind and stem from his efforts.

For the moment, let us look at some of the deeds that history has etched under his name: providing medical care for the average man by using the instruments of private enterprise; showing the world how U.S. money, men, and materials can work in full partnership with all peoples of all countries; giving this Nation the military equipment and industrial spirit she needed for victory during World War II; demonstrating how labor and management can work harmoniously as a team to provide America with her necessary goods and services; and inspiring our youth to develop their full potential.

Some other enviable accomplishments by any man's measurement—Mr. Kaiser and his men have worked on 1,000 projects worth more than $5 billion; moved enough earth to completely cover Manhattan Island with a layer 4 feet deep; poured enough cement to top that 4-foot earth mound with a slab of concrete 9 inches thick; produced enough power to provide the requirements of 10 cities of San Francisco's size; bored tunnels beneath the earth and sea that would reach halfway between New York and Philadelphia; and stopped enough water in reservoirs behind his dams to raise the level of Lake Michigan 11½ feet.

But what Henry J. Kaiser has built are not only dams and roads and bridges or whole cities or new companies to produce aluminum, steel, cement, gypsum and automobiles, or enough ships set stem to stern that would stretch from Pittsburgh to Cleveland, but what he has built in his vast proliferating empire is a worldwide respect for the industrialist, the manufacturer, and financier. And he has built men of strength and character.

You of this Congress know that I have fought for the small businessman for decades. On occasion I have opposed many of the practices of big business and big businessmen. But not on a single occasion has anyone brought to my attention any act of Henry Kaiser's that would in any way hurt the small independent businessman.

There is strength, character, and integrity in whatever Henry Kaiser does. These are old-fashioned traits which would not become extinct as long as Henry Kaiser is doing business.

In concluding, I would like to remind the Congress of the superb job—one that the skeptics said could not be done—which played an important part in our winning World War II. Namely, building thousands of ships at a time when the Nazis were sinking them by the dozens every day. He collected the finest engineering brains in the country and gave them a problem, "How do we turn out ships faster than the Germans can sink them?" They gave him the answer on paper. This man Kaiser took the paper plans and made them come true; the dream, reality.

I remember those days—and I remember the pleasure our great wartime leader, Franklin D. Roosevelt, enjoyed whenever he mentioned the accomplishments of Henry Kaiser and his organization. We won—and believe me they helped us to win.

I ask that the Congress give the gentleman the Congressional Medal of National Honor. He has earned it.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I would like to associate myself with what the gentleman has just said about Henry Kaiser. I have known the Kaiser Co.—its headquarters are in Oakland, Calif.—ever since it was a comparatively small construction firm. Henry Kaiser has built a great empire but, as has been stated, he has never lost sight of the human beings who constitute this country. He established the first hospital of its kind as a foundation to giving medical service to the people who worked for him. This has been so successful it has been expanded to take care of others.

I feel that Henry Kaiser, who over the years through his great contributions to America, is deserving of this recognition.

Mr. PATMAN. I thank the gentleman.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I wish to associate myself with my distinguished colleague from Texas, and my old friend and colleague from California, for taking this opportunity to pay tribute to Henry Kaiser.

I have known Henry Kaiser for some 20 years. When I met him I was immediately impressed with his dynamic leadership, his great talent. Through these years, extending for more than two decades, I have seen Henry Kaiser continue to contribute to his country and to the world. He has been a fine and outstanding individual.

I am particularly pleased that Henry Kaiser has seen fit to come to New Orleans in the parish of St. Bernard and establish there the greatest aluminum plant in the entire world. It is a fine contribution. It is something which commends itself to the community and the advancement of that community.

I also take cognizance of the fact that this year we celebrate the 150th anniversary of the Battle of New Orleans. The battle won for the United States the entire Mississippi valley. In this connection, through the efforts of Mr. Kaiser and his associates, the great Chalmette National Cemetery in Louisiana has been preserved. It has been an excellent association personally with him here and personally be with the people in Louisiana, and I join in the many fine and deserving tributes that are being paid him here today.

Mr. PATMAN. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Texas has consumed 9 minutes.

Mr. WIDNALL. Mr. Speaker, when this bill was presented to our committee, there were a number of us who felt that a bad precedent was being set. To the best of my knowledge, this is the first time that an industrial giant has been the one selected for a gold medal by the Congress of the United States. We feel if this takes place, there are hundreds of others who are industrial giants in this country who have made similar contributions by way of obtaining employment for many thousands and by way of helping in the growth of our country and

also aiding considerably in many charitable programs. For that reason there are a number who voted "present" at the time this bill was presented to our committee. I have nothing at all personally to say against Mr. Kaiser who will be the recipient of this medal. I do feel that the Congress should think about the establishment of a precedent and the fact that once it is done, there will surely be countless demands for other gold medals to be awarded for other industrial giants, as I say, who have made many contributions to the growth of our country.

Mr. Speaker, at this time I yield 1 minute to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Speaker, I want to join in support of this resolution. It has been my good fortune to know Mr. Kaiser from the time when he got his first paving contract in Mount Vernon, Wash. A very good friend of mine, Mr. Alonzo Ordway, who is now senior vice president of the Kaiser Co., was then a recent graduate of engineering from Wisconsin, and he became associated with the Kaiser interests in that little paving contract in Mount Vernon, Wash., in 1913. I have had the privilege and pleasure of watching the growth of that industry and Mr. Kaiser's activities ever since. I know there are a lot of industrialists who are deserving in this country, but I know of no other industrialist who has as many activities in so many different fields as Mr. Kaiser and with the degree of success. I recommend this resolution which I am sure is deserved.

Mr. WIDNALL. Mr. Speaker, I yield 7 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from New Jersey or some other member of the committee can tell me how many similar medals have been awarded to other so-called leaders of industry in this country?

Mr. WIDNALL. To the best of my knowledge, this is the first one.

Mr. GROSS. This is the first one?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. The gentleman is mistaken about that. I have a list of industrialists and it is a rather impressive list, and I will be glad to read them if you would like me to read the list of those who have had this very thing.

Mr. GROSS. How many of them are there who have received this same medal?

Mr. PATMAN. Quite a number of them—I guess 15 or 20.

Mr. GROSS. Fifteen or twenty—awarded by the Congress?

Mr. PATMAN. That is right—awarded by the Congress.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I wish to say that at the time this was presented to our committee there was no information available as to whether or not any other person had received a similar medal.

Mr. GROSS. Does the gentleman know where this particular egg, which is sought to be hatched here today, was laid? Does the gentleman have any idea where this one originated?

Mr. WIDNALL. I believe the gentleman should ask the sponsor of the resolution.

Mr. GROSS. This one originated with the gentleman from Texas?

Mr. PATMAN. It certainly did. I am proud of it.

In 1963 I made a speech on the floor when Mr. Kaiser was 81 years old. I made a speech when he was 80 years old. I have known him over a long period of time. He is one of the greatest men I have ever known.

Mr. GROSS. The gentleman said that a little while ago. I do not yield further at this time. I have only a few minutes.

If my memory serves me correctly, the Government at one time had at stake more than $200 million in the Kaiser holdings. That has been quite a few years ago. I do not remember all of the details of how this man got to be a multimillionaire, but it seems to me he got that way out of the United States, he got that way out of the U.S. Treasury, on loans and credits extended to him.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Not right now. I shall be glad to yield to the gentleman later, if he can contribute something with respect to the Federal financial dealings which went on with Kaiser some years back.

If my memory serves me correctly, some $44.4 million of Government credits were extended to the Kaiser group for the production of the Kaiser-Frazer automobile. I am sure anyone will agree that was a huge success because we see so few Kaiser-Frazer cars all over the highways. I hope that financing turned out all right for the Government. I do not know.

From what I remember of the Kaiser dealings, there were millions upon millions of dollars borrowed from the Reconstruction Finance Corporation. There were plants sold to Kaiser by the War Assets Administration, at a cost of perhaps a few cents on the dollar.

The point I am trying to make is that I question whether this gentleman is an industrial giant on the basis of having hewed it out himself, as have other leaders of industry in this country.

If I remember correctly, Kaiser bought surplus ships at the end of World War II. And if my memory serves me correctly, there was a lot of lead used in the ballast of some of those ships.

There was a time when some of us tried to get the Justice Department—in 1949, 1950, and 1951, which was, of course, after World War II and around the time of the Korean war—to take some action to recover on the lead, which was then a precious metal. If I remember correctly, enough lead was recovered by the buyers from some of those surplus ships to pay the purchase price. Why lead was ever used for ballast in the ships I do not know, but it was and in some instances the ship's log was either missing altogether or did not list the lead ballast as was required.

Mr. Speaker, I cannot support this resolution. I should have liked to have had time to go through the record of the Kaiser financial dealings during and after World War II, but I simply did not have time. I do not believe this kind of precedent ought to be set, and I must oppose the resolution.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Speaker, reference has been made to the amount of Government loans or assistance that the Kaiser Corp. may have had. It would seem to me it is an emblem of patriotism that Henry J. Kaiser should have taken the initiative to do those things in which the U.S. Government and the United States of America was deeply interested and willing to support financially. Mr. Kaiser has a theme of "Find the Need and Fill It." There was a need in 1945, and Mr. Kaiser continued his look into the future of metals and entered the aluminum business. He was the only industrialist—out of more than 200 who were asked, urged, and pleaded with by the U.S. Government to take over and operate wartime-built aluminum manufacturing facilities, he was the only one who answered the call. Some of the old associates of Mr. Kaiser felt that this would be his downfall and they spun off from their association with him, much to their later regret. I think it is a compliment to him that Henry J. Kaiser should have engaged in these activities which proved so essential in building America's industrial might.

Ten years ago he came to a small community in West Virginia, Ravenswood, on the Ohio River to build the great Ravenswood works of the Kaiser Aluminum & Chemical Corp. That is a magnificent plant, which has contributed greatly to the economic development of the area. In addition, the Kaiser Corp. has built a school, and has played a major role in building a new county hospital. We West Virginians know at first hand Mr. Kaiser's great industrial genius and public spirit.

I believe, Mr. Speaker, that Henry J. Kaiser would undoubtedly have been highly successful in any field he had chosen to concentrate. In fact, he has been successful in practically all fields of endeavor he has entered. He is a wonderfully competitive man. He describes problems as "opportunities in work clothes."

It seems to me, Mr. Speaker, that we should vote for this resolution today because Henry J. Kaiser has amply demonstrated by his works and his influence that he is head and shoulders above many other men we rate as "outstanding" in their respective fields. The world is far better for Mr. Kaiser's presence, imagination, and productive genius.

I support this resolution enthusiastically, Mr. Speaker, and I hope it will be adopted.

Mr. WIDNALL. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Speaker, I have long been interested in the Congressional Medal idea. Some of the members of the committee will recall I appeared before them with two propositions. One was to provide and give a Congressional Medal of Honor to a great American who, I think, along with others, where a precedent has been set, earned a Congressional Medal of Honor, namely, Carl Sandburg. He, at the invitation of this House, became the first and only private citizen ever to speak before the Congress on a commemorative occasion. He spoke pretty eloquently on that occasion. I could make quite a speech on the contribution he has made and why he should have a Congressional Medal of Honor. I have also introduced a resolution to call for a Congressional Medal of Merit to be awarded periodically by a committee of the Congress in consultation with other knowledgeable people in the general area of the humanities, literature, arts, and industry. It would seem to me if you are going to start this kind of precedent, you ought to have the counsel and advice of these people so that you do not set a bad precedent, which I think you are doing with this bill.

I am opposing this bill vigorously because I think we are setting a bad precedent by comparison with other great industrialists down through the years who, in my opinion have made a much greater contribution in this area which we are trying to recognize here than has Mr. Kaiser. I am willing to concede that he has made a great and a significant contribution, as have many other people in private enterprise, through the critical periods and times which our country has gone. I say to you that this is a bad precedent and I would hope that every Member of the Congress would think very carefully on this before they would act on this bill. I would rather see us act on a proposition whereby we could have before us continually the consideration of names of people who might be entitled to this kind of recognition by this great legislative body, but to do it in this way and a seemingly somewhat haphazard way might get us, as I suggested earlier, in real trouble. Therefore it is my hope that you would take this into consideration and you will vote down this proposition and give this general area of legislation more consideration than apparently has been given to this idea. As I see it, Mr. Speaker, if we pass this bill we will be making one man happy and making hundreds of other people who also have made significant and meaningful contributions very unhappy.

This bill should not pass this House.

Mr. Speaker, I yield back the balance of my time.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I would like to ask the gentleman from Texas [Mr. PATMAN] to read for the RECORD the list of those who have received awards in the past.

Mr. PATMAN. Mr. Speaker, will the gentleman yield for that purpose?

Mr. WIDNALL. I yield.

Mr. PATMAN. Mr. Speaker, I have these names from the Library of Congress, industralists and inventors:

Cyrus W. Field: For the laying of the Atlantic cable, granted by an act of Congress March 2, 1867.

Joseph Francois: For perfection of life-saving appliances, granted by an act of Congress August 17, 1888.

Orville and Wilbur Wright: for services to science of aerial navigation, granted by an act of Congress March 4, 1909.

Orville and Wilbur Wright: for pioneering in aviation, granted by an act of Congress December 18, 1928.

Thomas A. Edison: In recognition of achievements, granted by an act of Congress May 29, 1928.

Eugene B. Ely: For his contribution to the develoment of aviation, granted by an act of Congress February 6, 1933.

Glenn H. Curtiss: For distinguished service in the development of aviation, granted by an act of Congress March 1, 1933.

Howard Hughes: For achievements in advancing the science of aviation, granted by an act of Congress August 7, 1939.

Robert H. Goddard: For creative achievements and historic pioneering of research on rockets, missiles, and jet propulsion, granted by an act of Congress September 16, 1959.

In addition to that there were some not exactly related to the construction business:

Robert Frost in 1960.
Thomas A. Dooley III in 1961.
Bob Hope in 1962.
Sam Rayburn in 1962.
Gen. Douglas MacArthur in 1962.
Robert H. Goddard in 1959.
Rear Adm. Hyman Rickover in 1958.
Irving Berlin in 1954.
Dr. Jonas Salk in 1955.
Alben W. Barkley in 1949.

I believe, Mr. Speaker, if the gentleman would get the Library to furnish a list of all of them he would find that these are typical, but that there are probably 50 or 75 in all.

Mr. WIDNALL. Mr. Speaker, I would like to call the attention of the gentleman from Texas to the fact that there is only one in the entire list that he has read who could be called an industrialist. That is Howard Hughes who has been involved in a great many industrial transactions. The others were inventors or poets or those who had conquered the elements and who in one way or another were outstanding in a field in which they made significant contributions to the welfare of mankind. It is entirely different from the precedent-making award being requested today.

Mr. PATMAN. Cyrus Field was a construction man.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield.

Mr. GROSS. I do not recall any on that list just read who made a fortune through use of the Government Treasury.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the gentleman from Iowa made several statements that are rather "iffy." But they are without documentation or firsthand information to support them. He just heard about them.

Mr. Speaker, I want to tell you something about Mr. Kaiser that I believe is uncontradicted. No. 1: He has not bought anything from the Government that he did not pay for with interest. Nobody ever accused him of not paying his debts. It is true that he had a great many dealings with the Government. He had to—a man who built more ships than anybody else in the world. And the Government asked him to do it. So, necessarily, he had lots of contracts with the Government.

Mr. Speaker, no one, not even a congressional committee or not even—I will ask the gentleman to listen to this—not even an individual Member of Congress, has been able to point his finger at Henry Kaiser and say, 'You did a wrong about this contract; you did not deliver; you did not do the right thing; you did not pay your debts."

Mr. Speaker, no individual Member of Congress and no congressional committee has ever been able to do that.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. How many ships did he buy, and how much lead did he salvage from these ships?

Mr. PATMAN. I suspect the gentleman from Iowa may be nit picking. For his benefit I will list a few of Mr. Kaiser's accomplishments.

CHRONOLOGICAL HIGHLIGHTS IN THE GROWTH OF THE KAISER COMPANIES

In 1914: Henry J. Kaiser Co., Ltd., organized to perform paving operations in British Columbia.

In 1916: Kaiser Paving Co., incorporated in Washington.

In 1921: Kaiser headquarters moved to Oakland, Calif.

In 1923: Kaiser Paving Co., entered sand and gravel business near Pleasanton, Calif.

In 1927: Cuban Government awarded Kaiser $20 million contract for highways.

In 1928: Construction of Mississippi levees through 1930.

In 1931: Pipelines in Kansas, Texas, Oklahoma, New Mexico, Arizona and Montana built, 1931–33, by Bechtel-Kaiser Co., Ltd. Henry J. Kaiser joined in the formation of the Six Companies, Inc., to construct Hoover Dam in Nevada.

In 1934: Columbia Construction Co., formed by Kaiser managership to build Bonneville Dam on the Columbia River.

In 1938: Kaiser organization sponsored joint venture group to build major portion of Grand Coulee Dam in Washington.

In 1939: Permanente Corp. incorporated and a cement plant constructed for building of Shasta Dam in California. Up to the start of World War II, Kaiser and associated firms had built more than 1,000 projects totaling $383 million.

In 1940: Kaiser entered the shipbuilding field, designing, constructing and operating yards. By 1946, seven Kaiser shipyards had produced 1,490 ships, including 50 small aircraft carriers, approximately one-third of America's war-produced fleet.

In 1942–45: Permanente made record cement deliveries to the Pacific war theaters. Henry J. Kaiser Co., purchased assets of Fleetwings, Inc., to supply military air frames. Kaiser Steel's Fontana plant constructed to supply steel plate for ship construction. Artillery shell plants built and operated at

Fontana and Denver, Colo. Henry J. Kaiser Co., formed gypsum business with Standard Gypsum Co., Inc. Permanente Metals Co., produced magnesium incendiary "Goop."

In 1945: The first publicly held company, Kaiser-Frazer Corp., organized to manufacture autos.

In 1946: Shipbuilding activities ended. The Permanente Metals Corp., entered aluminum business by leasing plants at Baton Rouge, La., and Spokane, Wash., from the WAA.

In 1947: Cement became a publicly held company.

In 1949: The Permanente Metals Corp., renamed Kaiser Aluminum & Chemical Corp.

In 1950: Kaiser Steel Corp., went into a $125 million refinancing program, paid off its RFC loan 20 years ahead of schedule and became a publicly held stock company.

In 1952: Kaiser engineers entered nuclear engineering field with construction of additions to the Hanford plutonium plant for the AEC.

In 1953: Kaiser-Frazer became Kaiser Motors, Inc., which acquired Willys-Overland Motors, Inc., and renamed Willys Motors, Inc. Chalmette aluminum reduction plant completed in Louisiana.

In 1955: Willys discontinued passenger car manufacture to concentrate on production of "jeep" vehicles. Industrias Kaiser Argentina organized, first vehicle produced a year later. Kaiser Metal Products began manufacture of missile parts. Kaiser Aluminum embarked on major expansion program, building plants at Ravenswood, W. Va., and Columbiana, Ohio.

In 1956: Kaiser Industries Corp. created under reorganization by which Henry J. Kaiser Co. became a wholly owned subsidiary. Kaiser Gypsum entered insulating board field by acquiring Fir-Tex plant at St. Helens, Oreg. Willys-Overland do Brasil reorganized.

In 1957: Work begun on Kaiser Center in Oakland, Calif.

In 1958: Cement completed plant at Lucerne Valley and acquired Bellingham, Wash., plant.

In 1959: Steel completed $214 million expansion at Fontana. Aluminum completed 4-year $400 million expansion program with opening of Gramercy, La., works. Kaiser Center occupied. Kaiser Hawaii-Kai Development Co. started work on $350 million resort-residential city near Honolulu.

In 1960: Rosario, N. Mex., gypsum plant and Hawaiian cement plant opened. Heavy Construction Division renamed Kaiser Engineers International. Shipbuilding resumed through National Steel & Shipbuilding Co.

In 1961: Hawaiian Village Hotels sold. Willys-Overland do Brasil and Industrias Kaiser Argentina each produced their 100,000th vehicle.

In 1962: Volta River hydroelectric project started and Volta Aluminum Co., Ltd., organized. Aluminum dedicated Argentina plant. Steel joined in development of Australian iron ore deposits. Willys introduced Wagoneer and Gladiator. Broadcasting division's FM radio station in San Francisco started.

In 1963: Willys Motors, Inc., renamed Kaiser Jeep Corp. Steel's long range sharing plan adopted at Fontana. Cement doubled Cushenbury plant capacity and opened new Montana plant. Gypsum entered eastern market with Nova Scotia ore deposits and construction of Florida plant. Aircraft and electronics division became Kaiser Aerospace & Electronics Corp. Aluminum added five domestic plants and continues worldwide expansion. Cement and steel entered international field.

If the gentleman from Iowa is attacking, the gentleman should have something with which to attack.

Mr. GROSS. Did not the gentleman from Texas go into these questions during the hearings on this resolution?

Mr. PATMAN. If the gentleman from Iowa expects Members of Congress to pay any attention to what he says in his attacks, the gentleman ought to have it supported by information that he can document.

The gentleman from Iowa does not say that any of this is true, that which he has related here to the Members of the House. What the gentleman has stated falls into the category of "they say he said it." They just heard it. It is hearsay. It is "they say." That does not represent proof.

Mr. Speaker, we do not want to condemn a man for that, especially a great industrialist like Henry Kaiser who helped to save our country in time of war. Who can say that our country would have been saved if a man like Henry Kaiser had not risen up and was able to produce the ships faster than the Nazis could sink them. No other man offered to do that, no other person in World War II or any other war has ever performed in such a patriotic way as that.

Mr. Speaker, the gentleman from Iowa mentioned something about buying things from the Government. We can take, for example, the Fontana Steel Co. Henry J. Kaiser bought that from the Government and paid 100 cents on the dollar for it. Other steel companies received a reduction, a traditional reduction, of 20 percent. Henry Kaiser did not take it. He paid the Government 100 cents on the dollar. Every bit of the assets that he purchased from the Government—and he purchased a lot—was done through competitive bidding in open competition, with every corporation and every individual in the United States free to bid and every individual throughout the world free to do likewise. He bid for the property that the War Assets Administration had to offer and he was the best bidder or the Government would not have sold to him. When he bought it, he paid for it. He used it in the interest of the people.

Insofar as the Kaiser automobile is concerned, he was going into a business there that is a somewhat monopolistic business. We have to take into consideration the "big three." We all know who they are. Does anyone think that they could get into that business today? Of course they cannot. He undertook it. He salvaged some, the jeep. They are made in many countries of the world and the United States. They are a great help to our people and represent a great assistance.

Mr. Speaker, with reference to the Kaiser car, you can say anything you want to about it, but it was a good car. We see them on the road today. But, do not expect Mr. Kaiser or anyone else to buck the motorcar industry which is monopolistic and be able to get by with it.

Mr. GROSS. And not with money out of the U.S. Treasury.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I am delighted to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I am also very pleased to join the gentleman from Texas in this recognition of the accomplishments of Henry J. Kaiser. He is one of many who contributed so much in the war against fascism. His contributions in my part of the country are recognized by all of the people there. I do not know how the war effort would have ended if it had not been for Henry Kaiser and his contributions.

Mr. Speaker, I am pleased to join in support of this deserved resolution of congratulations and commendation for Henry J. Kaiser, one of America's great industrialists, who became 82 last Saturday, May 9.

Mr. Kaiser's activities are well known and regarded in my home city of Portland, Oreg.

His was a dramatic example of industrial production in the field of shipbuilding during World War II.

In the relatively short period of 107 days, the Swan Island Airport became a huge shipbuilding facility. A Kaiser yard across the Columbia River in neighboring Vancouver, Wash., launched its first vessel in 5½ months after the time the yard site, then a dairy farm, was acquired.

In Kaiser company schools unskilled thousands were trained before being sent into production lines. The yards eventually employed 100,000. Half of nearly 1,500 vessels—from landing craft to baby aircraft carriers—produced by the Kaiser effort were produced at these 2 yards.

The Kaiser shipyard made headlines when the 10,500-ton liberty ship the SS *Joseph N. Teal* was built and launched in 10 days' time.

The baby flattops with a 36-plane capacity, performed in superior fashion at Saipan where, I am told, they set a record for continuous operation by a naval task force inside an enemy area. They stayed 23 days under almost continuous fire.

Winston Churchill has been quoted as saying that the baby flattops "were the most effective instrument in destroying the submarine menace."

At one point all Kaiser yards were producing at the rate of 32 freighters a month with the application of auto industry mass production techniques and new welding techniques.

For the United States, World War II began nearly a quarter of a century ago. Memories dim, Mr. Speaker, but the record of American industrial production during that war is unmistakable, and Henry Kaiser did much to write that indelible record of accomplishment in the war against fascism.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I commend the great American in the well now for this resolution.

Mr. Speaker, Henry Kaiser in my book is one of the great Americans of our times.

Mr. Speaker, I strongly commend the gentleman from Texas, the great chairman of the Banking and Currency Committee [Mr. PATMAN], for this opportunity to give deserved recognition to one of the outstanding Americans of our times. I do not think that appraisal of Henry Kaiser, and his place in the history of the 20th century, is an exaggeration. In peace and in war his contribution to the strength of his country, and to the well-being, dignity, and contentment of all his countrymen and countrywomen has been immeasurable. In a very real sense all Americans are indebted to him.

When the Nation in perilous times on the Atlantic and on the Pacific needed ships, ships that seemed beyond human power to produce in sufficient number, Henry Kaiser performed the miracle, and all the world wondered and all America cheered.

Whenever the ugly head of discord was raised to cause dissension between management and labor always was there the sound counsel and the patriotic example of Henry Kaiser, most successful of America's industrialists, to protect and advance the partnership, on a fair and equal basis, of management and labor as the most certain safeguard of the Nation's future.

Mr. Speaker, our beloved Sam Rayburn was born on January 6, 1882, and 24 days later, on January 30, 1882, the immortal Franklin Delano Roosevelt was born. In this same year of 1882, on May 9, Henry Kaiser was born. To me, a lowly and humble member of the natal class of 1882, it is inspiring and uplifting to note that these three men who worked so closely together, each in his own sphere of dedicated service, to help fulfill for our country her destiny to mankind all were born in the year 1882.

Henry Kaiser is 11 days my junior, and I am impressed and thrilled by the energy and the tireless drive of his youthful years since passing the 80 mark. He has not learned to look backward. At 82, he still dreams and as he dreams of a future more filled with human richness than any period of the past he works and works and works to make the dream come true. To this remarkable youngster 11 days my junior goes my applause, my admiration, and my affection.

As chairman of the African Subcommittee of the Committee on Foreign Affairs, I should make mention of the continuing influence of Henry Kaiser, of his son, Edgar, and of the Kaiser Corp.'s in bringing into ever closer understanding the new emerging nations of Africa and our own Republic. I think that American business on the whole has met the challenge of trade with and mutually helpful relations with Africa and her people. I think American buisnessmen have made it crystal clear that ours is not the lust for land or unreasonable profit or any advantage of any sort, but is the plain and honest desire to participate in the manner and to the extent the Africans desire in the glorious adventure of building with them new and powerful and rich nations with which we can live in peace and trade with mutual profit.

This long has been the dream of Henry Kaiser, and may the good Providence that guides us all give to him and to the gentleman from Illinois, 11 days his elder, the time to witness the coming true of the dream in all its brilliance. Certainly no American is held in higher regard in Africa than Chad Calhoun, who since his retirement as a Kaiser vice president, has been giving himself tirelessly, devotedly, and with Kaiser integrity and vision to the Volta project in Ghana.

Mr. Speaker, I am sure a majority of the House will vote for this meritorious resolution as the sentiment of the resolution is clearly that of the majority of the House. I trust the required two-thirds vote will be cast for the resolution despite the fact that this being a Monday there are many absentees.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I would like to call the attention of the gentleman in the well to the fact that among other things which Henry Kaiser pioneered was building the so-called baby flattops which acted as the escort vessels for our shipping across the Pacific. In one case baby flattops won a battle in the Philippines that contributed a great deal to the success of our country in that part of the world.

Mr. PATMAN. I thank the gentleman from California.

Mr. Speaker, with further reference to the question that the gentlewoman from Oregon [Mrs. GREEN] brought up, it has not been mentioned here, but Henry Kaiser did as much to defeat fascism in the world as any other living man about whom I know or of whom I have any recollection of having been mentioned. Of course, fascism is just as bad as communism. We have communism on the left and fascism on the right.

The Fascists and related groups have gone so far over to the right they have probably passed the 180 degrees. The Communists have done the same thing, so they are the same. The Communists represent a dictator form of government. The Fascists and the Communists represent the same type of government, a dictatorial form of government. And the Fascists were the ones we were at war with. I do not believe the gentleman can name any person throughout the world, industrialist, engineer, or construction man, who has accomplished any more than Henry J. Kaiser has accomplished to save this country in time of need and in time of trouble.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. There has long been a controversy between the various branches of the services as to who won the war. It is interesting to have the gentleman tell us today who did win the war.

Mr. PATMAN. I did not say that. The gentleman puts words in my mouth. I just said that the gentleman could not name any person who accomplished more in that direction.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. HOLIFIELD. It is well known to people on the west coast the tremendous effort that was made, and the results that were accomplished in the building of Liberty ships by the Kaiser people during the war. Another thing that is not so well known is the fact they pioneered the first great prepaid medical plan in the United States of the scope I am speaking of. Over a million people today are members of the prepaid industrial medical care plan. These people who are talking about socialized medicine should look at the Kaiser plan and see that the Kaiser plan by employer and employee contribution has given over a million people the kind of medical attention they need without going to the government for it.

Mr. PATMAN. We had some dark days in World War II when the Nazis were trying to crush the other powers, including the United States of America. The casualty lists were long. At one time the Nazis were sinking our ships faster than we could build them. It was Henry J. Kaiser who, with his imagination and his ability as an engineer, was able to get the brains together and build these ships faster than the Nazis could sink them.

Mr. Speaker, this resolution should be passed unanimously.

At this time I would like to insert in the RECORD a statement I made last year at this time, as a tribute on his 81st birthday:

HENRY J. KAISER—THE MAGNIFICENT AMERICAN

Mr. PATMAN. Mr. Speaker, if we had Congressional Medals of Honor for top drawer industrialists whose contributions to American victory in war and in peace was far beyond the call of duty I would nominate Henry J. Kaiser among the first and the most worthy. It is a source of considerable satisfaction to me that the occasion of Mr. Kaiser's 81st birthday, May 9, 1963, gives me an opportunity to review briefly a career that does all America proud. Here is a life that presents itself in the brightest and the most inspiring colors to American manhood, to American ambition, to American patriotism especially, and to the American ideal of the public interest. This is not a typical American success story, although it has many of these dramatic aspects. It is rather the story of American character and individualism, of American fight and achievement. I keep repeating the word "American" because Henry J. Kaiser exemplifies an elemental energy released for the good of us all under our system of free enterprise. He is unique not because he is the only one of his extraordinary human dimensions, but because he is the greatest of them all in our century.

This country has a vast school of what the magazine stories call tycoons and executives, and empire builders and czars, and the Nation has reason in perhaps 99 percent of these phenomenal men of success to be proud of their talent, their know-how, and their often prodigious accomplishments. What makes Henry J. Kaiser my candidate for a hypothetical Medal of Honor is not only that he stands first among the greatest of them, but that on a dozen or more fronts where our

Nation's war efforts were concerned, and in moments of extreme crisis and industrial danger, he risked his name, his reputation, his financial, and personal resources, for the good of his country.

Henry J. Kaiser would in any case have been a millionaire many times over and his personal fortunes would have been great and secure without taking risks not too carefully calculated in order to bring military victory to this country. For the support of his sound and brilliant and highly inventive and original convictions in the fields of ships and planes and construction and management, Henry J. Kaiser did what Thomas Jefferson said our Founding Fathers did. He pledged to his country, his fellow Americans, what the Founding Fathers so nobly pledged to each other—"our lives, our fortunes and our sacred honor."

For this I honor him.

For this, Mr. Speaker, I believe this Congress, this House, should honor him.

For this the whole country owes Henry J. Kaiser an immense debt of gratitude.

For this we all stand humbly before the literally massive inventory of his immense works for freedom and progress and bow our heads in deference, in respect, and in profound and affectionate acknowledgment.

For this genius of the industrial age to build, for example, a $44 million naval air station at Corpus Christi, Tex., back in 1941, was only a drop in the bucket. To me it seems that nothing short of the wildest forces of nature and time and the finger of Jehovah have changed the face of the earth as much as Henry J. Kaiser has changed it. With the difference that, under God's guidance, and with the cooperation of the American ideal of venturesomeness, and the needs of the hour, his achievements proved constructive and of strategic meaningfulness to the free world. It seems to me that for Henry J. Kaiser the building of the pyramids, for instance, would have been hardly a week's work even under the conditions that prevailed in the days of the pharaohs. Only a few years ago when he was 79 he began the construction in the wastelands of Hawaii of a whole complex of facilities for a community of 50,000 people.

In war or in peace this man is an asset to mankind.

Millions of people, tens of millions, in many parts of the earth owe their comfort, their peace of mind, their creature satisfactions in a hard workaday world, to the profound genius of this unselfish and remarkable American.

For Henry J. Kaiser has every right to the title "The Magnificent American," in an era when the "ugly American" seems to be the image swallowed by a large section of world opinion. He is a magnificent American and a model of American inventiveness, ingenuity, integrity, and drive, not only to our own youth and to generations of youth yet to come, but a symbol to the whole world of the kind of greatness we produce.

It is a greatness without greed.

It is greatness driven by the passion for achievement.

It is greatness that concerns itself with what is best for other people; for one's country; for industrial integrity. He is the very embodiment of efficiency and productivity.

What Henry J. Kaiser has built is not only dams and bridges, manufacturing plants, and whole cities; not only has he moved mountains of earth, and mined tons of bauxite for aluminum, ore, and other metals. What Henry J. Kaiser has built in a vast proliferating empire is that respect for the industrialist, the manufacturer, the financier which so many in these professions have done so much to tear down.

Wherever Kaiser stood and stands there is character.

Even when a project out of a vast collection of enterprises failed to measure up to its promise and collapsed, the circumstances surrounding the failure rather emphasized the decency and the self-respect, the high honor and the rugged honesty of this eminently successful businessman of our century.

The man I am talking about is the man who, at one point, built a third of this Nation's shipbuilding program in World War II, according to one estimate, and who, the report said, "set the pace for the rest of it." From some six shipbuilding yards at San Francisco, Portland, Oreg., and Vancouver, Wash., he put upon the oceans whole fleets of 10,500-ton Liberty ships when German submarines had pushed the free world with its back to the wall, and death-dealing enemy subs all but ruled the high seas. In that tragic hour Kaiser became industrially the Nation's No. 1 hero, and in fact, from my perspective, he became, besides, the Nation's actual No. 1 shipbuilder. In whatever he did he brought change using the immediately discovered technology of the hour to advance the cause and the strength of his country. Thus he set up the first vertical steel operation, from mine to rolling mill, in California. He saw and made effective such a light metal, for instance, as magnesium in the use of airplane manufacture. He created the world's biggest single cement plant.

Wherever Kaiser stood there the war was being fought on a mighty industrial front and there it was being won.

Tankers and transports, Liberty ships and cargo vessels, skidded down the ways. I hesitate to use the word but much of this seemed to happen as if by magic. How to produce, as if overnight, 679 Liberty ships, 56 tankers, 30 transports? Kaiser did it and that was only a starter. He did it with a magnificently organized team of engineers, planners, workers, every one of whom seemed to have been invested with some of the dynamic sense of purpose that drove this pugnacious and restless genius. Where the enemy used slave labor Kaiser used patriots. Where the enemy used terror Kaiser used leadership. For Kaiser a ship a day had become a commonplace. Of course today we know it was far from magic. It was expertise. It was what is sometimes called know-how.

Kaiser's mastery of men, then as now, depends, of course, on character and decency. But his mastery of the vast program of war production that he took upon himself depended upon his acceptance of factors that frightened the very wits out of less audacious enterpreneurs. He knew, under the pressure of crisis, what to abandon and what to retain. He knew how simplicity and simplification could speed up production when production held priority over detail and the time factor was of the essence. He always saw beyond the immediate need into the future. He always dreamed on the grand scale. Then, with the fury of an indefatigable dynamo that mastered him, he brought the dream into being. Thus tens of millions of people, fighting men, women and children, warriors on the seas, on the ground and in the air, survived, lived and made do with what he wrought until at long last victory was the free world's reward.

The Kaiser statistics on production present an overwhelming volume of evidence that startle the imagination. Of course whole worlds of industry and fighting men were involved in war and helped to bring victory. Nor was Kaiser the only tycoon who wrought wonders in the area of materiel and production. America's industrial genius was nationwide, for this country had made an enormous investment in human capacity and human dignity. But as I scan the horizon of our time and recall the endless turmoil of the years I find that Henry J. Kaiser among the greatest of America's industrialists stands out as the ablest and noblest of them all.

Yet his beginnings were modest to the point of poverty. Millions of youth everywhere had relatively more opportunity than was afforded to him, and surely have it today. Inheritance gave him nothing and education not much more. In Canajoharie, N.Y., he was the youngest of four children. He made a kind of living as a photographer developing and printing pictures of visiting tourists and vacationists at Lake Placid, N.Y. In this way he met his bride, and through his prospective father-in-law, Edgar Fosburgh, a lumberman of Norfolk, Va., gave up photography—Fosburgh's idea—and struck out on what Fosburgh hoped would be a more dignified and more lucrative career. The area selected, farthest from Lake Placid, was the Pacific Northwest. The plan was for young Kaiser to make good on his own and talk marriage once his salary had reached a minimum of $125 a month. Kaiser went and returned in what was for him the historic year of 1907 and claimed his bride. He had the job. He had the salary. Moreover, he had a house for his bride in Spokane, Wash., fully furnished and ready for occupancy—something of a modern-day Cinderella story.

Success is the Kaiser trademark.

The Northwest adventure was the beginning of Henry J. Kaiser's career in the construction business. The rest is the most fabulous individual chapter in the history of industry in the United States; and this country is rich in fantastic success stories. Kaiser altered basically the great machine workhorses of the construction business. Machine methods were revolutionized so that oil-and-gasoline energy and hard steel replaced human sweat and muscle and the backs of men. He made new and revolutionary use of the diesel engine. He could see that to which greed was blind. For instance, he could see that putting tires on wheelbarrows not only brought him greater cooperation and respect from his human work force, but yielded him greater profits because of more loads carried. For him humaneness became a helpmate to achievement.

The fast-growing Kaiser human and mechanical machine paved whole communities in California better and faster for less.

Then came the massive breakthrough creating gargantuan construction projects that are the majestic monuments to architecture and engineering on the American scene in the 20th century: In 4 years he and associated contractors built Boulder Dam. This, on May 29, 1935, was 2 years before the date called for in the Government contract. Then Bonneville Dam sprang up across the deep channel of the Columbia River. On occasion whole cities were built to house the workers. I offer it as a purely personal opinion that under Henry J. Kaiser, construction as a science had developed more in the hands of this one man than it had developed in all the centuries before back to the building of the Chinese Wall.

I ask: How can we estimate what it is that America owes to him?

I ask: How great, in terms of dollars and statistics, is the gratitude coming to Henry J. Kaiser from the whole free world?

It was after Bonneville Dam that Grand Coulee Dam literally changed the skyline of this continent. For here was something as monumental for its day as anything man had ever constructed in the whole history of time. The least that can be said of it is that it is the greatest dam ever built. Everything about Grand Coulee was unprecedented in terms of size, proportions, quantities, dimensions. It seemed to add new meanings to the ordinary digits in arithmetic. Kaiser and his fellow contractors employed hammerhead cranes weighing 368,000 tons. A Niagara of cement poured

from these unheard-of giants of mechanization. In the concrete Kaiser and his associate contractors embedded, as if for eternity, supports for an 1,180-foot-high, four-track trestle. The concrete came from a mixing plant of a size never known before. Finally when Grand Coulee stood out, like a tamed monster for the good of man, there it was far ahead of the deadline date.

In my day I have wandered over many bridges and I am not sure how many of these Kaiser built. But I do find something personal and intimate in the knowledge, for instance, that when one drives over the San Francisco-to-Oakland Bay Bridge, the piers that form the base are the work of this greatest of all American builders in our age.

I could go on like this detailing an enormous inventory of 20th century construction that has meant revolutionary changes in everything from light metals to wheelbarrows, and from diesel engines to executive management, and that involve whole nations and continents. The story is a biography that has yet to be told in all its drama, its color, its intriguing human excitement, and the grand scale on which Kaiser operated. I have only to add one more point. For Kaiser had to overcome not only the merciless eccentricities of uncertain wild forces in nature: wind and rain, cold and heat, storms and floods; he had a far greater obstruction than all of these put together. Again and again and still again he had to overcome an almost impassable, and frequently an absolutely impassable, mountain of human stupidity. With the amazing drive that pushes him on he was able now and again, against high rank and uniformed prestige in authoritative places, to plow through this obstructive blunt wittedness. He did it like one of the best oiled of his great bulldozers pushing through a mountain of heavy sludge. In the end the doubting Thomases, the faltering addicts to the past, the simply deep-frozen minds of inferior men in magnificent offices, saw that Henry J. Kaiser had not only vision, but practicality. And the proof was there in steel and concrete as if for the ages.

Let me finally end this tribute with the simple observation that without the peradventure of a doubt Henry J. Kaiser is one of the greatest Americans in our history. He did what he did on character and understanding and his service to the whole of mankind surpassed the cumulative accomplishments of a whole 5-foot shelf of monarchs and worldshakers.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Texas. I believe he has put this matter out fairly and squarely before this body.

Mr. Speaker, my associates in the House today have reminded us of some of the many accomplishments of this great American—this Henry J. Kaiser—and for all of these contributions he should be so honored by the Congress and presented with the Congressional Medal of National Honor by the President of the United States.

There is, however, one contribution Mr. Kaiser has made to the welfare of his neighbors that is not as widely known or recognized as his dramatic shipbuilding record, his excellent labor-management relations, or his "impossible" engineering and construction feats. I speak of the highly respected Kaiser Foundation medical care program, a nonprofit organization.

It is the largest prepaid direct service medical and hospital plan in the country that serves not only many Kaiser employees, but hundreds of thousands of people in the Pacific States and Hawaii. Its total membership is more than 1 million members. Federal employees and their dependents comprise the largest group, with approximately 180,000 members, or nearly 20 percent of the total enrollment. No other group, including Kaiser employees and their dependents, make up more than 5 percent of the total.

I want to explain briefly to you how this outstanding health plan works, but before I do so, you should know how and why such a program began.

As Mr. Kaiser himself explained long ago:

I have always been interested in medicine. My mother died in my arms when I was 16. She suffered from Bright's disease, and I think she might have been saved or spared if she'd had the proper medical care. My father went blind and that could have been prevented. I made up my mind that if I had the opportunity, I would work for more medical care for more people at lower cost.

Mr. Kaiser put his principles and his dream to work some 30 years ago. The story of the Kaiser Foundation health plan began in the remote back stretches of the southern California desert in the depression years of the early 1930's. Construction workers were building an aqueduct and moving their campsite as the ribbon of concrete stretched across the wastelands. Lack of medical service for treatment of industrial injuries and illness was a major problem facing the contractors and their crews. The nearest doctor was more than 200 miles away.

At the contractors' request, a young surgeon named Dr. Sidney R. Garfield organized a small team of physicians and built a 15-bed hospital in the desert. Although the scope of their practice consisted of treating injuries and illness at the construction site on the traditional fee-for-service basis, they offered economical services by pooling skills, equipment, and personnel. This arrangement appeared sound until unusual problems arose. Few workmen had cash for treatment of nonindustrial illness and injuries; industrial insurance carriers transferred most of the seriously injured patients to distant metropolitan hospitals. Income from individual fees could not meet the cost of hospital maintenance and staff salaries.

The contractors joined them in persuading insurance carriers to drop fees for service in favor of prepayment at a monthly rate of $1.50 for each employee. This new financial arrangement was such a success that the doctors soon were able to expand the plan to prepaid medical coverage for nonindustrial illness and injuries.

Similar programs later were organized first for Kaiser employees constructing Grand Coulee Dam in 1938 and then for 90,000 warworkers at Kaiser's west coast shipyards and steel mills during World War II. Again these programs proved themselves self-sustaining and financially sound.

Immediately after the war, former warworkers and a number of labor unions asked Henry J. Kaiser and the cooperating physicians to open this kind of program to the general public. They decided to accept this new challenge and in 1945 opened health plan enrollment to groups and individuals on a voluntary basis. Then the plan had only about 10,000 members. By the end of 1963, membership had topped 1 million.

As an indication of the importance Mr. Kaiser attaches to his medical care program, he emphasized:

Of all the things I've done, I expect only to be remembered for my hospitals. They're the things that are filling the people's greatest need—good health.

Mr. Speaker, briefly, this is how the plan works:

The health plan contracts with all subscribers to arrange necessary hospital and professional care on a prepaid basis for themselves and their families. To carry out this commitment, it then contracts with Kaiser Foundation hospitals for hospital facilities and services, and with one of four independent medical groups for professional services.

The contracts between the health plan and the medical groups and the hospital organization link these organizations together in pursuing one objective: To provide the public with a comprehensive, high quality medical and hospital care plan on a nonsubsidized and self-sustaining basis, at costs which the average family can afford.

For this plan, Mr. Speaker, for Mr. Kaiser's dedication to providing medical service for his employees and his neighbors, this Congress should honor him with the Congressional Medal of National Honor.

Mr. BOGGS. Mr. Speaker, when we hear someone speak of Kaiser today, there are those of us who will immediately recall Henry J.'s swashbuckling days of building dams and daring engineering projects during the depression years, or producing ships, shells, and aircraft for our Nation's military effort during World War II. But there are many more of us who immediately conjure up an image of a highly diversified group of companies doing business in every corner of the globe.

It seems like they have been working with the peoples of foreign lands for decades, but it has been only 10 years ago this month that Henry J. Kaiser took that fast trip around Latin America with our New Orleans mayor that started the international era of the Kaiser organization.

Indeed, it was out of this journey that Industrias Kaiser Argentina and Willys Overland do Brasil were born. They are now the largest automobile manufacturing facilities in Latin America, together employing some 16,000 citizens of those countries and producing a combined total of close to 100,000 automotive units each year. And it is these very companies that today are being cited as

classic examples of enlightened American capitalism.

It was Henry J. Kaiser who saw the needs of the people of Argentina—both in terms of low-cost transportation and the need for an industrial-based economy. But this is not unusual. Long has Mr. Kaiser used the needs of others as a basis for the investment of his resources. It is explicit in one of the company's slogans—"Find a need and fill it."

Mr. Kaiser saw and heard that the people and Government of Argentina themselves were aware of these needs, and he heard them ask for assistance to meet them. At the same time, national pride would force them to reject any and all attempts at colonialism or the economic imperialism that might have existed.

Peoples needs are not necessarily met simply by the investment of capital and technical know-how to build and operate an automobile plant. What the people were looking for, and what Henry J. Kaiser offered them, was partnership.

What Kaiser means by partnership and what Kaiser's international philosophy is, is eloquently stated by Mr. Kaiser's elder son, Edgar F., now president of Kaiser Industries Corp.:

> We must make our investment of heart and soul, as surely as we make our investment of money. Our returns must be in terms of people, their aspirations, their hopes and ideals, as much as on the balance sheets.

Whenever possible, Mr. Speaker, I know that Kaiser's participation in a foreign country is based on a full partnership with the people and government of each foreign land—wherever its men, money, material, and know-how are working.

For this meaningful international business philosophy that so ably demonstrates to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy, this Congress must respond and fully express our appreciation in the name of every American to Henry J. Kaiser.

Mr. HORAN. Mr. Speaker, In Spokane, Wash., we have every reason to be most proud of Henry J. Kaiser. It was to our part of the country that Henry repaired when he fell in love with Bessie Fosburgh and, after proposing marriage to her, was banished by her father unless within a year he could fulfill three conditions: Own a house, show a bank balance of $1,000, and be earning $125 a month. It was to Spokane, Wash., that Henry went to achieve this. After the year had passed, he returned East to claim his bride with all three conditions duly fulfilled.

It is generally known that Henry was one of the most prominent builders of the six companies that constructed Grand Coulee Dam. One interesting sidelight of Henry Kaiser's imagination and efficiency is the fact that he put rubber tires on the wheelbarrows that the men on that job used on certain parts of the dam. This was at that time a new innovation. It was not only easier on the men but it was a morale booster for them, and it saved money for the contractor. There are many interesting stories told of Henry's ingenuity in getting the payrolls together at certain times. But, as always, all of his efforts generally met with success.

Today the name Kaiser is a big one in Washington and I would like at this time to include the Kaiser activities in our great State of Washington.

FACTS ABOUT HENRY J. KAISER AND THE KAISER COMPANIES

Kaiser today, May 1964

Active companies and subsidiaries	60
Employees	67,904
Annual payroll	$448,888,000
Stockholders	136,000
Plants and facilities	153
States and possessions	25
Foreign countries	17
Products and services	300
Annual sales	$1,368,941,000
Assets	$2,043,121,000

KAISER IN WASHINGTON

Spokane: Kaiser Aluminum & Chemical Corp., Trentwood rolling mill, fabrication plant, products, building products, circles, plate, sheet, tubing, employment, 2,016.

Mead reduction plant: Primary aluminum, 176,000 tons per year, employment, 1,628.

Mead south plant: Raw materials, calcined coke production; total employed, 4.

Treatwood: Department of metallurgical research.

Seattle: Permanente Cement Co., two cement distribution plants; production and storage capacity, 160,000 barrels; total employed, 40.

Glacier Sand & Gravel Co. (wholly owned subsidiary of Permanente Cement Co.; two ready-mix concrete plants (Duwamish and Northlake); total employment, 106.

Kaiser Gypsum Co., gypsum products plant, products, gypsum board products, 180 million square feet, annual capacity; plaster, 20,000 tons annual capacity; total employment, 103.

Bellingham: Permanente Cement Co., cement manufacturing plant; annual capacity, 1,900,000 barrels; employment, 158.

Tacoma: Kaiser Aluminum & Chemical Corp., primary aluminum plant (temporarily closed); annual capacity, 41,000 tons; employment, 6.

Steilacoom: Glacier Sand & Gravel Co. (wholly owned subsidiary of Permanente Cement Co.); sand and gravel production.

Vancouver: Kaiser Aluminum & Chemical Corp.; aluminum culvert fabrication plant, total employment, 8; Glacier Sand & Gravel Co., production of ready-mix concrete.

Pasco: Permanente Cement Co., cement distribution plant, production and storage capacity, 17,000 barrels.

Hanford: Kaiser Engineers Division (division of Henry J. Kaiser Co.), new production reactor, Atomic Energy Commission.

Vantage: Kaiser Engineers Division: dam, joint venture.

Mr. MORRIS. Mr. Speaker, it is with full satisfaction that I have the opportunity to pay tribute to Henry J. Kaiser. This Congressional Medal of National Honor has long been overdue to a man who has contributed so much to keep America a land of free men dedicated to the principles of private and unshackled enterprise. If we look at Mr. Kaiser's record we see that he has bucked a bigger industry—a bigger government every time he has sought to create a new company or build a new project or provide better services to the people.

His struggle for a share of the market has always stimulated free competition. He has not won every battle, of course, but he has won a victory—a victory in the sense that he has awakened the minds and spirits of men to produce more than they thought was possible.

The journal of history also should mark Henry J. Kaiser as a man who has built men. He has done so by not placing boundaries on the talents of the men he has chosen to be on his team. Mr. Kaiser himself has said: "Our success originates in the fact that here we try to develop extraordinary talents in ordinary people." It always has been a source of constant amazement to me, Mr. Speaker, that Mr. Kaiser has, by his own admission, found and surrounded himself with men who know more than he does.

Henry Kaiser is of the opinion that in most people there is greater talent, greater capacity and altogether more resources than in most cases are commonly utilized. Often it is the policy of the enterprise or of personal attitude of the management which hampers the possibilities for developing the abilities of an ordinary person to full flowering. For example, one gives a person considerable responsibility, but not at the same time the authority and right of independent action which is the basic condition for fully releasing the personal ambitions and channeling them into action.

In order to systematically avoid this braking of the progress of the company, through not letting people completely develop their abilities, Henry Kaiser has introduced special methods. Each company within the Kaiser organization is an independent unit whose management must make the decisions about the affairs of the enterprise. At the same time these persons are, of course, cognizant of what the interests of the entire group requires, and they consider these factors in making their decisions.

This is what Henry Kaiser has given America—men—men who will work and men who will succeed because they have been inspired to give outlet to their inner strengths—to achieving the best within themselves.

Mr. PELLY. Mr. Speaker, 10 years ago the House Committee on Interstate and Foreign Commerce, of which I was then a member, was holding hearings on a bill to provide Federal mortgage loan insurance for hospitals and medical facilities. It was during those hearings that I became acquainted with Henry J. Kaiser. And I remember, almost as though it was yesterday, his testimony. It was a rewarding experience to listen to him because so obviously to me he possessed three qualities which comprise his character and account for his success and accomplishments. One of these qualities was knowledge of his subject, another was his personal dedication to the subject, but what was remarkable, and impressed me most, was the simplicity of the man. Therein was his greatness and the greatness of one of the giant builders and industrial creators of this age. In a way this simplicity seemed to me almost incongruous. It was the simplicity—a sort of gentleness and sweetness of character—which made the impression on me that caused me to re-

member his words and the statement he made—which as I say—was 10 years ago.

One or two times in the intervening years I have seen Mr. Kaiser, but mostly I have followed and read with great interest of his long career and eventual retirement. Always, may I say, when his name has appeared I have felt a sort of warm feeling due to the admiration I held for him as a great American and a man that typifies the finest tradition of success. If there were more Henry J. Kaisers there would be less economic depressions. He is a personal all-out war against poverty. He is "Mr. Production" himself.

Therefore, Mr. Speaker, when I saw that a resolution had been introduced to honor Henry J. Kaiser, I felt impelled to associate myself and become a cosponsor of this legislation. Passage of this measure will constitute a tribute to Mr. Kaiser, not alone from Members of Congress, but by and through them a tribute on behalf of the entire American people to the greatest industrial builder of our time and to a true humanitarian who so richly has won the honor and respect of his fellow men.

Mr. HANNA. Mr. Speaker, there are many young men today who believe they must bind themselves over to a large corporation or a massive Government structure in order to guarantee their families the economic necessities and protection to sustain themselves. They erroneously feel that they need this type of security rather than strike out on their own to earn the rewards of their toil. Of course, it has been proven time and again that success—and security—are available to all if they would but seek it.

Perhaps, Mr. Speaker, the youth of our Nation should be reminded of one of our greatest industrial leaders—Henry J. Kaiser, the man whose ever-surging rush to achieve, to build, to accomplish, has nourished the industrial muscle of America. His industrial contributions are a part of history, but Mr. Kaiser lived and acted by a set of principles that were recently explained in an article in Reader's Digest. The youth of our Nation would indeed be richer, Mr. Speaker, if they were to follow the advice of this wise and distinguished gentleman:

First. Most people use only one-tenth of their total capacity for work and original thought. Harness your full powers and you will be amazed at the results.

Second. If you persevere, and push, and hang on long enough, you will wear down the opposition.

Third. Decide what your real dreams are—then reach for them. They are closer than you think.

Fourth. Serve the public. Find projects that fill public needs. The more people who benefit, the better it is for you, too.

Fifth. You seldom accomplish very much by yourself. You must get the assistance of others.

Sixth. Achieving success demands total effort. Beware of distractions.

Seventh. Conduct your affairs as if you expect today to be your last day alive.

Mr. COHELAN. Mr. Speaker, I take great pleasure in joining the distinguished gentleman from Texas [Mr. PATMAN] in urging adoption of this resolution which would bestow a Congressional Medal of National Honor on a great American, Henry J. Kaiser.

Mr. Kaiser is far more than a world-famous industrialist whose remarkable record during World War II of building ships, planes, weapons and military installations set the pace for this Nation.

He has devoted his full life to the business of building and serving people.

He has pioneered a new plan to meet the problems of medical care for the average man—a plan which has made a great and creative impact in the West.

He has been a leader in promoting cooperation and understanding between labor and management.

He has been a good neighbor and an ambassador of good will to people around the world.

And he has demonstrated to the peoples of the world that individual initiative and a concern for the welfare of others are the bulwark and foundation of democracy.

Henry Kaiser is a man of whom America can be proud. This medal can only be a small token of our appreciation but it is richly deserved and I urge that this resolution be approved.

Mr. MORRISON. Mr. Speaker, no person can possibly join in honoring Henry J. Kaiser without a feeling that by so doing he is also honored. It is certainly with a sincere and deep sense of humility that I rise today and join in paying tribute to a man who is truly one of our greatest Americans.

The "greatest builder of modern times," Henry J. Kaiser was born 82 years ago on May 9, 1882, of German immigrant parents. His life has been a rare blend of true greatness, lovable humility, and the genius for creative capacity that God touches few men with.

Starting in the great western frontier of our Nation, the "building era" saw Mr. Kaiser participating in the building of the world's mightiest dams—Hoover, Grand Coulee, Bonneville and Shasta, and such other projects as the piers of the San Francisco Bay Bridge, levees on the Mississippi River, and pipelines in the Northwest, Southwest, and in Mexico.

He burst onto the national scene during World War II when he accepted the challenge of the war effort and produced more vessels—and far quicker—than any other shipbuilder. There were 58 shipways in the 7 Kaiser-built and operated yards in California, Oregon, and Washington. These yards produced 1,490 ships, including nearly one-third of the entire American production of merchant shipping and 50 small aircraft carriers. The Kaiser yards established a worldwide reputation for phenomenal speed in shipping construction, averaging one ship each day.

Henry J. Kaiser has built factories that are producing iron and steel, aluminum, automobiles, cement, gypsum, chemicals, refractories, aggregates, and metal products. He constructs both massive projects and whole communities of homes. There are 60 active companies and subsidiaries in the Kaiser empire employing 70,000 people with an annual payroll of almost one-half billion dollars.

My own State of Louisiana has benefited immensely from the genius of Henry J. Kaiser. The Kaiser Aluminum & Chemical Corp. is one of Louisiana's major industries. The company's heavy investment in new and expanded production facilities has truly given Louisiana an important position in the Nation's aluminum industry and the investment has also brought many benefits to Louisiana and to its people. A procession of oceangoing vessels daily brings bauxite from the island of Jamaica to Kaiser aluminum plants at Baton Rouge and Gramercy. It is a lucrative trade for my State, one that each year adds many millions of dollars to the State's economy.

Mr. Speaker, Henry J. Kaiser has devoted a lifetime to making America great, strong, and safe. His is a rare genius that has enriched us beyond measure. America has needed Henry J. Kaiser, and America will need his type of genius in the future. Fortunately, as we pay tribute to him today, we know that his legacy will always be with us.

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GUBSER. Mr. Speaker, I am proud to join in support of House Joint Resolution 1020. Earlier this year, I was pleased to author House Joint Resolution 984 which, like the bill under consideration, pays well-deserved tribute to a fantastic and great American, Henry J. Kaiser.

We have all heard the famous saying, "The difficult we can do immediately; the impossible may take a little longer." Mr. Speaker, the author of this phrase must have had Henry J. Kaiser in mind when he wrote it, because the industrial accomplishments of this farsighted gentleman almost constitute achievement of the impossible.

I am privileged to have several Kaiser industries in my own congressional district. One is the Kaiser aluminum foil plant and an aluminum research and development facility. At Palo Alto, there is the Kaiser aerospace and electronics plant. Early this summer we will welcome a new Kaiser Foundation Hospital to Santa Clara County. The most extensive Kaiser facility in my district is the famous Permanente cement plant—the second largest in the Nation.

Kaiser industries are good neighbors, as we in the 10th Congressional District know. They provide steady employment under working conditions which are a credit to enlightened management and they are always among the first to support any local enterprise.

Though all of the business ventures of Henry J. Kaiser are legend in our industrial history, the story of Permanente is one of the most fabulous.

In the 1930's, Mr. Kaiser was successfully building dams, highways, and byways in the West and elsewhere. In the late 1930's, he encountered a problem in obtaining a satisfactory price on cement from western producers. Kaiser found it impossible to bid some jobs because of the lack of firm price quotations. His appeals to the producers were unsuccessful. So, in characteristic Kaiser fashion, he told them he would have to build a cement plant.

Mr. Kaiser came to Washington early in 1939 to see then Secretary of the Interior Harold Ickes. He said:

Mr. Ickes, you will soon be asking for bids on the cement needs for Shasta Dam in connection with the central valley project—nearly 6 million barrels. I do not have a cement plant in being, but I will build one and have the cement delivered at the site before the deadline if you will write your specifications so that a nonproducer of cement at the time of the bid can qualify.

Mr. Ickes checked with the Solicitor and the Comptroller General. They said this could be done if the guarantees that Mr. Kaiser proposed were met.

Mr. Kaiser bid $1,700,000 below the next bidder and was awarded the contract. The other bidders attempted to intercede, but were unsuccessful. Mr. Kaiser built the cement plant in record time and met the delivery date.

This Permanente plant at Los Altos is now the second largest cement facility in the United States. Mr. Kaiser's Permanente Cement Co. currently produces cement at five facilities in the West, providing employment to thousands of people.

Mr. Speaker, at the conclusion of my remarks I shall insert an article in the RECORD concerning Permanente Cement Co. This article appeared in the Globe Trotter and is entitled, "Cement and Gypsum."

Mr. Speaker, no resolution bestowing honor upon an American has ever been more justified than this one. I am pleased to have been present on this day to assist in this congressional action which expresses the gratitude of the entire Nation through its Congress for the tremendous contributions which Henry J. Kaiser has made to mankind.

CEMENT AND GYPSUM

When Permanente Cement Co. was organized 22 years ago it had no plant, no markets, not a single customer. Now, in 1961, it is one of the largest producers of building materials in the West and a husky member of the Kaiser family of industries.

In the beginning, the success of the company appeared doubtful. Oldtimers in the industry contended that no additional capacity was needed on the west coast, and they predicted trouble for a new producer that dared to enter the market. But Permanente held two important "hole cards." First, in the Los Altos Hills overlooking San Jose, Calif., it owned an abundant supply of limestone. Second—and more important—it was backed by able and determined men who felt the quickening pulse in the construction camps of the West. In the forefront was Henry J. Kaiser, and with him were his coventurers at Hoover and Bonneville Dams.

Permanente took aim at a contract to supply 5,800,000 barrels of cement for construction of Shasta Dam in northern California, a project of the U.S. Bureau of Reclamation. It submitted a bid of $1.19 a barrel, which was 29 cents a barrel less than a competitive bid entered jointly by six established firms. Permanente won the contract and the Bureau of Reclamation saved $1.7 million.

On Christmas Day, 1939, just 7 months after the award of the Shasta contract, the company's two-kiln plant, built in record time, produced its first bag of cement. Rated capacity was 2,500,000 barrels a year.

Within 2 years the capacity was doubled, and the four-kiln plant became the largest cement installation in the world. Most of the new capacity was requisitioned for defense work and, when war broke over Pearl Harbor, Permanente was heavily involved in supplying construction projects in the Pacific. Storage silos were built in Honolulu in 1941 and, with company-owned ships, Permanente pioneered the economical method of bulk distribution which is now predominant in the cement industry. The Hawaiian storage plant became a pivotal factor in the distribution of more than 7 million barrels of Permanente cement which were delivered to the Pacific by the end of the war. So important was the cargo that cement-carrying ships were invariably placed in the highly screened center of the conveys. It was in this period that the company earned a reputation that was later expressed in the slogan: "On the job, on time."

In the postwar years, Permanente—like industry in general—faced the uncertainties of establishing itself in civilian markets after 6 years of close association with military activities. A vigorous marketing program was evolved, which included the development and distribution of a full line of portland cement types. It also included complete service to contractors: on-time delivery, technical assistance, and an expanded force of experienced sales representatives.

One significant step in the development program was Permanente's entry into the growing Pacific Northwest. A bridgehead in the area was provided by Glacier Sand & Gravel Co., an aggregates and ready-mix producer, which was purchased in 1944. Two years later a distribution plant was installed in Seattle, followed by another in Portland. Supplied by company ships from California, these plants served local markets and shipped fleets of cement-laden barges to the big dam jobs on the Columbia River.

Permanente's second decade, beginning in 1950, was marked by almost constant expansion and diversification to meet the challenges and opportunities for growth. In Alaska, contractors rushing to build strategic airbases and early warning systems faced a costly problem in the manual handling of sacked cement. Permanente stepped forward with new bulk distribution plants in Anchorage and Fairbanks, sending barges up the Inland Passage from Seattle. The move saved hundreds of thousands of dollars in defense costs—and it won a strong, new market for Permanente. To supply these markets, the company in 1951 added a fifth kiln to its plant in the San Francisco Bay area, giving it a capacity of 7 million barrels.

The West was growing—and at twice the national rate, surpassing even the most optimistic hopes of the 1940's. Everywhere, it seemed, opportunities abounded. One of them—a major opportunity—opened up in 1952 with the purchase of Kaiser Gypsum Co. as a wholly owned subsidiary of Permanente. The purchase brought with it products closely related by nature and markets to Permanente's cement operations. It also included gypsum product plants in Long Beach and Redwood City, Calif., and a huge gypsum reserve on San Marcos Island in the Gulf of California.

Almost immediately plans were drafted to expand gypsum operations in order to strengthen the company's position in its markets through plant modernization, the addition of strategically located new plants, and new product lines. The plans materialized in 1954 with a new gypsum products plant at Seattle, and a year later the old Redwood City plant was being replaced by a much larger installation at Antioch, in northern California. Three major developments came in 1956:

Capacity of the Long Beach facility was expanded by 60 percent.

The wood-fiber insulating products plant at St. Helens, Oreg., was purchased by Kaiser Gypsum, thereby providing the company with about one-fifth of the insulating board capacity in the West.

A big new gypsum ore carrier, the SS *Harry Lundeberg* was built and put into operation.

As a consequence of the program, total gypsum and insulating capacity was increased to more than 700 million square feet of board products and more than 100,000 tons of plaster. Kaiser Gypsum, once a small producer, became one of the two top producers among six competing in the West.

Cement operations, too, moved ahead to meet the immediate as well as long-range needs of the construction industry. A sixth kiln was added at Permanente in 1956, bringing annual capacity to 8,500,000 barrels, where it now stands as one of the largest cement plants in the world. In early 1957, the company entered the highly competitive southern California market, where the Lucerne Valley plant operates at a capacity of 2,700,000 barrels a year.

Altogether, from 1955 through 1957, Permanente Cement invested more than $45 million in new plants and facilities. Yet as the company's second decade in business drew to a close, still another ambitious expansion program began to take shape.

For its markets in the Pacific Northwest, Permanente had sought a strategically located plant, adaptable to a pattern of long-range, flexible operations. Such a plant would increase the cement available to California by reducing shipments to the Northwest. In mid-1958 the problem was solved with the purchase of the Olympic Portland Cement Co., Ltd., at Bellingham, Wash. The same year brought about distribution of cement from the Long Beach silos, construction of a distribution plant on Guam in the western Pacific, and improvement of other facilities.

Thus far, the company's major ventures into expanded production had taken place along the Pacific Coast. However, the pattern shifted westward in April 1959, with the announcement of plans to construct a large cement manufacturing plant in Hawaii. Completed in 1960, it uses land-based coral as raw material and serves a market now strong in its own right. The completion of the plant added 1,700,000 barrels to the company's annual capacity, which is now 14,800,000 barrels—highest for the industry in the West.

The year 1960 also marked another major forward step for Kaiser Gypsum, which completed its fourth gypsum products plant in New Mexico.

Mr. SHEPPARD. Mr. Speaker, on May 9 of this year Mr. Henry J. Kaiser celebrated his 82d birthday. As you might expect, this industrialist spent this day as usual working for one of his 60 companies that now make up the Kaiser industrial complex.

My first association with Henry J. Kaiser goes back to the early days of World War II when I was privileged to help Mr. Kaiser locate his steel plant at Fontana, Calif. It was wartime and the West needed steel for ships. Mr. Kaiser had started building ships on San Francisco Bay, first because the British were losing ships faster than they could get

them, and then because the United States got into the war.

The Government said any new defense plant must be located at least 60 miles inland, and I knew that Fontana had much to offer. It was rural. There was room. There were three railroads—Southern Pacific, Santa Fe, and Union Pacific. There were people. Even with the surrounding towns, though, there were not enough people. Kaiser Steel hired everybody who could do anything. Kaiser Steel went back east to Pittsburgh and other steel centers and hired others with know-how who wanted to try mixing orange groves and steelmaking. What this huge facility has done for the Fontana area can be indicated by a few figures. The gross payroll paid to employees in some 15 surrounding communities came to $60 million in 1962. Approximately 8,000 workers at Fontana share in this payroll.

By war's end, the plant had produced over half a million tons of plate for vitally needed ships, steel for artillery shells, and steel for our allies. Postwar, the plant expanded rapidly. The initial $50 million war facility grew into today's half-billion-dollar enterprise, now serving the needs of the growing West from its 3-million-ton ingot capacity.

One of Henry J. Kaiser's many accomplishments and contributions concerns this steel company. While Mr. Kaiser and his company long have been recognized for their labor relations, a very significant agreement between Kaiser Steel and the United Steelworkers of America emerged just a year ago at the company's Fontana plant. It may prove with time the opening of a new era of labor-management relations. This agreement will show you very forcefully the spirit Mr. Kaiser has drilled into his team of coworkers.

Mr. Speaker, you may recall that I reported to this august body the agreement reached by Kaiser and the steelworkers that established a cost-sharing plan for its employees at Fontana.

At that time I explained to you the purpose of the plan, which put the employees on a "get paid as you earn" basis, similar to the Government's "pay as you go" tax plan. Employees do not have to wait 2 or 3 years for productivity or other determinations to be made before receiving wage or benefit increases, always with the ever-impending threat of strike or lockout. Under the plan, productivity and any other efforts of employees to reduce manufacturing costs are measured monthly. Employees are paid 32.5 percent of such savings in the form of extra pay each month.

Also, employee job and employee income are protected by establishment of an employment reserve or pool where employees displaced by automation are engaged until assigned to another appropriate job.

Both of these radical changes are being made without destroying seniority or other rights bargained for under the existing contract.

Today the plan has been in operation for 12 months, and it seems we can now draw some conclusions as to whether the Kaisers and the Steelworkers were on the right track. Listen, Mr. Speaker, to these brief results: After provision for some of the price adjustments and employment security costs called for in the plan, the net savings achieved during the first year from March 1, 1963, through February 29, 1964, have amounted to over $10,500,000. These have ranged from a monthly high of $1,480,000 in June 1963, to a low of $529,000 in January 1964. The employees' share of these savings, after the addition of certain other incentive earnings called for by the plan, has amounted to almost $3,800,000, ranging from $505,900 in June 1963, to $212,900 in January 1964. From these amounts, deductions have been made for the wage and benefit reserve which was established under the plan to cover the cost of future wage and benefit increases. The balance has been distributed monthly as a cash payment. Since individual employees may receive such payments at differing rates, it is difficult to assess the impact on individual earnings, but taking an average, the cash distributions for the first year amounted to approximately 41 cents per hour, or roughly 16 percent of base earnings. These averages ranged from a high of 66 cents per hour—25.8 percent—in April 1963, to a low of 20 cents per hour—7.9 percent—in January and February of this year. In total, over $3,500,000 was distributed to employees under this provision.

During the year, coverage under the plan rose from 3,939 in the first month to over 5,000 at the end of 1 year. This increase is accounted for by a rise in total employment, the replacement of terminated incentive employees by new employees who are automatically covered by the sharing plan, and by the voluntary transfer of groups of former incentive employees to sharing plan coverage.

These results indicate to me that the Kaisers have started something worthwhile. It appears to be something others might want to take a look at, not from the possibility of copying the mechanics and procedures of the plan itself, since it was designed only for the Fontana plant, but others I am sure will gain from the new and friendly attitudes that exist between management and labor. It is indicative that the number of grievances argued for by the union have declined dramatically. The members of the long-range sharing plan committee themselves concluded:

> We have reason to conclude that the plan has made a definite contribution to free and responsible collective bargaining at Fontana and our own relationship with the Steelworkers, and we fully expect that this progress will continue in the future.

Mr. Speaker, this seems to me to be a culmination of Henry J. Kaiser's lifelong ambition to have people work together in harmony so that they might meet the human challenge of technology. As Mr. Kaiser himself has said:

> If you don't work out something on the cost side, workers will have no alternative but to fight for a share of the profits. And that must not happen. Management should decide what to do with profits.

As you know, my companion resolution to honor Mr. Kaiser with a Congressional Medal of National Honor says:

> Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding, and consequently have earned for him the respect of labor, management, and the public.

These words spell out Mr. Kaiser's contributions to labor peace, Mr. Speaker, but his total gifts to mankind encompass demonstration of private enterprise at work for democracy; pioneering medical care programs for the average man; his almost superhuman wartime accomplishments, and, finally, the sum of his lifelong deeds—"upholding the dignity of man." For these things, Mr. Speaker, we should honor Mr. Kaiser.

Mr. HAGEN of California. Mr. Speaker, I take great pleasure in joining with those advocating the passage of House Joint Resolution 1020, which provides for the award of a medal to Mr. Henry J. Kaiser.

In 1942 Mr. Kaiser and associates were, as were all of us, greatly dismayed by the tragedy of sinkings by German U-boats of allied cargo vessels. The submarine menace was so severe it threatened the success of the war effort. Mr. Kaiser wanted to do something about this menace, and in 1942 he initiated the program for small aircraft carriers, subsequently to be termed escort carriers.

He came to Washington. The Navy high command rejected Mr. Kaiser's proposal for small aircraft carriers and told him to go back to building his ships because the Navy would take care of the escort and security problem of those cargo vessels. Mr. Kaiser pursued the escort carrier idea. People other than Mr. Kaiser discussed the program with President Roosevelt. Mr. Roosevelt, knowing full well the tragedy going on on the high seas where vast quantities of material and thousands of lives were lost and threatened, directed the Maritime Commission to produce 100 of the baby flattops. The Navy still opposed the idea and the contract was reduced to 50 carriers. Mr. Kaiser delivered these carriers at the rate of one per week for 1 year.

Subsequently highest Navy officials testified to the decisive effect of these baby flattops and leaders of the world, including Winston Churchill, singled out their performance as vital in the winning of the war on the high seas. Further, it has been said that the successful invasion of Leyte by General MacArthur's forces in October 1944, was in large measure saved by the performance of six of Mr. Kaiser's escort carriers against the main element of the Japanese fleet in the Battle off Leyte Gulf.

I join in the tribute today to Mr. Henry J. Kaiser. His imagination, perseverance, and determination as depicted in this baby flattop story have earned him the applause and thanks of the people. It is one of many contributions that Mr. Kaiser has made and for which I pay my respects today.

Mr. TOLLEFSON. Mr. Speaker, along with several other Members of the House

I introduced a resolution similar to that which we are considering today. I am convinced that Henry J. Kaiser is and has been one of the industrial giants of our generation. He has contributed tremendously to the economy of our Nation and served her well during periods of emergency. I know of no one who has contributed more to the welfare of the country during wartime or peace than he. It seems to me that he is entirely deserving of the recognition envisioned by the pending resolution, and I urge my colleagues to support it.

Mr. VAN DEERLIN. Mr. Speaker, I would like to join with my many colleagues in paying tribute to one of the Nation's leading business, civic, and philanthropic leaders, Henry J. Kaiser.

I would especially call attention to the comprehensive benefits and widespread use throughout this country's Western States of the Kaiser Foundation's medical care program. It is well known that Mr. Kaiser values the work of the foundation above even the many fine products which have evolved from his industrial and business genius. And with good reason. Today, one million men and women subscribe to the family and group health plans sponsored by the foundation. Among group subscribers are longshoremen and warehousemen, faculty and staff members of educational institutions, utilities employees, retail clerks, Federal, State and local government employees, culinary workers, and employees from a wide range of industrial firms.

Under the foundation's several health plans, subscribers are provided with hospital and professional care on a prepaid basis. More than 900 physicians, representing general practice and all major specialties, stand ready to offer the fruits of their training. In addition, a dozen Kaiser Foundation hospitals and 2,200 beds are ready to receive ailing beneficiaries.

By virtue of the foresight and business acumen of Mr. Kaiser, his foundation has become financially self-sufficient, as well as a boon to millions of people who have benefited from its services.

Mr. Speaker, the Henry J. Kaiser Foundation is a most remarkable offspring of a most remarkably brilliant and humane American.

Mr. CHARLES H. WILSON. Mr. Speaker, one of my fondest and most honored privileges as a Member of Congress was to support the authorization of a gold medal—the Congressional Medal of National Honor—for Henry J. Kaiser.

The awarding of this medal to Henry Kaiser is long overdue. His overwhelming accomplishments toward Allied victory in World War II alone have earned for him our respect and tribute in the manner H.J. Res. 1020 authorized.

Moreover, his private medical care program and his imaginative solutions to age-old labor-management problems single out Henry J. Kaiser as a man who has contributed to the welfare of all mankind for all times.

He has indeed helped his neighbor, not only by his physical accomplishments, but more significantly, by his ability to inspire all men to rise above their physical adversity and mental despair and look within themselves for new strength, courage, and resoluteness.

Mr. Speaker, I would like my friends to listen to a few excerpts of an interview with Mr. Kaiser that a Christian Science Monitor reporter wrote some time ago. The reporter catches what I think is the essence of the man:

"My mother used to say," Henry J. Kaiser told this correspondent at the beginning of a long interview, "that if she could only give me one thing, it would be joy in work."

Norman Vincent Peale once said that Mr. Kaiser would have made an outstanding preacher—but that if he had become one, American industry would have lost one of its most brilliant figures. Neither field—preaching nor industry—has been the loser. Given the opportunity, Mr. Kaiser enjoys probing the spiritual implications of his work.

These implications, as he sees them, are the limitless possibilities of human achievement.

Somebody was standing beside him at Bonneville Dam once and asked, "How did you do it?" Mr. Kaiser said one word, "Faith."

But he tells the story somewhat differently. He says he did it because he put the work in charge of young men who didn't know that it couldn't be done. There's a saying of Jesus that he likes to quote more than any other: "All things are possible to him that believeth." Mr. Kaiser takes this literally.

How does a man, though, decide what is the impossible thing he ought to tackle? What leads a man to his career?

Mr. Kaiser started speaking thoughtfully, almost to himself.

"What to do?" he mused. "For 8 years * * * I didn't know what it was that I should do. I found the greatest thing is something simple.

"It is to fill human needs.

"It is not to work for profit. To meet human needs is always the sound thing to do."

He looked for an example and took it from his early entry into the highway construction business.

"We could not get the amount of cement we needed," he said. "The western cement makers said they had 7-million-barrel capacity and were using only 6. What they meant, of course, was at their price. So we went into the cement business.

"It was the same with shipbuilding.

"The British couldn't get ships as fast as their ships were being sunk. There was a need. So we made ships.

"The only reason we are in the Hawaiian Islands is that there is a need. * * *

"There's no such thing as security. You find the way if you are interested in meeting human needs."

Mr. Kaiser saw a new field for needmeeting in South America.

"In August 1954," he said, "I traveled 75,000 miles on three trips around South America. I saw that it must be industrialized. The United States has grown great by selling people on the idea that they can have more things, and if they need more and haven't the money, they can have credit.

"I had no trouble with Peron. He knew what I could do. So we went down there to make automobiles.

"Today about 90 percent of the auto is made in Argentina. At first it was 40 percent. Next year it will be 100 percent. Orders are stacked up—for jeeps, trucks, passenger cars."

Mr. Speaker, Henry J. Kaiser is a leader of men, a leader completely and unselfishly devoted to making our world a more livable place. This Congress should take the leadership initiative and honor this dedicated human being. I trust that House Joint Resolution 1020 can be introduced again at a later date, and that it will meet with the approval of my colleagues.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD, and may also have 5 legislative days in which to extend their remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore (Mr. ALBERT). The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker pro tempore announced that, two-thirds having voted in favor thereof, the bill was passed.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 143, not voting 138, as follows:

[Roll No. 127]

YEAS—150

Albert	Hardy	Rhodes, Pa.
Aspinall	Harris	Rivers, Alaska
Ayres	Hawkins	Rogers, Colo.
Baldwin	Hays	Rogers, Fla.
Beckworth	Hébert	Rogers, Tex.
Bell	Hechler	Rooney, Pa.
Blatnik	Holifield	Rosenthal
Boggs	Holland	Roush
Bonner	Horan	Roybal
Brooks	Hosmer	Ryan, N.Y.
Brown, Calif.	Jennings	Secrest
Burke	Joelson	Senner
Burkhalter	Johnson, Calif.	Shipley
Burton, Calif.	Johnson, Wis.	Sickles
Byrne, Pa.	Karsten	Siler
Cameron	Kastenmeier	Sisk
Carey	Kee	Slack
Cederberg	Landrum	Smith, Calif.
Chelf	Leggett	Smith, Iowa
Clark	Libonati	Staggers
Cohelan	McFall	Steed
Daniels	Madden	Stephens
Davis, Ga.	Mahon	Stinson
Davis, Tenn.	Mailliard	Stratton
Dawson	Matthews	Sullivan
Delaney	Miller, Calif.	Talcott
Dent	Minish	Teague, Tex.
Denton	Moore	Thompson, Tex.
Dingell	Moorhead	Tollefson
Downing	Morgan	Trimble
Duncan	Morris	Tuten
Everett	Moss	Udall
Fascell	Murphy, Ill.	Ullman
Finnegan	Natcher	Van Deerlin
Flood	O'Hara, Ill.	Vanik
Flynt	O'Hara, Mich.	Vinson
Foreman	Olsen, Mont.	Watson
Fraser	Olson, Minn.	Watts
Fulton, Tenn.	O'Neill	Weltner
Fuqua	Passman	Westland
Gallagher	Patman	White
Gathings	Patten	Whitener
Gill	Pelly	Whitten
Gonzalez	Perkins	Wilson, Charles H.
Gray	Philbin	
Green, Oreg.	Pool	Wright
Green, Pa.	Pucinski	Young
Gubser	Purcell	Younger
Hagen, Calif.	Rains	Zablocki
Hansen	Randall	
Harding	Reid, N.Y.	

NAYS—143

Abbitt	Arends	Belcher
Abele	Ashbrook	Bennett, Fla.
Abernethy	Auchincloss	Berry
Adair	Barry	Betts
Alger	Bates	Boland
Andrews, N. Dak.	Becker	Bow
	Beermann	Broomfield

Brotzman	Herlong	Pirnie
Brown, Ohio	Hoeven	Poage
Broyhill, N.C.	Horton	Poff
Burleson	Hull	Quie
Byrnes, Wis.	Hutchinson	Reid, Ill.
Casey	Ichord	Reifel
Chamberlain	Jarman	Rich
Clancy	Jensen	Riehlman
Clausen,	Johansen	Roberts, Tex.
Don H.	Johnson, Pa.	Robison
Cleveland	Jonas	Roudebush
Corbett	Jones, Mo.	Rumsfeld
Cramer	Keith	St. George
Curtin	Kilburn	Saylor
Daddario	Kilgore	Schadeberg
Dague	King, N.Y.	Schneebeli
Derounian	Kornegay	Schweiker
Derwinski	Kunkel	Schwengel
Devine	Kyl	Short
Dole	Laird	Shriver
Dowdy	Langen	Sibal
Dwyer	Latta	Sikes
Ellsworth	Lennon	Skubitz
Findley	Lindsay	Smith, Va.
Fisher	McCulloch	Stafford
Ford	McIntire	Taylor
Gary	MacGregor	Teague, Calif.
Gibbons	Marsh	Thomas
Glenn	Martin, Calif.	Thomson, Wis.
Goodell	Martin, Nebr.	Tuck
Goodling	Mathias	Tupper
Griffin	Miller, N.Y.	Utt
Gross	Milliken	Van Pelt
Grover	Mills	Waggonner
Gurney	Morse	Weaver
Hagan, Ga.	Murray	Whalley
Haley	Nedzi	Wharton
Hall	Nelsen	Widnall
Harrison	O'Konski	Wydler
Harsha	Ostertag	Wyman
Harvey, Ind.	Pike	
Harvey, Mich.	Pillion	

NOT VOTING—138

Addabbo	Fino	Montoya
Anderson	Fogarty	Morrison
Andrews, Ala.	Forrester	Morton
Ashley	Fountain	Mosher
Ashmore	Frelinghuysen	Multer
Avery	Friedel	Murphy, N.Y.
Baker	Fulton, Pa.	Nix
Baring	Garmatz	Norblad
Barrett	Giaimo	O'Brien, N.Y.
Bass	Gilbert	Osmers
Battin	Grabowski	Pepper
Bennett, Mich.	Grant	Pickle
Bolling	Griffiths	Pilcher
Bolton,	Halleck	Powell
Frances P.	Halpern	Price
Bolton,	Hanna	Quillen
Oliver P.	Healey	Reuss
Brademas	Henderson	Rhodes, Ariz.
Bray	Hoffman	Rivers, S.C.
Brock	Huddleston	Roberts, Ala.
Bromwell	Jones, Ala.	Rodino
Broyhill, Va.	Karth	Rooney, N.Y.
Bruce	Kelly	Roosevelt
Buckley	Keogh	Rostenkowski
Burton, Utah	King, Calif.	Ryan, Mich.
Cahill	Kirwan	St Germain
Celler	Kluczynski	St. Onge
Chenoweth	Knox	Schenck
Clawson, Del	Lankford	Scott
Collier	Lesinski	Selden
Colmer	Lipscomb	Sheppard
Conte	Lloyd	Snyder
Cooley	Long, La.	Springer
Corman	Long, Md.	Staebler
Cunningham	McClory	Stubblefield
Curtis	McDade	Taft
Diggs	McDowell	Thompson, La.
Donohue	McLoskey	Thompson, N.J.
Dorn	McMillan	Toll
Dulski	Macdonald	Wallhauser
Edmondson	Martin, Mass.	Wickersham
Edwards	Matsunaga	Williams
Elliott	May	Willis
Evins	Meader	Wilson, Bob
Fallon	Michel	Wilson, Ind.
Farbstein	Minshall	Winstead
Feighan	Monagan	

So (two-thirds not having voted in favor thereof) the motion was rejected

The Clerk announced the following pairs:

On this vote:

Mr. Bob Wilson of California and Mr. Rhodes of Arizona for, with Mr. Bray against.

Until further notice:

Mr. Garmatz with Mrs. Frances P. Bolton.
Mr. Keogh with Mr. Bennett of Michigan.
Mr. Fallon with Mr. Morton.
Mr. Buckley with Mr. Osmers.
Mr. Friedel with Mr. Schenck.
Mr. Celler with Mr. Cahill.
Mr. Long of Maryland with Mr. Broyhill of Virginia.
Mr. Farbstein with Mr. Halpern.
Mr. King of California with Mr. Lipscomb.
Mr. Addabbo with Mr. Conte.
Mr. Barrett with Mr. Springer.
Mr. Murphy of New York with Mr. Fino.
Mr. Kluczynski with Mr. Chenoweth.
Mr. Gilbert with Mr. Wallhauser.
Mr. Corman with Mrs. May.
Mr. Kirwan with Mr. Taft.
Mr. Matsunaga with Mr. Avery.
Mr. Healey with Mr. Quillen.
Mr. Donohue with Mr. Anderson.
Mr. Grabowski with Mr. Bromwell.
Mr. Rostenkowski with Mr. McLoskey.
Mr. St. Onge with Mr. Michel.
Mr. Ryan of Michigan with Mr. Knox.
Mr. Fogarty with Mr. Cunningham.
Mr. Feighan with Mr. Norblad.
Mr. MacDonald with Mr. Burton.
Mr. Multer with Mr. Bruce.
Mr. Sheppard with Mr. McDade.
Mr. O'Brien of New York with Mr. Collier.
Mr. Grant with Mr. Snyder.
Mr. Hanna with Mr. Wilson of Indiana.
Mrs. Griffiths with Mr. Meader.
Mr. Monagan with Mr. McClory.
Mr. Selden with Mr. Curtis.
Mr. Giaimo with Mr. Fulton of Pennsylvania.
Mr. Rodino with Mr. Del Clawson.
Mr. Toll with Mr. Battin.
Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Brademas with Mr. Oliver P. Bolton.
Mr. Ashmore with Mrs. Baker.
Mr. Powell with Mr. Hoffman.
Mr. Colmer with Mr. Brock.
Mr. Dulski with Mr. Mosher.
Mr. Elliott with Mr. Minshall.
Mr. Evins with Mr. Martin of Massachusetts.
Mr. Roosevelt with Mr. Montoya.
Mr. Rooney of New York with Mr. Morrison.
Mr. Lesinski with Mr. Forrester.
Mr. Reuss with Mr. Diggs.
Mr. McDowell with Mr. Dorn.
Mr. Lankford with Mr. Nix.
Mr. Fountain with Mr. Baring.
Mr. Andrews of Alabama with Mr. Cooley.
Mr. Edmondson with Mr. Edwards.
Mr. Henderson with Mr. Pepper.
Mr. Wickersham with Mr. Winstead.
Mr. Willis with Mr. Williams.
Mr. Ashley with Mr. Stubblefield.
Mr. Bass with Mr. McMillan.
Mr. Huddleston with Mr. Scott.
Mr. Roberts of Alabama with Mr. Staebler.
Mr. Thompson of Louisiana with Mr. Pilcher.
Mr. Price with Mr. Jones of Alabama.
Mr. Karth with Mrs. Kelly.
Mr. Rivers of South Carolina with Mr. St Germain.

The result of the vote was announced as above recorded.

The doors were opened.

GOLDEN ANNIVERSARY OF NAVAL AIR STATION, PENSACOLA, FLA.

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 889.

The Clerk read the House joint resolution, as follows:

Whereas the city of Pensacola proposes to celebrate with appropriate ceremonies the golden anniversary of the Naval Air Station, Pensacola, Florida, on June 13, 1964; and

Whereas, while there was limited naval aviation activity prior to the establishment of a school for training of naval aviators at Pensacola, the Naval Air Station, Pensacola, is regarded as the first home for naval aviators; and

Whereas the training programs of the Naval Air Station, Pensacola, have significantly contributed to the defense of the United States and, through its training programs for friendly governments, has contributed to the defense of the free world; and

Whereas a celebration of the character planned will contribute greatly to the educational and cultural welfare and to the defense of the people of the United States by highlighting the great traditions of naval aviation which have been handed down through the years and which must be kept intact in today's troubled world; and

Whereas appropriate recognition is taken of the contributions, the interest, and the warm friendship shown by the people of Pensacola and Escambia County through these fifty years for the personnel of the Naval Air Station, Pensacola, Florida; and

Whereas the Congress of the United States recognizes with appreciation the significance of these events toward maintaining world peace through strength of naval aviation and through the greatness of the hearts of the Navy men who have given naval aviation that strength: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to design and manufacture, and to accept payment therefor from private sources, a galvano of appropriate design commemorating the golden anniversary of the Naval Air Station, Pensacola, Florida. The payment of such cost, if any, to the Government shall be reimbursed to the appropriation of the Bureau of the Mint, by the Fiesta of Five Flags and Naval Aviators Homecoming Celebration, 330 Brent Building, Pensacola, Florida.

The SPEAKER. Is a second demanded? [After a pause.] The question is on suspending the rules and passing the House joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the House joint resolution was passed.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, House Joint Resolution 889 is a joint resolution by which the Congress will commemorate the golden anniversary of the naval air station at Pensacola. It authorizes the design and manufacture of a galvano or medallion in commemoration of this significant event. There would be no cost to the Government for the design and manufacture of this galvano since local interests would defray the expense.

It is planned that the galvano will be presented in Pensacola on June 13 during the celebration of the "Fiesta of Five Flags," an annual pageant commemorating the founding and early history of Pensacola.

The fact that the galvano is to be presented on June 13 explains the reason the resolution is being brought to the House under suspension of the rules. Delays have been encountered in getting the bill to the floor, and it is important that the matter now be expedited. I am very appreciative for the help of the Committee on Banking and Currency,

and particularly of that given by the distinguished gentlewoman from Missouri, Mrs. LEONOR SULLIVAN.

On January 20, 1914, the U.S.S. *Mississippi* steamed into Pensacola Bay with the whole of naval aviation aboard. It comprised 7 aviators, 23 enlisted men, and 7 aircraft. Upon arrival at the old Pensacola Naval Yard—located at the site of a naval shipyard founded in 1837—they established the first U.S. naval aeronautical station.

Now, 50 years later, the Navy's air arm includes 24,853 officers and 196,169 enlisted men, exclusive of the Marine Corps air arm which encompasses 6,404 officers and 40,165 enlisted men. There are now 71 naval air bases worldwide and 12 reserve bases, and 6,976 aircraft. This is a far cry, indeed, from the tiny beginning on the shores of Pensacola Bay 50 years ago.

I consider it highly appropriate that the Congress join in commemorating the work of the naval air station at Pensacola and its contributions to the defense of the United States.

JAMES P. SPRUILL

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article appearing in the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, in 1950, I had the privilege of appointing James P. Spruill, of Plymouth, N.C., to West Point. Mr. Spruill was a fine, intelligent, and popular young man in his community. He did well at the Academy.

It is with the deepest regret that I read in today's paper of his death in Vietnam a month ago while serving his country in an effort to assist that small, beleagured nation.

The story appearing in the Washington Post of Monday, May 18, includes excerpts from Captain Spruill's letters to his wife. They are worth reading for they reassure all Americans of the selfless dedication of our military men to the cause of liberty. His confidence in the ultimate victory in South Vietnam should give us confidence. The thoughtfulness revealed in his suggestions for the improvement of guerrilla warfare shows the highest type of imagination and initiative.

In their sorrow, Captain Spruill's mother, wife, and bereaved family may take some proud comfort from his sacrifice to the cause of freedom.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include this news story.

WIDOW SAYS U.S. CAPTAIN URGED VIET NIGHT FIGHTING

NEW YORK, May 17.—An American Army captain, killed in Vietnam a month ago, wrote to his wife that "we must stand strong and give heart to an embattled and confused people. This cannot be done if America loses heart."

Barbara A. Spruill, of Suffern, N.Y., widow of Capt. James P. Spruill, made public today portions of his letters to her. In a letter to the editor of the New York Herald Tribune, she expressed the hope "that all Americans would have an opportunity to read them."

Spruill was killed April 21.

"Above all, this is a war of mind and spirit," he wrote. "For us to despair would be a great victory for the enemy.

"At the moment my heart is big enough to sustain those around me. Please don't let them back where you are sell me down the river with talk of despair and defeat. There is no backing out of Vietnam, for it will follow us everywhere we go.

"We have drawn the line here, and the America we all know and love best is not one to back away."

Following are other excerpts from his letters, published by the Herald Tribune:

"It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledgling American Army in its fight for freedom and internal order.

"Two of these 'advisers' are well known—Von Steuben and Lafayette. It is heart warming to think that we continue their tradition of sacrifice.

"There are many moments of frustration in Vietnam. Ineptness, dishonesty, lack of spirit, confusion, and laziness cause them. But that is exactly why we are here. It is exactly in places and in circumstances such as this that communism gains its foothold.

"I know that you read nowadays of defeat or of lack of progress. None of this bothers me because I am convinced that we can win it and win it decisively—on the ground and in the night.

"I have a project. It is a proposal to train * * * men in night combat and that they be employed as a mobile strike force at night. It is in the night that the myth of the invincible guerrilla must be destroyed. The people are afraid then. I can feel it. When the night becomes more ours than theirs, events will take a dramatic turn.

"To continue to fight in the day is foolish, for the day is ours for all intents and purposes. It is in the night that they are strong and it is in the night that their back can and must be broken. Choppers (helicopters) do not and cannot fight at night, but soldiers can and will, and it is soldiers who will win this war, not choppers.

"I still maintain that we can beat them in a year or less if we fight them at night and maintain constant pressure on them at night. Little emphasis is given this aspect."

INTERNATIONAL RECIPROCITY FOR AMATEUR RADIO OPERATORS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 720 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, House Resolution 720 provides for the consideration of S. 920, a bill to amend sections 303 and 310 of the Communications Act of 1934, as amended. The resolution provides an open rule with 1 hour of general debate.

The passage of S. 920 would permit the United States to enter into reciprocal agreements with foreign countries whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in those foreign countries in return for the United States granting similar privileges to amateur radio operators of those nations while in the United States. The Communications Act of 1934 in sections 303 and 310 embodied congressional policy against granting such authority to aliens. However, it now seems that it would be best to grant such authority on a reciprocal basis in order to keep better track of such stations and operators in this country. Therefore, in order to enter into such agreements it would be necessary to amend the act, particularly those sections referred to above. As the contents of the bill will be fully explained to general debate I will not go into greater detail here.

Mr. Speaker, I favor and urge the adoption of House Resolution 720.

Mr. Speaker, I have no requests for time on this side and there is no opposition to the rule that I know of, and now yield to the gentlewoman from New York [Mrs. ST. GEORGE] 30 minutes and reserve the balance of my time.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution makes in order the consideration of the bill, S. 920. As has already been stated, this bill comes from the committee without any opposition and I, for one, know of no opposition to the rule. There has been a question in some people's minds as to the safety to our own country from allowing these radio operators to operate here. But I understand from the report and from reading the letter from Mr. Katzenbach, Deputy Attorney General, that he feels any danger that might have been in the original bill has been eliminated in this one and that the proper precautions have been taken.

On page 9 of the report, there are some things that I think we ought to consider at least and see what the objections originally were.

It says:

1. While reciprocal agreements—presumably entered into with the more friendly nations—might mitigate security problems, consideration of national security would remain in individual cases especially since we

are here dealing with aliens rather than our own citizens.

2. Congress—if it enacts such legislation should assure itself that appropriate security measures will be undertaken by such agencies as it specifies.

3. The Commission has no expertise or staff to handle security investigations and security determinations should not be made by the FCC.

4. While the Commission would prefer simply to refer the names of those requesting such authority to an appropriate security agency and have that agency tell us whenever a request should be denied on security grounds, we are willing—should Congress so desire—to check with whatever security agencies Congress deems appropriate—and to receive information and/or recommendation from such agencies bearing on the security issue.

This I gather has been satisfied and the bill, the purpose of which is to permit the United States to enter into reciprocal agreements whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in foreign countries in return for granting amateur operators of those countries similar privileges in the United States, and the conclusion reached is that the committee believes that with the security safeguards written into this legislation which is now before us, enactment of this legislation is in the national interest.

For this reason, Mr. Speaker, and I have no requests for time, I believe it is almost unanimous that the rule should be adopted.

Mr. Speaker, I yield back the balance of my time.

Mr. MADDEN. My Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL RECIPROCITY FOR AMATEUR RADIO OPERATORS

Mr. ROGERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 920, with Mr. O'HARA of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. ROGERS] will be recognized for 30 minutes and the gentleman from California [Mr. YOUNGER] will be recognized for 30 minutes.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself 3 minutes.

The purpose of the bill is to permit the United States to enter into reciprocal agreements whereby U.S. amateur radio operators may receive authority to operate their amateur radio stations in foreign countries in return for granting amateur operators of those countries similar privileges in the United States.

Present law does not permit the Federal Communications Commission to authorize aliens to operate amateur radio stations in the United States. Therefore, under present law it would be necessary for the United States to enter into a formal treaty in each instance of a reciprocal arrangements and this would require formal ratification by the U.S. Senate. This procedure which was followed in the case of Canada is time consuming and unnecessarily formal.

The bill would accomplish the purpose of facilitating reciprocal agreements with foreign nations by amending section 303—dealing with radio operators—and section 310—dealing with radio stations—of the Communications Act of 1934 to permit the FCC to authorize alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico, provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

The bill, S. 920, sponsored by Senator GOLDWATER, has the support of the American Radio Relay League, which includes nearly 100,000 United States and Canadian amateurs in its membership. The total number of amateur radio operators in the United States and Canada is in excess of 250,000 persons who are licensed either by the United States or by Canada.

When hearings were held by the Committee on Interstate and Foreign Commerce on February 20, 1964, Mr. Herbert Hoover, Jr., president of the league, testified in support of S. 920 and two House bills, H.R. 7309 and H.R. 9305, introduced by Representatives CEDERBERG and BROWN of California. Commissioner Rosel H. Hyde testified that the Commission does not object to the legislation in its present form and expects to be able to handle applications for authorizations without any increase in staff or budget. It is anticipated that approximately 400 to 500 requests annually for such authorizations will be received by the Commission.

In addition, the record contains a number of letters relating to the legislation including a letter from the sponsor of the bill, Senator GOLDWATER, who, because of other commitments was unable to testify in person.

The chairman of the full committee, the gentleman from Arkansas [Mr. HARRIS] will discuss the bill in detail and touch on the security questions involved, which I know will be of interest to all of the Members.

Mr. Chairman, I reserve the remainder of my time.

Mr. YOUNGER. Mr. Chairman, I just want to say, as far as the committee is concerned, we had no opposition to the legislation at the time of the hearings. I know of no opposition to it now. I am not concerned at all about the security question, because we will only grant licenses to those aliens whose countries will grant licenses to our people. We must remember that we, in their countries, are aliens to them.

Mr. Chairman, I have no requests for time on this side.

Mr. ROGERS of Texas. Mr. Chairman, I yield such time as he may desire to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS].

The CHAIRMAN. The gentleman from Arkansas is recognized for as long as he wishes to talk within the limitations.

Mr. HARRIS. Mr. Chairman, I suppose the appropriate thing to do would be just to echo what has been said by the chairman of the subcommittee, the gentleman from Texas [Mr. ROGERS], and the gentleman from California [Mr. YOUNGER], and give reassurance that this is a good bill which ought to be passed and then sit down and let it go through. However, I do want to say this further for the RECORD:

The committee held hearings on this after it was sent to us from the other body. We developed the subject thoroughly. There were some questions raised by some members of the committee to make certain that the security angle was adequately covered. All members of the committee are satisfied that it is.

I would like to say something with reference to the statements of the distinguished lady from New York [Mrs. ST. GEORGE] a moment ago when she read from a letter which we incorporated in the report on page 9 thereof which had to do with national security aspects. As a result of this letter she referred to, the committee in the other body with the approval of the other body amended the original bill in order to make it abundantly clear that there would be no problem with reference to security. In order that the RECORD may show what was done, I want to say the committee included these two provisos, and I quote from page 3 of the bill beginning at line 15:

Provided, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request.

The amendment was added because it was felt that we should make it abundantly clear that there would be no problem in connection with other national security.

After the committee heard the reports that were received during the course of the hearings, the bill was reported by the committee unanimously.

As the chairman of the subcommittee remarked a moment ago this is the Goldwater bill. I can assure you that it has nothing to do with the political situation. Senator GOLDWATER has been an avid amateur radio operator for many, many years. He did not start just last year or just recently. I do know that he has an amateur radio station in his plane because he has directed messages to me en route from across the country from time to time.

When I was in Geneva last November as a delegate to the International Telecommunications Conference I was indoctrinated and learned that amateur radio operations are conducted on an international basis. The headquarters of the organization are in Geneva. It was related to me there how this legislation would work and why there was an imperative need for it.

I think we would be in a better position to keep up with alien operators if this legislation is enacted because there are a great many aliens who would like to operate their stations in this country and I would suspect that under the present situation there might be some who would try to operate from time to time without such permission. So I should think, Mr. Chairman, the House should unanimously approve this proposal.

We do have a letter which I want to include in the RECORD at this point as part of my remarks from the Department of State in which they advise that they will undertake immediately to inform appropriate committees of the Congress of any bilateral agreements concluded under the provisions of this legislation along with the terms and conditions thereof.

That matter referred to follows:

DEPARTMENT OF STATE,
Washington, May 15, 1964.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: In answer to your recent inquiry on procedures which the Department would propose to follow in implementing S. 920, which concerns reciprocal amateur radio operations, I am pleased to inform you that in each instance the Department would undertake immediately to inform appropriate committees of the Congress of any bilateral agreements concluded under the provisions of this legislation, along with the terms and conditions thereof.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary
(For the Secretary of State).

Mr. HARRIS. Mr. Chairman, this legislation is of great interest to a large number of persons in the United States and all over the world who are commonly known as radio hams. These persons are amateur radio operators who operate radio stations all over the world. They are in regular communication with each other.

There are about one-quarter million such persons in the United States and Canada alone, and another estimated 112,000 in the rest of the world. Roughly, 100,000 of the United States and Canadian amateur operators are organized in the American Radio Relay League.

The bill, S. 920, was passed by the Senate unanimously toward the end of the first session of this Congress. Specifically, it would amend the Communications Act of 1934 to permit the Federal Communications Commission to authorize alien amateur radio operators to operate their amateur radio stations in the United States provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis.

When our committee held hearings on this legislation, Mr. Herbert Hoover, Jr., the president of the American Radio Relay League testified in support of S. 920 and two house bills, H.R. 7309 and H.R. 9305, introduced by our colleagues Representatives CEDERBERG and BROWN of California.

At hearings Commissioner Rosel H. Hyde, a longtime member of the Federal Communications Commission, testified that the Commission had no objection to the legislation in its present form. The Commission anticipates that it will receive approximately 400 to 500 requests annually for authorization under this legislation.

The Communications Act at present prohibits the granting of permits for licenses to aliens for the operation of radio stations. This prohibition makes it impossible for the United States to enter into reciprocal agreements with other countries to give U.S. amateurs of those countries reciprocal operating privileges. Some 31 countries have extended this operating privilege to U.S. amateurs in spite of the absence of reciprocal privileges for their citizens. Many other countries, however, have refused to extend such privileges except on a reciprocal basis. This lack of reciprocity not only works to the disadvantage of U.S. amateurs but also has given rise to some international ill will and misunderstandings on the part of amateurs of other nations.

The reciprocal agreements which would be entered into pursuant to this legislation will be negotiated by the Department of State through regular diplomatic channels. The agreements will be in the nature of executive agreements rather than formal treaties and, therefore, do not require the formal ratification by the U.S. Senate. However, as I stated, the Congress will be kept fully informed with agreements negotiated by the Department of State.

Our committee and the other body have given careful attention to the question of security that may be involved with regard to operation of radio stations by aliens in this country. The departments and agencies concerned with the national security have given every assurance that this legislation will in no way adversely affect our security.

The bill provides that whenever the Federal Communications Commission receives an application from an alien for an authorization to operate an amateur radio station, the Commission shall notify the appropriate agencies of the Government of such fact. The agencies are directed forthwith to furnish to the Commission such information in their possession as bears upon the question of national security. The Commission may then grant the requested authorization, unless it shall determine that information received from such agencies necessitates a denial of the request.

Commissioner Hyde testified that the proposed procedure had the approval of the Departments of Defense, Justice, and State, as well as the Central Intelligence Agency. These agencies are at this time considered to be the appropriate agencies within the meaning of that term used in the bill.

An additional security feature of the bill is that the Commission would have the authority to deny an application or revoke a permit granted without any formal proceeding. Furthermore, the bill gives wide latitude to the Commission in imposing such terms and conditions as the Commission may deem necessary in the public interest. For example, the Commisison could restrict operation by an alien amateur to a specific location or area, to specific frequencies, or to specific hours of the day. It could require all transmissions to be in English or require logs of all operations to be submitted at regular intervals.

Mr. Chairman, this legislation is of great interest to amateur operators all over the world. These operators are a great force for better international understanding. They have made outstanding contributions to maintaining communications in cases of emergency. For example, after the recent earthquake in Alaska, communications between Alaska and the mainland were helped greatly through the operation of amateur radio stations.

As another example, I personally experienced the usefulness of amateur radio operations when I was able to speak with members of my family in Arkansas while I was in Antarctica. This communication was made possible through an amateur station in California which acted as a relay between Antarctica and Arkansas.

The committee knows of no opposition to this legislation. It has the support of all the departments and agencies of the Government and I believe that the enactment of this legislation is very much in the public interest, and I am pleased to join the gentleman from Texas [Mr. ROGERS] and the gentleman from California [Mr. YOUNGER] in commending it to the House.

Mr. RHODES of Arizona. Mr. Chairman, I strongly support S. 920 to authorize international reciprocity for amateur radio operators.

Today, amateur radio operation is an international problem. The extensive travel of Americans abroad and our military personnel stationed overseas show the potential for this legislation. Over 250,000 U.S. amateurs will benefit from

this bill's enactment, as will international good will which is daily enhanced by the thousands of contacts made by U.S. amateur radio operators with those in foreign nations.

Several foreign nations extend the privilege of operating stations in their countries to U.S. amateurs, even though we do not extend reciprocal privileges for their citizens. Most other countries could be expected to do likewise, if this bill were to become law. Thus a good deal of international ill will and misunderstandings could be prevented by passage of S. 920.

I have examined the sections of this bill dealing with security considerations and have noted the approval of the Departments of Defense, Justice, State, and the Central Intelligence Agency. The latitude given to the FCC on the basis of reports furnished by these agencies to deny permits or to modify, suspend, or revoke the permits of an alien amateur seems broad enough to protect national security, while at the same time benefiting U.S. amateurs, contributing to international understanding, and imposing few, if any, costly requirements on any Government agency. For those reasons, I support the bill and urge my colleagues to join in its approval.

Mr. WIDNALL. Mr. Chairman, I support the objectives of S. 920. The bill affords us a unique opportunity to assist our own amateur radio operators in obtaining further reciprocal agreements for operation in foreign countries, and at the same time, foster a significant quantity of international good will by extending the same privileges to alien radio operators.

I am confident that the security features placed into the bill are sufficient protection against any efforts to make use of this new privilege for improper purposes. As the committee report notes, the Federal Communications Commission will only grant permission after clearing the application with the appropriate agencies, the Departments of Defense, Justice, and State, as well as the Central Intelligency Agency. In addition, the Commission has the administrative leeway to regulate the use of the radio authority after clearance in terms of our national interest.

The United States and Canada have over 250,000 amateur operators, as compared to 112,000 in the rest of the world. These men and women make use of their skills not merely to enjoy a hobby, but to work for the public interest. Only recently I had the privilege of attending the sixth annual dinner and hamfest of the East Coast VHF Society, held in my district, and I was singularly impressed with the public service consciousness of our American "ham" operators.

It is through legislation such as this, so often unnoticed in the daily press, that Congress proves its responsiveness to the legitimate needs and desires of our people, as it acts in the national interest. I urge passage of the bill.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all Members who may wish to do so may revise and extend their remarks in the RECORD following the remarks I shall make.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROGERS of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended—

(1) by inserting "(1)" immediately after "(1)"; and

(2) by adding at the end of such subsection the following: "(2) Notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided,* That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

SEC. 2. Subsection (a) of section 310 of the Communication Act of 1934 is amended by adding at the end thereof the following: "Notwithstanding section 301 of this Act and paragraphs (1) and (2) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided,* That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. O'HARA of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by U.S. amateurs on a reciprocal basis, pursuant to House Resolution 720, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

VIRGIN ISLANDS CONTRACT WITH INTERNATIONAL PUBLICATIONS, INC.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include certain pertinent material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, on May 11, our colleague, Representative WESTLAND, placed in the RECORD an item regarding a contract between the Virgin Islands government and Mr. Robert Lodge, doing business as International Publications, Inc. This article was critical of the negotiations between Mr. Henry L. Kimelman, commissioner, Virgin Islands Department of Commerce, and Mr. Lodge relative to Virgin Islands advertising in the Caribbean Pavilion at the New York World's Fair.

In order to present Mr. Kimelman's views on the issue I am including in today's CONGRESSIONAL RECORD a copy of a memorandum, dated May 4, 1964, prepared by Mr. Kimelman for the Honorable Ralph M. Paiewonsky, Governor of the Virgin Islands. In his memorandum Mr. Kimelman explains step by step the procedures followed in the preparation and implementation of the contract. Mr. Kimelman's memorandum reads as follows:

MAY 4, 1964.

MEMORANDUM

To: The Honorable Ralph M. Paiewonsky, Governor of the Virgin Islands.

From: Henry L. Kimelman, commissioner of commerce.

Subject: Full facts in connection with Lodge agreement, February 16, 1964, and subsequent controversy.

This is a memorandum in reply to your request for the full facts in connection with

the agreement entered into between the Government of the Virgin Islands through its Department of Commerce and Mr. Robert Lodge.

On December 12, 1963, the legislature passed bill No. 1960, which subsequently became act No. 1055. This legislation authorized participation of the Virgin Islands government in the Caribbean Pavilion of the New York World's Fair of 1964–65, established a special World's Fair fund and appropriated $25,000 therefor.

Section 2 of this act specifically states: "The commissioner of commerce is authorized to make such arrangements concerning the subleasing of space at the exhibit, and the organization of displays, concessions entertainment and similar matters as he believes will further the objectives of the legislature in authorizing Virgin Islands participation and will reduce the cost of such participation."

Section 3 of this same act states: "That purchases and contracts for the purpose of operating the Virgin Islands exhibit may be made by the commissioner of commerce without advertising and bids."

With opening date of the New York World's Fair scheduled for April 22, 1964, it was obvious to the legislature and the Governor that time was a vital factor. We proceeded to negotiate with the Caribbean Exposition Corporation, owners of the Caribbean Pavilion and concluded contractual arrangements with them in accordance with act No. 1055 on January 21, 1964, 92 days before the scheduled official opening of the fair.

On that date, our site was barren, indeed snow covered. The Caribbean Pavilion opened 91 days later, a day prior to the official opening of the World's Fair with a luncheon hosted by our department for over 100 leading travel agents, travel press and transportation executives.

The sugar mill, stone walls, and large color photographs comprising our Virgin Islands government exhibit was complete. A ribbon-cutting ceremony was held and a radio broadcast of the opening ceremonies was transmitted to the Virgin Islands. We were ready for business on time and at a location which is by any standard the "Times Square" of the World's Fair grounds, at the corner where the Avenue of the Americas meets the Unisphere.

The advantages of the Virgin Islands' participation in the World's Fair are clear enough. May I quote the comments of the managing editor of the Home Journal on Friday, February 7, 1964:

"I had little or no intention of going to the New York World's Fair but after hearing the persuasive plans of Commerce Commissioner Henry Kimelman concerning the participation of the Virgin Islands in this $1 billion world production I feel that I should go to the fair to help save the honor of the Virgin Islands. Not to do so would be criminal. The Virgin Islands exhibit in the Caribbean Pavilion will be beautiful, functional, and profitable to the Virgin Islands and should be another boost to tourism.

"Virgin Islanders in New York will be proud of this tribute to their native land and Virgin Islanders here at home should run—not walk—to the nearest travel agency to make plans for the trip.

"The fair will be fun, to be sure, but the fair will also mean many millions of dollars in tax revenue from rum sales over the 2 years run of the fair that otherwise would probably take until 1970 to realize from present sources. The fair will also mean a tremendous boost to tourism and local businessmen are pitching in to help the cause. Virgin Islanders with vision can prepare for big things as a result of the fair."

In addition to our prime contract with the Caribbean Exposition Corp., we concluded contracts with both rum distillers in the Virgin Islands, with Caribair, the Virgin Islands manufacturer of women's perfume, approximately 30 gift shops, Hertz Rent-A Car, Pivar Real Estate, 10 Virgin Islands hotels, and a concession lease agreement. We also concluded an agreement with Lodge for the printing and distribution of 500,000 copies of a three-island overall promotional piece of literature to supply the requirements of the approximately 8 million people it is estimated will visit the Caribbean Pavilion.

After all of the negotiations and the making of the aforementioned agreements, the construction of our exhibit building, the building of our display installation, etc., the only item that has given rise to controversy is the agreement between the government of the Virgin Islands and Robert Lodge.

In connection with our planned participation in the World's Fair, notices were mailed to all tourist interests, including the press, on December 16, 1963. Public participation was not only solicited, but encouraged and invited. Two public meetings were held in St. Thomas and two in St. Croix. Comments and recommendations were repeatedly asked for. Press releases were issued in connection with advance notices of each of these meetings. Hundreds of form postcards were mailed as well as solicitation by telephone to all of the press, shops, hotels, etc. There is no question that this department did everything in its power to make the World's Fair project a community project and to invite not only participation but any and all suggestions that would help make our Virgin Islands exhibit outstanding.

Specific charges have been directed at me in connection with the Lodge agreement principally from "parties at interest." These are my comments:

STATEMENT

1. "For the record, the entire, long and in my opinion, unethical story began shortly after you had appointed Henry L. Kimelman as Commissioner of Commerce. One of Kimelman's first actions was to appoint Robert Lodge to coordinate a joint advertising campaign encompassing the Virgin Islands government, transportation industries, and individual businessmen dedicated to the tourist industry."

COMMENT

This is an outright falsehood. When this complaint was made in 1961 by this same source I wrote you, on November 3, 1961, as follows: "Lodge was never authorized to represent me personally nor has he any official connection with the department of commerce." I reiterate that Mr. Lodge was never appointed by me for any purpose in any way, shape or form.

STATEMENT

2. On November 26, 1962, Judge Walter A. Gordon of the District Court of the Virgin Islands handed down a judgment of $10,088.65 plus attorneys' fees against Lodge and in favor of the Hearst Corp. for advertising rum in their magazines and not paid for. We felt that this judgment handed down by Judge Gordon would certainly end any connection you, as Governor of the Virgin Islands, or your commissioner of commerce would have in the foreseeable future with Lodge. Not so.

COMMENT

I was not aware until April 30, 1964, a few days ago, that a judgment had been entered by the district court against Mr. Lodge. I became aware on April 2, 1964, from Mr. Harman's "Sammy Glick" letter that Hearst magazines was suing Mr. Lodge. I queried Mr. Lodge about this matter. He advised me that he had a counterclaim against Hearst for nonperformance on their part in connection with his dealings with them. Certainly I would have had no possible reason for suspecting that Lodge might be judgment proof. He lives in a substantial home which I would estimate to be worth $150,000, drives quality cars and appears to be a successful publisher and entrepreneur. Whatever his controversy with Hearst, the government of the Virgin Islands is in no way involved.

STATEMENT

3. "Kimelman says that Lodge is to pay the government of the Virgin Islands $10,000 for the exclusive advertising rights at the World's Fair. It has been said, and not denied, that Kimelman or his agents or employees have contracted with Lodge for a full page of advertising in the name of the government of the Virgin Islands. If this is so, simple mathematics show: Lodge pays government $10,000; government pays Lodge $11,500; net gain for Lodge, $1,500."

COMMENT

Completely inaccurate. The contract with Lodge concluded on February 6, 1964, does not commit the government of the Virgin Islands to purchase any advertising whatsoever, rum, or tourism in the special World's Fair publication Lodge was to produce. During his subsequent solicitation Lodge approached our advertising agency to suggest to them the placement of an advertisement for both tourism and rum. The agency's planning board saw no need whatsoever for tourism advertising in this publication. Our agency recognized properly in my opinion the opportunity for a Virgin Islands rum advertisement in this publication. It should be particularly noted that contract with the Caribbean Pavilion called for exclusive use of Virgin Islands rum at the bar, or bars, in the pavilion during the entire period of the World's Fair. The agency's planning board felt that this medium giving distribution of 5 million pieces of literature to visitors who were being made Virgin Islands rum conscious was an excellent choice for advertising Virgin Islands rum.

In the early days of March the agency telephoned me as chairman of the Virgin Islands Rum Council to obtain my confirmation. I concurred in this advertisement provided there were funds available in the contingent rum advertising account, and provided they had the approval of the other active members of the Rum Council, they could place this advertisement. They received such approval and on March 20, 1964, deputy commissioner and the executive director of the rum council in the department of commerce approved a half-page, not a 1-page, insertion. This accounted for $5,750 and not $11,500, as stated. Mr. Lodge subsequently reduced the size of his World's Fair publication to half its contemplated size and, consequently, the advertising cost to the government was reduced to half of $5,750 or $2,875. This advertisement order was subsequently canceled on your instructions.

STATEMENT

4. "And with his financial background, who can be sure that Lodge will pay the government $10,000. He still had the more than $10,000 judgment hanging over his head."

COMMENT

See reply under No. 2. The Lodge contract called for a $5,000 payment within 7 days of signing which has been received as per contract and deposited in the special World's Fair account of the government of the Virgin Islands.

STATEMENT

5. "On March 31, the Comptroller of the Virgin Islands, Peter Bove, branded this entire action illegal and added, 'It would appear to be in the best interest of the government to cancel this contract and to take other steps commensurate with the responsibilities involved now.' "

COMMENT

The Attorney General advised both of us at a meeting in your office on April 2, 1964,

that I had the legal authority to enter into this agreement with Mr. Lodge. Apparently the comptroller, Mr. Peter Bove, was unaware of the provisions in act No. 1055 dispensing with the conditions of advertising and bids in view of the urgent time schedule.

STATEMENT

6. "Lt. Cmdr. Harry Harman III, in his 'Sammy Glick' letter of March 16, quoted in part 'All of us knew, i.e., that Bob Lodge "is a crook," and that no sensible businessman would have any thing to do with him".' "

COMMENT

All one has to do is pick up a current copy of St. Thomas's This Week or St. Croix' This Week and they will see advertised therein such prominent shops as Cavanagh's, the Continental, A. H. Riise, Bolero, Spanish Main, Casa Venegas, Bluebeard's Castle, Virgin Isle Hilton, Buccaneer Hotel, etc., and such famous national and international advertisers as Grants and Teachers Scotch, Seagrams, Omega and Rolex watches, Zeiss and Leica cameras, etc., ad infinitum.

Whereas Lodge has been depicted by competitive interests as a drifter and irresponsible, he is in fact an energetic, effective, and by all appearances the most successful publisher in the Virgin Islands. He publishes This Week publications in other Caribbean islands and I am informed is presently organizing the publication of This Week issues in capital cities in Europe.

It is important to bear in mind that in response to my requests to the entire community to come forward with suggestions for making our World's Fair participation fully effective, it was only Lodge who developed and put forward the idea to produce an overall three-island piece of promotional literature for distribution at the Caribbean Pavilion at the World's Fair. In our negotiations he agreed to provide up to 5 million copies in the quantities as we required them during the 2-year period. I suggested that he offer $10,000 for the exclusive right of distribution, which offer he then made.

As you are aware it was my intention to grant to Lodge the exclusive right of distribution but in the rush of preparing the contract language granted Lodge the exclusive right to publish and not exclusive distribution of said publication. In effect, the word "exclusive" appeared by accident in the wrong place and this escaped both us and Lodge's attorney.

It was my opinion that we had a moral obligation to Lodge to grant him exclusive distribution of his publication.

After consulting the Attorney General, you advised me about February 24 or 25 that you did not consider that Lodge had an exclusive distribution contract. You instructed me to notify Mr. Lodge that his contract was not and would not be made into an exclusive distribution, and I subsequently did so notify Mr. Lodge.

It was then made publicly known that distribution proposals for World's Fair publications would be entertained from others. The only party evidencing any interest prior to the publication of Mr. Peter Bove's press release, which was simultaneously issued upon delivery of his letters to you of March 30 and April 1, was Mr. Ariel Melchoir, the publisher of the Daily News and Virgin Islands magazine.

The Comptroller, Peter Bove, in his letter of March 30, took the position that the contract was illegal and recommended immediate cancellation. The headlines in the local newspapers on the public debate in this issue started after the press release in the Daily News of April 3, 1964.

I met with Mr. Melchoir on March 19, 1964, and advised him that we would be pleased to either distribute his magazine free or to have it sold at our concession. This conversation was confirmed in my letter to him of March 19, 1964, and I quote in part as follows:

"Once again I should like to reiterate that we shall be very happy to distribute the Virgin Islands magazine under a similar agreement as we have with Mr. Lodge, or shall be very happy to arrange to have it sold at our concession. We await word from you as to what you have decided in this connection."

On March 25 I wrote Mr. Melchoir again and I quote in part as follows:

"Our agreement with Mr. Lodge does not preclude the distribution or sale of the Virgin Islands magazine in the Virgin Islands exhibit at the World's Fair. As I told you at our meeting in my office on the morning of March 19, and in my letter of the same date, we shall be pleased to arrange to have the Virgin Islands magazine distributed free of charge at the Virgin Islands exhibit under some arrangement similar to that worked out with Mr. Lodge, or to have it sold at the concession at our exhibit under some satisfactory arrangement.

"As you can appreciate, time is running out and we must conclude arrangements before April 1, 1964."

This office has had no reply to either of these letters to date.

We considered the agreement with Mr. Lodge especially favorable to the government because to our knowledge the Virgin Islands government has historically been required to pay for any type of literature which was purchased and distributed free. The Lodge contract conversely assured us of 5 million copies of literature for free distribution and in addition paid to government for this privilege.

The government for many years purchased tens of thousands of copies of the Virgin Islands' magazine at 75 cents per each copy. We have been purchasing approximately 10,000 copies per year of Mrs. Jeanne Perkins Harman's "Here's How" at 39 cents per each copy for a publication that promotes only St. Thomas; and we also purchase a tourism advertisement. The government also incurs considerable additional expense in handling and mailing these publications.

At the time the Lodge contract was consummated we desperately needed additional money to handle the increased costs of our Virgin Islands display which ran $16,000 more than our projection. The primary consideration, however, was Lodge's agreement to produce and in our judgment, his ability to produce the 5 million copies we required. The secondary benefit of $10,000 for the exclusive distribution was an additional advantage that would prove helpful in reducing the cost of the government's participation pursuant to act No. 1050. Mr. Lodge proposed and offered a service that nobody in the Virgin Islands, or anywhere else was proposing or indeed indicated any interest in.

To me the Lodge negotiation was a matter of business judgment. I have had considerable experience in this never, never land of public relations, advertising and sales promotion. Immediately prior to accepting your appointment as commissioner of commerce I was a consultant to Hilton Hotels International in this field. Prior to that, I was president and general manager of the Virgin Isle Hotel. I was for 6 years a member of the board of directors of the 6,000-member American Hotel Association and a member of its public relations committee. For 3 years I was cochairman representing all U.S. hotels to the American Society of Travel Agents. Mr. Tom Smith, partner of Horwath & Horwath, one of the world's largest hotel accounting firms, has been kind enough to refer to me in industry speeches as the man who did more to promote tourism to the Virgin Islands and the entire Caribbean than anyone else during the 1950's.

My considered judgment which reflected my past experience was that the contract consummated with Lodge was extremely advantageous for the government of the Virgin Islands. As for Lodge, he was assuming a 2-year obligation with considerable potential liability. Simple mathematics indicated that at $11,500 per page, with only 10 advertising pages available for sale, income or advertising revenues could not exceed $115,000. From that must be deducted commissions to the advertising agencies involved, at least $50,000 to $60,000 for printing 5 million copies, selling expense, overhead, etc.

My opinion was that his potential profit, if a "howling" success, would not exceed $35,000 over the entire 2-year period. As a matter of fact, I hoped it would be successful, remembering also that the government would derive income tax from his profits. We are of the belief that an entrepreneur who conceives an idea for rendering a public service and takes a calculated risk therein is entitled to a profit if all goes well.

In the final analysis this did not turn out to be the golden opportunity despite the 6- to 8-week jump that Mr. Harmon now claims Mr. Lodge had before offer was made to others. He has had to reduce the size of his publication to half the original size which now means a maximum revenue of only $57,500 for the 2-year period.

After Mr. Bove's letters of March 30 and April 1 to you, Mr. Lodge wrote me on April 2, 1964: "In view of all the unfavorable criticism, both to you and me, I hereby offer to pass on my contract to any other publisher for the costs of the contract, plus actual 'out-of-pockets' I have spent. You can publish this if you wish."

We issued a press release to this effect immediately. As of May 4, 1964, no one has come forth to accept or evidence any interest in Mr. Lodge's offer.

The first rumbles of a possible controversy occurred in late February when your office was called by the publisher of the Daily News. It was at that time that you advised me that you would not consider Lodge's contract exclusive. I was interviewed by radio station WSTA and radio station WBNB, channel 10 television, and the Virgin Islands Times. I am told that the following evening the WSTA commentator reported the complaints as "sour grapes" on the "Town Crier" program. WBNB, both radio and TV channel 10, while not using these exact words, in effect took the same sour grapes position and supported the action of your commissioner of commerce.

For more than a year I have been advising you of my plan and desire to return to my private interests. In your office in St. Croix, during the latter part of October 1963, I advised you that I definitely planned to resign as of December 31, 1963. Although you expressed your desire that I reconsider and continue as your commissioner of commerce beyond that date, you respected my wishes and advised that you would seek a replacement.

Due to my continuous urgings the legislature on December 12, 1963, passed on your recommendation act 1050, which authorized participation for the Virgin Islands at the New York World's Fair. We agreed with the legislature that I would remain in my position long enough to complete the Virgin Islands exhibit and participation, as it was made clear that this legislation was predicated upon my remaining to complete arrangements for such participation.

On February 13, 1964, I again submitted my resignation as commissioner of commerce to become effective March 31, 1964. You, in turn, wrote me on February 25, and I quote in part as follows:

"No one will ever understand the personal and financial sacrifice you made when you accepted this position to devote your full time to the demanding job of commissioner of commerce, as I do. The greatest satisfaction you must have now is the feeling in your own heart that you have labored hard under

most difficult conditions and served your fellow Virgin Islanders with distinction and accomplished an outstanding job in every respect.

"Those of us in government and a great many other citizens, especially those who are connected with the tourist industry, have great admiration for your ability, enthusiasm, and devotion to duty. As a result of your untiring efforts and work, the economy of the Virgin Islands today is in a stronger and healthier condition. We look to the future with confidence and renewed hope.

"Your recent project of getting the Virgin Islands into the world's fair in a choice area and at little cost with both government and industry cooperating together with the many problems and details of arrangement for the beautiful displays, is commendable. These displays will reflect credit to the Virgin Islands before the millions of visitors who will view our section of the pavilion. This, I am sure, is appreciated by most Virgin Islanders, and must be a source of great satisfaction to you.

"Since the fair opens on April 22, 1964, it is only reasonable and fitting for me to ask you, the architect of this world's fair project, to defer the effective date of your resignation to May 31, 1964."

In view of your many kindnesses during my tenure in office, I wrote you on March 3, 1964, that I would remain in office until May 31, 1964, "to oversee the culmination of our plans for participation in the New York World's Fair and to coordinate planning for all divisions and including our advertising and sales promotion program for fiscal 1965." I also stated at that time that "I shall always be ready and willing to serve you and the people of the Virgin Islands whenever you feel there is some special task for which my services are required or for which the government needs me."

Under your administration as Governor of the Virgin Islands and my appointment as your first commissioner of commerce, we have seen tourism grow from a $25 million industry in fiscal 1961 to a projected $48 to $50 million industry in fiscal 1964. This increase in tourist expenditures of almost $25 million in these past 3 fiscal years, is, in itself as an increase only, equal to the total tourist expenditures for the entire United States Virgin Islands in any fiscal year up to and including fiscal 1961, when we came into office. Per capita income in 1963 reached a new peak of approximately $1,700—the highest in the entire Caribbean area, and doubled the per capita of income 3 years ago. Government revenues have doubled in these same 3 fiscal years, and for the first 9 months of fiscal 1964, government revenues are 40 percent ahead of the like period in 1963. Total bank deposits in the Virgin Islands are at an alltime high, and total bank loans are at an alltime peak of approximately $40 million—an increase of almost 150 percent as compared with 1961.

The department of commerce you created, with the consent of the legislature continues to be the motivating force, stimulating and continually expanding the record economic growth and development of the Virgin Islands.

I realize that businessmen cannot be thin-skinned when they accept appointments in government service. I do, however, think it is outrageous that the prodigious effort and energy, that I and my staff, have contributed to this world's fair enterprise, and the plaudits we have received from many sources including the press, businessmen, construction workers, policemen, custodial workers, and so forth, and Virgin Islanders residing in New York should be accompanied by the strident discord and confusion generated by Lieutenant Commander and Mrs. Harry Harman III.

I certainly hope that the foregoing comments will satisfy any fair-minded person that my actions were taken with the objective in mind of obtaining the most advantageous arrangements for the government and people of the Virgin Islands.

Submitted May 4, 1964.

HENRY L. KIMELMAN,
Commissioner of Commerce.

NATION ON THE MARCH

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, the President recently declared in a speech in New Jersey that the Democrats have put this Nation on the march. Yes, Mr. President, America is on the march all right, but in the wrong direction for the future good of our people.

Our fine American sons are marching into the jaws of death on foreign cold fronts today, away from their farms, factories, families, and friends, 11 long years after the third Democrat hot war in 45 years.

Yes, we are on the march, losing the respect of many nations on this side of the Iron Curtain, due to our vacillating foreign policy toward Cuba and elsewhere, and by interfering in other nations' business outside of this hemisphere.

Yes, we are on the march to spend and waste even more billions on the ineffective, giveaway, so-called foreign aid program than the $2,700 already spent for each average American family to pay, or for their children to pay, some day, some way, or else.

Yes, our American dollar is on the march downward in purchasing power, because of the reckless, wasteful spending route we have traveled at breakneck speed for more than three decades, to the end that many foreign nations have long ago lost confidence in the stability of the American dollar, hence they have demanded gold for their exports to us, and thus they have during the past several years, drained our gold supply down to the danger point. Yes, our precious American gold is also on the march, out.

Yes, we are marching down that very same reckless, spending road on which many nations across the seven seas marched, all the way to their destruction, causing their currency to depreciate until it took a handful of paper bills just to buy a loaf of bread. Our American dollar is now depreciating, month after month.

Yes, we are on the march, increasing our present Federal debt of over $313 billion by an additional $20 billion at the end of fiscal year 1965, and as a comparison, may I remind you, Mr. President, that the actual estimated value of all the farms in the entire United States is only $143 billion.

Yes, Mr. President, we are on the march to bankrupt more and more private American taxpaying industries, including our meat-producing industry, because your Democrat foreign free-traders finally got their way, and we are in complete dictatorial control in Congress and at your present abode at 1600 Pennsylvania Avenue. So I ask you, Mr. President, is it any wonder that bankruptcies are up over 50 percent over what they were in 1960, and mortgage foreclosures are about double what they were in 1960, since which time your party has occupied the White House and has had a large majority in Congress.

Now, Mr. President, as you well know, the Republicans in Congress went on a march early in the last session, and led the fight to reduce the 1964 fiscal year budget by $6,300 million, a saving of over $130 for each American family on an average. Congress would not have passed the Federal income tax reduction bill had we not done so; and we are continuing on that march to preserve and protect our American blessing of freedom spelled out by our Founding Fathers, in order that our children and their children might not live in bondage, dictated by an all-powerful central government, like those poor souls back of the Iron Curtain.

Mr. President, while you must glory in your consoling claims and platitudes, I admonish you to remember that a great majority of mature Americans are deep, serious thinkers. They cannot, and will not, be marched down a blind alley, even by the President.

Hence, a multitude of awakened Americans in both parties will be found marching together, chin up, toward the bridge where only trusted Americans, henceforth, will be put on guard.

FALSE ECONOMY IN THE POSTAL SERVICE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, in yesterday's—May 17, 1964—edition of the Philadelphia Inquirer this headline appeared on the front page: "Post Office Savings Don't Spell Service to Many Businessmen."

This appears to have become a universal theme song among patrons of the postal service.

Our once proud and efficient postal service, dying slowly for the past 4 years, may soon become a corpse if the administration does not abandon its false economies that can bring about an early death with resultant chaos in the business world, to say nothing of distressing inconvenience to the taxpayers of the Nation.

I refer, Mr. Speaker, to the Postmaster General's recent curtailment of window and other services on Saturday and, in some of the larger cities, Sunday services. The Postmaster General, with great praise to himself, describes the move as one of economy—perhaps in the hope that economy will prove a magic word to divert public attention from the deplorable mail service we now suffer. And many admit it is deplorable.

Mail is subject to unconscionable and unreasonable delays, even though the

first-class postage rate has advanced 150 percent in the last 31 years; an advance greater than that of the cost of living, of many commodities basic to the national economy, and services essential to human welfare. As postal rates have advanced, the quality of postal service has declined, and at an alarming pace.

When I came to this body nearly 4 years ago, a piece of first-class mail sent to me from York, just 90 miles distant, arrived on the first delivery the next morning. Today, that is not wholly true—much of such mail gets here a day later. The same is true with mail from my office to York.

Residents of the 19th Pennsylvania Congressional District write me constantly complaining of unreasonable mail delays of from 1 to 3 or 4 days from nearby Philadelphia and New York. Ironically, they state that letters bearing ZIP code numbers, the Postmaster General's red herring that he tries to draw across the trail of poor service, are sometimes later than those without the ZIP number.

Frankly, I am not an expert on postal service and do not know if morale in the postal service is low, if there is inadequate supervision, or if the service is filled with incompetents who feel sure of their employment under an administration which will forgive any sin as election time nears. Let me give you an example of downright incompetence, ignorance, or indifference—take your choice.

In my district there is a borough, East Berlin. Although mail I address to East Berlin invariably carries Pennsylvania in quarter-inch bold face type as part of the address, some pieces are sent to East Berlin, Germany, or are returned to my office with notice that I must affix foreign postage at the rate of 11 cents an ounce. Complaints to the Postmaster General have brought indifferent and inadequate replies which seem to shrug off this incompetence as just one of those things.

Mr. Speaker, prompt and adequate mail service is essential to the business community which President Johnson importunes to accelerate the economy. Remember, it is business and not Government that regulates our economy. It is the just right of a people who pay one of the highest postage rates in the world to expect adequate service, but we are confronted with the sorry fact that the postal service is slowly deteriorating and disintegrating.

In a recent issue, the New York Times remarks facetiously that "in neither snow nor rain nor heat nor gloom of night shall pigeons be allowed to roost on the general post office at 33d and 8th Avenue."

Continuing, the Times states that bids have been asked for electronic birdproofing the building at an estimated cost of between $44,000 and $55,000. This war on pigeons comes in the wake of, first, a building-cleaning project in 1962 at a cost of $174,490; second, a scarepigeon program that involved the use of silhouettes of husky tomcats painted black and white and hung from wires; third, the use of corrugated cardboard to jam shut little niches between the massive building's Corinthian pillars and caps, bronze grillwork, ledges, and keystones.

I can only suggest, Mr. Speaker, that if we are sincerely interested in economy, the Fish and Wildlife Service rather than the postal service should be called upon to reduce the pigeon population. I assure you it could have been done at a very, very small fraction of the cost reported.

On second thought, possibly the Department is toying with the idea of returning to the use of pigeons as carriers. Properly trained, they at least would not fly to East Berlin, Germany, when the message is clearly directed to East Berlin, Pa.

I can only suggest, sir, that the Post Office and Civil Service Committee take action at this time to find out why we cannot have reasonable postal service. This would be a laudable undertaking in the interests of all the people who now are subjected to abominable service in the sacred name of "light bulb" economy.

HIGH PRESSURE SELLING OF $100-CAMPAIGN-DINNER TICKETS TO CIVIL SERVICE EMPLOYEES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, the high-pressure selling of $100 campaign dinner tickets to civil service employees is once more in the headlines, with new wrinkles by the Democratic National Committee which reveal a determination to stretch the rules of political activity by Government employees all out of shape. I want to include in my remarks articles by Joseph Young, of the Washington Star, and Jerry Kluttz, of the Washington Post, which reveal the blatant nature of the latest efforts at collecting contributions from Government employees.

Over the past several months, complaints have come to me in letters and telephone calls in which civil service employees have recited their experiences. Hoping that attitudes had changed under the new administration, I have refrained from discussing these matters. However, as a result of the revived activity which is now admitted, I am today writing the President, reciting the facts which have come to my attention. It is my intention to place my letter in the RECORD after it has been received by the President.

Under unanimous consent, I insert the Star and Post articles at this point in my remarks:

[From the Washington (D.C.) Star, May 17, 1964]

DRIVE STEPPED UP TO SELL EMPLOYEES $100 TICKETS TO AFFAIR FOR JOHNSON

(By Joseph Young)

The Democratic National Committee is stepping up its drive to get Government career employees to attend the $100 a ticket affair in honor of President Johnson on May 26 at the District of Columbia Armory.

Thousands of career employees in grade 9 and above have received "invitations" from the Democratic National Committee in the past few weeks. Many thousands of others had received invitations and followup letters during the past 3 months.

And the Democratic National Committee apparently has devised a new wrinkle to pressure Government careerists into attending.

During the past week employees of grade 13 and above in the Agency for International Development, which is seeking legislation to "select out" employees without regard to civil service laws, received invitations.

The invitations they more or less expected. But what chilled them was their civil service grade number written in ink on the corner of the invitation cards.

AID employees feel this is a not-too-subtle way of telling them their agency expects them to attend if they hope to avoid the fate of being "selected out" of their jobs, should AID get this authority.

While letters sent to Government employees at their homes, soliciting funds for political purposes, are not a violation of Federal laws, it is a violation if names of employees were furnished by the agencies for which they work.

It long has been taken for granted that many agencies do furnish such information to political organizations, but this is very difficult to prove.

However, the situation regarding AID employees and the fact that their grades were written on their invitations suggest the information may have come from AID.

AID officials emphatically deny the information came officially from the agency.

They acknowledge there are hundreds of organizational charts bearing the names of AID employees, their grades, job duties, etc., that are intended for "official use only," and that someone at AID could have furnished a chart to the Democratic committee. They declare, however, that if this happened it was without the approval of AID.

[From the Washington (D.C.) Post, May 18, 1964]

HOUSE COMMITTEE TO MAINTAIN VIGIL ON PROMOTIONS

(By Jerry Kluttz)

Invitations: Employees in the high grades report they have received invitations to attend the $100 Salute to President Johnson scheduled for May 26 at the National Guard Armory here.

An employee in the Agency for International Development was particularly intrigued by his invitation; his grade was written on its upper left-hand corner. He and his colleagues in grades 13 and above would like to know who supplied the Democratic National Committee with their names, addresses, and grades.

Several more wives of employees have called to protest that their husbands are being pressured to buy tickets; not one, but two tickets. But generally, employees report ticket-buying is on a voluntary basis and that pressures, up to now, are far less than they were at the Democratic gala last year.

U.S. BUILDING AT NEW YORK WORLD'S FAIR

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, over this past weekend I had the opportunity to be included in the congressional group that visited the New York World's Fair, at our own expense, incidentally. It was an exciting, well organized, and interesting experience, and I do not want my remarks regarding the one glaring disappointment to overshadow the basic fact that this fair is something that all Americans can and should be proud of.

This disappointment of which I speak, is the one exhibit which should have aroused the most pride among those of us from the Congress who made the trip. I speak of the U.S. Building at the World's Fair. Not only is this exhibit intended to typify the best things about our country, but this Congress has a vested interest in its ability to do so, to the extent of a $17 million investment paid for by all the taxpayers of America.

Although the U.S. exhibit is under the jurisdiction of the U.S. Department of Commerce, I came away with the impression that our "Foggy Bottom" State Department played a far greater part in determining its contents, use, and purpose.

About the only thing really indicative of America that I observed was a square dance group located in the unfinished portion of the building, which was otherwise architecturally beautiful, large, and impressive.

Most of the rest of the exhibit is devoted to facsimiles of old newspapers plastered upon the walls that make up the outer periphery of the exhibit. Aside from the lack of imagination that produced this kind of wall-to-wall coverage, the stories these newspaper articles tell is not of America's greatness, not of the American free enterprise system, not of America's great traditions. Rather these reproduced newspaper headlines and stories are designed to play up all out of proper proportion, America's difficulties, political and social propaganda, and prattle.

Starting at one end of the corridor and reading across to the other, one reads mostly stories of our poverty, our civil rights controversies, our areas of so-called social concern, and, in general, an all-out effort intended to accentuate the negative and ignore the positive.

Then we were treated to a dissertation about the Peace Corps and all our domestic shortcomings, along with the reasons why all of them would be solved by adopting all the New Frontier proposals.

Then we were taken on a ride in moving carriages through a dark tunnel, and given some more "brainwashing" by the use of slides and movies. Although this is supposed to be an American exhibit, I had the impression that most of the hired help were foreign students who have a difficult time with the English language, let alone be expected to know American history. They seemed long on authority and overequipped with two-way radios and long hair.

The one art exhibit to which we were exposed consisted of what I can only describe as hideous 6- by 8-foot murals of surrealistic paintings. They looked like something my 3-year-old granddaughter might have produced if she were turned loose unattended with a few buckets of paint and hands to smear with.

I cannot help but compare this Federal exhibit, financed by American tax dollars, with the exhibit sponsored by my own State of Missouri, which I believe to be one of the outstanding exhibits at the fair. If ever there were a reason for placing greater trust in States' rights than in an ever-growing Federal bureaucracy, a comparison of these two exhibits will show why there is so much sentiment today for the former. I hate to think of our underwriting the balance of the fair to the extent we have used the taxpayers' money.

THE COMMUNISTS HAVE THE SAME OLD STORY

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALGER. Mr. Speaker, the weekend news from Laos is another example of how the Communists ignore treaties and agreements. Perhaps the outbreak of fighting in Laos will help convince the administration that you cannot do business with the Communists.

The Democrat leadership has proven time and again it does not understand the nature of communism nor the Communist goal to rule the world. We Republicans warned that forcing a coalition government on Laos would mean the eventual takeover of that country by the Communists. For speaking the truth when Laos was sold out at Geneva, we were branded as warmongers. Today's headlines show that the Communists are running true to form in breaking their agreement. Another Asian nation will be swallowed up by the Reds because American leadership is weak.

At the same time that Red aggression is overwhelming Laos, and Khrushchev is in Africa calling for revolution and stirring up more hatred for the United States, our President is talking of further cutbacks in our weapons on the promise of the Russians that they will do the same. Our foreign policy, under the present shortsighted leadership, is becoming absolute nonsense with the result that freedom everywhere in the world is in greater jeopardy than at any time in recent years.

American boys are dying now in Vietnam because of Red aggression. Communist missiles are being aimed at Dallas and all other major American cities from Cuba. Africa is in ferment, brewed with the poison of Communist propaganda spewed by the leader of the Communist conspiracy. We cannot wait until just a few weeks before the election for some dramatic grandstand play by the administration to win votes. We must take a firm stand now to make the Communists understand that America is on the side of freedom and we will make no more deals with the enemies of freedom. We are ready and able to defend our own land and we will take whatever action is necessary in joining with others who are willing to take a stand against Red enslavement. A strong, determined, understandable policy now is the best guarantee we have for peace. The appeasement, vacillation, and weak-kneed policy of the past 4 years is bringing all-out war dangerously close.

All the trouble in the world today is being fomented by the Kremlin and the Communist bloc, yet the Democrat administration is still trying to sell us on the idea we can trust the Communists, make treaties with them, do business with them. The record of history proves otherwise.

TEXAS NUN CITES BRAINWASHING IN SRA TESTS

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have spent a great amount of time in the past 3 years studying the so-called psychological testing in our schools. I am glad to say that many other conscientious Americans throughout the Nation have also been taking a hard look at these brain-picking tests. I have received literally thousands of letters from interested parents, teachers, and even guidance counselors who are alarmed at the trend in this facet of modern education.

One of the most comprehensive and best analyses of these tests has been done by a Texas nun, Sister Mary Kateri Larkin, who points out that the Science Research Associates publication "Reading for Understanding" is written in such a way as to "belittle man's mind, attack morality, demote God and downgrade religion, education, and our Government." She amply cites chapter and verse to back up these serious charges. By innuendo, suggestion, and emphasis, many of these brain-picking tests induce young students to mock patriotism, parental authority, and our free enterprise system. I think Sister Mary Kateri Larkin has done an outstanding job and I include her report with these remarks:

SRA—FACT OR FALLACY

(By Sister Mary Kateri Larkin)

CONTENTS

Introduction

Part 1: Evidence: Excerpts from "Reading for Understanding Kit."

Part 2: Letter of inquiry to the publisher; Dr. Parker's response to inquiry.

Part 3: Dr. Lawrence V. Willey's response, together with brochure attachment: "A Report on the attack against SRA's 'Reading for Understanding Kit.'"

Part 4: Letter of Rebuttal to Dr. Willey's response, as published by "The Wanderer," April 30, 1964.

Conclusion.

INTRODUCTION—SRA VERSUS UNITED STATES?

"And Pilate said: 'What is truth?' "

These words once again reflect a widespread and unfortunate attitude toward many of the vital and critical issues of our times, none more important, we feel you will agree, than that of education.

For this reason, we strongly urge you who are dedicated to truth, to read and examine carefully—completely—the following material, giving it the fullest benefit of the very real and essential contribution your qualified judgment will provide in this urgent matter.

The need has never been greater.

PART 1: EVIDENCE

Excerpts from "Reading for Understanding Kit."

[Quotation marks added for emphasis.]

Reading for understanding (selections)

C—Circle, D—Diamond, S—Square, T—Triangle.

C 98–3: "Self-sacrifice is a poor doctrine to preach," for it leads to "hypocrisy" and "self-deception." If a person convinces himself that he likes some object A, when he really prefers B, then he will think that he is practicing self-denial in:

A—Choosing either.
"B—Renouncing A."
C—Embracing A.
D—Renouncing B.

T 98–4: "Pity" is often a "perception" of "our own misfortunes in those of others;" it is a "shrewd foresight" of the evils into which we may fall. We "succor" others in order "to engage them to succor us" in similar circumstances; and the services we render them are, to speak properly, a good which we do to ourselves by

"A—Anticipation."
B—Solicitation.
C—Virtue.
D—Perception.

T 98–1: The ideas of Aristotle on astronomy and physics have long ago been repudiated or enlarged, "but his ethics and politics" are even today read and revered by scholars in every Western nation. "Can we infer" from this "that his insight" into the "social sciences" was "greater than that" into the "natural sciences, or should we infer rather that the social sciences have not progressed in the over 2,000 years since Aristotle? The latter inference is probably the safer one to make." In the "300 years" since the beginning of modern science the "chemists" and "physicists" have "by rigorous thought" and "controlled experiment" devised theories of the nature of matter which have given man "an unprecedented control" of his "environment." As yet, "very few examples of this type of thinking can be found" in the area of

"A—Human affairs."
B—Mathematics.
C—Medicines.
D—Modern science.

C 99–2: When you speak of the favor of God, we may as fairly hope for that as yourselves. "Neither our pretension nor our conduct" is in any way "contrary" to what man believes of God nor practices with his fellow man. "But this is not important." "Of God we believe, and of man we know, that by a necessary law of His nature He rules wherever He can." And it is not as if we were the first to make this law, or to act upon it when made. "We found it existing before us" and shall leave it to exist forever after us. "All we do is to make use of it," knowing that you or anyone else, having the same power as we have, would do the same as we do. Thus, as far as God is concerned, we have no fear and no reason to fear that we shall

A—abide by laws not inspired by God.
"B—suffer disadvantage at the will of God."
C—interpret wrongly the will of God.
D—rule of the world in the name of God.

C—circle, D—diamond, S—square, T—triangle.

T 100–1: Nineteenth-century scientists discovered that both living and nonliving cells are composed of the same chemical atoms. "Living cells were inferred to obey mechanical laws of causation, just as nonliving cells do." Consequently, there arose "a mechanistic theory of human life which asserted that mental activity consists solely" of "responses" to "peripheral stimulation," so that "man is not free to determine his actions." "Proponents" of this theory "thus removed the basis of"

A—causation.
"B—morality."
C—mechanism.
D—determinism.

T 100–9: As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. "The diversity in the faculties of men, from which the rights of property originate," is not less an insuperable obstacle to a uniformity of interests. "The protection of these faculties is the first object of government". From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different

A—Economic groups.
"B—Pressure groups."
C—Social classes.
D—Political interests.

D 100–10: "It is doubtful whether one can ever distinguish information from propaganda in an objective way." "As in the case of liberty and license," "it must be a subjective distinction" in which "propaganda" is "any opinion" which is:

"A—Intentional."
B—Political.
C—Disliked.
D—Popularized.

T 99–10: No man believes that he can be lost, or that the crime in him is as black as in the felon; every man thinks a latitude safe for himself which is nowise to be indulged to another. "We permit all things to ourselves," and "that which we call sin in others":

A—Is that which we do not do.
B—We know to be criminal.
C—We permit of no man.
"D—Is experiment for us."

S 97–1: It is a common practice to call a man good if he refrains from committing sinful acts. "It matters not that he may never perform an action" that "will be of benefit to humanity, for virtue consists" of:

"A—Not doing."
B—Keeping busy.
C—Helping others.
D—Noble motives.

T 97–2: The age of hero-worship is past, and "we regard men merely as the creatures of circumstances;" and, "with Cicero," are ready, "not to praise Regulus" for his "self-sacrifice," but to "ascribe all credit to his":

A—Insight.
"B—Times."
C—Ability.
D—Ingenuity.

D 97–1: Proteus, the Greek god "whose appearance continually changed," would always "be a stranger" in our world. We "could never completely let down our guard with a person who seemed so inconsistent" from day to day, for in order that we may feel at home with anyone, he must be characterized by a certain degree of:

A—Unexpectedness.
B—Ingenuity.
C—Morality.
"D—Monotony."

C 97–10: "Ambition fulfilled leads to gloom and depression." "It is the struggle against odds which impels and inspires us; the achieving of the goal" for which we have striven "is an occasion which":

A—Induces great happiness.
"B—Brings emptiness in its wake."
C—Crowns our glory.
D—Answers our needs.

D 97–5: We prize but little what we share only in common with the rest, or with the generality, of our species. "When we hear of blessings," we think forthwith of:

A—Material prosperity.
B—Gain disproportionate to effort.
C—Widespread happiness.
"D—Superiorities over others."

C 98–8: "Shall we be satisfied with the definition that a moral man is one who obeys the rules and laws of his society? Machiavelli said that the "wise man will not always tell the truth" but "will strive to preserve" his "reputation as an honest man because he can take advantage of people only if they trust him. Is conscience only" what Mr. Mencken once called it—"That still small voice which whispers":

A—God knows your thoughts?
B—"Somebody may be looking"?
C—You may be wiser than others?
D—To thine own self be true?

D 96–4: "We are loath to admit" that we are "motivated by selfishness" and "by passion. We would have others believe" that "our selfish behavior" is "actually" the result of "idealism" and that "all our emotional actions" are the end product of:

A—Instinct.
B—Habit.
C—Ambition.
D—"Reason."

D 96–1: It is a peculiarity of man that he feels compelled to find a rational justification for life, to find that value for which life is worth living. "But man does not live by thought." He may well be a rational animal, but "it is man's animal nature that accounts for living," for "life begins" in "single-celled animals" for which "the imputation of thought processes would be ridiculous." Yet "they live and fight" for life with such determination that "a philosopher would be dwarfed by comparison." The "search by the philosopher" for the "rational cause of the will to live is a confession of the weakness of our species," for "life requires no such justification. The human being is in one sense lower than the other animals whose apparent belief that life is good" is "so immediate" that "they require no interposition" of:

A—Determination.
B—Morality.
C—Evolution.
D—"Thought."

D 99–1: There are still "a few physicists" who "predict a return to prominence" in scientific thinking "of the concept of causation. Recent work demonstrating" the "need for a concept of indeterminacy" furnishes this group:

A—Logical proof of causation.
B—Empirical evidence that they are right.
C—Inspiration for further research.
D—"Little basis for this prediction."

D 96–8: The notion of "innocence" implies "a certain lack of knowledge of worldly things." After "one's naivete" has been "eradicated," he may "turn back" from his secular pursuits in an endeavor "to recapture the innocence of his youth," but, "insofar as recovering innocence" intends a "state of mind," it is:

A—Synonymous with "penitence."
B—"A contradiction in terms."
C—An indication of guilt feelings.
D—Inferior to sophisticated awareness.

C 96–7: The author suggests that "perhaps so many of our young people have turned from the church in disillusionment because they cannot escape making an inevitable comparison between the religious rites of their youth and those practiced by savage tribes." He thinks that "it is difficult to

study anthropological literature thoughtfully without" its:

A—Strengthening one's superstitions.

B—"Distinguishing religion from superstition."

C—Corrupting one's mind.

D—Corroding one's faith.

S 96–9: All his life this man has been completely incapable of experiencing profound emotion. "He has deliberately sought suffering," hoping that "therein" might "lie a sense of reality" deep and true. "Still he sees only the sham and superficiality of life, having learned one thing only from grief":

A—The bitter dregs of truth.

B—How to transcend it.

C—"How shallow it is."

D—That it was worth it, after all.

C 96–10: Nature has placed man under the "empire of pleasure and pain. We owe to them all our ideas; we refer to them all our judgments," and all the "determinations of our life." Utility is an abstract term. It expresses the property or tendency of a thing to prevent some evil or to procure some good. "Evil is pain," or the cause of pain. "Good is pleasure," or the cause of pleasure. That which is conformable to the utility, or the interest, of an individual is what tends to augment the total sum of his happiness. "What is it to offer a 'good reason'" with respect to a "law"? It is "to allege the good or the evil" which the law tends to produce: "so much evil, so many arguments against it; remembering that good and evil are nothing else than":

A—Utility and inutility.

B—"Happiness and unhappiness."

C—Godliness and ungodliness.

D—Morality and immorality.

S 100–6: According to Emerson, "thoughts are the result of action rather than vice versa." It may be an elementary fact that all truths of our society must be observable functioning relationships before they are:

A—Applicable to society.

B—Improved by the technician.

C—Maintained with certainty.

"D—Discovered by the student."

T 99–5: "A planned fight for a fixed purpose is something that the true warrior detests." "Even cowards" might be "motivated to fight in such a rational situation. The true warrior exults in spontaneous combat. He fights, not for gain," but for:

A—Profit.

B—Survival.

C—Ideals.

"D—Sport."

D 99–3: There is an ever-widening disparity between the creator and his creation—"insignificant men" and "magnificent works. Here is greatness fathered by":

"A—Paltriness."

B—Immortality.

C—Inventiveness.

D—Despondency.

C 96–2: "Descartes" showed "real doubt concerning the existence of this or that particular object" but he did not point to an interruption in the "general belief that at least some external objects exist. He pointed out" that "some of our experiences are illusory but not that all of them are." Actually, his habits of action indicate that he found no such interruption and that he really believed:

A—In the infallibility of reason.

"B—In the existence of the external world."

C—That the world around us is merely illustory.

D—That only God existed.

C 99–1: Increasing emphasis on "the irrational and unconscious motivations of man" had led some pessimists "to strip rationality of all value," indeed, "to denty its existence." The new findings, of course, must be recognized in any adequate theory of human behavior, but the discovery that the flowers of human life are rooted in dark soil in no way refutes the:

"A—Importance of sunlight."

B—Notion of unconscious motivation.

C—Need to prevent erosion.

D—Irrationality of their blossoms.

S 98–3: The human brain is best equipped to form associations under conditions of contiguity of time and space of the elements to be associated. "When interaction is required between temporally and spatially distant elements, the brain is":

A—Quite adequate and thorough.

"B—Altogether slow and unfit."

C—Both inquisitor and judge.

D—Aided much by human understanding.

D 99–4: It is "virtually impossible for a person effectively to oppose" the "climate of opinion" and to "resist the intrusion into his own thinking" of opinions contrary to his own. If these contrary opinions are "greatly publicized," they "unavoidably" become stimuli for every individual, who must ask of himself whether the opinions are just. The character of the answer is determined by the character of the question. The individual "will soon find himself thinking along the lines represented in his opponent's opinions, in order to oppose them. Before long" the individual "discovers that he now holds the opinions held" a short time before "by the opponent," while still opposing his "latest statements." Thus it is that:

"A—Uniformity of opinion is developed."

B—Political adversaries are defeated.

C—Differences of opinion are developed.

D—Alternative opinions are considered.

T 99–6: Our senses are our only means of communication with the external world. Often "our impressions" of outside reality "are inaccurate or incomplete," either "because our senses" have given us "no information" about some aspect of a thing or because they have given us "false information". "Of the conflux of potential stimuli" which surround us at any one time, "relatively few are made known to us sensorially." And, as we have said, "even if our senses do apprehend something, their apprehension":

A—May not produce a sensation.

B—Is disproved when we see the object.

"C—Is not much to be relied on."

D—Is never transmitted to our mind.

D 98–6: In normal times the judicial decisions of lower tribunals are bound by "strict rules and precedents, but" the "decisions of the Supreme Court"—where the legal questions are ambiguous and the precedents conflict—"must of necessity reflect the":

A—Attitudes of the people.

"B—Convictions of the Justices."

C—Will of Congress.

D—Spirit of the Constitution.

C 29–2: The "members of Congress, the Chief Executive," and "the judges of the Supreme Court must be guided by their own opinions of the Constitution." Each public officer who swears to support the Constitution swears that he will support it, not as it is understood by others, but as:

"A—He himself understands it."

B—The Founding Fathers intended.

C—The majority of officials decide.

D—New necessities require.

S 100–2: The "curriculum" offered in our school involves "so much duplication and so many valueless courses" that it is time for the curriculum to be worked on carefully by a man with a:

A—Book.

B—Drill.

C—Spade.

"D—Hatchet."

T 97–3: "It is generally conceded that democracy as a form of government has its disadvantages." The "democratic state" is "far from a utopia"; yet there are those to whom "democracy is a religion." They are "fanatical in their expectations" of the blessings that democracy will bring. They allow their "ability for rational thinking" to be "superseded by":

A—Their nationalism.

"B—Hopes and dreams."

C—Well-reasoned arguments.

D—Political theories.

T 100–3: Do not accuse social science of denying the metaphysical problems toward which its investigations point. The social scientists, while recognizing the existence of such problems, state that "their factual knowledge is as yet so incomplete that to speculate far beyond the data would yield only meaningless results." Until they have established a "hierarchy of ever more general scientific laws, firmly grounded in fact," their answer to the more "inclusive metaphysical questions" must be:

A—Here is the best opinion.

B—No one will ever know.

C—We are not interested.

D—"We are ignorant."

S 100–4: A "university professor" who has been made painfully aware, perhaps by his wartime experiences, of social and economic miseries "finds himself filled" with "an enervating sense of guilt" as he pursues the "study of the early Greek epic." "He is only one of a class of intellectuals" who today find "they can no longer truly believe in":

A—The value of a college degree.

"B—Scholarship for its own sake."

C—The existence of social inequality.

D—The rights of the common man.

D 96–5: The "advancement" of the science of "logic has been retarded" because "logicians have confined their interest to relations between words, neglecting the relations between actual objects or events represented by the words." "Recent theories of logic wrongly presume that truth may be discovered through the manipulation of":

A—Characteristics of things rather than relations between things.

"B—Ideas of things rather than the things themselves."

C—Relations between things rather than the things themselves.

D—Relations between ideas rather than the ideas themselves.

S 96–2: To suppose "universal laws" of nature "capable of being apprehended by the mind" and "yet having no reason" for their "special forms, but standing inexplicable and irrational," is "hardly a justifiable position." "Uniformities" are "precisely" the "sort of facts" that "need to be accounted for." That a pitched coin should sometimes turn up heads and sometimes tails calls for no particular explanation; but if it shows heads every time, we wish to know how this result has been brought about. "Law is par excellence" the thing that:

A—Is known only intuitively.

"B—Wants a reason."

C—Cannot be defied.

D—Must change as new facts turn up.

PART 2.—LETTER OF INQUIRY TO THE PUBLISHER—DR. PARKER'S RESPONSE TO INQUIRY

NOVEMBER 15, 1962.

Dr. DON H. PARKER,
Consultant, Science Research Associates, Chicago, Ill.

DEAR SIR: Attached you will find a copy of selections from your publication "Reading for Understanding" in which I discovered most objectionable material, objectionable for anyone of any age, much less for the young readers for whom they were intended.

How do you justify, educationally or otherwise, printing statements such as I have underlined, the works of authors who suggestively belittle man's mind, attack morality, demote God, and downgrade religion, education, and our Government—to quote only a few:

"Of God we believe * * * that by a necessary law of His nature, He rules wherever He can."

"Self-sacrifice is a poor doctrine to preach, for it leads to hypocrisy and self-deception."

"Democracy places control in the hands of the mediocre masses."

"The Members of Congress, the Chief Executive * * * must be guided by their own opinions of the Constitution" (not as the Founding Fathers intended).

"But man does not live by thought * * * it is man's animal nature that accounts for living. * * * The human being is in one sense lower than the other animals."

Isn't brainwashing by slanted, distorted slurs and false philosophies a high price to pay for "aiding the student in improving his ability to get meaning from his reading"?

According to your SRA staff associate here, a similar complaint was made to your company about a year ago, and you protested that it was all a misunderstanding. Forty cards were pulled out of the series, and new cards were printed which could replace the old just for the asking. Yet, a year later, the box which I just examined (in full use in a seventh grade classroom) still had the original cards, and the school had never been alerted by you. Presumably, unless one is fortunate enough to stumble on the truth, the brainwashing goes on.

I do not believe that a company such as yours should be supported by any responsible educator.

Very truly yours,

Sister MARY KATERI LARKIN.

DALLAS, TEX.

SCIENCE RESEARCH ASSOCIATES, INC.,
Chicago, Ill., December 6, 1962.

Sister MARY KATERI LARKIN,
Dallas, Tex.

DEAR SISTER MARY KATERI LARKIN: Please pardon my tardy reply to your letter of November 15 but I have been out of town attending the National Council of Teachers of English. Since I am not the author of this material, I am turning your letter over to our executive editor, Dr. Lawrence V. Willey. I am sure you will be hearing from him soon.

Thanking you for your interest in improvement of educational opportunities for students, I am

Sincerely,

Dr. DON H. PARKER,
Consultant,
Multilevel Materials of Instructions.

PART 3.—DR. LAWRENCE V. WILLEY'S RESPONSE, TOGETHER WITH BROCHURE ATTACHMENT: "A REPORT ON THE ATTACK AGAINST SRA'S READING FOR UNDERSTANDING KIT"—FORM B, DECEMBER 1962

DECEMBER 17, 1962.

Sister MARY KATERI LARKIN,
Dallas, Tex.

DEAR SISTER MARY KATERI LARKIN: Don Parker has referred your letter of November 15 to me. We apologize for the delay in letting you know that we have carefully studied your criticisms about "Reading for Understanding." Our editorial staff is concerned that you found materials in RFU objectionable.

After reviewing each of your comments, it became apparent to us that the general purpose for RFU has not been made clear to you. The passages on which questions are based are not designed for indoctrination. We may not agree with many of the ideas expressed in the selections. The purpose for the passages is to provide reading material about which questions can be asked to help children develop critical reading skills to improve their understanding of what they read. Children must learn how to read and understand all types of materials. For that reason selections have been included in RFU which represent various points of view about a number of topics. Students should certainly not accept the ideas included in the passages. Instead they should concentrate on determining what the passages contain and make critical judgments about the ideas in them. RFU has proven useful in hundreds of classrooms in serving the purpose for which it was designed.

The RFU program was developed and tested over 15 years by Mrs. Thelma Gwinn Thurstone, professor of education at the University of North Carolina. Mrs. Thurstone is well known in education and a highly respected authority in reading and testing. She has worked on several projects for the Federal Government in which her loyalty and devotion to democratic ideals and principles were recognized. We are proud that Mrs. Thurstone is an SRA author.

In view of my explanation of the purpose for RFU and the stature of its author, Mrs. Thurstone, I hope that you will reconsider its use in your classroom. A copy of an explanatory statement on RFU is enclosed for your information. If we can provide you with additional materials on RFU, please let us know.

Sincerely yours,

LAWRENCE V. WILLEY, Jr.,
Executive Editor.

Form B.—"A report on the attack against SRA's 'Reading for Understanding' kit"

(Prepared by the Department of Information, Science Research Associates, Inc., Chicago, Ill., December 1962)

"Reading for Understanding" first came under attack in the fall of 1961, in Ventura County, Calif., when rightwing extremists charged that it contained material which was "un-American," "pro-Communist," and "subversive."

From there it spread across the country, showing up in such places as western Pennsylvania, Philadelphia, and other eastern communities. This phase of the attack subsided in the early spring 1962.

A new outbreak of a similar nature developed in the San Gabriel Valley of southern California in the fall of 1962 and, although it is affecting a somewhat larger number of school districts than a year earlier, seems to be pretty much confined to California.

This report is an attempt to outline something of the scope of the RFU controversy and provide educators with the information needed to cope with similar attacks should they break out in their areas.

What Is the RFU?

"Reading for Understanding" is a specialized set of reading materials especially designed as a device for teaching critical and inferential reading to students in grades 3–12. The emphasis throughout is on helping youngsters comprehend the significance of what they read, to make valid inferences from what they read, and to think critically about what the author is saying.

This is accomplished through the use of a series of 4,000 reading selections of graduated difficulty, which have been printed, 10 to a card, on 400 color-graded cards. Each selection contains an incomplete statement and four possible answers. The student is asked to select the one answer which would make the statement complete and accurate insofar as the information provided in the selection is concerned.

The student is not expected to agree with everything on the printed cards, but he is expected to learn to understand what the author has written. For this reason the kit is considered a useful tool in helping children distinguish between fact and propaganda.

Who Is the Author of the RFU?

"Reading for Understanding" was developed over a period of 15 years by Thelma Gwinn Thurstone, professor of education at the University of North Carolina. Mrs. Thurstone, a highly respected authority on tests and measurements and on problems of teaching reading, is also the coauthor of a number of SRA tests, including the SRA tests of educational ability (TEA); the SRA primary mental abilities tests (PMA); the SRA verbal form intelligence test and the Thurstone test of mental alertness, and has worked on various high level projects for the Federal Government.

How Is the RFU Used?

Materials in the reading for understanding program are not designed to teach basic reading skills or even facts in the subject areas covered by the selections.

RFU is designed to provide the student with challenging and stimulating exercises in reading comprehension as part of a developmental reading program for all students—those who are good readers as well as those who are average or poor readers.

The RFU is largely a pupil-operated kit, enabling each student to start at his own level and move as far and as fast as his ability will allow. However, since it contains materials that can be used in third grade as well as materials that can be used in high school and college, and because it has many thought-provoking selections among its 4,000 paragraphs which are ideally suited for class discussion and group evaluation, each teacher has been urged—in the teacher's handbook—to adapt the program to meet the needs of his students and the curriculum of his school.

How Were the Reading Selections Chosen?

The 4,000 paragraphs used in the RFU were selected to emphasize points in reasoning, inference, interpretation, or meaning, and were drawn from a pool of about 4,400 which had been prepared for final evaluation and calibration of difficulty.

Most of these items were adapted (through extensive rewriting) from published writing in a wide range of subject areas, including: Education, politics, history, art, religion, science, business, sports, agriculture, and current events. A few paragraphs were taken verbatim from their original source, and a few were written by the author or her research assistants.

Once they were selected, the paragraphs, individually and as a set, were carefully edited for meaning, vocabulary, appropriateness of content for the school level at which they were to be used, and for the suitability of the answers. The paragraphs were then administered to students at appropriate grade levels, and those that proved inadequate in actual use were rejected.

What Communities Have Been Involved in the Controversy Over the RFU?

Perhaps the most significant district outside of California to become embroiled in the issue was Philadelphia. However, in this district, as in Los Angeles and many others, when harried school officials had an opportunity to review the kit and evaluate its contents, the RFU was restored to use.

A statement by Dr. Allen H. Wetter, superintendent in Philadelphia, a letter released by the Pennsylvania Department of Public Instruction, and other supportive material is contained elsewhere in this report.

What Are the Charges Which Have Been Leveled Against the RFU?

It has been charged that items in the RFU are subversive, anti-American, and pro-Communist; that they express a negative attitude toward the American way of life and toward the approved moral sentiments and social attitudes which we want our children to learn.

In some cases items have been singled out as being in bad taste and in others the charge has been simply that the kit contains items which are controversial. In the main, however, the anti-American theme is the one which has been most prevalent.

There has been no agreement among critics of the RFU as to what items or how many items are objectionable. The number has ranged from as few as 6 to as many as more than 300.

What Is SRA's Answer to the Charges Which Have Been Leveled Against the RFU?

To the charge that items in the RFU are subversive, un-American: SRA has branded these charges as patently untrue and categorically denies that there is anything in the RFU which could be interpreted in this manner by any reasonable individual.

During the years in which the RFU was developed and then edited and published by SRA, the items were carefully scrutinized by dozens of writers, assistants and editors in Mrs. Thurstone's office and at SRA. There was never the slightest question raised about the possibility that any of this material might contain subversive or Communist propaganda. Furthermore there has never been any question raised about Mrs. Thurstone's loyalty or the loyalty of any member of the SRA staff.

To the charge that some of the items are controversial: If to publish stimulating, thought-provoking material designed to make American children look critically and carefully at what they read instead of accepting it at face value without understanding is to publish controversial material, then SRA pleads guilty, and gladly so. We would not be able to meet our obligations as an educational publisher in a free society were it otherwise.

To all other criticisms of the RFU, SRA has this to say

SRA has dedicated itself for many years to the preparation and publication of test and curriculum materials for use in classrooms throughout the country. We are widely regarded as a pioneer in the development of high quality, modern learning materials. Our reputation is of the highest order and we intend to keep it that way by continuing to develop and publish effective and useful new learning tools and by improving those already in our catalog.

In addition to the extensive editing and checking which went into the RFU before publication, SRA editors continue to check it periodically to see whether it is in need of updating or revision.

This revision process always includes a careful review of the many thoughtful criticisms, suggestions and reactions offered by responsible teachers and other school people.

We welcome such criticisms or suggestions and actively encourage the users of our materials to submit them to us because we believe that this is an important and effective way of improving our products and meeting our responsibilities as an educational publisher.

A revision of the RFU has been scheduled and in the development stage for nearly 2 years. When it is completed it will take into account at least two suggestions which have been made by a number of school people and by members of our own staff, i.e., that more material is needed to achieve maximum effectiveness at all grade levels and that the kit would be more flexible if published in two additional units—one for the elementary grades and one for the higher, or secondary level—as well as in the comprehensive grade 3–12 format now used.

Accordingly, thousands of items are being added, new teachers' handbooks are being written and the kit will be offered in separate junior and senior editions of about 4,000 items each.

In the process of making these changes, the 4,000 reading selections in the present kit were thoroughly reviewed and revised wherever necessary to meet the editorial standards of the company and to make them coincide more closely with the maturity level of the students who will use them. The kit was then reprinted and is now available as a general edition, the third part in the three-part revision.

The junior edition is expected to be available early next year and the senior edition in 1964.

What does Mrs. Thurstone have to say about "Reading for Understanding"?

"Our newspapers and magazines and our radio and TV programs are full of verbal material presented to the reader or listener which he must sort out and evaluate critically. Before he can do this, he must understand as precisely as possible what the material means. Probably very few people could agree on every issue which is being written and talked about nowadays and so it becomes necessary for the individual learner to acquire the ability to evaluate the material for himself."

What do educators have to say about the RFU?

"The Philadelphia public schools believe that critical thinking and critical reading skills are basic to democracy. The schools recognize that from among the 4,000 items in 'Reading for Understanding,' the six which have been criticized require skillful teaching, but also believe that they are appropriate for consideration of mature and capable students. Their use is restricted to such students."—Dr. Allen H. Wetter, superintendent of schools, Philadelphia, Pa.

"It is propaganda, not education, to show youngsters only one side of a question. * * * I should like to see kindergarten-age youngsters exposed to some controversial ideas in school. How else are we going to educate a democratic populace to go to the polls and resolve controversy intelligently?"—Dr. George Beauchamp, professor of education, Northwestern University, Evanston, Ill.

"Pupils are less likely to be able to complete controversial statements from their own background of experience. * * * They are forced to read a controversial statement carefully to complete it in such a way as to preserve its meaning rather than express a truism."—Mrs. Lillian Stevenson, reading consultant, Glencoe schools, Glencoe, Ill.

[From a UPI news story, Oct. 24, 1961]

"I repeat, we have always had the highest respect, from the standpoint of educational soundness, of your products. 'Reading for Understanding' is, in my opinion, one of the finest programs I have ever seen to challenge students through a psychologically sound, developmental, thoughtful reading series."—J. Roy Barron, supervisor, instructional materials, Santa Barbara City Schools, Santa Barbara, Calif.

"Occasional controversial statements are most useful as a springboard for launching class discussions of social sciences, in particular."—Sister Mary Suzanne, Christ the King Catholic School, Chicago, Ill.

What do those who have studied the RFU have to say about it?

(From a review of the "Reading for Understanding" kit which appeared in the Journal of Counseling Psychology, vol. 8, No. 3, 1961, Laurence Siegel, Miami University, author.)

"Reading for Understanding" is more a teaching tool than a test in the usual sense. It combines certain elements of the much-discussed paper-and-pencil (rather than mechanical) teaching machines and a diagnostic pretest with the purpose of aiding students from the third grade through the college level to improve their ability to get meaning from reading.

The rationale underlying the program is that practice with feedback is required to improve reading comprehension. Thus the program consists of practice exercises arranged to provide a completely individualized program of instruction. These materials were designed to be a part of a developmental reading program for good, average, and poor readers rather than for teaching basic reading skills. Each practice exercise is a short test consisting of items homogeneous in difficulty. The primary object of these tests is instruction rather than measurement.

The first step in the program involves administration of the placement test requiring up to 50 minutes for completion. The purpose of this preliminary step is to determine the student's present level of comprehension and hence the point at which his reading practice ought to begin.

Once assigned to a practice level, the student works largely on his own by completing sequences of 10 paragraph comprehension items. These are arranged in a multiple-choice format as a self-correcting exercise. Each practice level consists of four such sequences. Assuming satisfactory performance on the fourth sequence within a given level, the student progresses to the next more difficult level. The entire program contains 100 levels.

The 4,000-paragraph comprehension items in the "Reading for Understanding" program were calibrated for difficulty by the following sequence of steps: (1) Expert judges first separated the pool of preliminary items into four scholastic levels. (2) The items thus assigned to a level were administered to groups of students actually at that level. (3) The position of each paragraph comprehension item on a scale of "difficulty" was calculated. The latter step was facilitated by including groups of "linkage" items (i.e., items judged to be appropriate to one of the other scholastic levels) during experimental administrations. The normal deviates corresponding to the percentages of students at different scholastic levels answering linkage items correctly were inserted into a regression equation yielding weights so that items at all levels could be assigned values on a continuous scale of difficulty. These weights were subsequently used to divide the 4,000 items into 100 difficulty steps each containing 4 sets of 10 practice items.

The diagnostic test administered to students prior to the practice program contains 100 items selected from the program pool and covering an educational range from third grade through the sophomore year in college.

Two studies of the effectiveness of the "Reading for Understanding" program are reported in the manual. The first of these was a rather extensive study conducted with over 700 students in grades 5 through 12. One class at each grade served as a control group whereas the remaining classes were experimental groups using the program. In all instances but one, the mean difference in postprogram performance of these groups was statistically significant favoring the experimental group. The one exception, yielding a chance difference, was the ninth-grade group wherein experimental classes had only 25 practice lessons rather than the 40 recommended.

The second study involved only the students in the experimental classes of the fifth and sixth grades described above. The average improvement recorded on the reading section of the Stanford Achievement Test ranged in six classes between 1.20–1.85 grade levels in contrast with an anticipated gain of 1.0 grade level. Although parallel data for the corresponding control groups are not cited in the manual, the obtained gains in experimental groups do reflect favorably upon the program.

Minutes of a special reading committee meeting of the Division of Instructional Services, Sweetwater Union High School District, January 1962

Each member of the committee read the material in the laboratory, "Reading for Understanding." Each member made notes regarding his/her reactions to statements in the laboratory. The committee then met and discussed the content of this laboratory in

detail. Where questions had arisen in the minds of the committee readers, the selections were studied by the committee as a whole. The following decisions were reached:

1. The laboratory definitely stimulates one's thinking and forces the reader to be alert and to improve his comprehension skill.

2. While the laboratory contains some statements which by interpretation might be considered controversial regarding government, politics, education, and journalism (particularly in secs. 80–100), there are also some strong statements in favor of democratic principles as we interpret them in the United States.

3. The laboratory material in general meets a definite need in our reading courses, i.e., getting students to think as they read and to evaluate what they read.

4. In order to work in sections 80–100, a student would need a mature mind. It was generally felt that those students who reached these sections should be mature enough and should have had enough experience in critical thinking to handle them.

5. The interpretation of some material in the laboratory could have been improved had the author of the laboratory shown the source of each paragraph used.

6. We should continue to use this laboratory in our reading courses, but an introduction to the work should be prepared by the reading consultant and used by each reading teacher. This introduction should include the following:

(a) The statements and paragraphs used in this laboratory are merely excerpts from books and articles of various writers. A reader cannot get the full thought of the book or article unless he can read the article in its entirety.

(b) Therefore, you, as a reader, will find statements with which you will agree and statements with which you will not agree.

(c) The purpose of this laboratory is to encourage you to think logically as you read. You will have to reach an answer based upon the statements presented. You may not agree with all statements and that is good because you are learning to read critically.

There were some differences in opinion by committee members on the three following items and no final decisions were made:

1. Whether or not all students should work in this laboratory. Some members felt rather strongly that because the laboratory started on the third grade level and because all students liked the work, all students should do some work in it. No definite conclusion was reached.

2. It was suggested that because of reading difficulty, the second section of the laboratory might be removed from use in the seventh grade. However, some were opposed to this and felt that the entire laboratory should be used in the seventh grade.

3. Whether or not all reading teachers should be given the background for the work done by this special committee. It was recommended that should the principals decide that all reading teachers be informed, this should be done in the regular reading committee meetings.

Letter from Richard A. Gibboney, director, Bureau of Curriculum Development, Department of Public Instruction, Harrisburg, Pa., to a local school district

JANUARY 23, 1962.

DEAR SIR: The curriculum planning committee of the department feels that "Reading for Understanding," published by Science Associates, Inc., is useful in a well-planned reading program.

School board members and administrators should bear in mind the recommendations of Governor Leader's conference on instuction and the recent report of the Governer's committee on education which strongly supported the good teaching of controversial issues in the public schools. It is interesting to note that both committees were composed of large numbers of laymen representing such groups as business, labor, civic associations, and the judiciary. The participants in these conferences realized that the survival of a democratic society is in no small way determined by the willingness and intelligence with which it faces controversial issues.

Joyce Schuller in her UPI dispatch on October 24 from Chicago gives a condensed and misleading statement on communism and disappointed ideologists in her lead paragraph. The complete statement from the SRA card is quoted in full in the eighth paragraph but only after a negative attitude has been created in the reader's mind by the sensational lead sentence. This article provides an excellent reason why schools should teach critical reading rather than let this skill develop by chance.

The specific reasons for the committee's support of these reading materials are given in the statements which follow:

1. The organization and structure of these materials demand the use of one's reasoning ability to arrive at the logical inference to a statement.

2. The publisher designed these reading exercises to aid the student to improve his ability to get meaning from his reading.

3. Many of the statements easily arouse our emotions about patriotic, religious, moral, ethical, psychological, and sociological situations. It is necessary for the reader to evaluate the statements critically. Certainly in a world which uses propaganda techniques, the ability to read critically is a necessity.

4. Our democracy is strong enough so that we do not have to follow authoritarian institutions and remove all controversial statements from our books, magazines, newspapers, and other printed material.

Suggestions to the teachers, supervisors, and administrators who are using or may use the "Reading for Understanding" materials:

1. Read the material before using it in the classroom.

2. Select carefully the highly controversial statements or questions and use them as a basis for discussion from time to time. This provides an excellent opportunity to discuss the merit of the statement itself from different viewpoints.

3. Vigorously defend what you believe to be good teaching practices. Sincere professionals dedicated to intellectual integrity can better choose the content of the curriculum than hysterical groups or individuals who wish only to indoctrinate the next generation with their particular view on religious, economic, or political issues.

4. Ardently support the democratic system, honestly explaining its characteristics, advantages, and obligations.

5. Be aware that censorship and authoritarian techniques are inconsistent with America's fundamental freedoms.

The committee feels that the district acted in an unwise manner in hastily withdrawing the SRA materials from use before the faculty, administration, and the board had had an opportunity to assess the charges and to give its considered opinion on the educational value of the materials in question. Every time an administration or a board capitulates to charges without taking time to exercise its professional obligation to the education of its students it weakens itself and becomes an easier target for the next individual or group which objects to policies of the district. The department is happy to take a stand on this issue. We wish to point out that we have done nothing that the district could not have done for itself.

Braden sets the record straight—Teach the truth, the whole truth

OCEANSIDE.—President Thomas W. Braden of the State board of education issued a statement yesterday intended to make his ideas on public school indoctrination crystal clear.

The Oceanside publisher, who last week accepted Gov. Edmund G. Brown's offer to reappoint him to the board for another 4 years, expressed fears that a recent news service story might be twisted out of context.

The story discussed Braden's disagreement with the belief of Dr. Max Rafferty, incoming State school superintendent, that students should be indoctrinated with patriotic ideas. Here is Braden's full statement on the issue:

"I wish to make my position crystal clear with regard to the educational standards of the public schools in California. A statement attributed to me by one of the news services has been twisted out of context and may be used to the detriment of Governor Brown's great educational achievements, thus harming the finest educational system in the country. My position is as follows:

"I have a profound belief that it is the function of California schools to reinforce in the minds of our boys and girls those American ideals which are under attack by our Communist enemy.

"But I believe just as deeply that the function of the schools is not propaganda but education. The difference between education and propaganda is the difference between the United States and its totalitarian enemy.

"That is why I am proud to be the chairman of the State board of education which has introduced for the first time in our public schools the study of the dangers of communism. It is a basic tenet of our American civilization that the truth shall make you free. Our job is to teach the truth, the whole truth, and nothing but the truth."

Are we alone?

The attacks on SRA and its products appear to be part of a much broader attack on the schools, on those that run them, and on those that manufacture or publish materials that are used in them. We are not alone in being the object of some of these attacks, neither are we alone in standing up to our critics. Earlier in this report you read supportive statements and material written by educators in defense of the RFU. The following clippings contain additional useful information:

[From the Chicago Sun-Times, Nov. 24, 1961]

Teachers call for fight against book burnings

PHILADELPHIA.—The National Council of Teachers of English called Thursday for an all-out fight against a wave of book burnings throughout the Nation.

The council's committee on censorship and controversy said at the organization's 51st convention that censorship threatens to remove some of the classics from the reading list of high schools and colleges.

The committee, formed to combat the increasing censorship, held its first meeting to plan methods of combing a rising tide of emotionalism which presented a danger of sterilizing our bookshelves at the high school level.

Teachers were told they could combat anonymous telephone calls and letters to the schools by refusing to consider the protests unless the complaining person identifies himself and the book involved and states specifically his objections to it.

The committee said books recently attacked include such classics as Mark Twain's "Huckleberry Finn," Nathaniel Hawthorne's "The Scarlet Letter," Pearl Buck's "The Good Earth," Voltaire's "Candide," W. Somerset Maugham's "Of Human Bondage," and Thomas Wolfe's "Look Homeward Angel."

[From the San Francisco Examiner, Dec. 2, 1962]

Book censors get teacher challenge

A call to battle against self-appointed censors who banish worthwhile books from

the Nation's schools was sounded in Berkeley yesterday by David H. Russell, newly elected president of the National Council of Teachers of English.

Russell, a professor of education at the University of California, said that each school should appoint a teacher committee to consider citizen complaints against books.

Armed Group

This committee, said Russell, should be armed with a questionnaire for full identification of the objector, whom he represents, how much of the book he has read and whether he is aware of the judgment of literary critics.

The committee should also inform the community on book choices, and enlist public support, thus creating a climate in which "malicious gossip, ignorant rumors, and deceptive letters to the editor will not be circulated without challenge," Russell said.

Single Call

Russell noted that school authorities tend to yield to noisy minorities. Even a single anonymous telephone call has been known to cause the removal of a book from a school.

The wouldbe censors have, in some instances, forced the removal of the works of Plato, Mark Twain and William Faulkner, Russell added.

His views on censor banishment are contained in a pamphlet being distributed to high schools throughout the Nation.

PART 4: LETTER OF REBUTTAL TO DR. WILLEY'S RESPONSE, AS PUBLISHED BY "THE WANDERER," APRIL 30, 1964

JUNE 23, 1963.

EDITOR, THE WANDERER:

I am attaching SRA's response to my letter to them concerning "Reading for Understanding" (Dr. Parker and Dr. Lawrence V. Willey's letters and a very lengthy report defending their position), also my own comments on the same herein, in the light of Catholic principles of education.

From Dr. Willey's statement, it can be seen that the material is of a controversial nature, and even erroneous in some instances.

"The passages on which questions are based are not designed for indoctrination. We may not agree with many of the ideas expressed in the selections. The purpose for the passages is to provide reading material about which questions can be asked to help children develop critical reading skills to improve their understanding of what they read. Children must learn to read and understand all types of materials. For that reason selections have been included in RFU which represent various points of view about a number of topics. Students should certainly not accept the ideas included in the passages. Instead they should concentrate on determining what the passages contain and make critical judgments about the ideas in them."

First, I would question the statement that children must learn to read and understand all types of materials. Whether Dr. Willey thinks so or not, there are many reading materials which are not suitable for children. Even on the adult level there are areas which must be approached with caution, and sometimes, not at all, by the average reader, if special training is lacking.

To find out what is necessary in the presentation of such material to young students, we need go no further than the words of Pope Pius XI in his encyclical "On the Christian Education of Youth":

"And if, when the occasion arises, it be deemed necessary to have the students read authors propounding false doctrine, for the purpose of refuting it, this will be done after due preparation and with such an antidote of sound doctrine that it will not only do no harm, but will be an aid to the Christian formation of youth."

Is it unreasonable to question what effect the material content of this educational tool will have on the minds and morals of the children who read it should "due preparation" and "an antidote of sound doctrine" not be possible?

In the report, it is suggested that the discussion method be used as a remedy for the material being swallowed whole by the pupils:

Letter from Richard Gibboney, director, Bureau of Curriculum Development, Department of Public Instruction, Harrisburg, Pa., to a local school district, January 23, 1962

"Suggestions to the teachers, supervisors, and administrators who are using or may use the 'Reading for Understanding' materials:

"Select carefully the highly controversial statements or questions and use them as a basis for discussion from time to time. This provides an excellent opportunity to discuss the merit of the statement itself from different viewpoints."

This would be fine if it were a question of one statement. In actual fact, dozens of such items are involved here. But all the children must be equally protected beforehand. How is this possible by "discussion from time to time," when from the very first lesson, a variety of controversial and fallacious items are being evaluated by the children?

Besides this, there are many factors which make this method highly impracticable in the average classroom situation. How long does the discussion take, and how is the particular class discussion material decided upon? A great deal of time would be needed to cover material so diverse and broad in scope, "covering a wide range including: education, politics, history, art, religion, science, business, sports, agriculture, and current events" (report). Then, too, the subtle and often immoral character of this material would make lengthy discussions absolutely indispensable for a true evaluation and sound understanding (as required by the Holy Father) of the humanistic and secularistic doctrines which are ordinarily repudiated by Holy Mother Church through the Holy Office and her learned theologians. I do not know of any class schedule on the grade or high school level which allows such excessive time for even major subjects, much less an unnecessary aid.

With respect to the reading time itself, when does the discussion take place? Certainly not during the regular reading period when group basal reading is being given by the teacher, during which time the independent reading group is using the aid, each student reading a separate card with entirely different material on it.

Also, if every fallacious or controversial point is analyzed before the pupils read independently, what becomes of their critical judgment, the goal and aim of RFU? As we have seen, discussion after the pupils have been exposed is completely ruled out by the requirements of the encyclical which demands "due preparation" in advance.

To me, learning basic truths and sound doctrine is a far greater guarantee of an ability to distinguish between fact and propaganda in the future than these false philosophies poured into young minds—and they can still look for a logical answer. The development of a child's critical faculties by using stimulating, thought-provoking material is a concept of much merit, but it is imperative that texts be used which are valid in themselves (either from the affirmative or negative point of view) and valid in their conclusions. The usual answer choices would be given, one correct, one obviously wrong, and two so closely shaded in meaning to the correct answer as to demand critical evaluation. If the pupil arrives at the correct answer, he will have exercised good critical judgment, with the certainty that he is not in error. If he fails to get the correct answer, he will know he is in difficulty, and can ask privately about it. Only then is there no danger that he will be in error and remain in it.

There are comments from other educators in this report which agree with Director Gibboney and SRA, but I think the opinion that sums up the logical conclusion to this line of thought is that of Dr. George Beauchamp, professor of education, Northwestern University, Evanston, Ill., as follows:

"It is propaganda, not education, to show youngsters only one side of a question. * * * I should like to see kindergarten-age youngsters exposed to some controversial ideas in schools. How else are we going to educate a democratic populace to go to the polls and resolve controversy intelligently?"

Pope Pius XI could write encyclical on that from the grave. In conclusion, a word on SRA resistance to criticism:

The report states that criticisms are welcomed from "responsible teachers and other school people." Why are parents excluded? Aren't they responsible? Who has more right to give an opinion than the parents who are responsible before God for the education of their children? Granted that parents who are not highly educated will not be able to explain or appreciate the fine points of literature, it is quite another thing to infer that they are not able to form a right judgment on what is right or wrong. In conferring this grave and primary responsibility on parents, God did not require an M.A. or Ph. D. degree, or even a college education, but only a right conscience and cognizance of the norms of morality which every decent parent possesses—and might I add, the grace to fulfill this serious obligation.

Director Gibboney is even more specific about the nonschool people:

"Vigorously defend what you believe to be good teaching practice. Sincere professionals dedicated to intellectual integrity can better choose the content of the curriculum than hysterical groups or individuals who wish only to indoctrinate the next generation with their particular view on religious, economic, or political issues."

Is it possible that all those who disagree with the director are hysterical? Rather, isn't there some likelihood that the individuals wish their particular view taught because their particular view is based on the law of God and His 10 Commandments, and a firm belief in the eternal verities? A considerable number of professionals allegedly dedicated to intellectual integrity can be found today denying those same absolutes, yet claiming greater competence in choosing curriculum material than those who believe in truth.

How is it that even grammar school children are given the credit for the ability to make critical judgments by SRA in RFU, but grownups are not?

I am also attaching material on SRA's psychological testing program for your perusal. I am opposed to the content of these tests in that they are completely negative in approach, such as: "My teachers don't like me; my father is a tyrant; I wonder if I am normal in the way my mind works; my nose is ugly; there is constant quarreling and bickering in my home; etc., etc." These tests suggest personal problems which are best left to the careful private guidance of parents and qualified teachers or counselors. These tests also contain material which is basically degrading and low in moral tone, such as the suggestive remarks: "I wonder if high school students should pet and make love; how far should high school students go in love relations? I want to know about venereal disease."

If a child were not dissatisfied, critical, anxious or depressed before starting the test,

he would have plenty of reason to be so by the time he finished. It is seriously wrong to expose children en masse without discrimination to such a program, and I seriously doubt that even in the individual case where a child really needs psychological evaluation because of psychiatric difficulty, such a debased, negative approach is healthy or of therapeutic value.

Moreover, in either group or individual testing, parents are definitely excluded, and bare information, if any, is given to them regarding the questions asked or results obtained.

I believe that even were the SRA reading program entirely sound, support of this outfit is morally untenable because of this immoral testing program which is a fixed policy of this company.

Sincerely yours,

Sister MARY KATERI LARKIN,

SAN ANTONIO, TEX.

P.S.—Your newspaper is as wonderful as ever. God bless you.

Conclusion

The Truth—The Whole Truth—And Nothing but the Truth

Do you not hold the proposition that as American citizens we have a serious obligation to do all in our power to provide a sound education for every American child? An education not merely comprised of basic skills or proficiencies in the various fields of knowledge, but one founded on fundamental principles of truth recognized by all men of decent character regardless of particular religious affiliation, all men of basic religion?

To support Science Research Associates, Inc., a company whose educational policy includes the "Youth Inventory Test" and "Reading for Understanding," both of which undermine the moral fiber of those subjected to them (and their name is legion), completely fails to fulfill that obligation.

The mind of our youth is the future of our country.

A WILDERNESS APOSTLE

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SAYLOR. Mr. Speaker, these words by the late Howard Zahniser exemplified his life:

We are facing a frontier.

We are not slowing down a force that inevitably will destroy all the wilderness there is. We are generating another force, never to be wholly spent, that renewed generation after generation, will always be effective in preserving wilderness.

We are not fighting progress. We are making it.

No man can live by himself, or attain goals unaided. He is the sum total of himself and those men and women with whom he comes into daily contact. These influences develop us all in various ways—some good, some fair and some in even lesser light.

When I met Howard Zahniser in the early fifties, we were engaged in a gigantic struggle between powerful political and economic forces. The plans for the invasion of Dinosaur National Monument were included in the plans for the Upper Colorado River storage project—their aim was to flood forever Echo Park in that monument.

As a true lover of the outdoors, as a real champion of our national parks and monuments, Howard Zahniser joined me in that fight. It meant long hours and hard work, but that was of little concern to the great battler. I feel certain that those of us who believe in the inviolability of our national parks and monuments would not have been successful without the legwork and writings of Howard Zahniser.

After we had won the Echo Park battle and the park system was saved, "Zahnie" came to my office and we had a long discussion about a matter that was near and dear to his heart, "The Wilderness."

"Zahnie" was disturbed because after careful research he determined that the wilderness areas in this country, by whatever means they had been called, were not protected by any laws, but by executive orders issued by various Secretaries of the Agriculture down through the years could be changed by another Secretary just as easily as they had been established.

After many revisions, I introduced the first wilderness bill in the House of Representatives. At the same time, Senator HUMPHREY of Minnesota introduced a companion bill in the Senate.

Our initial bills were met with violent opposition and some compromises and changes were made. Progress was slow, but Howard Zahniser was patient—ever believing, ever knowing that eventually, as in all great controversies, right will prevail. He knew that someday his Congress would pass a wilderness bill.

Howard Zahniser knew he had a serious heart condition, but he also knew that he had a great challenge. He therefore paced himself so that he would be able to do all that was necessary for the passage of wilderness legislation.

Just a day before his untimely passing he told some of his friends that he believed that he would live to see that bill become law.

As I worked with "Zahnie," as I knew him, my respect and admiration for him grew and grew. I realized that I was truly in the company of one of God's great noblemen. My life, and I know the lives of those who worked with Howard Zahniser, is better because of it.

One of his writings which I like, and one which "Zahnie" was particularly fond, is as follows: It appeared in the summer-fall 1957 edition of the "Living Wilderness."

FOREVER WILD

We who are striving for wilderness preservation are not engaged in a rear-guard action. There are those who tell us that we are, and they include some of our most earnest champions against what Bob Marshall so vividly described as "the tyrannical ambition of civilization to conquer every niche on the whole earth." They say that we cannot hope to see areas of wilderness last forever, that the best we can do is to slow down the progress of mechanization, road-building, and developments, and preserve as long as possible the benefits of an inevitably disappearing resource. If these valiant followers of Roland winding a gallant horn were right in their vision we should certainly be with them, championing their cause, though apparently lost it might be. But we believe they are wrong, for we see before us a farther vision, a hope for the preservation of wilderness in perpetuity.

We realize only too well civilization's "tyrannical ambition." In fact, we are convinced that civilization is indeed destined to occupy for its own purposes "every niche on the whole earth." But in this very prospect we see an opportunity to establish an enduring program for wilderness preservation. We see in it a recognition of the fact that in the absence of positive action there would eventually be no wilderness left. And in this recognition we see a realization also that in order to preserve wilderness we must act deliberately. It is this realization, accompanied by determination so to act, which gives us our far vision, our high hope, for thus we see wilderness preservation becoming an aspect of our culture. Civilization's ambition can thus encompass wilderness protection, and so sublimated can make preservation its prevailing purpose.

American conservationists today are the vanguard of what surely must become a program in perpetuity. The tenseness of our responsibility and opportunity is in our necessity to fashion wisely a policy and program that will successfully keep the wilderness forever wild. We could miss this opportunity. We could fail. We could be forced to retreat. We could become the rear guard of an inevitably disappearing resource. But we are not that now. It may seem presumptuous for men and women who live only 40, 50, 60, 70, or 80 years to dare to undertake a program for perpetuity, but that surely is our challenge. The wilderness that has come to us from the eternity of the past we have the boldness to project into the eternity of the future. As champions of this forward movement we should realize that we are indeed working to fashion the kind of policy and program that will insure now—before it is too late—the preservation of wilderness forever wild. We are working for the future.

On his passing one of the staff members of the Wilderness Society, Kathleen Riordan Starr, wrote this poem:

HOWARD ZAHNISER

(Kathleen Riordan Starr, of the Wilderness Society's staff, May 5, 1964)

I had just learned to pronounce his name when he passed away.
As a stately oak in the wilderness crashes to the forest floor,
So did this man of courage and dedication die, an irrevocable loss to wilderness.
We seedlings in the wild, being imbued with his love of mankind and nature,
Will grow taller and stronger in our loss of mighty oak.
His life gives us new life.
His end is our beginning.
His esthetic values are our values, to hold even dearer at his departure.
His goodness, his beautiful soul, his shining ideals carry all of us onward and forward
To help insure to public trust the unspoiled beauties of the virgin lands he so dearly loved.

Mr. Speaker, what greater tribute to this "apostle of the wilderness" could there be than to have the Congress this year pass Howard Zahniser's dream legislation—a wilderness bill?

OPERATION OF AMATEUR RADIOS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, I support the bill currently under consideration, S. 920, because it is a fine example of an international exchange program at the local level.

S. 920 would enable the United States to conclude reciprocal agreements for authorizing the operation of amateur radios. This would permit U.S. amateur operators to operate in foreign countries.

The lack of this authority at the present time undoubtedly works to the disadvantage of American radio operators. And I am sure that it also leads to international misunderstanding and ill will.

I believe that the security provisions of the bill are sound and will adequately safeguard our national interests. For this reason I can see no reason why this bill should not be approved.

As a former "ham" radio operator, I take added interest in this proposal. I know how beneficial this legislation can be for the thousands of Americans who enjoy this interesting and most worthwhile hobby.

SMALL BUSINESS SUBCOMMITTEE ON FOUNDATION STUDY COMMENDED

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EVINS. Mr. Speaker, House Small Business Subcommittee No. 1—the Subcommittee on Foundations, under the chairmanship of our distinguished colleague, Congressman WRIGHT PATMAN—is continuing its investigation and study of small business problems associated with the operations of the hundreds of tax-exempt foundations operating in this country.

Information thus far developed by this subcommittee has proved to be of great interest to many Members of the Congress, various Government agencies, colleges, universities, teachers, and professional men, as well as the owners of thousands of small businesses and the public generally.

Almost daily our committee receives communications from the public commending the committee for its work and expressing appreciation for the information made available through reports of this subcommittee.

In this connection, I ask unanimous consent that a representative number of these letters be reprinted in the body of the RECORD. Twenty-five of these commendatory letters follow:

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Many thanks for the three reports you mailed to me pertaining to the select committee's study of "Tax Exempt Foundations, etc."

As a member of the committee I wish to state that you as well as other members of same are doing a splendid service for the people of this country and by all means should be given more publicity by the press, TV and radio in regards to this matter.

Very truly yours,

R. C.

CINCINNATI, OHIO.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: Your work on these tax exempt foundations is very good. I showed it to a lawyer friend of mine and he was completely amazed. To try and bring about some fair resolution of the problem will take time and work; however, I can sincerely and honestly promise you that you have had unknown and unseen helpers for some time. In the very near future the results of your efforts will bear fruit.

Very sincerly yours,

H. B.

CAMPBELL, CALIF.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR CHAIRMAN EVINS: Thank you so very much for mailing to me the third installment, "Tax Exempt Foundations and Charitable Trusts: Their Impact on Our Economy." I received this valued document today—I have just merely run through it so far. I shall before our meeting April 24, 1964, check it closely.

You people are doing an expert and wonderful job. We are grateful to you. Keep up the good work.

Sincerely,

T. B.

MINNEAPOLIS, MINN.

Hon. JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR MR. EVINS: I am grateful to you for sending me the third installment of the subcommittee's report to the Small Business Committee, on "Tax Exempt Foundations and Charitable Trusts."

This will prove of great interest to me. I especially am interested in knowing more about the proposed tax exempt foundation of the Du Pont Florida fortune.

Where there is immense wealth which consequents heavy estate taxes and all this is avoided by setting up a charitable foundation with the control of the assets still remaining intact, this is simply causing the Federal Government a huge loss of income each year, and in addition we have activities by these tax exempt foundations that are not in the public interest.

Yours very truly,

J. K.

DAVENPORT, IOWA.

The Hon. JOE L. EVINS,
Select Committee on Small Business,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: Thank you for sending the interim report of December 31, 1962, on "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy."

The worthwhile work your Committee has done throws a spotlight on the use of charitable foundations and their misuse as well.

That your work and the Committee's are valuable seem very certain to me, and I do want to thank you, Congresman EVINS.

C. K.

CHICAGO, ILL.

Hon. JOE L. EVINS,
Washington, D.C.

DEAR MR. EVINS: I do want to let you know I really appreciated the Committee books on tax exempt foundations. I believe this is a worthwhile investigation and should be continued. You can bet these books will reach many others here.

Sincerely,

L. L.

RAVENSDALE, WASH.

Mr. JOE L. EVINS,
Chairman, Select Committee on Small Business, House of Representatives, Washington, D.C.

DEAR MR. EVINS: Thank you for your recent mailing of the second installment report on tax-exempt foundations. I have always been very interested in the subject and particularly, in the competitive nature of some of the foundations in the field of private enterprise. For example, I find it unbelievable that the Rand Corp., Santa Monica, Calif., could obtain all its revenues from the Government, yet be in direct competition with taxpaying businesses for research and development. My disbelief is heightened by recognition of the fact that this corporation has failed for several years to file the required schedules which the Internal Revenue Department has directed them and all other foundations to supply.

My concern over the tax-exempt foundations is not such that I wish to urge their elimination, but rather that they obey the laws as enacted by the Congress. In addition, possibly their life should be limited to a fixed number of years such as 40 or 50. Such a move, in my opinion, would prevent the distortion of the original purposes for which many foundations were founded.

Yours very truly,

H. H.

DALLAS, TEX.

The Honorable JOE L. EVINS,
Select Committee on Small Business.

DEAR SIR: The studies on tax-exempt foundations of the 87th and 88th Congresses came this week in answer to my request from Chairman PATMAN. I find them very enlightening and thank you for sending them.

It certainly seems some legislation should be put through to curtail the abuses brought out in the studies. If a person like myself were to try any such methods, I would be in jail before tomorrow morning.

Yours truly,

J. G.

RICHMOND, VA.

Hon. JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR MR. EVINS: This report on tax exempt foundations is a very effective piece of work and you deserve great credit for putting it through.

Very truly yours,

D. S.

NEW YORK CITY.

Hon. JOE L. EVINS,
Select Committee on Small Business,
House Office Building,
Washington, D.C.

DEAR SIR: We appreciate receiving your recent mailing of the chairman's "Report on Tax-Exempt Foundations," dated December 31, 1962, also the previous mailing of the report of October 16, 1963. We are requesting extra copies of the 1962 report from the Government Printing Office for distribution to our friends and business associates.

May we suggest that you mail a brief summary of every report to all of your constituents. If this information would be widely distributed among the taxpayers periodically, we believe it would provide voter support to eliminate the tax-free status of all foundations.

We do not wish to prevent wealthy people from donating to charity but we believe they should be required to pay taxes like the rest of us do and not be permitted to use

their tax-exempt money to compete with our legitimate business enterprises.

Yours very truly,

J. H.

LOS ANGELES, CALIF.

Hon. JOE L. EVINS,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN EVINS: Many thanks for the copy of "Tax-Exempt Foundations."

The report was an eye opener and I sincerely hope that you and Senator PATMAN will succeed in having a law passed that will prevent so much swindling of the small folks whose income cannot be hidden from the IRS.

Thanks again.

Cordially yours,

S. B.

NORTH HOLLYWOOD, CALIF.

The Honorable JOE L. EVINS,
Member of Congress, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN EVINS: Thank you for sending the two reports on "Tax-Exempt Foundations and Charitable Trusts."

The need for rectification of the abuses exposed therein is immediate.

God bless your committee and you.

Sincerely yours in Christ,

Rev. R.

WASHINGTON, D.C.

The Honorable JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: My very sincere thank you and deep appreciation for sending me your committee report, "Tax-Exempt Foundations and Charitable Trust: Their Impact on Our Economy." You sure have done an outstanding service to our Nation—it is a much-needed study and a terrific job done. It is my prayer that Senator BYRD and his committee would consider this report in the tax deduction bill and get a united Congress to act on seeing that these tax-exempt foundations pay their taxes and face the issue that they have misused their tax exemption and such practice is detrimental to our Republic's survival.

Sincerely,

E. H.

ALBUQUERQUE, N. MEX.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR SIR: If they are available for distribution, will you please send me a copy of the first installment of your report—"Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy."

I shall be happy to remit the proper charge for the document. Thanking you in advance for your kindness, and I want to especially express my gratitude to you and your committee for the work you have done. It is to be hoped that your work will permeate the consciousness of those who should take note of the apparent erosion of the tax base.

Yours truly,

R. M.

PITTSBURGH, PA.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: I read recently of your protest of the loophole in the tax laws which allows extremely large estates, such as that of Alfred I. du Pont, to place all the estate and income thereof in a foundation, thus excluding it from the income-tax laws. I hope that you are successful in plugging this loophole.

Very truly yours,

W. R.

SYRACUSE, N.Y.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR SIR: I read in today's paper your concern about the money being diverted from the Treasury to the so-called foundations. Indeed, the tax free foundations are a major concern to me as I note the way in which they operate. It would appear that some important laws tightening up on foundations are in order. Certainly, investigation is clearly called for.

I am thrilled to read the newspaper report of your concern and wish you well.

Sincerely yours,

G. M.

AUSTIN, TEX.

Hon. WRIGHT PATMAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: Your efforts to eliminate the unfair tax advantages of so-called nonprofit foundations are certainly worthy of commendation.

It would seem to me that publication of financial statements should be required of all nonprofit organizations in order for them to obtain a tax free status. Can you tell me if there has been any proposed legislation in this direction?

Very truly yours,

J. C.

DREXEL HILL, PA.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: How refreshing it is to see a courageous public representative being vigilant and practicing democracy in the full sense of the word.

Thank you for your consistent efforts in trying to plug the loophole in exempting foundations and trusts in regards to taxes.

Cordially and sincerely,

B. R.

NEW YORK CITY.

Representative WRIGHT PATMAN,
Washington, D.C.

SIR: I am in the position of not knowing all that I should about the laws that are in force or that should be regarding this subject. If the story is correct I wish to thank you and your committee for keeping watch over the interests of the public at large.

I am not opposed to persons who are fortunate enough to enjoy the benefits of wealth. I hope some day to have more than just enough to get along on, myself.

But the fair share rule should not only apply to those who cannot take advantage of the foundation route to accrue that wealth.

Thank you.

Yours truly,

T. M.

JACKSON, MICH.

Congressman WRIGHT PATMAN,
Washington, D.C.

DEAR CONGRESSMAN: I wish to express my appreciation to you and your committee for the report sent me regarding your investigation of the foundations set up to escape taxation in the United States.

I have watched with great interest your work and I believe ultimately it will produce some constructive results for the taxpayers of the United States.

Yours sincerely,

C. T.

BIRMINGHAM, ALA.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: Thank you for having forwarded to me the third installment of your report, the preceding ones of which I have read with considerable interest and attention.

You are to be commended for your thorough and serious work, as well as the courage that it must have taken to broach a topic so removed from the public discussion.

Sincerely,

E. U.

DEERFIELD, ILL.

Hon. JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN EVINS: On behalf of the 24 standard railway labor organizations, I want to congratulate you on the recent report by the chairman of your Subcommittee No. 1 of the House Small Business Committee, dealing with the Alfred I. du Pont estate and the Nemours Foundation.

This report is clear, thorough and factual, in the highest tradition of congressional inquiry.

Sincerely yours,

D. S.

WASHINGTON.

Representative JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE EVINS: Thank you very much for the information on the tax-exempt foundations. I will read every page.

Please do not get discouraged. The American people are the most wonderful God ever made and they will become aroused sufficiently in time to save this Nation and the world at the same time.

We are fortunate in having men like you in office and as the wheel of time turns, more and more good men will return to government.

Again, thank you and may you have many years of happiness.

Sincerely,

Dr. B.

MIAMI, FLA.

DEAR SIR: I thank you for the information with respect to tax-exempt foundations. I am reading the reports with a great deal of interest, and am surprised that so little attention has been paid to such an unreasonable accumulation of wealth in this country in the hands of tax-exempt foundations as to jeopardize small business.

Yours very truly,

D. P.

ORLANDO, FLA.

Representative WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: I am in receipt of your foundation report and you are to be congratulated for the manner in which this was handled.

It is a pity that the full light of publicity cannot be given to these reports for it is incredible what is being done by these nonprofit organizations.

I would like to be kept informed on the balance of the investigation.

Very truly yours,

E. F.

LOS ANGELES, CALIF.

IMPORTED BEEF A HAZARD

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, American consumers are faced with a health

hazard they have no way of recognizing. The hazard is created by imported frozen beef, primarily from Australia and New Zealand, which is not labeled in any way as being different from fresh beef produced domestically. Because so many housewives purchase ground beef in the supermarket and freeze it in their refrigerator or home feezer, much of this beef is frozen, thawed, and refrozen before it is cooked.

All authorities I have been able to locate advise that food should not be refrozen without cooking once it has been thawed to a temperature of 40° or higher. In fact, the Department of Agriculture has advised me in the past few days that they plan to revise this 40° figure down to 36° as a result of the information now available to them. The Department now says it is their opinion that once food has completely thawed to a temperature of 36° or higher, it is not likely to be fit for refreezing.

I am not talking about an insignificant amount of beef, or about beef which is confined to any one area of the country. It is used nationwide. Figures available to me indicate that we imported about 1 billion pounds of boneless frozen beef from Australia and New Zealand last year. Best estimates are that half of this was used to make hamburger. Four out of five pounds of hamburger is sold at retail for use in the home. So we can safely assume that between 400 and 500 million pounds of frozen beef per year is being ground into hamburger and sold to the American housewife. She is never told that this is not good fresh beef. She has no way of knowing that this meat was cheap grade beef slaughtered and frozen halfway around the world, shipped to the United States, thawed and ground into hamburger, and then sold to her.

The housewife in many cases, then takes his meat home, thinking it is fresh, and freezes it, more properly she refreezes it, for later preparation and serving to her family.

The authorities on this subject say that, in addition to not refreezing meat which has been thawed, it should be cooked immediately after it has been thawed the first time. Who knows how long this thawed hamburger has been on the meat counter before it was purchased in the first place? How long does it lay in the grocery cart, and then in the paper bag on the way home before it is frozen again? Or, if it is not frozen at home, how long does it remain in the refrigerator before it is used? I am convinced that most housewives will be shocked to learn that they are unknowingly keeping meat which has been frozen and thawed in their refrigerator for several days before preparing it for their families.

Something must be done about this, and it must be done immediately. The American consumer is entitled to know what is in the package he or she buys at the market.

There is no present requirement that the imported frozen meat used in hamburger be labeled as such, or that any notice of this be given to the purchaser. For this reason, the housewife has no way of knowing what she is buying.

This is a health hazard.

I urge the Federal Government to take whatever action is possible under present law to correct the present deplorable situation, and I urge the Congress to act promptly in the absence of effective present law. I would also strongly urge housewives to contact their Members of Congress demanding action to protect the health of their families.

AMERICAN FOREIGN SERVICE OFFICERS CONTRIBUTE IMPORTANTLY TO OUR UNDERSTANDING OF INTERNATIONAL POLITICS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, the wisdom with which our foreign policies are framed and the skill with which they are carried out depend upon the men and women who direct our foreign affairs day by day. That they perform well is vital, for upon them rests the welfare, progress, even survival, of our people and, to a great extent, that of the peoples of the free world.

The attest of eyes and ears as to political activities of foreign governments is one of the more important functions of our Foreign Service officers. The on-the-spot analyses prepared and submitted to higher authority in Washington by our diplomatic officers abroad is essential to the effective practice of diplomacy.

In the field of foreign affairs, the President, the Secretary of State, and other high officials carry a fearful burden of responsibility for prompt and courageous decisions which are the more difficult for being essentially irreversible. Political leadership alone, however, cannot cope unaided with the complexities of foreign affairs. It must be underbraced by professional careerists, drawn from all segments of society, who are equipped to understand and use the instruments of modern-day diplomacy.

Throughout our history, Delawareans have served at all levels in the Department of State. I was pleased to note that O. Ammon Bartley, Jr., a Foreign Service officer, formerly a resident of Dover, Del., returned recently from Malaya after 2 years as vice consul in the American consulate in Penang. Mr. Bartley also served for 2 years as a political officer and second secretary of the American Embassy in the capital city, Kuala Lumpur.

Born in Preston, Md., Mr. Bartley graduated from Dover High School and Wesley Junior College, both located at Dover, Del. His father, the Reverend Dr. O. A. Bartley, was president of Wesley Junior College from 1924 to 1950. Dr. Bartley was subsequently appointed as superintendent of the Dover district of the Methodist Conference and served from 1950 to 1956; he is presently pastor of the Colesville Methodist Church of Silver Spring, Md.

Foreign Service Officer Bartley received his bachelor of arts degree from Drew University in 1950 and served as a graduate assistant in history at the University of Delaware from 1950 to 1951.

I include as part of my remarks a profile as to Mr. Bartley's activities abroad which was directed to my attention by the Office of Media Services of the Department of State:

[From the Department of State, Office of Media Services, Washington, D.C.]

FOREIGN SERVICE OFFICER DRAWS PRIZE ASSIGNMENT: COVERING MALAYAN POLITICS

WASHINGTON.—Keeping an eye on the political situation in the country where he is stationed is one of the prize duties a Foreign Service officer can draw when assigned abroad. A duty, moreover, important to the U.S. Government.

Take the case of O. Ammon Bartley, Jr., 35, a Foreign Service officer from Delaware, who recently returned from Malaya, in southeast Asia, where he spent 2 years as a vice consul in the American consulate in Penang and 2 more years as a political officer and Second Secretary of the American Embassy in the capital city, Kuala Lumpur.

In the latter capacity, Bartley's job was to report on the activities of all opposition political parties in Malaya (which has since joined with Singapore, North Borneo, and Sarawak to form the newly established country, Malaysia). Part of the job was to cover elections in Malaya for the Embassy.

In an interview here after his recent return, Mr. Bartley told about a typical trip he made to cover a by-election in the small city of Kuala Trengannu. Accompanied by his wife, a valuable assistant, he drove over the mountain chain backbone of Malaya and down to the east coast city, arriving the day before the election. The campaign was reaching a climax; all three candidates were exerting themselves in the homestretch; and the Prime Minister himself was scheduled to deliver a major speech that evening in support of the Government candidate.

Malaya has three main groups of people within its population—Malayans, Chinese, and Indians. Political parties reflect these different ethnic strains as well as ideological differences. In the Kuala Trengannu District all the parties were Malayans. The incumbent member of Parliament from this district had been a national hero and a member of an opposition party. He had died in office, making a by-election necessary to fill his seat in Parliament.

Bartley's job was fourfold: (1) To learn the platforms of the participating parties, (2) to sound out the philosophies of the party leaders, (3) to assess public opinion on the platforms and the leaders, and (4) to meet the leaders personally in order to judge their political potential.

When he arrived in Kuala Trengannu, Bartley went first to interview the state secretary, the senior civil servant in the state in which the city is located (Malaya is a federation of states somewhat like the United States).

"State secretaries usually know everything that goes on in their states but are also usually models of discretion," says Bartley.

Next he arranged a meeting with the head of the Government Party in the state, who was friendly, but since the Prime Minister was scheduled to speak that night, and since Bartley already knew the Government Party's platform for the most part, they had a very short meeting.

He then went to the headquarters of a devoutly religious opposition party, a Muslim organization with a platform based on Islamic law and the "Will of Allah." Walking in unannounced, he found a darkened room full of people, who fell suddenly silent at his presence. He asked to see the ranking party leader. A man guided him down

the hall to an office in which sat the third ranking man of the party in Malaya. He and two of his aids took Bartley down the street to a private house, where they served him tea—a sign that they were willing to talk—and began to talk.

Bartley had an interesting interview and gained considerable insight into the extent to which Islamic law and the Koran motivate this political party.

Instead of going to the headquarters of the third party, which had been based on the personality of the dead hero rather than on ideology and which was now falling apart for lack of leadership, he walked around town talking to people in the streets about the election. Later he went to the big government party rally in a park where the prime minister was to explain his program for the creation of Malaysia, the key question facing the country at that time.

Bartley stood in the crowd as the temperature passed the 100° mark. Everyone in Kuala Trengannu was there. His last job, he realized, would be to determine what these people thought of the Malaysia proposal.

The prime minister gave a dazzling speech to a rapt audience. Afterward, Bartley sampled opinion in the crowd. On election day he drove around town and sampled more opinion. That evening he went to the counting hall to watch the counting of votes. The members of the election commission counted the votes by hand in front of checkers from all three parties. Crowds gathered outside in the darkness to await the results. The counters sat at a great table and counted the night through.

By early morning it had become clear that the government candidate had won. Bartley went back to his room to catch up on his sleep. Then came the hard job, the goal of this and all such trips—analysis.

As Bartley puts it: "It would be foolish to send an American officer 10,000 miles to find out who won an election. A subscription to a Malayan newspaper would provide that information. The important thing is to know why people believe, feel, and vote as they do and how they are likely to react in the future. With a lot of on-the-scene legwork and a lot of thought a Foreign Service officer can often discover forces at work in a foreign society which will vitally affect international relations and, in particular, the interests of the United States."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. ALBERT), for an indefinite period, on account of official business.

Mr. EDMONDSON (at the request of Mr. ALBERT), from May 18 to May 21, on account of death in family.

Mr. FOUNTAIN (at the request of Mr. MILLS), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MCDOWELL (at the request of Mr. ROGERS of Texas), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mrs. DWYER (at the request of Mr. HARVEY of Michigan), for 10 minutes, on May 20, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BURKE.

Mr. ROGERS of Texas.

Mr. HARRIS during his remarks on S. 920 and to include a letter from the State Department.

(The following Members (at the request of Mr. HARVEY of Michigan) and to include extraneous matter:)

Mr. ALGER.

Mr. SIBAL.

(The following Members (at the request of Mr. ROGERS of Texas) and to include extraneous matter:)

Mr. RAINS.

Mr. EVINS.

Mr. DINGELL.

Mrs. KELLY.

Mr. CELLER.

Mr. BROWN of California.

ADJOURNMENT

Mr. ROGERS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 33 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 19, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2073. A communication from the President of the United States, transmitting amendments to the appropriation requests made in his 1965 budget for mutual defense and development programs, increasing the request for military assistance from $1 billion to $1,055 million, and supporting assistance from $335 to $405 million (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

2074. A communication from the President of the United States, transmitting a reduction totaling $8,850,000 in the appropriation requested in the fiscal year 1965 budget for the Peace Corps (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

2075. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations) transmitting additional projects relating to a letter dated February 4, 1964, with respect to certain projects to be undertaken in regard to the Army National Guard, pursuant to 10 U.S.C. 2233a(1) and relating to Public Law 88-174; to the Committee on Armed Services.

2076. A letter from the Chief, National Guard Bureau, Departments of the Army and the Air Force, transmitting the annual report of the Chief of the National Guard Bureau for fiscal year 1963; to the Committee on Armed Services.

2077. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing certain weaknesses in the administration of the requirement for the workable program for community improvement for the city of Cincinnati, Ohio, by the Housing and Home Finance Agency; to the Committee on Government Operations.

2078. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing unnecessary procurement due to the failure to identify and utilize available missile spare parts in the 8th U.S. Army, Korea, Department of the Army; to the Committee on Government Operations.

2079. A letter from the Comptroller General of the United States, transmitting a report on a review disclosing unnecessary packaging costs incurred in the procurement of repair kits from Hamilton Standard Division, United Aircraft Corp., Windsor Locks, Conn., Department of the Air Force; to the Committee on Government Operations.

2080. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

2081. A letter from the executive secretary, American Chemical Society, transmitting the annual report of the American Chemical Society for the calendar year 1963, pursuant to Public Law 358, 75th Congress; to the Committee on the Judiciary.

2082. A letter from the Director, Administrative Office, U.S. Courts, transmitting a draft of a proposed bill entitled "A bill to amend the Bankruptcy Act to permit a husband and a wife to file a joint petition in ordinary bankruptcy and chapter XIII (wage earner) proceedings"; to the Committee on the Judiciary.

2083. A letter from the director, American Legion, transmitting the financial statement of the American Legion for the year ending December 31, 1963, pursuant to Public Law 47, 66th Congress; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HERLONG: Committee on Ways and Means. H.R. 5739. A bill to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Appropriations. H.R. 11296. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1413). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLSWORTH:

H.R. 11270. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. KILGORE:

H.R. 11271. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OLSON of Minnesota:

H.R. 11272. A bill to assure orderly marketing of an adequate supply of livestock products; to encourage increased domestic consumption of livestock products; to maintain the productive capacity of the livestock industry; to avoid the feeding of livestock to

undesirable weights; and to prevent declines in live-weight prices received by livestock producers; to the Committee on Agriculture.

By Mr. ROUSH:

H.R. 11273. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 11274. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. SLACK:

H.R. 11275. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 11276. A bill to designate the Joanna Dam and Reservoir now under construction on the Salt River near Joanna, Mo., as the "Clarence Cannon Dam and Reservoir"; to the Committee on Public Works.

By Mr. ULLMAN:

H.R. 11277. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. COOLEY:

H.R. 11278. A bill to amend the Commodity Exchange Act, as amended; to the Committee on Agriculture.

By Mr. FOREMAN:

H.R. 11279. A bill to amend section 109 of title 4 of the United States Code with respect to the withholding of State income taxes from the income of certain individuals; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 11280. A bill to amend title II of the Social Security Act to increase the amount of annual earnings includible in determining benefits, to strengthen the actuarial status of the disability trust fund, to increase the amount that recipients of benefits may earn without deductions from their benefits, to permit payment of child's insurance benefits after attainment of age 18 in case of a child attending school, to liberalize the conditions under which disability benefits are payable, provide for payment of certain disabled widows, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 11281. A bill relating to the determination of sale price of a rebuilt television picture tube; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 11282. A bill to amend chapter 15 of title 38, United States Code, to liberalize certain provisions of law relating to veterans' pensions; to the Committee on Veterans' Affairs.

By Mr. LINDSAY:

H.R. 11283. A bill to prohibit vessels operating on certain interstate waters within New York City and the State of New Jersey from carrying certain outdoor advertising; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE:

H.R. 11284. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 11285. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 11286. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. SICKLES:

H.R. 11287. A bill to designate the Veterans' Administration hospital being constructed in the District of Columbia as the Melvin J. Maas Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. WHITE:

H.R. 11288. A bill to amend the Agricultural Marketing Agreement Act of 1937 to permit the issuance of marketing orders for onions for canning or freezing; to the Committee on Agriculture.

By Mr. THOMAS:

H.R. 11296. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes.

By Mr. PATMAN:

H. Con. Res. 305. Concurrent resolution authorizing the printing of additional copies of volume I of the hearings before the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After 50 Years"; to the Committee on House Administration.

By Mr. SICKLES:

H. Res. 726. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. COOLEY:

H. Res. 727. Resolution to grant additional travel authority to the Committee on Agriculture; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to a study of north coastal multipurpose water projects; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to provide adequate benefits to members and survivors of the Philippine Scouts; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Federal and State water rights; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to urging the President of the United States to use the influence of his Office to prevent the closing of the Watertown Arsenal; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to urging the adoption of H.R. 10440, relating to poverty in the United States; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ASHBROOK:

H.R. 11289. A bill for the relief of Carlo Antonio DeLuca; to the Committee on the Judiciary.

By Mr. HEALEY:

H.R. 11290. A bill for the relief of Gaetano Cordaro; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 11291. A bill for the relief of Ferrum Trading Co., Inc.; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 11292. A bill for the relief of Christos Bitsakis; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 11293. A bill for the relief of Mrs. Surpik Sulukciyan; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11294. A bill for the relief of Cho Seung Man and Kim Chul Hee; to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 11295. A bill for the relief of Mrs. Adelina Marcelo Miranda Gepac; 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:

893. By the SPEAKER: Petition of Mrs. Felix Irwin, National Society of the Daughters of the American Revolution, Washington, D.C., relative to transmitting resolutions adopted by the 73d Continental Congress of the National Society of the Daughters of the American Revolution, April 20–23, 1964; to the Committee on the Judiciary.

894. Also, petition of Seitoku Nagamine, Tomigusuku, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

895. Also, petition of Toshio Chinen, Ozato, Okinawa, requesting return of Okinawa to Japan, to the Committee on Foreign Affairs.

896. Also, petition Sojitsu Okuhara, Yonahara, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

897. Also, petition of Seijiro Kohagura, Ginowan, Okinawa, requesting return of Okinawa to Japan; to the Committee on Foreign Affairs.

SENATE

MONDAY, MAY 18, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii.

Rev. Michael Daves, minister, First Methodist Church, Holiday, Tex., offered the following prayer:

O God, who art like water in a dry place and food to a starving man, we come to Thee before undertaking the work of this day. Thou art our God, and greatly to be praised. We acknowledge our dependence upon Thee as our Creator, Redeemer, and Sustainer.

We pray that we shall not be afraid of the world, remembering that it is Thy creation, and stands under Thy care. Deliver us from faithless anxiety, and give us grace to cast every care on Thee. May we not only see Thy truth; may we also do Thy truth.

Guard and guide our Nation in these challenging times. Bless our leaders as

they strive to implement laws for the common welfare. Renew in all of us the pioneer spirit of our forefathers. May we dream dreams and have visions, always praying for the coming of the kingdom that is above all nations, even the kingdom of our Lord, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

LEE METCALF,
Acting President pro tempore.

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

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 16, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Stanley E. Rutkowski, of New Jersey, to be Comptroller of Customs at Philadelphia, Pa., which was referred to the Committee on Finance.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of a quorum call, there be a morning-hour period, with statements therein limited to 3 minutes.

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

ORDER FOR RECESS TO NOON ON TUESDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 12 o'clock noon, Tuesday.

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

CALL OF THE ROLL

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

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

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

[No. 235 Leg.]

Allott	Hayden	Miller
Bartlett	Hickenlooper	Monroney
Bayh	Hill	Morton
Beall	Holland	Moss
Boggs	Hruska	Neuberger
Burdick	Humphrey	Pearson
Carlson	Inouye	Proxmire
Case	Jackson	Randolph
Clark	Johnston	Robertson
Dirksen	Jordan, Idaho	Saltonstall
Dodd	Keating	Scott
Dominick	Kennedy	Simpson
Douglas	Lausche	Sparkman
Eastland	Long, Mo.	Stennis
Ellender	Mansfield	Walters
Fong	McCarthy	Williams, N.J.
Gore	McClellan	Williams, Del.
Gruening	McGee	Young, N. Dak.
Hart	McNamara	
Hartke	Metcalf	

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Nevada [Mr. BIBLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Louisiana [Mr. LONG], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

Also I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from North Carolina [Mr. JORDAN], the Senator from Washington [Mr. MAGNUSON], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that the Senator from Idaho [Mr. CHURCH] and the Senator from California [Mr. ENGLE] are absent because of illness.

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from Kentucky [Mr. COOPER], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are detained on official business.

The Senator from Utah [Mr. BENNETT] is necessarily absent to attend the funeral of a friend.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] is absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business, under a 3-minute limitation, is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. INOUYE in the chair) laid before the Senate the following letters, which were referred as indicated:

PROPOSED TRANSFER BY NAVY DEPARTMENT OF BATTLESHIP TO THE USS MASSACHUSETTS ASSOCIATES, INC., BOSTON, MASS.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, that the Navy Department proposed to transfer the battleship *Massachusetts* (BB 59) to the USS Massachusetts Associates, Inc., of Boston, Mass., for use as a permanent World War II memorial; to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on military construction, Army National Guard, for the year 1964 authorization (with an accompanying report); to the Committee on Armed Services.

FINANCIAL STATEMENT OF THE AMERICAN LEGION

A letter from the director, the American Legion, Washington, D.C., transmitting, pursuant to law, a financial statement of that organization, for the year ended December 31, 1963 (with an accompanying report); to the Committee on Finance.

REPORT ON WEAKNESSES IN ADMINISTRATION OF COMMUNITY IMPROVEMENT PROGRAM IN CINCINNATI, OHIO

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on weaknesses in administration of requirement for the workable program for community improvement for the city of Cincinnati, Ohio, Housing and Home Finance Agency, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO USE THE INFLUENCE OF HIS OFFICE TO PREVENT THE CLOSING OF THE WATERTOWN ARSENAL

"Whereas on April 23, 1964, Secretary of Defense Robert S. McNamara announced that the Watertown Arsenal would be closed and that its closing would be phased over a 3 year period with the physical properties of the arsenal turned over to the General Services Administration in September 1967; and

"Whereas the closing of the arsenal would not only mean the loss of 1,836 civilian jobs

with serious effect upon the economy of the Commonwealth, but it would also mean the loss of thousands of skilled hands and loyal hearts that had been molded into a compact efficient working unit, a unit that had its beginning 147 years ago when the arsenal was first opened, and today stands ready, willing and able to skillfully perform any job that may be assigned to it: Therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the President of the United States to use the influence of his office to prevent the closing of the Watertown Arsenal; and be it further

"Resolved, That copies of this resolution be forwarded by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress, and to each Member thereof from this Commonwealth.

"Adopted by the house of representatives May 5, 1964.

"WILLIAM C. MAIERS,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO ADOPT H.R. 10440, RELATIVE TO MOBILIZING THE HUMAN AND FINANCIAL RESOURCES OF THE NATIONS TO COMBAT POVERTY IN THE UNITED STATES

"Whereas there is pending before the Congress of the United States a bill (H.R. 10440) relative to mobilizing the human and financial resources of the Nation to combat poverty in the United States; and

"Whereas although the economic well-being and prosperity of the United States have progressed to a level surpassing any achieved in world history and although widely shared throughout the Nation poverty continues to be the lot of a substantial number of our people; and

"Whereas it is the policy of the United States to lend a helping hand to those in need and to afford everyone the opportunity to live in decency and dignity: Therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to adopt H.R. 10440, relative to mobilizing the human and financial resources of the Nation to combat poverty in the United States, and as a first step in this direction further urges the Congress to increase social security benefits by 20 percent; and be it further

"Resolved, That a copy of this resolution be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress, and to each Member thereof from this Commonwealth.

"Adopted by the house of representatives, May 6, 1964.

"WILLIAM C. MAIERS,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION 2

"Joint resolution relative to memorializing the Congress of the United States to provide adequate benefits to members and survivors of the Philippine Scouts

"Whereas in 1901 by an act of Congress the Philippine Scouts were made a component part of the U.S. Army; and

"Whereas since that time the Philippine Scouts have served this country in times of war and peace with honor and great courage; and

"Whereas the most notable contribution of the Philippine Scouts was made during World War II when they fought the enemy in Bataan and Corregidor during which campaigns half of their number lost their lives in defense of our freedom; and

"Whereas the active duty pay and the retirement benefits paid to members of the Philippine Scouts has always been markedly lower than that received by members of the regular U.S. Army; and

"Whereas during the Bataan campaign the Philippine Scouts were promised pay equal to that of the regular U.S. Army when Gen. Douglas MacArthur said: 'War is a great equalizer of men. Every member of my command shall receive equal pay and allowances based on the U.S. Army pay scale regardless of nationality'; and

"Whereas either H.R. 268 or H.R. 3795 introduced in the 1st session of the 88th Congress would fulfill the promise made to the Philippine Scouts and would recompense them for their sacrifices made in behalf of our country: Now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to consider the disparity between the compensation of the regular U.S. Army and that of the Philippine Scouts whose contributions to our freedom were no lesser in magnitude and that the Congress enact either H.R. 268 or H.R. 3795 to remedy this inequality; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President of the United States, to the President pro tempore of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"ASSEMBLY JOINT RESOLUTION 8

"Joint resolution relative to the use of Federal tax revenues on alcohol for State's alcoholic rehabilitation programs

"Whereas the disease of alcoholism is continuing to cause untold misery and great economic waste among the people of the State of California; and

"Whereas the disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

"Whereas the disease of alcoholism contributes greatly to the problem of law enforcement in California both at the State and at local levels; and

"Whereas the State of California has instituted rehabilitation and education programs in an attempt to combat the disease of alcoholism; and

"Whereas the State rehabilitation and education programs have not been able to achieve their full potential due to grossly inadequate monetary funds; and

"Whereas the Federal Government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Congress of the United States is respectfully requested to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the States for the encouragement of the solution to problems created at the State and local levels by the disease of alcoholism, provided that the States which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment, and rehabilitation of the alcoholic; and be it further

"Resolved, That the chief clerk of the assembly be directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION 3

"Joint resolution relative to the Federal Manpower Development and Training Act of 1962

"Whereas even in periods of high unemployment, many jobs remain unfilled because of shortages of qualified workers; and

"Whereas there is a critical need for more and better trained workers in many vital job classifications; and

"Whereas skills of many workers have been outdated by automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other economic changes; and

"Whereas it has been forecast that there will be an unusually rapid growth in the work force in the next several years; and

"Whereas in recognition of these problems the U.S. Congress in 1962 enacted the Manpower Development and Training Act of 1962, which instituted a program of training workers for job opportunities discovered through a research program and other methods authorized by the act; and

"Whereas this training consists of school and on-the-job training programs set up by the States, private, or public agencies, employers, trade associations, labor organizations, and other industrial and community groups; and

"Whereas under the act trainees may be paid training and other allowances by the States under the direction of the Secretary of Labor while in training; and

"Whereas under the provisions of the act, as amended, the Federal Government has been, and will be, until June 30, 1965, paying all of the operating costs of training programs for unemployed persons and the cost of training, subsistence, training allowances, and transportation allowances granted under the act, but after June 30, 1965, under the provisions of the act the States will be required to pay 33⅓ percent of such costs until June 30, 1966, when the States will be required to pay 50 percent of such costs; and

"Whereas since unemployment has become an increasingly serious and nationwide problem since 1962, it is appropriate that the Federal Government continue to provide full Federal financing after June 30, 1965: now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature requests the Congress of the United States to provide full Federal financing under the Manpower Development and Training Act of 1962 after June 30, 1965; and be it further

Three joint resolutions of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 6

"Joint resolution relating to levee maintenance

"Whereas structures and facilities constructed by the United States for local flood protection are maintained under rules adopted by the Secretary of the Army (pt. 208, ch. II, of title 33 of the Code of Federal Regulations); and

"Whereas these rules prescribe general standards which apply on a nationwide basis without regard to peculiar local problems; and

"Whereas these rules contain a general prohibition against brush, trees, and wild growth on project levees; and

"Whereas the waterways of the Sacramento and San Joaquin Rivers and their delta have been made possible by a unique system of levees which present special problems of maintenance peculiar to that system only; and

"Whereas this region constitutes one of the most important recreation areas in California; and levees devoid of trees, brush, and wild growth constitute a jeopardy to the recreation values of this area; and

"Whereas the State of California is presently engaged in a pilot levee maintenance program which will find ways to effectively preserve both recreation and flood control values: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States and the Secretary of the Army to authorize the U.S. Army Corps of Engineers to join with the State of California in more active participation in the State pilot levee maintenance program; and be it further

"*Resolved*, That the U.S. Army Corps of Engineers is requested to assist the State Resources Agency Committee for Delta Recreation Planning with the implementation of the State pilot maintenance program and with the determination of the validity and acceptance of newly developed standards that would utilize controlled levee vegetation to satisfy the multiple needs of recreation and flood control; and be it further

"*Resolved*, That the U.S. Corps of Engineers should be authorized to reconstruct levees in the pilot maintenance areas, consistent with the purposes of the State pilot maintenance programs; and be it further

"*Resolved*, That a report should be prepared to be submitted to Congress through the Chief Engineer's office; such report should be fully coordinated with and include the findings of the Resources Agency Committee for Delta Recreation Planning; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President of the United States and President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and the Secretary of the Army."

"ASSEMBLY JOINT RESOLUTION 9

"Joint resolution relating to Port San Luis

"Whereas Port San Luis, Calif. (San Luis Obispo Harbor), is the only deep-water port for a distance of 100 miles to the south and over 100 miles to the north of the harbor; and

"Whereas under authorization by Congress in 1958, the U.S. Corps of Engineers has made a review report, showing that "a need exists for harbor facilities for deep-draft and shallow-draft vessels at Port San Luis, and that such a harbor would be used to capacity; and

"Whereas Port San Luis is presently partly protected by an existing Federal breakwater and the corps' report shows a proposed plan for providing more nearly complete protection for the harbor through the improvement of the existing Federal breakwater and the construction of another breakwater and other aids to navigation which would result in a benefit-over-cost ratio of 4 to 1; and

"Whereas the complete report is contained in House Document 148, 88th Congress, 1st session, the document being a letter from the Secretary of the Army transmitting favorable reports on the project by the Chief of Engineers, Department of the Army, together with favorable comments by five governmental departments of the State of California; and

"Whereas local participation is assured by the Port San Luis Harbor District Commission, which has already negotiated a purchase agreement to buy for $500,000 the land needed for the complete project, and which has agreed to pay one-half the cost of the proposed new breakwater, as well as the entire cost of shoreside facilities as required for the project; and

"Whereas the project will benefit the three defense installations which are within 50 miles of Port San Luis, Vandenberg Air Force Base (missiles), Camp San Luis Obispo, and Camp Roberts; and

"Whereas House Resolution 7341, 88th Congress, 1st session, was introduced by Congressman TALCOTT 'to provide for the modification of the existing project for San Luis Obispo Harbor, Calif., including its renaming as Port San Luis, California': Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Congress of the United States is requested to authorize the Port San Luis project as an aid to the defense posture of the United States, as a necessary element contributing to the economic growth of the United States, and as a factor in expanding the employment opportunities of the Nation and the State; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to transmit a copy of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

To the Committee on Government Operations.

"HOUSE RESOLUTION 212

"Resolution relative to use of Federal tax revenues on alcohol for State's alcoholic rehabilitation program

"Whereas the disease of alcoholism is widespread and is imposing misery and great economic injury upon the people of the State of California; and

"Whereas the disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

"Whereas alcoholism aggravates and contributes greatly to the problem of law enforcement and welfare aid in California both at the State and at local levels; and

"Whereas the State of California has instituted rehabilitation and education programs in an affirmative effort to eradicate the debilitating disease of alcoholism; and

"Wherease the State rehabilitation and education programs have been handicapped and frustrated from achieving their full potential due to insufficient monetary funds; and

"Whereas the Federal Government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California: Now, therefore, be it

"*Resolved by the Assembly of the State of California*, That all members respectfully request the Congress of the United States to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the States for the encouragement of the solution to problems created at the State and local levels by the disease of alcoholism, provided that the States which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment, and rehabilitation of the alcoholic; and be it further

"*Resolved*, That the chief clerk of the assembly be directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolution adopted by the Yomitan Son Assembly, Tomigusuku Village Assembly, Yonahara Town Assembly, and Ozato Village Assembly, all of the island of Okinawa, favoring the reversion of the administrative power of Okinawa to Japan; to the Committee on Foreign Relations.

The petition of C. R. Mead, of Westport, Conn., relating to the citizen's oath; to the Committee on the Judiciary.

A petition signed by sundry members of St. Thomas Episcopal Church, of Farmingdale, Long Island, N.Y., praying for the enactment of House bill 7152, the civil rights bill, without crippling amendments; ordered to lie on the table.

BILLS INTRODUCED

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

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

S. 2852. A bill for the relief of the Moapa Valley Water Co., of Logandale, Nev.; to the Committee on the Judiciary.

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

By Mr. HUMPHREY:

S. 2853. A bill to provide for research into and development of practical means for the utilization of solar energy, and for other purposes; to the Committee on Aeronautical and Space Sciences.

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

By Mr. GORE:

S. 2854. A bill to authorize the Secretary of the Army to convey certain lands at the Old Hickory lock and dam, Cumberland River, Tenn., to the Tennessee Society for Crippled Children and Adults, Inc.; to the Committee on Public Works.

By Mr. MAGNUSON:

S. 2855. A bill for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.; to the Committee on the Judiciary.

By Mr. BOGGS:

S. 2856. A bill for the relief of Teresa Marangon; to the Committee on the Judiciary.

MOAPA VALLEY WATER COMPANY BILL

Mr. BIBLE. Mr. President, on behalf of my colleague the junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a private bill for the relief of the Moapa Valley Water Company of Logandale, Nev. The relief provided would be the forgiveness of accrued interest through December 31, 1964, on loans obtained from the Farmers Home Administration for the construction of a sanitary culinary water system.

For approximately 30 years this small agricultural community in southern Nevada has had to transport potable water from Las Vegas, a distance of 60 miles. The only natural water available runs in open canals for approximately 25 miles and has been condemned by State and county health departments as unfit for human use.

In 1958, after extensive studies by Farmers Home Administration and construction company engineers, a culinary

water system involving a 17-mile flow line of thin-walled plastic pipe was approved. Financing was obtained in part from Farmers Home Administration.

The original pipe approved for use in the system unfortunately did not prove strong enough and was subject to continual splitting. In addition a flash flood in 1960 washed away a sizable section of the thin-walled pipe. Continued recurrent splitting has necessitated the complete replacement, at considerable additional expense, of stronger, more durable pipe. Because of the many recurring difficulties, the additional financial strain involved in repair and maintenance, and the limited financial resources of this small community, it has been impossible for the company to make payments on either the principal or interest to date. Because of FHA's responsibility for approval of the inadequate original thin-walled pipe, this community should not have to bear the burden of interest repayment while shouldering the expense of replacing the system.

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

The bill (S. 2852) for the relief of the Moapa Valley Water Company of Logandale, Nev., introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on the Judiciary.

RESEARCH INTO AND DEVELOPMENT OF PRACTICAL MEANS FOR THE UTILIZATION OF SOLAR ENERGY—STATEMENT BY SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, I introduce a bill which would authorize the establishment of an office of solar energy in the Department of Interior, and ask that it be appropriately referred.

I urge the Members of the Senate to devote their attention to what I have long felt to be of considerable importance—the harnessing of solar energy—the world's greatest potential free-energy source. I encourage support of this bill for the establishment of an office of solar energy within the jurisdiction of the Department of the Interior.

I need not enlarge upon the ways we now exploit this bountiful source of power other than to cite the fact that the harnessing of solar energy has been of prerequisite importance to many of our space accomplishments.

While the accomplishments are historically significant, they are at the same time but nominal examples of what could be accomplished with a determined effort to develop and apply solar energy to many terrestrial tasks.

With each passage of several days, the energy in the sunlight falling upon the earth exceeds that of all the energy in the fossil fuels that man has burned to date—and that still remaining underground.

This bountiful and omnipresent energy of the sun is free energy, which, if unused, is wasted energy. It is energy that could be put to use to serve many earthly tasks that go unattended today for want of conventional power in many places that are too remote from available power generation sources. It is energy which could heat or cool homes, pump irrigation water, refrigerate foods, operate communications systems, and a host of other tasks, anywhere and everywhere.

In this regard I would like to call to the attention of the Senate a recent publication in the University of California's Engineering and Sciences, titled, "Introduction to the Utilization of Solar Energy," published by McGraw Hill in 1963.

This is an important publication because it features the past and present efforts of man to harness the free energy of the sun to perform many important tasks. There is a fund of information in this publication for both the technician and the casual reader who wishes to increase his knowledge of this important field of scientific endeavor. The material is presented by a number of people who have specialized in the development of techniques for harnessing solar energy. One of the foremost authorities on the subject, Dr. Farrington Daniels, professor emeritus of the Solar Energy Laboratory of the University of Wisconsin, was chosen to write the introduction to the book and in his remarks he emphasizes the need for research in the field. I quote from the latter part of the introduction:

> There is no new era of solar prosperity just around the corner, and the economic utilization of solar energy is full of difficulties. But there is sufficient promise to justify a greatly expanded research effort. There is an important need now for solar energy devices in the nonindustrialized countries; it is inevitable that in the future there will be a need in the industrialized countries also. Solar heating and cooling, solar engines, and solar distillation of salt water are technically possible now. Moreover, we do have efficient conversion of sunlight into chemical energy and into electricity. For practical large-scale use of the sun's energy, cheaper materials and new ideas are needed. Technical breakthroughs have occurred in several areas already—in cheap and stable plastics, in reflecting plastics and transparent plastics which are opaque in the infrared, in selective black coatings for boilers and heating units which permit attainment of higher temperatures, in photosynthesis, and in solar batteries for the direct production of electricity.

Mr. President, there is a good chance for further advances if the problems are defined and if enough research effort is devoted to their solution.

During the past year, I have noted with interest the activities of both agencies of Government and those of private institutions and enterprise, where varied efforts are being made to adapt solar energy to serve many specific power requirements. Not the least significant of these efforts have been those of the Agency for International Development which is wisely seeking ways in which solar energy can be put to work in power-short countries that are engaged in development programs.

While each of these individual efforts have met with varying degrees of success, there has been no central agency that is in a position to offer guidance and support in the execution of these important pioneer endeavors.

The harnessing of solar energy is a magnificent challenge to our country's technical capabilities. It is entirely fitting that we should seize upon the opportunity to apply our technology to the task of harnessing and exploiting this promising free-energy source, but if we are to be leaders in this endeavor, we must apply our technology in an efficient and organized way.

On February 15, 1962, I introduced an identical bill to provide for research and the utilization of solar energy devices and technology. It is the purpose of this bill to establish an Office of Solar Energy whose obligation would be to foster and coordinate the research, development, and utilization of solar energy to serve many terrestrial power needs. This office would logically be located within the jurisdiction of the Department of the Interior, because of its interest and experience in the development of power and energy sources. This office is singularly suited to serve the important and needed function of coordination and administration over this much needed endeavor in the national interest.

In order that work may begin on this immediately, I urge the Secretary of the Interior to use the authority granted to him by the Reorganization Act of 1950, plan No. 3, to establish this Office of Solar Energy by executive decree.

Mr. President, I ask unanimous consent that this bill in its entirety be printed in the RECORD at this point.

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

The bill (S. 2853) to provide for research into and development of practical means for the utilization of solar energy, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in view of the increasing requirements of the Nation for energy in relation to available and foreseeable supplies, it is the policy of the Congress and the purpose of this Act to provide for the development of practicable, low-cost means of utilizing solar energy in judicious combination with fossil fuels and nuclear energy in order that the total energy resources of the Nation may be maximized.

SEC. 2. (a) In order to carry out the purpose of this Act, the Secretary of the Interior, acting through such agencies of the Department of the Interior as he may deem appropriate, is authorized—

(1) by means of research grants and contracts as set forth in paragraph (4) of this section and by use of the facilities of existing Federal scientific laboratories within the monetary limits set forth in section 10 of this Act, to conduct research and development work, to make careful engineering studies to ascertain the lowest investment and operating costs, and to determine the best designs and conditions of operation of devices and techniques for the practical utilization of solar energy for purposes other than high-temperature solar furnaces;

(2) to study methods, circumstances, and conditions for efficient and economical use of solar energy, directly and from storage, conversion, or otherwise;

(3) to acquire, by purchase, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land and any interest in land (including water rights, easements, and leasehold interests), plants and facilities, and other property or rights; except that (A) the land, property, or rights so acquired shall not be more than is necessary to conduct the experiments, demonstrations, and other activities herein provided for in carrying out this Act, and (B) no land or other property shall be so acquired from private or other non-Federal sources if there is any comparable existing land or property of the Federal Government which is or can be made available to the Secretary of the Interior for the purpose of this Act and the use of such existing Federal land or property would avoid the duplication of facilities which would result from such acquisition;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.);

(5) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(6) to engage, by noncompetitive contract or otherwise, chemists, physicists, engineers, and such other personnel as may be deemed necessary (including personnel of the Federal Government loaned or detailed on a reimbursable basis for the purpose of this Act), and any educational institution, scientific organization, or industrial or engineering firm deemed suitable to do any part of the research or other work, and to the extent appropriate to correlate and coordinate the research and development work of such personnel, educational institutions, scientific organizations, and industrial and engineering firms: *Provided*, That any personnel so engaged who become employees of the Department of the Interior shall be appointed in accordance with the civil service laws and compensated in accordance with the Classification Act of 1949, except that, to the extent the Secretary deems such action necessary to the discharge of responsibilities under this Act, personnel may be employed and their compensation fixed without regard to such laws: *Provided further*, That no personnel so engaged (except personnel whose compensation is fixed by law, and scientific and technical personnel up to a limit of $19,000) to whom the Classification Act of 1949 is inapplicable, including personnel decribed in the preceding proviso, shall be paid a salary at a rate in excess of the rate payable under the Classification Act of 1949 for positions of equivalent difficulty or responsibility; and

(7) to cooperate with any other Federal, State, or municipal department, agency, or instrumentality, and with any private person, firm, educational institution, or other organization, in effectuating the purpose of this Act.

(b) The Secretary shall establish a Solar Energy Advisory Board composed of five members selected by the Secretary from individuals in private life who are specially qualified through scientific training and distinguished scientific accomplishment to advise with regard to the conduct of activities authorized by this Act. It shall be the duty of such Board to consult with the Secretary with regard to such activities, review the action taken and the progress made pursuant to this Act, and furnish advice with respect to such action. The Board shall meet at the call of the Secretary at least once in each year for that purpose. Members of the Board shall receive no compensation for services rendered by them as members of the Board, but shall be reimbursed for travel and other expenses necessarily incurred by them incident to the performance of their duties as members of the Board.

SEC. 3. Research undertaken by the Secretary of the Interior under the authority contained in this Act shall be coordinated or conducted jointly with the Department of Defense to the greatest practicable extent compatible with military and security limitations, to the end that research and development under this Act which is primarily of a civil nature will contribute to the defense of the Nation and that research and development in the same field which is primarily of a military nature and is conducted by the Department of Defense will be made available to advance the purpose of this Act and to strengthen the civil economy of the Nation; and all research undertaken by the Secretary of the Interior under the authority contained in this Act, including research conducted jointly with the Department of Defense pursuant to this section, shall be financed with the appropriations authorized by section 10 of this Act. Similarly, the fullest cooperation by and with the Department of Commerce, the Atomic Energy Commission, the National Aeronautics and Space Administration, and other departments and agencies of Government in research shall be carried out in the interest of achieving the objectives of the program.

SEC. 4. The Secretary of the Interior is authorized, for the sole purpose of this Act, to dispose of all energy and other products produced as a result of his operations under this Act (including, with the consent of the Secretary of Defense, any energy or other products produced as a result of operations conducted jointly with the Department of Defense under section 3), in accordance with the regulations prescribed by him under section 7.

SEC. 5. All moneys received as a result of activities under this Act shall be paid into the Treasury as miscellaneous receipts.

SEC. 6. The Secretary of the Interior shall make reports to the President and the Congress, at the beginning of each regular session of the Congress, of the action taken or instituted by him under the provisions of this Act, including full and complete information concerning inventions and other scientific or technical developments resulting from activity undertaken pursuant to this Act. The report shall include suitable recommendations for further legislation.

SEC. 7. The Secretary of the Interior shall issue such rules and regulations as may be necessary or appropriate to effectuate the purpose of this Act.

SEC. 8. Each grant agreement or research contract entered into under this Act shall contain provision for audit and review of expenditures thereunder by the Comptroller General or his duly authorized representative; and the Comptroller General or any such representative shall have access for purposes of such audit and review to all relevant books, documents, papers, and records of the person, firm, institution, or organization with whom the agreement or contract was made.

SEC. 9. (a) Whenever any invention is made in the performance of any work under any contract or agreement under this Act, and the Secretary of the Interior determines that—

(1) the person who made the invention was employed or assigned to perform research or development work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research or development work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Secretary unless the Secretary waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into under this Act with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Secretary a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Secretary for any invention which appears to the Commissioner of Patents to have significant utility in the utilization of solar energy unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract entered into under this Act. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Secretary.

(d) Upon any application as to which any such statement has been transmitted to the Secretary, and the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Secretary, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Secretary files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Secretary unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Secretary is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Secretary to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Secretary thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Secretary within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Secretary of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Secretary unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences

on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Secretary under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Secretary to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Secretary stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Under such regulations in conformity with this subsection as the Secretary shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract entered into under this Act if the Secretary determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Secretary shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Secretary of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Secretary within the Department of the Interior. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Secretary its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) The Secretary shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be granted by him for the practice by any person (other than an agency of the United States) of any invention for which the Secretary holds a patent on behalf of the United States.

(h) The Secretary is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Secretary has or may acquire a license of use.

(i) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

SEC. 10. There are authorized to be appropriated such sums, but not more than $10,000,000 in all, as may be required (1) to carry out the provisions of this Act (including research conducted jointly with the Department of Defense under section 3) during the fiscal years 1962 to 1968, inclusive, (2) to finance for not more than two years beyond the end of such period any grants, contracts, cooperative agreements, and studies which may therefore have been undertaken pursuant to this Act, and (3) during the same additional period plus one more year, to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act. Departmental expenses for direction of the program authorized by this Act and for the correlation and coordination of information as provided in paragraph (4) of section 2 shall not exceed $2,000,000, and not more than $2,500,000 shall be expended for research and development in Federal laboratories. Both of such sums shall be scheduled for expenditure in equal annual amounts insofar as is practicable. Not more than 10 per centum of the funds available in any one year for research and development under this Act may be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States. Any contracts or agreements made pursuant to this Act shall provide that the results or information developed in connection therewith shall be available without cost to the program in the United States.

CIVIL RIGHTS—AMENDMENTS

Mr. COOPER submitted two amendments (Nos. 603 and 604), intended to be proposed by him to 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, which were considered as having been read, ordered to be printed, and lie on the table.

AMENDMENT OF FEDERAL BAIL LAWS—ADDITIONAL COSPONSOR OF BILLS

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the junior Senator from Missouri [Mr. LONG], a member of the Subcommittee on Constitutional Rights, be added as a cosponsor of the bills, S. 2838, S. 2839 and S. 2840, which would amend the Federal bail laws.

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

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Leonard L. Sells, of Virginia, to be a member of the Subversive Activities Control Board, for the remainder of the term, expiring August 9, 1964, vice James R. Duncan, resigned, and for a term of 5 years expiring August 9, 1969.

John H. Kamlowsky, of West Virginia, to be U.S. attorney, northern district of West Virginia, for a term of 4 years, vice Robert E. Maxwell, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, May 25, 1964, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be absent from the Senate on Tuesday, May 19, Wednesday, May 20, and Thursday, May 21. I must be absent on official business both in the State of Washington and in San Francisco, on Wednesday, at the World Trade Conference. At that conference I shall, as chairman, represent the Senate Committee on Commerce.

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

CIVIL RIGHTS—NEWSPAPERS SPEAK UP

Mr. HUMPHREY. Mr. President, those of us in the Senate who support an effective civil rights bill are finding more encouragement every day in expressions of support by church leaders, civic groups, and thousands of American citizens who know how important it is for the Senate to pass this bill.

We are also encouraged, Mr. President, by the fine editorials on civil rights which have appeared in American newspapers—North, East, South, and West. Representative of this newspaper support is a group of 30 editorials from newspapers in 14 States and the District of Columbia. These newspaper editorials are assembled in chronological order, from the day after the House of Representatives passed the civil rights bill through the middle of April. I ask unanimous consent that the editorials be printed at this point in the RECORD.

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

[From the New York Times, Feb. 11, 1964]

CIVIL RIGHTS VICTORY

Passage of the Civil Rights Act of 1963 by the House of Representatives is a victory for the administrations of President Kennedy and President Johnson, for the coalition of liberal Democrats and Republicans who steered the measure through the shoals of amendment and—lest it be forgotten—for millions of Americans deprived of a full life because of racial discrimination.

What the House leadership recognized during lengthy committee hearings and during the voting the last 2 weeks was that rights are indivisible. The right to register and vote in a national election cannot be separated from the right of equal opportunity to get a job; the right to compel desegregation of public schools for the benefits of children cannot be separated from the right to compel service in a restaurant or hotel for the benefit of their parents.

The sum of these rights and freedoms, without deductions, is what we recognize as citizenship. Where these rights are undercut, there democracy is that much less effective.

That articulate Negro spokesman, James Baldwin, is fond of saying, "Civil rights isn't

a Negro problem—it's a white problem." The action in the House yesterday recognized the truth of that aphorism. Without regard to race, the victory can be shared by all Americans.

[From the Washington Post and Times Herald, Feb. 12, 1964]

MILESTONE

The House of Representatives has earned the country's gratitude. Its passage of the civil rights bill late Monday evening is a legislative act of great significance. If the measure is endorsed by the Senate and signed into law by the President, it will mark a milestone in the long effort to deal with the most vexing and frustrating of American domestic problems—relations between races of different color in a land dedicated to the proposition that all men are created equal.

The civil rights bill will not of itself solve this problem. It will not automatically confer equality of opportunity on a race long subjugated and impoverished and undereducated. But it will give to that race a promise for the future and an assurance of good faith. It will give to the world a reaffirmation of the American ideal. And it will provide an atmosphere in which men of good will of the white and colored races can work together to overcome the terrible social ills spawned by racial discrimination.

House action on the bill after 10 days of vigorous, arduous debate is a triumph for Republican as well as Democratic leadership. Congressman CELLER, the chairman of the House Judiciary Committee which studied and recommended the bill, and Congressman MCCULLOCH, the ranking Republican on that committee, worked together in the best sort of bipartisanship. Proponents of the bill on either side of the aisle defended it ably against every sort of obfuscating, and crippling attack. The outcome represents a real victory for reason.

And now the Senate. There can hardly be any serious doubt that the vote in the House of Representatives reflected the sentiment of the country. A hundred years after the Emancipation Proclamation, Americans are at last determined to cut the cancer of racial discrimination out of the body politic. In the name of elementary decency and democracy, let the Senate debate this bill rationally—and then, when every view has had a fair chance to be heard decide the issue democratically by majority rule.

[From the Washington Post and Times Herald, Feb. 20, 1964]

LAW AS EDUCATION

The leader of the Senate minority, Senator EVERETT DIRKSEN, has promised, regarding the civil rights bill, "to cooperate as best I can, within the limitations of the convictions that I hold." This is, of course, all that can fairly be asked of him. But since his expressed opinions, especially about the public accommodations section of the bill, suggest temporizing and delay, one must hope that they have not yet hardened into conviction and can be influenced by argument.

Senator DIRKSEN has indicated that he will offer an amendment to the legislation as passed by the House to make compliance voluntary in connection with the ban on racial discrimination in hotels, motels, restaurants, and places of public entertainment. The purpose would be to see whether compliance could not be obtained by persuasion.

Persuasian has already been given a good long trial. The trouble with it is that it persuades the reasonable and the magnanimous, leaving the obdurate unchanged—and sometimes at a temporary competitive advantage as a result of their obduracy. One great virtue of a general ban on discrimination is that it is applied equally and equitably to all, thus making compliance, or at least acceptance, a great deal easier.

Those who reason that changes in racial prejudice can best be brought about by education tend sometimes to forget that law is one of the most potent of educative influences. When the Congress of the United States says, in legislation, that all Americans, regardless of color, are entitled to equal access to all places seeking public patronage, it preaches and teaches in the most effective way possible that racial discrimination is morally wrong and contrary to sound public policy. Conversely, when the Congress of the United States withholds such legislation, as it has done for many years despite patient petition by the Negro people, it encourages and fosters what it fails to forbid.

Delay is now the most deadly enemy of a rational and healthy adjustment of race relations in the United States. For further delay in the enactment of a civil rights law can say to segregationists only that their recalcitrance is succeeding; and it can say to Negroes only that their petitions have been ignored. Such conclusions must lead, inevitably, to violent conflict and deepened wounds.

Senator DIRKSEN has it in his power, through generous cooperation with the administration, to bring about an expeditious and healing resolution of the civil rights controversy. If he will throw the weight of his leadership on the side of genuine debate, not delay, and on the side of democratic decision, not evasion, of a crucial issue, he can spare the Senate a bruising filibuster and the country an embittering division. We hope that he will heed some wise words spoken on the Senate floor on Monday by the majority leader, Senator MANSFIELD:

"We look in vain if we look backwards to past achievements which might spare this Senate the necessity of a difficult decision on the civil rights question. We hope in vain if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of Senators. At this moment in the Nation's history, it is the Senate's time and turn."

[From the Des Moines Register, Feb. 24, 1964]

HOW RIGHTS BILL AFFECTS IOWA

The civil rights bill approved by the House is aimed primarily at problems of discrimination in the South, but in two respects the measures has important application to northern areas. The public accommodations and fair employment sections could strengthen the attack against discrimination in these areas in Iowa.

Iowa's chief weapon for combating discrimination in privately owned public accommodations is the State civil rights law. The law bars discrimination against persons in "inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barbershops, bathhouses, theaters and all other places of amusement."

The measure passed by the House bars discrimination in almost all of the same kinds of public accommodations, provided they serve transients or are touched by interstate commerce:

Inns, hotels, motels, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, gasoline stations, motion picture houses, theaters, concert halls, sports arenas, stadiums or other places of exhibition or entertainment.

Places not specifically mentioned can be covered by the measure if they are located within, or are part of, an establishment that is covered. For example, the facilities of a barbershop or beauty parlor in a hotel serving transient guests must be made available on a nondiscriminatory basis.

Iowa law relies on filing criminal charges for enforcement of the State civil rights act, the maximum penalties being a fine of $100 and imprisonment for 30 days. The law often is not enforced because few persons are willing to become parties to criminal actions.

The proposed Federal law emphasizes civil actions to enjoin operators of public accommodations from discriminating. Either the person discriminated against or the U.S. attorney general could ask Federal court for an injunction, restraining order or other court decree for preventive relief. The proprietor would be subject to penalty only for contempt of court if he disobeyed the court order.

The Federal Government would rely mainly on local officials to enforce the law and, when the Attorney General is asked to intercede, would attempt to get voluntary compliance. The Attorney General is required to notify State or local officials of complaints and afford them a reasonable time to act under such State or local laws before bringing Federal action. The Attorney General may also call on Federal, State, or local services to bring about compliance by voluntary procedures before going into court.

The proposed Federal law thus provides a milder, but probably more effective, remedy than does the Iowa law. The measure emphasizes civil remedies and persuasion in contrast to the criminal prosecution required by the Iowa statute.

The same general approach is followed in the section of the Federal bill barring discrimination in employment. The section covers employers whose businesses affect interstate commerce if they have at least 25 employees, labor unions with at least 25 members, and employment agencies. Complaints of discrimination would be heard by a Federal Equal Opportunity Employment Commission, which would hear evidence and bring civil actions in Federal court to prevent discrimination. Court action could be taken only after the Commission has attempted conference, conciliation, and persuasion to bring about an end to discrimination.

The Federal measure takes the existence of State and local fair employment practices commissions into account by requiring the Federal Commission to enter into agreements with the local and State agencies under which the Commission shall refrain from bringing a civil action in cases covered by such agreement.

No agreements could be entered into on a statewide basis in Iowa because there is no State agency with authority to administer Iowa's fair employment practices law. The Iowa law bans job discrimination, but enforcement is by the courts following the filing of criminal charges.

The House-passed bill provides for a superior system that emphasizes use of education and persuasion and noncriminal enforcement. Only the larger Iowa employers, those with 25 or more employees, would be subject to these procedures.

If the measure becomes law, Iowa will find it advisable to establish a statewide fair employment practices commission with authority to enter into agreements with the Federal Commission and to apply techniques of conciliation to all cases of discrimination.

[From the Rocky Mountain News (Denver) Feb. 24, 1964]

MANSFIELD'S FORLORN IDEAL

Senator MANSFIELD, the majority leader, tried last week to set the tone for Senate debate on the civil rights bill.

He made a hopeful and altogether reasonable plea, which boiled down to this: Let each Senator examine his conscience and then debate and vote accordingly. But act on the bill, one way or another, on its merits—without ruses, filibusters or other tactical maneuvers.

The next day the Senator virtually admitted defeat for his hopes when he predicted that when the civil rights fight begins we'll be on it not for weeks but for months.

Most aspects of the issue have been debated for years in Congress. Each Senator knows precisely what is in the bill already passed by the House.

But it is evident that the opposition to the bill is making ready to employ every parliamentary device possible to stall a final vote. The cogent message Senator MANSFIELD delivered last Monday fell on deaf ears, although everything he said must be obvious to every Senator, whether he is against the bill or for it. For example:

"Great public issues are not subject to our personal timetables * * * we do not compel them; they compel us."

"We hope in vain if we hope that this issue can be put over safely to another tomorrow."

"At this moment in the Nation's history it is the Senate's time and turn."

"It would be a tragic error if this body as a whole were to elect the closed-eyes course of inaction."

"To act on this issue on the basis of the white or black vote, the North, the South, East, or West vote is as illusory as it is cynical. There is no political profit in this issue * * * there is moral perfection on this issue in none of us and in no place—North, South, East, or West—in the land."

The Senator's eloquence and good sense were aimed at the passionate extremists on both sides. And the Senate would be wise to heed what he said.

[From the Fargo Forum and Moorhead News, Feb. 26, 1964]

FOES OF CIVIL RIGHTS BILL USING BIG LIE TECHNIQUE

Opponents of the civil rights bill have adopted the "big lie" technique in their last-ditch efforts to defeat the bill in the U.S. Senate.

A full page ad carried Wednesday in the Fargo Forum would have the citizens of North Dakota and Minnesota believe that Congress is going to turn the United States into a dictatorship if it passes the bill.

This shows how little faith the opponents of civil rights have in the fundamental philosophy of America, that all humans are born equal and should be treated as equal when it comes to spending Government money, when it comes to voting for the President and Vice President and Members of Congress, and when it comes to education financed by public funds.

The civil rights bill also tries to guarantee that citizens of this country will not be insulted by being refused service because of the color of their skin, or being refused a chance at employment because they were not born white.

It is difficult to believe that citizens would accept as the truth the outrageous charges made by the Coordinating Committee for Fundamental American Freedom in its ad. In big, black type, this organization implied that the total Federal budget was being used to inject the Federal Government into every phase of private and public spending.

The only reason that Congress is considering the civil rights bill is because the Southern States have refused to accept as equals the Negroes who were freed from slavery 100 years ago.

The bill, if passed, would not require an employer to go out and look for Negroes to put on the payroll if they did not apply. It provides for equal employment opportunity from employers having 25 or more employees and labor organizations having 25 or more members. No court shall require admission or reinstatement of an individual to a labor organization or the hiring, reinstatement, or promotion of an individual by an employer if the labor organization or employer took action against an individual for any reason other than discrimination on account of race, color, religion, or national origin.

This language is fairly simple to understand, and in no way gives the Federal Government the right to operate on whim or fancy in dictating employment policies.

The Coordinating Committee for Fundamental American Freedoms has a perfect right to oppose the civil rights bill. That is why the Forum accepted its ad, but we feel compelled to speak out against its big lie technique.

The new Congressman from the eastern district of North Dakota, Representative MARK ANDREWS, voted for the civil rights bill in the House. We hope that Senator MILTON R. YOUNG and Senator QUENTIN N. BURDICK vote for the bill in the Senate. We know the Minnesota Senators, HUBERT HUMPHREY and EUGENE MCCARTHY, will vote "aye."

We have enough faith in the American form of government to know that Congress would not surrender its rights to the President and to the Attorney General. There are no primary criminal sanctions provided in the legislation. Diligent and effective effort has been made to surround each provision with judicial safeguards and administrative limitations in order that fundamental rights and liberties be protected, according to an outline of the measure sent to us by Representative ANDREWS.

Where individuals or governmental authorities fail to shoulder their obligations to protect each individual's constitutional rights, as has been done in the South, then it is the duty of Congress under constitutional authority to correct that wrong.

Hundreds of thousands of citizens are denied the basic right to vote. Decent hotel and eating accommodations frequently lie hundreds of miles apart for the Negro traveler. Parks, playgrounds and golf courses continue to be off limits to Negroes whose tax moneys go to support them.

The people who oppose the civil rights bills claim that their rights are being overridden. What about the rights of the taxpaying Negro citizen?

Just because there is no pressing racial problem in this part of the country, we cannot close our eyes to the evils which Congress seeks to correct with the civil rights bill.

We know that there are a great many North Dakotans who at this late moment are becoming concerned about the civil rights bill because of the accommodations section. They never realized before that the State law is just as tough as the proposed Federal law. Before you write your Senators, in opposition to the bill, take another look at our Declaration of Independence and the first 10 amendments to the U.S. Constitution, the Bill of Rights. Let us not be swayed by the "big lie" technique which is going to predominate the news from Washington and the propaganda from the South just as long as the civil rights bill is an issue in the Senate.

[From the Minneapolis Morning Tribune, Feb. 29, 1964]

THE SENATE GIRDS ITSELF FOR BATTLE

With the tax reduction bill out of the way, the Senate braces itself for the impending struggle over civil rights. The wheat and cotton subsidy bill is scheduled for consideration first, but this amounts only to postponement of the inevitable.

In the preliminary skirmishing, advocates of the House-passed bill won a victory when, by a 54 to 37 vote, the Senate decided to put the bill directly on its agenda, bypassing the Judiciary Committee. The committee chairman, Senator JAMES O. EASTLAND, Democrat, of Mississippi, is an implacable enemy of civil rights legislation and would have smothered the bill with inattention.

Bypassing his committee, though, is only a first step toward passage of the bill. The real crisis will develop when the South organizes its filibuster and settles down for a grinding test of physical—and oratorical—endurance.

The filibuster could be broken up by cloture (cutting off debate) but this would require 67 votes, 22 of which would probably have to come from the Republicans. But a successful cloture move might involve compromise bought at the price of weakening of the bill, so the pro-civil-rights strategy may be aimed at letting the filibuster exhaust itself.

One certainly emerges: If there is to be victory for the civil rights bill, it will have to be a bipartisan victory.

It is not likely that in a presidential election year, there will be no maneuvering for partisan credit and advantage as the bill passes through dangerous waters. But if there is to be a reasonable chance of safe passage, its supporters in both parties must specialize in teamwork.

[From the Winston-Salem (N.C.) Journal and Sentinel, Mar. 1, 1964]

WHY FILIBUSTER?

Now comes the filibuster—the talk, talk, talk, day after day, week after week, perhaps month after month, to keep the Senate from voting on a civil rights bill.

We do not like the filibuster at any time. We do not like it when that windy maverick, Senator WAYNE MORSE, of Oregon, uses it to frustrate legislation that is repugnant to the northern liberals. And we do not like it when some of our favorite conservatives—notably our own SAM ERVIN and Senator RICHARD RUSSELL, of Georgia—use it to frustrate legislation that is repugnant to some people in the South.

The filibuster makes a travesty of the legislative process by preventing the majority from expressing its intent on matters of grave national interest.

It is unworthy of the Senate, "the greatest deliberative body in the world." It is unworthy of America. If the legislators of some of the new nations in darkest Africa availed themselves of this kind of wordy obstruction, we Americans would smile and say they obviously were not ready for self-government.

We therefore cannot help wondering whether the participation of our own North Carolina Senators in the filibuster is in the best interest of this enlightened State.

North Carolina has made a good record in its handling of the civil rights problem. Successive Governors in Raleigh have dealt firmly and fairly with racial matters and kept the State moving forward in step with the times. The mayors of most of our cities and our business, professional, religious, and educational leaders have worked hard and courageously to assure orderly progress in race relations.

Thus, North Carolina has presented an attractive face to the Nation—the face of a State whose leaders and people are willing to move forward in the spirit of the law on even the most intractable problem.

This being so, North Carolinians may well feel uneasy over what seems about to happen in the Senate. Senator ERVIN, it appears, is resolved to join in the filibuster. This will inevitably identify North Carolina in the eyes of the Nation with some of the most unreasonable forces in the South. It will tend to associate this State in other people's minds with the States of the other filibustering Senators where fraud, deceit, and even mob violence have been used to obfuscate the laws and keep the Negro in eternal abasement.

Is is fair to North Carolina? Is it wise?

Beyond this, there seems to be an inconsistency in what Senator ERVIN and the other organizers of the filibuster are now contemplating.

For 10 years—ever since the Supreme Court gave its ruling against segregation in the public schools—they have been denouncing legislation by the judiciary in the field of civil rights. With considerable brilliance and

cogency, Senator ERVIN and the others have argued that this field was reserved for legislation by Congress.

But Congress is now ready and eager to legislate in the hope of meeting a problem of the highest urgency. The House passed the civil rights bill which is now before the Senate by the heavy majority of 290 to 130. From every appearance, a substantial majority of the Senate is ready to proceed toward a vote after all due deliberation.

Is it consistent for those who have been claiming this field for congressional action to join now in a maneuver to prevent such action?

Not that anyone should expect Senator ERVIN and his North Carolina colleague, Senator EVERETT JORDAN—or any other Senator, for that matter—to swallow the bill whole.

Parts of the bill, especially the provisions on voting rights and school attendance, would, of course, make little or no change in the way the racial problem is already being handled in North Carolina.

Other parts—notably titles II, VI and VII covering discrimination in places of public accommodation, the withholding of Federal aid to areas where discrimination is officially condoned, and the establishment of an Equal Employment Opportunity Commission—raise disturbing questions for many people in this State.

Senators ERVIN and JORDAN would therefore have ample reason to challenge these provisions and to use their considerable talents to have them deleted or tempered.

But this effort should stop short of aiding and abetting a filibuster.

In fact, it would be a happy event for the State, the Senate, and the Nation, if the two North Carolina Senators would declare that they will not be parties to the filibuster maneuver.

Such a stand, it seems to us, would enhance the good repute of North Carolina. It would raise the stature of the two Senators in the Nation. It would be a service to the Senate and particularly to those other southern Senators who will otherwise feel compelled to go through with the tedious talky-talk of the filibuster largely for the bamboozlement of their more gullible constituents. And it would help put a worthy end to an unworthy expedient.

[From the Seattle Post-Intelligencer, Mar. 2, 1964]

L.B.J. IN DIXIE

In a speech delivered in Florida the other night, President Johnson voiced some of the bluntest remarks he has yet made on the civil rights problem. His words were, in effect, a warning—his statement that full participation in our society can no longer be reserved to men of one color cannot be construed as anything less.

Florida's population has been greatly expanded and enriched by migrations from throughout the Nation, but it is essentially a southern State—a fact which serves to emphasize the impact of the President's remarks. The new President, a southerner himself, is making it unequivocally clear which direction he intends to head in this historic domestic issue.

His administration, he said, is pledged to protect the constitutional rights of every American and it will press forward with legislation to that end. Such forthrightness is to be applauded—and we hope the forces of parallel sentiment in the legislative branch are equally resolute.

[From the Seattle Post-Intelligencer, Mar. 6, 1964]

"LAST DITCH," GEORGIA

Senator RICHARD B. RUSSELL, Democrat, of Georgia, is a distinguished Member of Congress whose words should always be taken at face value. Thus when he says that if advocates of the civil rights bill are able to enact the measure into law it will be over our last-ditch resistance, then that is exactly what should be done.

In other words the announced determination of the bill's antagonists should be at least equalled by that of its backers. The bill, already passed by the House, is expected to be called up for debate in the Senate next week and a formidable southern filibuster is clearly in the works. All the skill and persistence at the disposal of the pro-civil-rights faction will be required to overcome this.

Senator RUSSELL's last-ditch opposition to the measure becomes especially interesting in view of his concession that in his home State there is undoubtedly an increase in sentiment in favor of civil rights legislation. And he casts a curious aspersion on the political maturity of his constituents by insisting that this development is due to brainwashing.

The Senator, however, is girding for his role as ringmaster of the all but inevitable filibuster circus. We can be confident that he will bring all his years of accumulated wisdom, experience and prestige to the task. It is a deep pity that the Senator does not devote these undoubted talents and qualifications to a more fitting goal.

[From the Des Moines Register, Mar. 11, 1964]

SMOKESCREEN ON CIVIL WRONGS

Americans are being bombarded these days with an advertising and pamphlet campaign purporting to show that the civil rights bill now before the U.S. Senate is really an attempt to expand the role of the Federal Government. One of the newspaper advertisements appeared in the Register March 9.

Spearheading the campaign is the Coordinating Committee for Fundamental American Freedoms. In this particular advertisement, the committee makes no attempt to uphold segregation and indulges in no racist diatribes. Its strategy is to attempt to capitalize on the fear of big government with such labels for the civil rights measure as "the Socialists' omnibus bill" and description of it as "a cynical design to make even the least of us, black and white, subject to the whim and caprice of government bureaucrats."

Secretary of the committee is John Satterfield, a Mississippi native who is former president of the American Bar Association. Satterfield does not speak for the ABA in these activities. He speaks for the State of Mississippi. Satterfield is registered with Congress as a lobbyist for the Mississippi State Sovereignty Commission at a salary of $2,000 a month. The sovereignty commission is a State agency, supported by public funds, dedicated to supporting the segregationist way of life.

Among the recipients of funds from the sovereignty commission are the private white citizens' councils and their campaign for racial integrity. The sovereignty commission has been one of the main sources of financial support for the Coordinating Committee for Fundamental American Freedoms.

We hope no one will be taken in by the "Federal dictatorship" line being peddled by this outfit in connection with the civil rights bill. The measure gives the Federal Government very little authority for dealing with discrimination that has not been exercised for years by numerous State and local governments, and in part by the Federal Government.

The measure establishes a method under Federal law for coping with discrimination in public accommodations and employment that is far less comprehensive and has lighter penalties than the State laws Iowans have been living under, in some cases for more than 80 years.

The civil rights bill passed the U.S. House by a 290 to 130 margin. The 152 Democrats and 177 Republicans who supported it are hardly supporters of socialism.

The big government issue is in this case a smokescreen attempting to cloud the fundamental issue of civil wrongs based on race discrimination. It should not be allowed to obscure the need for further Federal action to secure human rights.

[From the Washington Post and Times Herald, Mar. 11, 1964]

LAST PARADE

The atmosphere in the U.S. Senate, upon the commencement of the debate on the civil rights bill, is one that will give unhappiness to many citizens. The accents in which some of the opponents of this bill speak are the accents of men laboring under a persecution complex. They struggle under a total misapprehension as to the prevailing attitude of the rest of the country toward the South. Whatever there is in this bill that is objectionable to the South, there is nothing in it that is the product of a punitive, vindictive regionalism of the kind that poisoned the relations between the sections in the years after the Civil War. This is not a bill that was conceived in the intention to do something to the South.

It is saddening to see Senators, of whom the whole country otherwise has a right to be proud, speaking in the accents of a narrow and provincial racial antipathy. It is depressing to see men of national and international fame making their obeisance to the idols of a racist cult which has kept these otherwise great leaders from assuming their proper place in national and world affairs.

Some of them have paid a high price for their fidelity to these ancient and obscene gods. Perhaps, but for this form of worship, many of them would have spoken ere this from the White House. Not the least good that will be served by the passage of this bill will be its tendency to diminish the futile struggle to perpetuate the doctrines of racial hate. If the bill goes as far as some of its foes say it goes there can be little purpose in continuing the fight after this last defeat. Then, perhaps, southern Senators, hitherto condemned to speak in the language of racial extremists, may abandon their sectional myths and take their high place in the leadership of the Nation.

The civil rights bill is a measure of sufficient importance to warrant adequate debate and discussion and no one wishes it to be adopted without full consideration. It is, however, idle to suppose that the threat of unnecessary delay has not been made or that the prospect of a prolonged filibuster is not before us. It is plain that the opponents of this bill intend to obstruct as long as they can the ordinary process of legislation.

Senator RUSSELL was eloquent in his denunciation of those who sit down in the streets and block the movement of people. He was persuasive in his objection to the resort to undue influence to bring about legislative action. He was most articulate in objecting to the extralegal means employed in the streets by those who wish the act passed. How strange that he sees no impropriety in the use of undue influence, and the employment of threats of obstruction to prevent the passage of the bill. In a broad philosophic sense there surely is not much difference between those who sit down in streets and stores to hurry the bill and those who figuratively sit down in legislative bodies to hinder it. Both bring to bear upon the legislative process an irrelevant and extra-legal pressure. Congress, to be sure, should not legislate out of fear of street demonstrations; nor should it decline to legislate (as it often has done) out of fear that Senators will abandon the appeal to reason and embrace the tactics of sheer physical obstruction and filibuster. It may be more polite to stage a sitdown in the

Senate than it is to stage one on the streets. The impulse is the same—to force a majority to do under coercion what it is unwilling to undertake by deliberation.

The pain of witnessing this debate, so demeaning to many Senators held in much affection in this community is diminished only by the hope that this may be a last parade of those racial obscenities that the passage of this bill will make into relics of the past.

[From the Kansas City Times, Mar. 11, 1964]

AN AD AND SENATE DEBATE ON CIVIL RIGHTS

On Monday the Star carried a full-page advertisement which violently denounced the civil rights legislation now pending in Congress. As its readers are well aware, this newspaper has consistently supported efforts by law, wherever appropriate, to halt discrimination against our Negro citizens. It has done so at every level of government—local and State, as well as national. It has no intention of deviating from that policy.

This particular advertisement was published in line with the Star's long-established practice of making space available for the expression of opinions with which it may editorially disagree. It so happens that the practice in question has just been affirmatively endorsed by the highest Court of the land.

In the course of the U.S. Supreme Court's unanimous decision, purging the New York Times of libel with respect of an advertisement it had carried, Justice William J. Brennan discussed the basic issue of public policy here involved. He wrote that any action calculated to discourage newspapers from carrying editorial-type advertising matter might shut off an important outlet for the promulgation of information and ideas by persons who do not themselves have access to publishing facilities.

In that case, by a coincidence, the advertiser had been bitterly critical of the handling of some racial demonstrations in Montgomery, Ala. There could hardly be a better illustration of how freedom of speech cuts both ways. For it obviously would be impossible to deny the proponents of one point of view the right to speak through advertising columns, without imposing a similar restriction on their opponents.

As the Star sees it, Monday's advertisement sponsored by an organization calling itself Fundamental American Freedoms, Inc., was based on a fantastically distorted interpretation of the civil rights proposals currently before Congress. The advertiser contended, in effect, that the right to treat certain Americans as second-class citizens simply by reason of race is a personal prerogative which must not be disturbed through the legislative process.

To make its point, the advertisement resorted to the familiar scare technique, founded on the wildest sort of imputations. The reader is asked to suppose that this is a Socialist plot, designed to subvert our traditional liberties and, by use of the total Federal budget, to establish a virtual dictatorship. Bits and pieces of fact are thus blown up into an unrecognizable edifice of fright, presumably timed to affect the Senate debate on the civil rights bill.

Apparently, according to such a thesis, fundamental American freedoms do not extend to a substantial segment of the population of the United States, distinguished from the rest only by the color of its skin. The right to humiliate these people and refuse them various birthrights of other Americans, it would seem, is a matter of individual choice, itself to be protected by law—or, rather, by the absence of any law to the contrary.

This line of argument seems to us wholly fallacious and to rest on a perversion of the plain meaning of the relevant passages in the Bill of Rights. The Star hopes that the pending civil rights legislation will be approved by the Senate as it emerged, after careful consideration, from the House. We recognize, however, that to assure enactment there may have to be some compromises, especially, perhaps, in bringing the public accommodations section of the bill under interstate commerce and leaving its application otherwise to State and local law.

Although we would prefer to have the measure as it stands, we are prepared to consider legitimate amendment proposals on their merits. The great thing is to get an intolerable human situation generally corrected, as far as this can be done by statute. At the same time the Star believes in the right of others to explain and advocate a different position, even though that position is stated in the most crudely emotional terms. The American Negro clearly has as large a stake in the protection of freedom of speech as anyone else. It is part of the system in which he rightly aspires to an equal share.

[From the New York Press, Mar. 13, 1964]

THE FORCE OF FILIBUSTER

In the civil rights bill now being discussed in the U.S. Senate there is room for argument and there is need to debate the nuances of the 11 titles. It may also be proved desirable to modify language for the sake of clarity and principle.

So if Senator RUSSELL's hardy band of 18 southerners would address themselves to the provisions of the bill, they could make a contribution. Senator STENNIS has questioned the constitutionality of the title banning discrimination in public accommodations. And Senator ELLENDER, speaking on the voting title, has admitted that some registrars in his State of Louisiana do keep Negroes off the rolls.

Unfortunately, however, some speakers have already touched on the passions rather than the issues. When Senator RUSSELL says that "I see no room for compromise on our part" and that "we will fight to the last ditch," he only echoes the Confederacy's lost cause. When he says that the bill would "destroy the free enterprise system," he is guilty of exaggeration beyond the call of southern duty.

And when he sets the tone for the filibuster by unearthing the most discredited racial arguments, he is sinking to an old low. Phrases such as "amalgamation and mongrelization of the races" bespeak false theories advanced by rabid racists.

The southern bloc has a right to debate fully and fervently. But the time is past for parliamentary stalling. Sending the bill back to Senator EASTLAND'S Judiciary Committee would be putting it into a noose. In the last 10 years 120 civil rights bills have been strangled in committee. Since last June the committee has held only 11 days of hearings on the bill and heard only one witness, the Attorney General.

The place where the bill can now be properly debated is on the Senate floor. And here a distinction should be made between free speech and filibuster. They are not synonymous; filibuster is the antithesis of reason. It can only be used to obstruct. A filibuster is the legislative equivalent of force.

Where the tyranny of a minority prevents genuine argument and a free vote, there an antidemocratic process is at work. The Senate—on this, the key bill to insure the constitutional rights of all Americans—should insist on responsible government.

[From the St. Louis Post-Dispatch, Mar. 16, 1964]

A POINT BY SENATOR ELLENDER

On the third day of the Senate's civil rights debate, Senator ELLENDER, of Louisiana, actually illuminated the purpose of title I of the proposed legislation, though that may not have been his purpose.

The Senator argued it would be unconstitutional for the Federal Government to require States to provide the same literacy and other voting tests for whites and Negroes. Senator ELLENDER said the Constitution gives the States the right to establish voter qualifications. Almost incidentally, he acknowledged that in some southern areas officials had kept Negroes off the voting rolls by discriminatory use of tests because the whites feared they might be outvoted.

It is true that the Constitution allows the States to provide for voter qualifications—but the Constitution does not permit States to provide one qualification for one voter and a different qualification for another. The 14th amendment requires equal protection of the laws in each State. Where voting tests remain unequal, the Government has the right and the authority to order equality in voting law and its application. That is the precise purpose of title I, and its supporters may thank the Louisiana Senator for making the point so clear.

[From the Seattle Post-Intelligencer, Mar. 17, 1964]

SOUTH WIND

The civil rights battle in the Senate is off to an anticipated start. A leader of the segregationist forces has conceded that some southern registrars are deliberately keeping Negroes off the voting rolls.

This extraordinary admission was made by Senator ALLEN J. ELLENDER, Democrat, of Louisiana. But perhaps even more extraordinary was his apparent rationalization of this. He observed that in counties where Negroes outnumber whites, the whites are afraid they will be outvoted.

The fact that thousands of Negroes, through the disenfranchisement he has so explicitly acknowledged, are similarly outvoted escaped the Senator's attention.

Senator ELLENDER spent a considerable part of 1 day's debate on civil rights by engaging in the filibuster tactic of inaudibly reading a long speech to an almost empty Chamber. This, perhaps, is a suitable forum for his oratory.

[From the Winston-Salem Journal, Mar. 18, 1964]

A TIME FOR REASON

With his usual legal skill and eloquence, Senator SAM ERVIN has taken issue with one of our editorials which deplored the use of the filibuster in the Senate, whether by northern liberals or by southern conservatives.

The Senator's letter, which we publish today, will repay a reading. Long as it is, however, it omits certain cogent facts about the civil rights situation:

1. The Nation faces a problem which is becoming increasingly urgent and dangerous. Millions of our fellow citizens are petitioning their Government for a redress of grievances. These grievances have been festering for most of the past century. Nevertheless, the petitioners have, with very few exceptions, stayed within the law in their striving for redress.

2. For more than 10 years, Senator ERVIN and those now joined with him in the Senate have criticized the courts for legislating on the civil rights issue and maintained that this is a field reserved for Congress.

3. Congress is now eager to legislate. The House of Representatives, after 9 days of statesmanlike debate, has passed a civil rights bill by a majority of more than 2 to 1. A substantial majority in the Senate is ready to take up this bill—to scrutinize, reason together, and in due course vote.

These are the circumstances in which Senator ERVIN has joined the small group of

Senators who propose to lie down on the tracks and keep the legislative train from starting.

Call this a filibuster or an educational debate, its effects could be disastrous.

In North and South, the hopes of the civil rights moderates for legal redress may turn to despair, with consequences that none of us would like to contemplate.

In these circumstances, the Federal Government would inevitably intervene in the States—with troops, marshals, court orders, and all the other resources of the Federal executive and judiciary.

Finally, in the Senate itself, an exasperated majority might well find the votes to stop the educational debate and ram the civil rights bill down our throats pretty much as it stands.

This would be a pity. For, though we do not agree with much of what Senator ERVIN says about the bill, we believe the Senate should give most careful scrutiny to title II, the public accommodations section; title VI, which provides for the withholding of Federal funds from areas where discrimination is tolerated, and title VII, which establishes an Equal Employment Opportunity Commission.

Here, in the moderation or elimination of these provisions, it seems to us, is an opportunity for real statesmanship on the part of Senator ERVIN and his North Carolina colleague, Senator EVERETT JORDAN.

Total obstruction on the race issue has never been the tradition in this State.

By withdrawing from the small minority who offer nothing but total obstruction and then reasoning together with the reasonable Members of the Senate, the North Carolina Senators might perform a great national service.

The result might well be a law that would exercise the danger of racial strife and prove no more unbearable to the citizens of North Carolina than the Civil Rights Acts of 1957 and 1960.

[From the Cincinnati Post and Times Star, Mar. 18, 1964]

OK, ENOUGH'S ENOUGH

For long enough, the Senate has been fiddling around with a simple issue—whether to take up for debate and possible amendment the House-passed civil rights bill.

In the course, theoretically, of deciding whether even to consider the bill, the commander of the southern filibusterers, Senator RUSSELL, made a proposal. He urged a Federal program for the voluntary relocation of Negroes around the country, so the race problem would be equally distributed.

This sounded like the favorite dodge of the late Senator Bilbo, of Mississippi, who used to propose regularly that all Negroes be shipped off to Liberia, or some other place in Africa.

Of course, Senator RUSSELL wouldn't vote for the civil rights bill even if the Senate rashly adopted his scheme.

Instead of filibustering the motion to consider the bill, the Senate should be debating the bill itself—line by line, section by section.

If the Senate must talk so long, let it talk about the specifics of the measure. Eight days of haggling over whether to start the real debate is enough.

[From the San Francisco Chronicle, Mar. 19, 1964]

NINE DAYS OF FILIBUSTERING

The Senate has now listened to 9 days of filibustering discussion of the civil rights bill.

The filibustering has not been aimed to prevent a vote on the bill, however; nothing as direct or understandable as that. It is a filibuster on a moton to take the bill up.

In other words, the southern opposition hasn't yet begun to debate civil rights; it is mocking the Senate by its endless resistance to the procedural question of calling the civil rights bill off the calendar.

Nine days of this kind of stalling in the Senate is boring to most people, anguishing to many who hope against hope for the passage of the civil rights bill, and frightening to some who observe in it the implacable tactic of the southern Senators to delay action till the inevitable day of adjournment for the political conventions.

The filibuster is a device for using the privilege of unlimited debate to frustrate the desire of a majority of the Senate to act on legislation. Unlimited debate is not a privilege that anyone wants taken away from the Senate, for it is a mighty weapon of protection against rashness and injustice. Yet when the filibuster is used as it has been used the past week, it raises the issue cf whether the American people are to be permitted to enjoy representative government in an area of legislation which happens to offend a dozen or so Senators of sufficiently determined lungpower.

"We are making a public shame of ourselves," said Senator JOSEPH S. CLARK, of Pennsylvania, in the debate yesterday. "I beg, I plead with my colleagues to let us stop it."

The Senator is right in warning of growing public impatience. As filibusters are prolonged, they invariably focus public impatience and disgust. But that apparently means nothing to the hierarchy of southern Senators who have dedicated themselves to the defeat of this due and just extension of equality for Negroes in the exercise of their right to vote, to travel, and to spend their money for food and other amenities in public places.

[From the St. Louis Post-Dispatch, Mar. 19, 1964]

A FLIGHT FROM FACT

Standpat southern segregationists have often been accused by historians of trying to retreat from reality. As Senate debate proceeds on the House civil rights bill, the retreat becomes one from fact.

In a rash of letters to this newspaper from Jackson, where the Mississippi Sovereignty Commission runs an official propaganda mill, writers charge that the rights bill is frightening and dictatorial, that it would give the Attorney General more power than has ever been given to one man, and that it would penalize a citizen for just thinking of discrimination. The writers challenge us to read the bill, which they must not have done.

A Florida newspaper, repeating the kind of tirade familiar in a few southern areas, cries out that Federal inspectors would crawl through the countryside enforcing the idea of racial balance in schools, employment, and public accommodations. The idea of racial balance nowhere appears in the bill.

Such appalling misstatements may seem incredible. But what is to be expected from white supremacy followers when a leader, Senator RUSSELL, of Georgia, proposes relocating southern Negroes in equal proportion among the States—and sees nothing dictatorial or frightening in that? What would Senator RUSSELL think of resettling northern whites in Georgia?

Clearly, as Senator HUMPHREY notes, the Russell relocation scheme is only a Dixie decoy meant to focus attention on nonsense rather than sense, of which the Dixiecrats are lacking in this debate. Rational men will focus, instead, on facts.

It is a fact that, in every case in which the Attorney General is given new power by this legislation, his power is only that of going to court. He may sue in behalf of voting rights or school integration for those who fear or cannot afford to sue for themselves. He may sue to open public accommodations to all. But in every case it will be up to a court, not to the Attorney General, to determine the extent and means of law enforcement.

It is also a fact that law enforcement is to be provided through a civil and not criminal action, leading first to injunctions against law violations rather than punishment.

It is a fact that efforts toward conciliation are proposed before court action in every applicable case. The Attorney General is expected to use Federal or local mediation agencies to seek the voluntary opening of public accommodations. The proposed Equal Employment Opportunity Commission would be required to hold hearings and attempt mediation before going to court in job cases.

It is a fact that every legal action would be subject to court review. This is of particular importance in title VI, which authorizes Federal agencies to cut Federal aid to any program misused for discriminatory purposes. These agencies also would first be required to seek voluntary acceptance of nondiscriminatory practices.

It is a fact that each section contains many other safeguards against undue extensions of governmental power. The accommodations section excludes hotels, restaurants and theaters not engaged in interstate commerce. It excepts private clubs and owner-occupied places with fewer than five rooms for rent. The fair employment section would apply only to employers with more than 25 employees, after 4 years. The school section expressly provides that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Indeed, it is a fact that the House gave extraordinary consideration to the sentiments and suspicions of critics of the bill. The equal employment section would not apply to atheists or Communists. As an information gathering body, the Civil Rights Commission would be wrapped in rules of fair procedure that the House never demanded of its own investigative committees. And no one could be penalized in employment because he opposed the purposes of the rights bill.

Obviously, nobody can be punished for thinking of discrimination. Nobody is going to be told whom to hire or fire; the law merely says "do not discriminate." The Government is not given power to seek racial balance, but only power to seek equal treatment under law. And the Attorney General is given the bare minimum of authority to help defend equal rights which ought to have been afforded to every American long before now.

The pretense that the contrary might be true represents a massive effort to keep the Nation from searching its conscience, and from determining finally whether the facts of civil liberty in this country measure up to the pretensions. It is time to face facts. As the late historian Carl Becker wrote, "Realities are less dangerous than fancies." In time even the fanciful segregationists might find it so.

[From the Twin City Sentinel, Winston-Salem, N.C., Mar. 21, 1964]

EQUALITY OF MAN: MYTH OR REALITY?

Senator STROM THURMOND, speaking on the floor of the U.S. Senate the other day, challenged the principle expressed in the Declaration of Independence that all men are created equal. He suggested that Thomas Jefferson picked up the idea from a couple of deranged Frenchmen, and he described it as a misconception, myth, and illusion.

Now Mr. Jefferson, if he were alive today, would be the last to deny the Senator his say. He would likely quote to him the dictum of another deranged Frenchman, Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it."

But he might also twit the South Carolinian a bit for twisting history and for his lack of faith in the principles upon which this country was founded.

It is true that Jefferson, the principal author of the Declaration, was influenced by the egalitarian ideas of Montesquieu and Rousseau, whose philosophies contributed to revolutionary ferment in both America and France. History has not branded them as deranged.

But Jefferson's political theory was principally that of Locke, whose words the Declaration echoes. Both wrote simply of political freedom and political equality. And Locke was preceded by Hobbes and Hooker, the latter a churchman who simply gave expression to ideas which had been prevalent among church writers during the religious wars in France.

Indeed, the fundamental theories of the Declaration may be traced as far back as the theories of Protagoras and the Sophists (481–411 B.C.). Three centuries later, Cicero gave expression to the theory that all men in a state of nature have certain equal rights. And history tells us also that the philosophical bases of the Declaration were all in existence by the time of St. Augustine.

So Thomas Jefferson does not deserve all the blame for ideas that irk the likes of Senator THURMOND.

The Declaration was, and perhaps remains, the most revolutionary document in history. For by it a nation for the first time founded its life on democratic idealism. And as such, it is Jefferson's surest guarantee of immortality.

Yet there was a certain expediency connected with the Declaration. It answered the question of individual political rights, but it did not in 1776 apply to everyone the nonpolitical conditions of individual liberty. It did nothing to change the chattel condition of Negroes in that day.

The Declaration contained theories which were equivalent to promises. As new governments were formed, these promises were converted into constitutional rights. Over the years these rights have been steadily extended and only now are they being extended in full measure to American Negroes.

Jefferson himself recognized that the spread of liberty would be gradual but inexorable. In his last letter in 1826, written for a Fourth of July celebration, he said:

"All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred ready to ride them legitimately by the grace of God. These are grounds for hope for others."

The American Negro today holds this hope and is staking his future upon it. It is a pity that Senator THURMOND and those who share his view of the equality of man under God and the law as a myth have not yet lifted the scales of the past from their eyes.

[From the Minneapolis Morning Tribune, Mar. 26, 1964]

VIOLENCE IN JACKSONVILLE: A SYMPTOM

The flareup of racial violence in Jacksonville, Fla., is symptomatic of a growing Negro impatience with the status quo. This impatience does not always manifest itself in street rioting, by any means. Sometimes it takes the form of school boycotts or angry picketing or nuisance sitdowns.

But the temper of many Negroes is obviously shortening. Their capacity for restraint is wearing thin. The passive resistance philosophy of Dr. Martin Luther King seems to exert a less potent spell on the rising generation of Negroes, whose preference for activist techniques is often made apparent.

Some of these techniques are to be roundly condemned—the resort to violence, for example. Yet it is not enough to condemn. One should also try to plumb the depths of the Negro's mind and analyze the ferment of impatience—the sense of bitterness and frustration—which obviously motivates so many demonstrations.

For example: Most Negroes have a profound personal involvement in the civil rights bill. They are eager that it be passed—promptly. Yet as they look toward Washington, they see the Senate devoting 14 days of debate, not to the bill itself, but to the question of whether or not the bill should be considered. And they perceive the probability of a full-blown filibuster which could result in weeks—perhaps months—of further delay.

This is the very stuff of which bitterness and frustration are made. Washington is a good distance from Jacksonville. Yet does the Senate have no responsibility for the street violence which measured, in a sense, the Negro's deepening sense of disillusionment with the progress brought by patient waiting?

[From the Lewiston (Idaho) Morning Tribune, Mar. 27, 1964]

GAIN IN THE CIVIL RIGHTS BATTLE

The Senate's 50-to-34 refusal yesterday to send the civil rights bill to the Judiciary Committee for a 10-day review represented an encouraging but inconclusive triumph for the measure.

The vote did not provide an accurate measure of sentiment on the bill itself. The 19 southern Democrats in the Senate who are pledged to fight the bill to the end voted or were paired solidly against delaying the bill in committee. But advocates of referral varied in their objectives. Senator WAYNE MORSE, Democrat, of Oregon, announced he wanted the bill amended in committee to get a stronger measure. Senator BARRY GOLDWATER, Republican, of Arizona, made clear he wanted it referred to weaken it. Senator EVERETT DIRKSEN, Republican, of Illinois, Senate minority leader and still the key man in the fight, voted for referral but did not disclose his reasons.

In a speech at Moscow Wednesday, Senator FRANK CHURCH, Democrat, of Idaho, provided a particularly succinct appraisal of the bill's chances for passage.

He predicted that the filibuster against the bill probably will continue for another month—though a good share of the discussion to resume Monday will be genuine debate rather than mere filibuster.

At the end of the month, CHURCH predicted, the key issue finally will be joined on the question of shutting off further debate. The supporters of the bill will need a two-thirds majority to stop debate. The question is whether they can obtain 20 to 25 Republican votes for cloture.

"If they do," CHURCH said, "the bill will pass in its present form. If they don't, then it will have to be amended. In any case, I believe that a meaningful civil rights bill will pass."

As the Senate debate drones on, any doubts about the wisdom of bypassing the Judiciary Committee should be resolved. Surely every conceivable argument that can be found or imagined against this bill will be aired by the filibuster team. The merits of the bill will be explained to the Senate also in adequate, if not equal, detail.

The battle of civil rights will delay and obstruct other important congressional work for a long time. But this is by far the most important issue facing the Nation, both in its domestic policies and in its international implications. It is a battle that had to be fought out some time, and it already has been postponed past the stage of emergency. Once the battle for civil rights is fought to the finish and substantially won in Congress, the most serious and persistent barrier to effective congressional action will be gone for the foreseeable future.

It will be a frustrating time for the Nation, this time of filibuster. But a solid victory at last for the basic rights of all citizens is well worth waiting for a little longer.

[From the Raleigh (N.C.) News & Observer, Mar. 29, 1964]

THE APPEAL TO PREACHERS

The reaction of some southern Baptist lay leaders and ministers to President Johnson's appeal on the civil rights bill is interesting and sad, too. It may be that this legislation goes too far as it now is written, but to completely reject it and the President's appeal is to suggest the irrelevancy of religion to the most perplexing problem of our day.

The bill is with us only because the civil rights problem is with us—not in Washington, but in Raleigh and every other community, South and North. There was a time in this country when the clergy accounted for a good deal of the character and intellect and toughness that made up local leadership. Preachers played a major role in solving local problems.

In his appeal to Baptist leaders for help the President recognized that this still ought to be the case. He may have asked some to do more than they can do. Certainly he addressed some who are doing all they can do. But the appeal was valid and deserved more than an Alabama response which characterized it as an effort to enlarge Federal power. It was worth more than a Georgia minister's reply that he did not appreciate the gesture made by the President.

At nearly every gathering of ministers the lament is heard that religion must be made more relevant to the times. To a great extent the civil rights issue characterizes our times. It is with us and will grow until it is solved or explodes as in Jacksonville this past week. Ministers ought to assume a bigger role in it than praying over the hurt and the dead that follow the violence.

[From the Rocky Mountain News, Mar. 31, 1964]

NEW REALITIES?

Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee, caught the headlines last week with a sensational and controversial speech in which he urged that our Government's foreign policy be shifted away from old myths and be guided henceforth by new realities.

But within 24 hours of his speech this Senator who ventured to define "new realities" worldwide gave evidence that he does not fully comprehend new realities here at home.

He was recorded against the Senate taking up the House-passed civil rights bill. Subsequently, he voted to send the bill to the Judiciary Committee for a study which would have even longer delayed the Senate's facing up to the new realities of the race problem in this country today.

A week before his foreign-policy speech, FULBRIGHT discussed the civil rights issue in the low key that has been characteristic of his record in the race-relations field. He said:

"This is not a plea for segregation in perpetuity. But it is a plea that my colleagues recognize that the eternal problems posed by any racial or religious minority yield ultimately only to the slow conversions of the human heart and mind, and more urgent remedies, such as are suggested in the pending proposed (House-passed civil rights) legislation, are destined to aggravate the situation."

We do not mean to say that because Senator FULBRIGHT apparently has trouble understanding the new realities at home, he cannot be trusted to comprehend his "new

realities" abroad. We likewise do not wish to deny that a foolish consistency is the hobgoblin of little minds.

We do not mean to indicate that Senator FULBRIGHT's suggested foreign-policy changes are not worthy of study.

We only wish, sorrowfully, that he had been able to understand how important it is for the Senate to study, debate, perhaps amend and finally pass a civil rights bill that is designed to meet the new realities of race relations here at home.

[From the Denver Post]

TIME TO STAND FIRM ON RIGHTS BILL

During his press conference last week, President Johnson gave an important boost to the civil rights bill passed by the House of Representatives early last month.

He endorsed the House version, as it stands, and said he hoped that version would pass the Senate without amendments. He denied that he had inferred any deals to water down the bill or that he was willing to compromise.

"There will be some Senators," he said, "who will want to strengthen it, some who will want to weaken it. But so far as this administration is concerned, its position is firm, and we stand on the House bill."

Even if he expects to have to compromise later on, the President had no choice but to stand firm at this stage in the struggle over the bill.

To have done otherwise would have been to invite a major drive for compromises, even before compromises were due, and to weaken the chances that the strong features of the bill would survive.

Actually the civil rights bill as it stands is the result of a series of compromises—in the Justice Department when it was prepared, in the House Judiciary Committee and again—though to a lesser extent—when it was passed on the floor of the House.

In preparing the version that passed the House, the Judiciary Committee was implementing the most important compromise of all—a compromise of Republicans and Democrats that made the bill a bipartisan measure.

We believe the bipartisan bill that passed the House can pass the Senate without further compromise.

There will undoubtedly have to be a filibuster, but that need not be fatal to the bill. The leaders of the Senate can let the filibuster run its course for a couple of weeks, and then set out to break it by scheduling round-the-clock sessions.

We cannot tell now if the necessary two-thirds vote will be available to invoke cloture to bring the bill to a vote. But, even without cloture, the Senate leaders can ultimately bring the bill to the floor by wearing out the filibuster.

Once the bill reaches the floor, there will be more votes than the majority necessary to pass it in its present form. If the Senate leaders make up their minds to spurn compromise, as the President has done, the chances for passing a strong and fair bill will be very much improved.

[From the Las Vegas Sun, Apr. 2, 1964]

IT'S REALLY A VERY SIMPLE BILL

Various newspapers throughout the country recently ran a full-page advertisement which carried the headline, "$100 Billion Blackjack—The Civil Rights Bill."

The ads call the bill the greatest grasp for executive power conceived in the 20th century. The bill is also called the "Socialist's omnibus bill."

Appearing on the ads as sponsor is the Coordinating Committee for Fundamental Freedoms, Inc., headed by William Loeb, a legal resident of Nevada and publisher of the Manchester, N.H., Union-Leader. Secretary is John G. Satterfield, former president of the American Bar Association. He lives in a town called, appropriately enough, Yazoo City, Miss.

A recent investigation by the Christian Science Monitor discloses that $120,000 of the funds for the full-page ad campaign came from the Mississippi State Sovereignty Commission, created 8 years ago by the Mississippi Legislature to protect the sovereignty of Mississippi and her sister States * * * and prevent encroachment by the Federal Government.

It should be well known by now that any effort made by the Federal Government to guarantee to all citizens the rights held out to them by the Constitution is "encroachment," in the view of Southern White Citizens Council.

Mississippi's political leaders are desperately engaged in a campaign to try to convince the rest of the Nation that they shame and even kill persons who are members of minorities groups. Second-class citizenship can be conferred at will, they believe, without regard to the Bill of Rights or the Constitution.

This, of course, is a lot of hogwash. There is nothing socialistic about the civil rights bill. It does not interfere with private property rights, nor does it confer upon the Attorney General or the President untoward or dictatorial powers.

It seeks to give Negroes and other minorities the basic rights and freedoms enjoyed by other citizens of the United States. It empowers the Attorney General to go before the Federal courts and ask that basic rights of all citizens be observed and protected.

It is true that it will interfere with the right of the white supremist to impose glaring indignities upon those who are weaker than they. It interferes with their present right to impose economic as well as social shackles upon the Negro unfortunate enough to live in their midst.

Can the Mississippi Sovereignty Commission or the Coordinating Committee for Fundamental Freedoms come before the American public with clean hands, asserting truthfully that all Negroes enjoy the full benefits of citizenship?

Can either say that, left to the tender mercies of the Mississippians, Alabamians, or even some residents of Detroit, Chicago, New York, or Nevada, the Negro will be allowed to live as the Constitution says he can, in pursuit of happiness?

The answer is, of course, "No," and as long as this is the case, there is a need for civil rights legislation.

[From the St. Louis Post-Dispatch, Apr. 2, 1964]

A LONG HOT SUMMER?

Senator MANSFIELD's gloomy assessment is that a southern filibuster may force civil rights debate far into the summer, even past the party conventions. The Democratic leader admits he anticipates the worst and hopes for the best. It may be a calamitous summer if his anticipation is more realistic than his hope.

The U.S. Senate is sitting on top of a social and political powder keg. Recent violence in St. Augustine, and school demonstrations by opposed groups in New York, are only a small indication of what may happen if the Senate dallies too long with civil rights. Negroes have been led to expect that they can achieve within this generation the ideal of equal treatment espoused by this Nation. In State after State they have proved their dedication to this ideal. They expect action from Congress and they have a right to expect it.

On the other side, too, potential trouble is being built up. A powerful, misleading and even vicious propaganda drive is in operation against the civil rights bill. The white supremacy gang is hoping for support from northerners frightened by their propaganda and by unexpected Negro pressure. What violence there has been so far has come mostly from this side, and who is to say that the end is in sight?

A Senate decision on civil rights is absolutely required, both to establish definite national policy and to remove the subject from the field of bitter controversy. It will be a long, hot summer with unpredictable consequences if the Senate allows a filibuster to run on and on, distorting the fundamental issues and inciting thoughts of violence by extremists.

The filibuster represents an insult to the Senate itself. How can it permit a handful of platitudinous orators to obstruct the majority will? Civil rights proponents now number 62 Senators, but unless they can find five more votes for cloture, they can be suppressed by half as many. Senators who speak so much about democracy could hardly provide a more obnoxious example of the opposite. No such method of rebuffing a majority vote exists anywhere else in the world.

The southern talkathon represents the tactics of pressure and force, quite as much as, if not more than, civil rights demonstrations do. There is no effort to reach agreement, no real deliberation, and no solution while the filibuster continues. Republican Leader DIRKSEN, who rejects so stoutly the "pressure" from civil rights supporters, has yet to speak out against this far less excusable pressure from his filibustering colleagues.

Are there not men of reason in the Senate, southerners included, who can understand the grave perils to our social fabric that will arise from a prolonged demonstration of senatorial paralysis? Are there not Senators who appreciate that resort to the physical force of a filibuster, like resort to the physical force of a sit-in demonstration, is no real answer to a democratic problem, but arouses passions and reactions that may prove uncontrollable?

Nobody objects to ample debate. But by every consideration for the public good, let there be a vote and a decision on civil rights. A Senate which cannot decide is a Senate that holds the match to a powder keg of social unrest.

[From the Salt Lake Tribune, Apr. 19, 1964]

THE DECISION NEARS

Militant Negro leaders, who are organizing such civil rights demonstrations as a "stall-in" at the New York World's Fair, have been cautioned by top figures in the civil rights movement that irresponsible activities can only hurt their cause.

President Johnson made this point at a news conference last week. So did Senator HUMPHREY, the Democratic whip, and Senator KUCHEL, his Republican opposite number. So, too, did Attorney General Kennedy.

But Kennedy also said that the white community must act to relieve the Negro's desperate frustrations.

Though the Senate has been debating the legislation for more than a month, there is still no sign of a readiness to put anything to a vote. In fact, there probably can be no vote unless the Senate invokes cloture and brings the southern filibuster to an end. And since cloture requires a two-thirds vote, backers of the move must have Republican support.

Senator DIRKSEN, the GOP leader, is working on compromise amendments designed to satisfy most of his 32 fellow party members and thus provide the necessary votes for cloture. He offered 10 amendments last week, but withheld the most controversial one pending a further study by liberal Republican Senators. These amendments relate to the section of the bill forbidding discrimination in jobs and union membership. Two liberal Republicans, Senator CASE, of New Jersey, and Senator JAVITS, of New York,

who earlier considered Dirksen's proposals to be crippling, are now reported to see some merit in his position.

However, no matter what evolves from the Dirksen-Case-Javits study, "no compromise" backers of the civil rights bill are likely to regard the proposed amendments as a retreat.

President Johnson urges passage of the legislation because it "is morally right" and because it is needed to move the issue from the streets into the courts.

The argument of moral rightness cannot be overemphasized. But it also must be stressed that violence on the streets—or a "stall-in" blocking the highways to the World's Fair—is neither morally right nor politically wise.

The "stall-in," it should be noted, is opposed by Negro leaders of the major civil rights organizations. The Brooklyn chapter of the Congress of Racial Equality, which is organizing the demonstration, has been expelled from the parent organization. But that does not lessen the damage the "stall-in" could do to the whole civil rights movement.

The time is fast approaching when the Senate must reach a decision. The racial issue, as Attorney General Kennedy said, is the most important facing all sections of the Nation today. We believe the Senate will be derelict in its duty if it does not approve an equitable and workable bill acceptable to the House. That would move the racial issue from the streets into the courts.

PERSONAL STATEMENT RELATING TO ROLLCALL NO. 226

Mr. JACKSON. Mr. President, in connection with rollcall No. 226, taken on Thursday, May 14, I was absent on official business. Had I been present, I should like the RECORD to show, I would have voted "nay."

AMERICAN SUCCESS STORY AWARDS

Mr. BEALL. Mr. President, on April 15, the 12th Annual American Success Story Awards were presented by the Free Enterprise Awards Association, Inc., to 10 men who overcame obstacles and competition and rose from the ranks to own or head giant industries. The list of distinguished citizens includes one of our Maryland businessmen, Mr. Edward Krock, chairman of the Baltimore Paint & Chemical Co.

As a Marylander, I am also proud of the fact that the awards were presented by another Marylander, Mr. Talbott T. Speer, who is the chairman of the Free Enterprise Awards Association. Mr. Speer rose to own one of America's oldest newspapers, the 237-year-old Maryland Gazette, a newspaper chain and the Baltimore Business Forms, Inc.

The presentation ceremonies were held at the Waldorf-Astoria Hotel, New York City. Mr. Speer read the citations, which stated that the recipients had "won an enduring place in the history of American endeavor by achieving success, despite adversity, through industry, sacrifice and ethics, symbolizing the success possible to all under our free enterprise system." Mr. Speer cited the recipients for their dedicated work in civic, religious, and philanthropic causes and contributions to their fields.

The 10 recipients of this outstanding award once worked as reporters, teachers, newsboys, and at odd jobs.

Selected as examples of the success possible to all under America's free enterprise democracy, they each spoke in praise of America's freedoms and opportunities.

In this day when, in some quarters, patriotism seems lacking, it is refreshing to read of these Americans who appreciate the basic principles established by our Founding Fathers.

The recipient who is head of one of our big Baltimore industries is the son of Russian immigrants. Edward Krock had to leave school at the age of 15 to sell papers to help support the family. At the age of 16, he bought an abandoned jail and sold the jail bars for scrap. Now, a great success, a financial genius, director in numerous corporations, Edward Krock stands as a shining example of self-made success in the American tradition. He was cited for this—and for his generous aid to religious, cultural, college, and youth causes.

Today, Edward Krock's varied, giant, worldwide industries have over $600 million in assets. He is proud of the fact that he plays a real-life game of monopoly, directing teams of efficiency experts, buying, selling, and rehabilitating scores of companies—and saving jobs for thousands of our workers.

Edward Krock is on the board of directors of Republic Corp., Beverly Hills, Calif.; B.S.F. Sales Co., Wilmington, Del.; Boston & Maine Railroad; Defiance Industries, Defiance, Ohio; Telepro Industries of New Jersey; American Dryer Corp., Philadelphia; Mercantile National Bank of Chicago; Guaranty Bank & Trust Co., Chicago; Fifth Avenue Coach Lines, New York City, and other important corporations.

In my opinion, Edward Krock is richly deserving of the honor bestowed upon him by the Free Enterprise Awards Association.

LOS ANGELES GENEROUS IN ITS HELP TO ALASKA

Mr. BARTLETT. Mr. President, after the Good Friday disaster in my State, Alaskans received generous and substantial help from people and communities across the country. No help was more generous or more appreciated than the donations of money, clothing, and food from the people of Los Angeles. These were collected through the public-spirited efforts of Metromedia's radio station KLAC, flown up to Alaska by the California Air National Guard and the Strategic Air Command, and turned over to the Salvation Army for distribution. To each of these groups and to the citizens of Los Angeles, all Alaska owes its thanks.

Mr. President, I ask unanimous consent that an account of the KLAC Alaska relief drive be printed in the RECORD.

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

KLAC ALASKAN RELIEF DRIVE ACCLAIMED BY ALASKAN CITIZENS

"This is money from heaven." So spoke handsome, silver-thatched Lt. Col. Dan Rody, his voice choked with emotion, as he unashamedly wiped away a stray tear that overflowed from his glistening eyes. "The people of Los Angeles just have to be the finest souls on earth. They provide us with all of these wonderful supplies, which we are going to need to carry on our program for the earthquake victims, and now this check for $3,000. I hardly know what to say, except a heartfelt thanks, and God bless you all."

Colonel Rody is a man looked up to in Anchorage. He has, for several years, participated in many phases of welfare and development of the rugged frontier in the North as district commander for the Salvation Army in Alaska, but certainly his finest hour came on Good Friday, March 27 of this year. Within minutes after the devastating quake rocked our 49th State, Colonel Rody and members of his staff were in action, providing immediate relief and aid to victims.

Such action was carried on around the clock and is still going on—to this the contingent who accompanied the KLAC Alaskan emergency relief shipment to Alaska will quickly testify. Colonel Rody, members of his staff, and the Alaskan Civil Defense authorities, along with the Anchorage city fathers, were out en masse in the early morning cold and snow as the first of the four planes set down at Elmendorf Air Force Base in Anchorage on Sunday. Colonel Rody immediately took charge of the unloading of the plane, and met each of the following aircraft from the California Air National Guard and the 15th Air Force of the Strategic Air Command. Planes included C-97's from the California Air National Guard and sleek, multiengined KC-135 super jets—nicknamed "Chrome-Domes"—from the Strategic Air Command out of March Air Force Base in Riverside. Each plane was loaded wall-to-wall with food, clothing, blankets, and other serviceable supplies sorely needed in a State that faces the Herculean task of rebuilding and, in many cases, starting from scratch.

The supplies and money raised by KLAC from the good people of Los Angeles will all find their way into the hands of deserving parties throughout Alaska, Colonial Rody assured the large contingent of southern California radio, television, and newsmen that accompanied the four planes north. Luckily the Salvation Army had a reasonable amount of supplies in their warehouses when the quake struck—but supplies were beginning to run low, and the Los Angeles shipment would provide the needed "shot in the arm" for replenishment of stockpiles.

"But this money. You have no idea what a welcome sight it is," Colonel Rody told reporters. "When this tragedy occurred there were certain things we needed to help people out that we had to purchase. We went to the merchants of Anchorage and made the purchases, and we signed chits for the merchandise. Frankly, I was worried—because we didn't have a dime—and I didn't know how much we would get from national headquarters. This is money from heaven."

In less than a week Metromedia's KLAC and KLAC-FM raised more than 50 tons of serviceable supplies and $3,000 in cash from the people of Los Angeles through on-the-air appeals. A huge operational plan was put into effect, under the personal direction of KLAC vice president and general manager, Alan Henry, who coordinated the entire drive. Under Henry's guidance the Salvation Army,

the California Air National Guard, the Strategic Air Command, the U.S. Marine Corps, as well as countless civilian groups, geared into action and collected, sorted, crated and shipped the much needed material north in record time.

The first plane left for Anchorage Saturday and after a refuel and service stop at McChord Air Force Base in Tacoma arrived in Anchorage early Sunday morning. Within a matter of minutes the plane was unloaded and the supplies were rolling into the Salvation Army warehouse in Anchorage. The second plane arrived Monday morning, the third midmorning on Monday, and the fourth and final shipment on Wednesday. Military and civilian officials escorted members of the press around the devastated areas and an official press conference and acceptance of the shipment was conducted Sunday afternoon.

The Metromedia group covering the event included, from KLAC, Newsman Frank Bingman and Publicity Director John Dickson, and from KTTV, a camera crew of Forrest Travis and Danny O'Reilly. The group split into two working crews with Dickson, Travis and O'Reilly moving on to Fairbanks—after flights over Seward, Whittier, and Kodiak—on Monday, and Bingman remaining behind to give additional coverage in the Anchorage area.

While in the Fairbanks area the group visited the fishing village of Valdez, and several top-secret military installations including radar picket "Dew Line" sites. They also discussed the Alaskan defense system with Brig. Gen. Andy Lipscomb, commander of the Yukon Defense Command at Fort Wainwright in Fairbanks. General Lipscomb took the Metromedia group on a tour of the post and out into the bush area where members of his command, including the famous ski troops, were training. It should be noted that the military of the United States acted with extreme swiftness in all areas hit by the quake and have remained on duty continuously since shortly after the tremors ceased on March 27.

The Travis/O'Reilly camera crew shot more than 3,000 feet of sound on film with Dickson reporting what they saw, much of which will be shown on the seven stations of the Metromedia television system. Additionally, the footage will be made into a documentary of the KLAC Alaskan emergency relief story to be released on the nationwide Metromedia seven-station hookup.

PROGRESS ON THE WATERFRONT

Mr. BARTLETT. Mr. President, the railroads of the Nation, as they labor to settle their long drawn out dispute over work rules, could well draw a lesson from the 5-year-old agreement now in effect between the Pacific Maritime Administration and the International Longshoremen's & Warehousemen's Union. This agreement has literally revolutionized the west coast longshore industry. The west coast docks are as heavily automated as any in the world, and the longshoremen have as much security as any longshoremen anywhere in the world. What the men wanted was "no layoffs and a bite out of the machine." What the industry wanted was automation and streamlined operations. Neither obtained all that they wanted, but both agreed on a compromise agreement that provides relative job security, hand in hand with orderly modernization.

The agreement, now 5 years old, is strongly endorsed by both labor and management.

Mr. President, I ask unanimous consent that an article from the December 1960, issue of Atlantic Monthly, written by William Glazier, describing this milestone in labor-management relations may be printed in the RECORD.

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

[From the Atlantic Monthly, December 1960]

AUTOMATION AND THE LONGSHOREMEN—A WEST COAST SOLUTION

(By William Glazier)

(On October 18 management and labor reached an agreement which, when ratified by the local unions, will insure harmony between the longshoremen and the west coast maritime employers until 1966. William Glazier, administrative assistant to the national officers of the International Longshoremen's & Warehousemen's Union, here explains the complicated issues which had to be resolved by the new contract.)

Americans in all walks of life are increasingly aware that a technological revolution is sweeping American industry. Automation has become a magic word, and if we are to believe what we are told, it holds out the promise of fantastic increases in productivity and in the capacity of the economy to support a higher standard of living, a promise of less backbreaking toil on the job, of more leisure and a better life for all. But revolutionizing industry is necessarily a disruptive process, imposing enormous strains upon labor-management relations.

Last year almost 2 million organized workers were either on strike or engaged in tense negotiations with employers over disputes arising from the introduction of new methods and new machines. Conflicts over automation all boil down to the same thing: how new labor-displacing machines are being introduced and what unions are demanding to minimize their impact on the workers.

Last year's steel strike and the east coast dockers' strike were both in part the result of differences over how to handle the major technological changes now going on in these industries. The same can be said for the railroads' campaign against featherbedding. American industry's enormous investment in new and more advanced plant and equipment since World War II is now beginning to bear fruit, and we are witnessing only the beginning of the painful adjustment of industrial relations to a radically changing environment at the place of work.

Probably one of the most interesting and novel approaches to the many complex problems arising out of technical change is that evolving in the west coast longshore industry. The collective-bargaining agreement reached on August 10, 1959, between the Pacific Maritime Association and the International Longshoremen's & Warehousemen's Union, and especially the provisions on mechanization, is of important significance for labor and business leaders throughout America.

More than 10 years ago, in an article entitled "Conflict on the Waterfront," by Clark Kerr and Lloyd Fisher, the Atlantic reported on the transformation of labor relations that had taken place on the west coast waterfront. This was the beginning of a new era in labor-management relations in the Pacific ports and the end of one of the most turbulent and combative episodes in American labor history. The white-capped west coast longshoremen and their cocky, Australian-born leader, Harry Bridges, had been synonymous, to most people, with violent and unrestrained labor power interlarded with radical political views. On the other side, the men then dominating the old shipowners' association made no secret of their determination to stamp out the union by whatever means they could employ.

Yet, in the decade since 1949, the shipowners, joined together in the reorganized Pacific Maritime Association, and the ILWU have not only successfully maintained the lull in the fighting but have moved ahead to negotiate major collective-bargaining improvements without a single coastwise shutdown. Longshore wages for the standard 6-hours-straight-time day have risen to $2.82 an hour; the normal work shift has been reduced to a guaranteed 8 hours; an elaborate medical and dental care program has been instituted; and vacations and pensions are being enjoyed for the first time.

The west coast longshoremen, with incomes averaging about $6,500 in 1959, have done well under the "new look." The shipowners and operators have also prospered as trade expanded on the foundation of increasingly stable labor-management relations.

By now the revolution in industrial relations which the Atlantic reported so accurately a decade ago has lost its novelty, and the union and the employers are at the present time tackling the technological changes in cargo handling which are dramatically beginning to remake the whole face of the longshore industry.

The aim is to create a framework within which the industry can bring about an increase in productivity by introducing new methods and new machines, while at the same time guaranteeing the workers on the docks and in the ships' holds their job security, along with a share of the benefits from technical progress. By comparison, both the widely publicized decision by the meatpacking unions and the Armour Co. to investigate the problems created by technological unemployment and the joint study committees set up in the steel industry are much more limited.

It has generally been the position of management that sharing the benefits of technological change, as agreed to by the west coast longshore employers, is as much outside the scope of union bargaining as are the investment decisions which bring the new machines into being. A recent survey conducted among the presidents of selected nationwide firms revealed that 75 percent feel that "The company is entitled to all of the savings resulting from the introduction of laborsaving equipment"; and fewer than 10 percent of them believe that the company is obligated to compensate workers displaced by mechanization.

Labor's own thinking in this area seems to be confined almost exclusively to proposals for moderating the impact of labor-displacing machines. Few, if any, national unions have affirmatively accepted technological changes as part of a program of sharing the benefits. This explains why Arthur Viat, west coast regional director of the Federal Conciliation Service, recently commented that the ILWU-PMA plan "will affect the course of labor relations in the United States for years to come."

In 1957 the ILWU conducted a survey in each major west coast port to determine how rapidly new methods of cargo handling were coming into the industry and what the effect was upon the longshoremen's work opportunities and earnings. The union survey found that, although new methods—in the form of large-size van and container loads, the increased use of bulk handling of cargoes, which were formerly manhandled in sacks and drums, and the employment of new and more powerful lifts and other equipment, both shoreside and in the ship's hold—were impressive in moving many more tons of cargo with fewer man-hours of labor, they had not swept the industry, and their impact upon the men was far from

catastrophic. The signs, however, were clear: this was the pattern for the future.

Meeting at Portland, Oreg., in October 1957, representatives of the longshore locals spent 5 days examining the many implications of the new mechanized methods. And they were bluntly informed by the union leadership that their own refusal to modify port working rules on such matters as the number of men on a job, the pace of work, and similar conditions had helped drive the shippers to the new labor-displacing methods.

These were no trivial changes longshoremen were facing. One thousand tons of general cargo, handled in the conventional manner of loading or discharging a ship, customarily requires 120 to 150 gang-hours of labor. (Longshore ship gangs on the west coast normally consist of about 12 men.) The same cargo, completely unitized—particularly by loading it in large vans or containers at the place of origin—might require 10 to 30 gang-hours. In addition, the gangs could, theoretically at least, be cut to one-half or one-third their present size. The result would be fewer men working fewer hours and stowing more tons of cargo.

West coast longshoremen, unlike factory workers, are accustomed to unique freedom. They enjoy a choice of working or not working on any day without jeopardizing their employment. Each is insured an equal share of all the available work and the right to select jobs as they are posted in the hiring and dispatch hall or to replace himself simply by calling the hall for a substitute.

Customarily, longshoremen find their job security in a combination of controls which place as many men as possible on each job and for as long as possible. In an industry where the factory is here today and sails tomorrow, today's job is squeezed for everything it will produce. Who knows when the next ship will dock and how much work it will furnish? Not surprisingly, longshoremen have been unyielding against machines. Every labor-displacing innovation in cargo handling is a challenge to job control and job security, and arguments that the new methods lessen the backbreaking toil have fallen on deaf ears.

To the shipowners, the savings in labor costs from mechanization are only one part of the benefits of technical change. Minimizing the hours which a ship spends in port is the key to profitable ship operations. A ship is a floating warehouse, and when it is not at sea, costs continue and earnings go down. Speedier loading and discharge not only improve the ship's turn-around time, but in the long run will increase the number of trips a vessel can make each year. The savings in capital investment and the increase in earnings resulting from speedier turn-around could well be impressive.

As far the public interest is concerned, quite apart from the general benefit the community receives from improved productivity in any segment of American industry, there is the taxpayers' enormous direct investment in the maritime industry. In San Francisco, for example, over 40 percent of the general cargo flowing through the port is either for the military or for various subsidized foreign aid programs; in these instances, savings in cargo costs from improved productivity would be passed on to the Federal Government.

The question put to the union delegates at the Portland caucus was: "Do we want to stick with our present policy of guerrilla resistance [to change], or do we want to adopt a more flexible policy in order to buy specific benefits in return?" It was acknowledged by the ILWU officers that the union did have the economic strength and the cohesion to resist and delay mechanization within certain limits. But was this the wisest policy to pursue? ILWU President Harry Bridges argued that, whether the men liked it or not, changes were going to take place "the easy way or the hard way." He insisted that the union would be in the best possible negotiating position if a flexible approach was adopted before mechanization spread further. But he predicted that the strength and the resources of the union would be dissipated in costly losing battles if a rigid hold-the-line program was adhered to. After hours of debate the men voted unanimously to explore with the employers the benefits to be gained if they were to adopt a cooperative policy for orderly introduction of new mechanical methods and changes in working rules.

As a result of the union-management discussions which followed the caucus, an informal understanding was reached before the end of 1957, giving the employers a free hand to mechanize, with appropriate changes in the working rules, while the union was guaranteed that the registered work force would be maintained—less normal attrition—and that there would be a sharing with this work force of a portion of the savings resulting from increases in productivity. The longshoremen put it simply: "No layoffs, and a bite out of the machine."

The employers really had one goal—latitude under the contract to introduce new mechanized methods and to utilize them efficiently. The union's objectives were more numerous. They included guarantees against individual speedup, breaching of safety rules, lay-offs, and reduction in take-home pay. The union also hoped in the long run to use the mechanization agreement in order to reduce the length of the work shift and to establish a guaranteed work opportunity or to support a guaranteed wage. Noticeably absent, however, were the customary union demands for retraining programs, unemployment benefits, severance pay, and aid in finding new employment or in relocating displaced workers and their families. None of these are necessary, because layoffs are no threat.

However, the PMA and the ILWU soon discovered that it was easier to agree in principle to share the benefits of increased productivity than it was to figure out how to measure those elusive mechanization benefits. With all the good will in the world, and with the aid of a productivity study in the port of San Francisco conducted by a branch of the National Academy of Sciences, the answers still continued to elude negotiators on both sides as the contract came to an end on June 15, 1959, a year and a half after the basic principles had been agreed to.

The employers' association, pushed by those leaders in the industry who were already introducing new methods, was anxious to get a firm agreement which would unfreeze the working rules on these new operations. Postponement of the issue would have meant another year of expensive guerrilla fighting. The union leaders, however, were committed to getting a share of the machine in 1959, and they weren't ready to sell a liberalization of work rules for a few cents more in wages.

After several months of intensive bargaining, an agreement was finally reached, despite the absence of the requisite measurement data. The PMA, conceding that the time had passed for more talk, proposed to establish a million-dollar fund (approximately 1 percent of the annual industry payroll) as the downpayment on the men's share of the benefits that would flow from new methods.

The final mechanization agreement provided that the parties would have 1 year, to June 15, 1960, to continue their studies of "actual changes made by laborsaving machinery, changed methods of operation, or proposed changes in working rules and contract restrictions." In addition, the downpayment into the mechanization fund had been increased to $1½ million, which the union accepted as payment for all the changes made, or to be made, prior to June 1960.

The $1½ million is really the first installment of a "sharing the benefits of mechanization" fund. It has been agreed that the fund will be put on a continuing basis once the PMA and the ILWU agree on a formula which measures the changes in productivity and determines each employer's contribution to the mechanization fund. The employers further agreed to maintain the 1958 registered regular work force less the normal attrition of about 2 percent a year. This means no layoffs, despite the introduction of laborsaving machines.

Under the decasualization system which has existed on the west coast waterfront since 1934, each fully registered longshoreman gets an equal share of all the work available. When shipping is booming and the work pie is big, each man's slice increases; when the pie is smaller, each of the roughly equal individual slices is smaller. Men are not laid off when business declines; they remain on the rolls, dividing up the poverty as they once did the prosperity.

It is this unique system which permits the industry to guarantee continued employment. The men are employees of the whole industry, and the impact of declining work opportunities because of any one company's introduction of new methods is spread through the whole work force. Furthermore, in most ports there is a pool of extra men drawn from the unemployed of other industries. Although large in numbers, this group does only about 10 percent of the work on the coast. They will not participate in the benefits of the mechanization program, and the chances are that in the future their work opportunities will be reduced, unless the mechanization program happens to coincide with an overall increase in shipping.

The registered men, although guaranteed against layoff by the mechanization agreement, are, of course, not guaranteed against a reduction in their earnings or in the work available to them. To meet this, the union is proposing that the fund be used, as far as possible, to maintain 35 hours of work each week. When, as a result of mechanization, work falls below this level, the present retirement age of 65 would be progressively lowered to 62, with full pensions. These earlier retirements, financed by the fund until the men become eligible for their regular pensions at age 65, would increase the work opportunities for the younger men. Should this prove inadequate, the fund would then be used for supplementing wages.

As to work rules, in the first year of the contract the employers are free, after negotiation and agreement or arbitration, to make whatever operational changes they think necessary. This right, however, is restricted exclusively to changes related to new labor-saving devices; the working rules and practices on all conventional operations have been frozen for the time being.

The effect of this important restriction will be to permit the necessary modifications in rules to come about in an orderly and piecemeal fashion, relating the demands upon the men for change to a new practice, which, in turn, is contributing directly into the coast machinization fund.

Although it is clear that the ILWU–PMA approach reflects certain unique features in the structure and operation of this industry, it bears comparison with the policies followed by John L. Lewis and the miners.

A good many years ago the United Mine Workers adopted a policy of actively encouraging the modernization of the coal mines in exchange for better wages, hours, and conditions. In the last decade, the mining of

bituminous coal has undergone an amazing transformation as the result of the startling rate at which mechanization has taken place in the industry. In 1950 a miner was producing 6.77 tons of coal each day; in 1958 the national average was just under 12 tons. Meanwhile, over the years the miners have established one of the highest hourly wages of any industrial workers in the world. Along with high wages came an elaborate pension and medical care program, improved working conditions, and reduced hours. But the approximately 400,000 miners employed in the bituminous coal industry in 1942 have today been reduced to 200,000, and production is not too much below what it was 10 years ago. Lewis himself has accepted shrinking employment and a declining union membership as the price of technological advance.

In both the west coast longshore industry and in the coal mines, the increase in labor productivity comes about from mechanization; new machines are taking over tasks formerly performed by hand, but a man is still required to control and operate the machine. However, in auto and steel production, in the chemical and petroleum industries, and in many offices all over the country automated processes are being introduced which are self-regulatory and which eliminate human control. Another machine does the job of machine operation and supervision.

It really matters little to the individual worker whether the process displacing him is called mechanization or automation or is merely better planning on the part of management. The specter of unemployment comes into the work place when changes are introduced. What is novel about automation is the increased scale and speed of labor displacement.

There are few union leaders who do not recognize that technical advance is the key to raising living standards; but unharnessed technological change possesses a vast potential for social catastrophe. The pattern resulting from the introduction of more advanced and automated production processes is a pattern of growing discrepancy between growth in production and growth in employment. Jobs in manufacturing are not keeping pace with man-hour increases in productivity, to the misfortune of both new recruits and established workers. This helps to explain why some unions, by insisting upon prior consultation by management before new and more technically advanced methods are introduced, hope to control the rate at which new machinery is introduced, and thereby to minimize the impact upon their members.

There is no point in ignoring the serious questions which are raised by suggestions to control technology. A recent roundtable discussion was directed in part of the proposal that there be "some kind of public appraisal, planning and control of the most powerful, dangerous and influential products of technology." The proposal was sharply attacked by Clark Kerr, president of the University of California, as "impossible," "unwise," and "one of the greatest potential attacks on freedom of thought I have ever heard about."

On the other hand, it is widely charged that a major showdown is shaping up precisely because the unions are trying to halt or severely slow down the trend toward more efficient ways of doing and making things. Yet, if labor were to adopt the John L. Lewis policy, what would management offer as a quid pro quo?

Education and retraining to handle new jobs, moving displaced workers to other company plants or helping them find jobs elsewhere, instituting or increasing severance pay—these are the kinds of policies which have been proposed or instituted in a few of the firms already embarked on automation programs. It is doubtful, however, whether these even begin to meet the problem of job security as the average rank-and-file worker sees it; nor do such policies hold out the promise of any direct sharing of the benefits of technical change with the workers most affected.

For example, we have to anticipate, until it is demonstrated to the contrary, that the new and more highly skilled jobs created by introducing an automated process will not be filled by retraining the semiskilled workers who have been displaced. These new positions will most likely be filled by retraining and promoting the top skilled men of the old production line, supplemented by new skilled men. Upward transfers outside of this small group will probably be few. Most of the employees who formerly filled the many semiskilled jobs which were eliminated will be laid off; a few will be demoted to jobs as materials handlers.

The pat formula repeats that automation will enable management to cut costs and prices and thus expand sales and output. New jobs will be created as a result, and more goods will become available at lower prices. In this way, it is contended, workers and the whole Nation will eventually benefit. But there is no good reason to expect this to happen under all market situations or in all phases of the business cycle. Improved productivity can result in any one of numerous combinations of price, production, profit, and wage movements. The trouble lies with the more general economic arrangements of our society, which do not include machinery to deal with technical changes smoothly and without creating unemployment. We can only hope for an expanding economy, which would provide a balance between growing productive capacity and the demand for goods at a level high enough to maintain full employment.

Changing tools and changing techniques are shaping and reshaping our society. To what extent will today's union movement inhibit or accelerate this process? Can we anticipate that, as technological change makes work itself more repetitious and boring, a union, through its role in helping determine the conditions at the place of work, might offer workers the means of rediscovering themselves as creative, productive human beings? And in what manner can we hope to impose social considerations on this evolution which are broader than the current thinking of labor and management in this field?

One conclusion, at least, appears to be abundantly clear: the labor movement has the initial responsibility to orginate the kind of creative thinking called for by the technological revolution.

COURAGEOUS BUSINESSMEN ENDORSE WAR AGAINST POVERTY

Mr. DOUGLAS. Mr. President, I wish to express my appreciation to three leading businessmen who have put aside partisanship and have ignored the possibility of criticism from many of their colleagues, to support a program of national action against poverty. These three business leaders, C. Virgil Martin, head of the Carson Pirie Scott Department Stores, of Chicago; Tom Nichols, an executive of the Olin Mathieson Co., of New York; and Ralph Besse, of the Cleveland Electric Illuminating Co., testified recently before the House subcommittee holding hearings on President Johnson's war against poverty bill.

Mr. President, I ask unanimous consent to have printed in the RECORD an article on this subject, written by Irving Dilliard, the famous journalist, and also urging enactment of the truth in lending bill. The article was published in Chicago's Sunday American of April 26. I also commend Chicago's Sunday American and its distinguished columnist, Irving Dilliard, for their consistent attention to the sometimes unpopular, but nevertheless fundamental, problems of our society. Chicago and the Midwest have benefited greatly from the Chicago Sunday American's publication of Mr. Dilliard's progressive and informed column.

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

[Chicago's Sunday American, Apr. 26, 1964]

THE COURAGE TO SPEAK OUT

(By Irving Dilliard)

It takes a brave businessman to speak out with a view on a national issue opposite to the official position of the U.S. Chamber of Commerce. It takes a businessman so brave that one comes along once in a blue moon. Yet right now we have the impressive spectacle of three business leaders joining in a stand that runs counter to the business line on the Johnson administration's war-against-poverty bill.

These three businessmen—and they deserve far more public notice than they have received—represent three kinds of business and industry in three major cities. They are: C. Virgil Martin, head of the Carson Pirie Scott Department Stores, of Chicago; Tom Nichols, an executive of the Olin Mathieson Chemical-Drug-Aluminum-Munitions-Paper Co., of New York; and Ralph Besse, of the Cleveland, Ohio, Electric Illuminating Co.

CRITICIZED AND PRAISED

Messrs. Martin, Nichols, and Besse had the courage of their convictions to tell a House subcommittee that poverty is a national problem and that it must be tackled with national leadership and Federal funds. They were criticized at once by Republican Congressmen for holding views so heretical, but Oregon's Democratic Congresswoman, EDITH GREEN, commended them on their vision and courage, as they deserved to be.

Poverty is a national problem. There is not a State among the 50 that does not feel its blight although the depressing effects are far worse in some areas than others. Senator DOUGLAS' truth-in-lending bill would make war on poverty in every State in the Union. It should be passed as a companion measure of great potential benefit.

After gathering dust for 2 years in the Senate Banking Subcommittee, the Douglas bill has at last been reported to the full committee, but only by the hairline vote of 5 to 4. The bill, which would require all lenders to disclose the full cost of loans in dollars and cents as well as in terms of annual interest charges, was stalled 4 to 4.

The favorable four, all Democrats were DOUGLAS, of Illinois, CLARK, of Pennsylvania, PROXMIRE, of Wisconsin, and WILLIAMS, of New Jersey. One southern Democrat, ROBERTSON, of Virginia, joined three Republicans in opposition: BENNETT, of Utah, SIMPSON, of Wyoming, and DOMINICK, of Colorado. Then the one uncommitted Senator, Democrat MUSKIE, of Maine, voted on the DOUGLAS side and this meritorious bill finally had a subcommittee majority.

POOR ARE VICTIMS

Poor people frequently turn to loan companies to try to keep themselves financially afloat. When they are assured that the interest rate is only 3 percent, without the explanation that it is 3 percent a month, not 3 percent a year, they are outrageously victimized. To protect the hard-pressed borrower, the Douglas bill would require the

lender to State that a $100 loan with a $16 repayment charge would be about 32 percent on a 12-month basis.

The country owes a debt of gratitude to the three businessmen who testified for the Johnson antipoverty bill. We owe another debt to Senator MUSKIE for breaking the deadlock on the truth-in-lending bill. Now Senator DOUGLAS' much-needed legislation should move forward for the benefit of all, including especially those who are out of work.

ARTHUR J. FREUND RECEIVES CIVIL LIBERTIES AWARD

Mr. DOUGLAS. Mr. President, I have learned with pleasure that the distinguished St. Louis attorney, Mr. Arthur J. Freund, has recently been cited by the St. Louis Civil Liberties Committee for his "lifelong devotion" to liberty and his "almost singlehanded struggle" to warn the public of the three States rights or "disunity" amendments which threaten our Federal system.

Several times I have called attention in the Senate to his work. His alert watchfulness and his skilled legal analyses of the disunity amendments have been of great value to many of us. Mr. Freund is a lawyer who insists that the legal profession has the highest obligation to be the vigorous protector of our liberties and our Constitution.

I am delighted to see his accomplishments recognized; and I ask unanimous consent that an article and an editorial published in that great newspaper, the St. Louis Post-Dispatch, of May 7 and May 8, be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, May 7, 1964]

ARTHUR FREUND GETS LIBERTIES AWARD

Arthur J. Freund, an attorney, received the 1964 award of the St. Louis Civil Liberties Committee last night at the organization's annual meeting at the Chip room, 1401 Hampton Avenue.

He was cited for "lifelong devotion to the protection of individual liberties" and for what was termed an "almost singlehanded struggle" to alert the public to the danger of three proposed States' rights amendments to the U.S. Constitution.

One of the proposals would permit amendment of the Constitution by the State legislatures alone, without congressional action. Another would end all constitutional restraints on the ways the States apportion their legislatures. The third would set up a Court of the Union, composed of the 50 State chief justices, to review Supreme Court decisions.

Freund, former member of the Boards of Election and Police Commissioners, has law offices at 7 North Seventh Street. He lives at 6235 Washington Boulevard.

Freund's wife and two daughters, Mrs. Paul Ullman, Jr., and Mrs. Morton S. Binder, witnessed the presentation of the award. Freund received the 1937 St. Louis Award for public service and the Washington University alumni distinguished service citation in 1955.

Miss Frances Levenson, general counsel of the New York City Commission on Human Rights, principal speaker at the meeting, said the Federal Government must change from a negative to a positive role in housing legislation.

She said implementation of the Executive order by the late President John F. Kennedy forbidding racial discrimination in federally financed housing had been weak and needed more vigorous enforcement.

Miss Levenson said the St. Louis fair housing ordinance is one of the most comprehensive in the Nation. She urged passage of a fair housing law by the State legislature.

[From the St. Louis Post-Dispatch, May 8, 1964]

LIFELONG DEVOTION

The few words of the 1964 St. Louis Civil Liberties Committee award to Arthur J. Freund summarize a long story. The words mention his "lifelong devotion" to liberty and his "almost singlehanded struggle" to warn the public of the three States rights amendments that have crept quietly through some State legislatures. Mr. Freund is well known for public service, for his work on the election and police boards and his St. Louis award in 1937. Perhaps no one but he knows the exact amount of hard work he put into his opposition to the dangerous States amendments. Out of his efforts, directly and indirectly, grew proper warnings from individual lawyers and teachers of law, the highest Government officials and Justices of the Supreme Court. Arthur Freund has his connections as well as his convictions. It is a fine thing his powers of persuasion have been used so consistently in behalf of its basic liberties.

PRESIDENT JOHNSON AND THE ERA OF GOOD FEELING

Mr. GRUENING. Mr. President, in the May 9 issue of the Saturday Evening Post, Stewart Alsop has an excellent commentary on President Johnson.

He points out that in his nearly 6 months in office, Lyndon Johnson has shown his genius in getting the support of all kinds of people who are on opposite sides of vital public issues. In consequence, the country, Alsop feels, may be entering a second "era of good feeling"—repeating the era, a century, and a half ago, during the presidency of James Monroe.

I ask unanimous consent that the article entitled "A Second Era of Good Feeling?" written by Stewart Alsop, be printed in the RECORD.

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

A SECOND ERA OF GOOD FEELING?

(By Stewart Alsop)

WASHINGTON.—President Johnson is currently admired by such remarkably diverse personalities as Senator RICHARD RUSSELL of Georgia, and the Reverend Martin Luther King; Henry Ford and Walter Reuther; Dean Acheson and Walter Lippmann; Keith Funston of the New York Stock Exchange, and Joe Rauh of the ultraliberal Americans for Democratic Action; and so on.

The President is admired, in short, by people with diametrically opposed views on basic domestic and international issues. At first, this was not very surprising—a new President always enjoys a honeymoon. But it is surprising now, and more surprising with every day that passes.

It is almost 6 months, after all, since President Kennedy was killed, and it is 6 months until the next election. Yet that contradiction in terms—a presidential honeymoon in a presidential election year—still continues, to the dismay of the Republicans. How in Heaven's name does Johnson do it?

Part of the explanation certainly lies in the kind of man Johnson is. There is something overwhelming about Johnson, the more so now that he has the aura of the Presidency about him. Like Theodore Roosevelt, he instantly becomes the center of any stage, "the corpse at every funeral, the bride at every wedding." Added to a glandular energy which is like a force of nature, he has a passionate desire to be liked by everybody, from kings to camel drivers. He will go to almost any lengths to win over a past or potential enemy, and the combination of Johnsonian characteristics makes him peculiarly difficult to resist.

Take, as examples, a couple of past enemies—Rauh of ADA, and Reuther of UAW. Rauh is a spokesman for the liberal intellectuals, Reuther for labor's leftwing. In 1960, both were bitterly opposed, first to Johnson's presidential candidacy, and second to President Kennedy's choice of Johnson as his running mate. Now, when Johnson's name is mentioned, both Rauh and Reuther tend to coo like a couple of contented turtledoves—and with good reason.

In recent weeks Rauh has been constantly in and out of the White House, to confer with the President on civil rights strategy, and he attests, with rather surprised admiration, that the President has a "deep emotional commitment" on the civil rights issue. As for Reuther, the President's recent speech to the UAW convention "might have been written by Walter himself," as one UAW man subsequently remarked.

It is—or always has been—a cardinal rule of politics that you can please one group, like Rauh's pro-civil-rights liberals, or Reuther's left laborites, only at the cost of wholly alienating another group, like the southern leadership or the businessmen. Instead, there is more pro-Johnson feeling among businessmen than there has been for any incumbent Democratic President for 30 years. And despite that "deep emotional commitment," there is none of the bitter feeling against Johnson among the southern leaders that there was against Kennedy.

Partly this is a reward for effort. Literally hundreds of leading businessmen have picked up the telephone in recent weeks to hear: "The President is calling." A businessman who has recently enjoyed a cozy, status-enhancing chat with the President, is unlikely to grow puce with rage when he hears his name, which was the standard businessman's reaction to the names of the last three Democratic Presidents.

As for the southerners, many of them are close friends of the President—Senator RUSSELL started Johnson on the road to the Presidency by backing him for majority leader. The President has been at pains to preserve the relationship, civil rights or no civil rights.

But aside from his own efforts, there is another reason why Johnson can retain the admiration of both Joe Rauh and the southerners, Walter Reuther and the businessmen. Unlike any Democratic President in modern history, Johnson is identified in southern minds as a southerner, and in business minds as a businessman.

At a recent business gathering in Detroit, a leading businessman tried to explain to this reporter the startling difference between the attitude of business to Kennedy and to Johnson. "Johnson just sort of looks like a businessman," he said. "Kennedy didn't. Anyway, we just have a gut feeling that he understands business problems." There is a similar gut feeling among the southerners. "We know Lyndon has to have a civil rights bill," says one. "But we also know that he won't really put the knife to the South."

Lyndon Johnson has, in fact, a peculiar genius for giving people with sharply conflicting interests a "gut feeling" that he is really on their side. This complicates the Republican problem, which begins to look

like an insoluble problem anyway, and not only because of Lyndon Johnson's winning ways. For it begins to seem possible that President Kennedy's murder, just because it was the most morally disgusting event of the postwar years, may have ushered in another "Era of Good Feeling."

The first era of good feeling was presided over by another southern President, James Monroe. It prevailed for a few years after the War of 1812, when in a reaction to trouble and turmoil, sectional and partisan passions were forgotten.

There was more trouble on the horizon then, of course, including the trouble that led in time to civil war. There is plenty of trouble on Lyndon Johnson's horizon today, as the articles in this issue about Bobby Baker and Gov. George Wallace, of Alabama, suggest. This year's campaign could turn out to be a pretty nasty one. The racial crisis could also take a nasty turn, and so could the war in Vietnam.

But anyone who can remember the depression years, or the McCarthy era, or even the political atmosphere a year ago, will probably agree that this country is more rational in its political mood than it has been for a long time. President Kennedy's murder was like a slap in the Nation's face, but the slap may have been therapeutic, as a slap in the face can sometimes be. If the result is a second era of good feeling, Lyndon Johnson, like James Monroe a born conciliator, is peculiarly suited to preside over it.

VIVID ACCOUNTS OF THE ALASKA EARTHQUAKE DISASTER

Mr. GRUENING. Mr. President, a very well written account of the disastrous earthquake in Alaska is published in the current issue of the Saturday Evening Post. It gives a vivid idea of what some of our fellow Americans in Alaska went through.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none; and it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, there is also a valuable article in the May issue of the Postmasters Gazette, the official magazine of the National Association of Postmasters of the United States, which gives an account of the excellent work performed by our Post Office Department in the earthquake stricken area, particularly in post offices that were either demolished or crippled. It is gratifying to have recorded how quickly and praiseworthily the postmasters and their coworkers there moved to reestablish normal service.

I ask unanimous consent that this article likewise be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. President, finally, an editorial published in the Anchorage Times touches on one of the as yet unsolved problems left in the earthquake's wake.

I ask unanimous consent that the editorial entitled "Wilderness Blights Heart of Downtown," be printed in the RECORD.

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

[From the Anchorage Daily Times, May 14, 1964]

WILDERNESS BLIGHTS HEART OF DOWNTOWN

Driving past the three blocks of wilderness on Fourth Avenue is a gloomy experience.

This big expanse of nothing is silent proof that something terrible hit our town, and some big changes are in process right now.

Only a few weeks ago this wilderness was a beehive of activity. It was alive and throbbing day and night. Goods and services were available in great variety. The stores were close together and small, making for informality. People were always much in evidence. Nobody had occasion to be lonely.

The area was picturesque and often was the center of tourist interest because of the unique mixture of people, new and old buildings, and diverse goods and services.

All the things that made this a lively and interesting area have now been removed. The ground is barren. At night the three blocks loom as a black spot where not long ago was a dazzling array of neon lights that made for gaiety. Some people may be happy because an area they called Skid Row has gone. That has no bearing on the problem of this wasteland.

These lots are in the heart of the downtown area. What is to become of them? What are they good for? How will this area affect other parts of the city?

Overzealous geologists have put what could be a permanent taboo on the land. They held it to be an area unstable for rehabilitation or future use as business or residential districts.

Professional planners and perhaps some public officials were inspired by the geologists' opinion to envision the land as a park, or a parking lot.

There has even been talk of an urban renewal project that would take the land away from its owners forcibly and put it to just such use.

Such proposals don't augur well for the future. Downtown Anchorage may be sacked instead of saved.

This land must be restored to use as quickly as its stability has been reestablished.

As a park the land stands to become a deserted area of little use other than to the planners. Little use means few people and those who brave the solitude at night may be sitting ducks for the half-pint criminals who rob and beat passersby.

As a parking lot the land would have better use and would render the downtown area less harm.

But the best use probably would be to rebuild the land with new buildings marked by a variety that will avoid the monotony of modern glass fronts and angles.

It would be best if the rebuilt area could be made to accommodate a variety of enterprises and functions so that life would be restored both day and night.

This is something that will take some careful planning on the part of downtown landowners and businessmen if it is to come to pass. Someoe must discover that planning is too important to leave to the longhaired professionals.

EXHIBIT 1

HOW A STRICKEN STATE MET CHAOS

(By Bard Lindeman)

With the coming of spring to Alaska, the long darkness was ending. Light was returning to the land. Over all the huge State, snow still blanketed the frozen peaks and valleys, and the icy earth was still ironhard with frost. But each day the sun rose a little earlier, stayed a little longer, and its warmth was working a subtle alchemy not only in the earth but in the spirits of men. Courage and new hope, a lifting up and a strengthening, came with the approach of Easter and its unfailing promise that soon the ice would break up, the snows would melt, and the white land would be green again.

The time for the big work was drawing near and the rugged, ever-optimistic Alaskans were getting ready for it. Contractors pored over blueprints and sought the ear of friendly bankers. Construction crews tuned their heavy equipment, getting ready to move with the thaw, to start building new homes, stores, banks, office buildings, docks, wharves and roads. Chuffing under the shadow of snow peaks and lurching across high trestles spanning ice-locked streams, the Alaska Railroad hauled ton after ton of new supplies and machinery to oil drillers, loggers and mining camps over 470 miles of track.

Everywhere the lengthening days, the growing warmth, worked their magic spell. Beside its mountain-locked bay, tiny Valdez, an old gold-rush town now calling itself "The Switzerland of America," made ready for its annual catch of fish and tourists. Cordova looked ahead to its carnival, the Festival of the Iceworm, and proudly flaunted its title as "Razor Clam Capital of the World." Seward, once a dying town, torn by political strife, had made a surging comeback under a new city manager, William Harrison, who had somehow managed to bring the warring factions together. Now the little town was preparing to celebrate its selection as an All-American city. In the town of Kodiak and in all the little Aleut villages along the shores of Kodiak Island, men were busy readying gill nets, patching seines, painting and fitting out the 400 sturdy, blunt-nosed boats that make up the island's fishing fleet. Soon, the red salmon would be running in the Copper River and in all the bays and inlets along Prince William Sound, fighting their way up icy streams to their spawning grounds. From Cordova to Kodiak canneries would start working around the clock and there would be jobs for all.

In Anchorage, where Alaska's brains, money, and know-how are concentrated in a city that looks upon itself as a future "Chicago of the North," there was an air of confidence. Bankers anticipated a rise in business, for Alaska's progress is based on easy credit. Stores stocked up in readiness for a rush of customers—regardless of price, Alaskans demand all the goods and services that the citizens of the "lower 48" enjoy. Even the city's unemployed were blithe in spirit. In the shabby bars along Anchorage's Fourth Avenue hundreds of jobless truck drivers, masons, mechanics, carpenters, electricians, painters and day laborers confidently ordered more beer, sure in the knowledge that the long hibernation was nearly over and that they would soon be at work on regular payrolls.

This, then, was the mood of Alaska—buoyant, confident, full steam ahead—on Good Friday, March 27, 1964, in the hours before the second-greatest earthquake ever recorded came rumbling up to lift the State's central mountains, smash and drown a dozen coastal towns, wreck great portions of its rail and highway net, shatter the tallest buildings of its biggest city, and send hundreds of crumpled houses tumbling toward the sea in landslides and tidal waves. It was the greatest catastrophe ever to befall an American State, and in the fog-hung dawn of Saturday morning there was only one comfort. The damage was mainly to property and to men's hopes. The toll of 117 dead and missing was incredibly light.

In Anchorage, Good Friday dawned under leaden skies, with a rising thermometer bringing fitful flurries of light snow. It was

still snowing late in the afternoon as the streets filled with the automobiles of homegoing shoppers and office workers. In a few minutes it would be the "happy hour," that quiet time of the day when kids come in from sledding to shed their ski suits and snow boots and lie before the television sets, the time when wives and husbands chat and sip a ritual Martini together while dinner simmers on the stove and the sun gilds the great snow peaks beyond the picture windows. Downtown in the fancy lounges where the contractors drink, and in the rough saloons where the construction stiffs hang out, the happy hour was already in full swing. In some saloons, from 5 to 6 o'clock is "two-fer time"—two drinks for the price of one—and in these places men stood three deep at the bar, for Anchorage drinks as it works, with a two-fisted, headlong drive.

As the town's clocks inched past 5:36 the first sharp shock was felt. Nobody panicked. Each man looked at those nearest him, gave a short nervous laugh—and waited. Earthquakes in the past have been no great terror to Alaskans. Anchorage citizens have long known that their town stands on trembling earth. Faint tremors are frequent, and more than 100 times in the past 30 years, quakes of varying intensity have shaken the city. They were accepted as a fact of life in the north—mildly exciting and mildly frightening—but far less damaging to the nerves than the long months of darkness and the bitter cold.

In the living room of his home in College Heights, Bob Oldland, Anchorage city manager, home after a hard day at city hall, reached for the martini his wife held out to him. Suddenly the martini was not there and Mrs. Oldland was swaying away from him.

"It's only a little earthquake," he said, half annoyed by the look of quick anxiety on her face. Then all at once he was on the floor, trying to shield with his body the baby who had been flung from the sofa. The house was rocking and plunging like a small boat in a heavy sea, and the stove was dancing across the kitchen floor. As the shudder stopped, he ran for his car, and began to call on his car radio for all city department heads.

In the book of Matthew it is written that at the moment Christ died on the cross "the veil of the temple was rent in twain and the earth did quake, and the rocks rent." In the little Catholic Church of St. Anthony, the Reverend Joseph E. Shirey was reading from a missal held by acolyte Dan Brennan the special words of the Good Friday service. Then the floor began to shake beneath his feet, and the acolyte was struggling to hold the missal still. "I knew that I could no longer read with decorum," Father Shirey said afterward. He faced the congregation. "Let us pray," he said calmly. With Brennan beside him he turned and knelt before the altar. Above them the heavy baldachin, the canopy over the altar, swung wildly, clanging against the wall, above the heads of four kneeling choir boys. At the right of the altar the statue of the Sacred Heart fell with a crash. Behind him as the church shuddered with a teriffic vibration, Father Shirey could hear the murmuring voices of his congregation, quietly praying. Finally the earth grew still. Brennan took up the missal, found the place in Exodus XII and Father Shirey once more began to read the service.

In George Rosetta's Blue Mirror Lounge on the ground floor of the 14-story McKinley Apartments, tallest building in Anchorage, business was brisk.

"We had a full house," Rosetta remembers. "Thirty-five or maybe, 40, and they were giving us a rush. Most of them were Federal people, living in the apartments upstairs, and they were loosening up a little more than usual, because they had a long holiday ahead." Saturday was coming up, then Sunday, and Monday was Seward Day, when Alaska celebrates its purchase, in 1867. Government employees don't work on Seward Day.

"When the first shake came," Rosetta says, "they all shut up talking and looked at each other with that 'earthquake stare.' You know, that look that means you are scared, and don't want to show it and are wondering when it will stop—or if it will ever stop. Well, it didn't stop. It got worse, and people started falling off the barstools, and the bottles behind the bar began to fall and smash. I used to live in San Francisco and I know about earthquakes, so I yelled to them to get under the big beam that runs through the middle of the room, or in the door. Those are the safest places when you're inside in a quake. The men behaved fine, but some of the women wouldn't move. They just hung on to the bar screaming and crying, and I had to pull them loose. Then the corner of the room fell in, and a steam pipe in back broke and steam started hissing and clouding up the place, and then everybody hit for the door and about this time the shaking quit."

Down on Fourth Avenue at the Union Oil station, Walter Keck was pumping gas into the tank of a taxicab when the taxi began to jump and plunge and the hose jerked out. He knew that this meant a bad one, and he ran into the middle of the street to be safe from falling walls. There, staggering drunkenly as the street rolled beneath him, he watched as a block-long row of saloons, pawnshops, pool halls, little restaurants and the Denali Theatre began to sink slowly below the level of the street.

"Nobody hollered," Keck said. "All you could hear was the glass breaking and the groaning of the timbers as the buildings went down. I remember thinking, 'There ain't no dust. There ought to be a lot of dust from those old buildings.' But there wasn't any dust.

"As the bars began to go," Keck continued, "the 'Oley Joes' that had been drinking in them came piling through the doors into the street. (An Oley Joe is an Indian or an Eskimo who speaks no English. He tells the bartender, "Oley, Joe," meaning he wants an Olympia beer.) They were flopping and falling down, grabbing onto automobiles trying to steady themselves, but the cars were rocking and rolling all over the place and they couldn't hold on. It's funny now to think about. But it wasn't funny then."

To many an Anchorage citizen it was not funny then or now, nor will it ever be other than a dreadful memory. In Turnagain-by-the-Sea, where the city's wealthiest bankers, lawyers, doctors and contractors lived, magnificent houses sat on a high bluff rising above the ice-clogged waters of Knik Arm, their picture windows facing the great snow peaks to the North. Here were the city's finest homes—and the most unsafe.

In her $70,000 house, filled with treasures brought from the ends of the earth by her husband, Mrs. Lowell Thomas, Jr. had kicked off her shoes and lain down on a bed to rest for a moment after a long day of work on the Easter Seal drive. On the bed nearby, her 8-year-old daughter Anne, tired from a day of outdoor play, chatted happily. In an adjoining room David, 6, lay barefoot on the rug, watching television. Somewhere over the mountains to the north, Lowell, her husband, was flying his plane to Fairbanks to make a speech to a group of Young Republicans—the opening gun in his race for Congress.

"Somehow I knew from the first that the shock was going to be very bad," "Tay" Thomas said later. "The moment I felt it I called to David. I grabbed him and Anne by the hand, and we ran down the stairs and out the front door."

Moving fast is all that saved them. As they left the door, the house, the yard and all the earth around them began to slide slowly toward the sea. Tall spruces and hemlocks, aspens and birch trees were going down in a tangle. Beneath them the earth was heaving, breaking, rising in great toadstool-shaped columns and sinking back again. Between Tay Thomas and Anne a crevasse opened. Clutching desperately, Tay pulled her daughter across the widening crack.

"We were lying sprawled in the snow, barefoot, thinly clothed, on a block of slanting earth that was moving toward the water," Tay Thomas recalls. "I remember thinking, 'We will go into the water, and in that cold water at this time of the year nobody can live more than a minute.' " David kept crying, "Mama, Mama, I'm going to get frostbite."

"The earth was sliding beneath us, and we were sliding on the slanting surface of the snow, desperately trying to cling on. Then slowly the sliding stopped. Far above us and many yards away stood the steep, high cliff from which our house had torn away. There, I knew, was solid ground, and somehow we had to make our way there and climb up."

Scrambling through the jumbled upheaval of black, frozen earth, and snow, Mrs. Thomas and the children made their way to the cliff face.

"There was no way up," she said. "One tall spruce leaned against the cliff, its roots in the ground that had broken away. We tried but we could not climb it. We were trapped there with the cliff above us and the sea behind us and there was no way out. I asked the children to pray, and each one did, a simple prayer asking God to help us. Then all at once we knew that we would be all right. Somehow we would get out."

Not long after, as Mrs. Thomas and her children scrambled along the cliff face, hunting a safe path to the top, a young man whom she did not know, and whose name she never learned, came down and helped them to solid ground.

Near them, as they made their way toward the cliff, they had seen the wrecked house of their friend and neighbor, Dr. Perry Mead, Jr., half buried in the frozen earth. Two of the Meads' five small children, Penny, 8, and Paul, 4, clung to the roof of the shattered house. Both were crying with fright, and she called to them not to be afraid, that help would come to them.

A HEROIC 12-YEAR-OLD

She did not know until long after that, in the lower rooms of the house, two other Mead children had been trapped. When the quake occurred, 12-year-old Perry Mead III had been baby-sitting with his younger brothers and sisters. As the house started down he had got Penny and Paul out and had hoisted them to the rooftop. He had then gone back to the basement playroom to carry out his baby brother, Merrell, age 2 A week later their bodies were found in the shattered basement.

Human courage takes many forms. At Providence Hospital Sister Philias, supervisor of nurses, was herself a patient, recovering from a delicate back operation performed a few days earlier by Dr. Mead. In her hospital bed she rode out the quake. Then, as the lights of a stream of cars bringing the injured from the darkened city gleamed on her windows, she tried to get up. But her own nurses had been too well trained to let her risk injury that might cripple her for life.

The next morning her door opened quietly. It was Dr. Mead. With deft, steady hands he changed her bandages. When he finished she saw that he was crying. In the night she had learned that two of the young doctor's own children were missing and presumed dead.

"I'm sorry," he told her. "I just can't hold it in. I may not be any good here today, but I had to do what I could."

All through the long night, in the snow and the 20° cold, nearly every man in Anchorage had been doing what he could. At the airport a half hour before the quake, Mayor George Sharrock, slim, quiet, precise and spectacled, had gone with a committee of citizens to say goodby to Mrs. Carol Elizabeth Brady, flying to Florida to represent Alaska in a Mrs. America contest. Afterward he had stopped to talk to Bob Baker, president of the Matanuska Valley Bank. Baker was worried. The 33-foot tides that raced through Knik Arm—the highest in the world next to those of the Bay of Fundy—were carrying away the Turnagain bluffs at an alarming rate, he said. Ever since last spring's thaw, great chunks had been falling away from the backyards of these handsome homes. Couldn't the city put some sheet piling along the bluffs? He'd see, the mayor said.

"We've got to do something," Baker said. "Bob Atwood's whole house is likely to go at any minute."

A few minutes later Atwood's house did go. And Atwood himself, clutching in one hand the trumpet on which he had been practicing, was fighting to free his half-buried body while his front yard heaved and pitched and slid away beneath him.

Mayor Sharrock was in his car three blocks from his own home in Turnagain when the trees along the street began to sway and fall as if pushed by a high wind, and the road began to undulate like slow waves on the sea. Sharrock slammed on the brakes and stopped, clinging desperately to the wheel as the car plunged like a bucking horse. When the earth stilled he drove on over the broken road to find his family safe, his home intact. He turned at once and headed for town and the public-safety building, which housed police and fire headquarters.

A thousand thoughts flowed through his mind—how to get search-and-rescue parties quickly into the ruins to bring out the dead and injured; how to protect the living from further injury and property from looting or further damage; how to get the water, lights, telephones and sewers functioning again. There was a certain bitter irony in the situation. Here was a massive task for civil defense—and Anchorage's formal civil defense consisted of exactly one woman secretary. A few weeks earlier the director had resigned. A hostile city council had been questioning the civil defense appropriation of $26,000, half of which would be reimbursed by the Federal Government—which made the city's cash outlay less than it spent on the office of dogcatcher.

"Also," the mayor said later, "the things we had learned about civil defense had little to do with the present realities. The Federal regulations required us to prepare for an atomic holocaust, to have some plan for taking care of radiation injuries, for keeping a population alive in fallout shelters. This was different, this was civil defense at the grass-roots, city government doing its job under a condition of great emergency."

How the Anchorage city government, aided by the Salvation Army, the military from Elmendorf Air Force Base and Fort Richardson, the Red Cross, and its own citizen volunteers, did its job in the next 72 hours was a miracle of planning and performance under pressure. Two hours after the quake, mountain climbers, ski-club members, and dog-sled racers from the city's population had joined with Fort Richardson mountain troops in a night search of the ruins, and Alaska National Guard scouts stood guard over shattered areas. Long before dawn on Saturday, light and power crews had the city's two power turbines working again, public-works crews were digging in the frozen earth to repair broken water mains, telephones were coming back into service. And on the air the city's four radio stations were calming the populace, passing the word to the homeless where shelter might be found, advising how water could be purified, urging all citizens to get their typhoid shots, and broadcasting thousands of personal messages to unite separated families. As frantic queries poured in from around the world asking news of loved ones, the Salvation Army took over the task of checking the list of missing, organized a ham radio network, and passed on thousands of messages of assurance or consolation.

The tremendous energies stored up in the long, dull winter months burst into one prodigious effort to repair, rebuild, get the State and city going again. By Sunday evening, squads of architects and construction engineers had surveyed the town, marking buildings that must be demolished, those that were safe, and those that must be repaired before they could be inhabited again. By Monday, merchants were allowed to go into the shattered business section to salvage their goods and fixtures, and by Tuesday, the work of demolition had begun.

On Wednesday Mayor Sharrock, still quiet, precise, and unperturbed, was able to give an accurate résumé of what Anchorage had suffered—7 killed or missing and believed dead, 108 injured, and $198,963,000 in damages, with $100 million wiped off the tax rolls of a city already burdened with $34 million of bonded debt.

"We have not lost faith and courage," said City Manager Bob Oldland, "but we do need an extraordinary amount of help. So do our friends and neighbors in other stricken Alaskan cities and towns."

In the little cities far to the south the damage had been even greater, in proportion to population, than the destruction in Anchorage. Valdez, with its 1,200 population, counted 32 dead or missing in the great tidal waves that followed the earthquake and wiped its waterfront clean. The village of Chenega, where the Indian fishermen bear Russian names, was gone, its houses and boats smashed by a 40-foot tidal wave, its dead and missing totaling 23.

In Seward, with a population of 1,800, 17 were known dead or missing after 2 great waves roared through Resurrection Bay to pile boxcars, engines, cranes, and shattered oil tanks in a jumble of steel along its waterfront. In Kodiak, with 23 dead and missing, not a hull was left intact of the fishing fleet that once supported a multimillion-dollar industry.

From his trailer headquarters at Anchorage, nervous, chainsmoking Gov. William A. Egan struggled to aid the little outlying towns. With damage to highways alone set at $100 million his estimate of total loss and damage to the State stood at $500 (later $750) million. Of this the State was prepared to issue $50 million in bonds. The rest must come in varied forms of Federal aid. President Johnson promptly made available $5 million in emergency relief funds, and shortly thereafter Congress authorized another $50 million to help rebuild public facilities. But much more is needed.

As State and city governments totaled their losses and looked hopefully to Washington for aid, the citizens themselves went about the task of burying their dead, rescuing their possessions from damaged stores and houses, and taking up the threads of life again. In the week after the earthquake, teams of young men, organized by the Rotary Club and supervised by the homeowners themselves, climbed through the ravines and hillocks of the great Turnagain slide, bringing out everything they could, from family portraits to plumbing fixtures.

At St. Mary's Episcopal Church the first funeral service was held on Tuesday morning. Lee Styer, 18, had been walking in front of the new five-story J. C. Penny building when a concrete slab from the crumbling structure struck and crushed him. To those who thronged the church for the simple funeral service, the words of the prayer book had a special meaning: "God is our hope and our strength. Therefore will we not fear, though the earth be moved, and though the hills be carried into the midst of the sea."

In Alaska the earth had moved, and the hills had been carried into the midst of the sea, and no Alaskan could be found who no longer feared an earthquake. Many, in their fear, were leaving. All were jittery as, in the days that followed the great upheaval, minute aftershocks were felt. On the Friday following the massive shock, a strong quake was felt in Anchorage, Seward, and Valdez. This time men, women, and children alike lunged in panic into the open.

"I don't mind admitting it," said Bob Greenlagh, big, tough contractor whose $40,000 house was left hanging on the brink of the Turnagain slide. "I spook easy now."

Though quick to spook when the earth rumbles, most Alaskans—through faith, or foolhardiness, or a profound conviction that another big one cannot happen in a thousand years—are determined to stay in the far, cold land they have learned to love. They know the facts now. The Nation's top geologists and seismologists have made clear, in layman's language, the hazard that exists. Great areas of Alaska lie above or near an earthquake belt that curves along the Pacific shoreline as far south as Chile. Tomorrow, or in a thousand years, a great convulsion deep in the earth may occur again, changing shorelines, tumbling mountains, burying men and all their works.

Anchorage, built on 30-foot bluffs, is particularly vulnerable. The city is located between two arms of Cook Inlet—Knik Arm and Turnagain, which Capt. James Cook mistook for the Northwest Passage. The land beneath Anchorage was once an ancient seabed. There, millions of years ago, the ocean laid down a blue mud over which ice age rivers washed a surface stratum of firm-packed sand and gravel. The mud, geologists say, is stable enough when at rest. But heavy shaking by earthquake action turns it into jelly that slumps and slides and flows like water. The greatest damage in the Anchorage area, the geologists point out, was caused by the twisting slide of the blue-clay cliffs into the deep trough of Knik Arm.

Anchorage residents are comforted by this analysis. If it is true, they point out, their city withstood the earthquake shock well. All they now must do is move back a few blocks from the unstable bluffs, and they will be safe. Maybe, the geologists answer. But how far back? Their damage maps show that the frozen earth was broken into gigantic blocks far back from the bluffs. The spring thaw has already started. Thaw water, soaking down the saturated clay, forms a lubricant and movements sufficient to destroy a heavy building could take place at any time.

Men like Walter Hickel, who built the Turnagain subdivision, listen to such warnings with impatience. "We know all that now," says Hickel. "We know it and accept it, and we aren't going to abandon this city. We are going to build back right where we are. All it will take is some soil analysis, and some intelligent engineering.

"We have built a great city here and we are going to keep on building. Many of the streets you ride on today were moose trails 5 years ago. And the moose trails you see today will be the streets of tomorrow. We are right where San Francisco was in 1906. We've been hit with a great disaster, and some people will get scared and leave. But for every man who leaves, two men with guts will come in here to help us build. What could a man accomplish if he worried about something that may not happen again for 1,000 years? This is our home, and we are going to stay."

EXHIBIT 2

POST OFFICES DEMOLISHED IN MANY ALASKA CENTERS, BUT PM'S MOVE SWIFTLY TO RESTORE NORMAL SERVICES

Incomplete reports received by the Postmasters Gazette and the association's Washington office from officers of the Alaska chapter tell of the terrible earthquake and the catastrophe it brought to the people of the State.

Through the reports run a spirit of courage and determination to clear away the wreckage, restore normal life and make Alaska "The Great Land," the Indian version of the State's name.

Postmasters, whose offices were destroyed or damaged, went right back to work finding temporary quarters and the mails never ceased to move, though under irregular schedules.

Postal service officers and postal inspectors hurried to help, and aid came from the regional office at Seattle.

Reports came to association officials from Alice R. Brusich, of Ward Cove, chapter secretary and member of the NAPUS National Committee; President William Lamme, of Kodiak; Editor Everett Wilde, of College; Tony Schwamm, acting postmaster at Anchorage; and Hollis Henrichs, of Cordova.

No postmaster was hurt but some lost their homes. Several post office buildings were destroyed. A clerk at Seward is left with five children after losing her husband off a boat at Kodiak. Postal Inspector Ken Johnson of Anchorage lost an expensive home, and so did a number of employees.

Mrs. Brusich wrote that "This is a terrible blow to our State and many of us are still dazed. All are busy trying to maintain communication and restore facilities in the areas hit."

CHAPTER CONVENTION

She said that the chapter convention would be held at Anchorage July 8–10 as scheduled and Postmaster General Gronouski would attend. Host Tony Schwamm is going ahead with plans.

Postmaster Schwamm, whose city was hit hard, said that the main post office building was not seriously damaged, but bookcases, lighting fixtures and much equipment were shaken into a tangled mass. Greatest damage was to the airport terminal, which was thrown out of line and some of the walls collapsed.

He added: "Saturday morning after the earthquake all the carriers and clerks reported for duty and together started cleaning up the mess at the main office and terminal. Deliveries and collections were made. One of the wonderful things in life were the compliments we received when all the carriers were seen on the streets. It gave the people a new spark. We have been advised by many patrons that relatives to whom they had written in the States received their letters before telegrams previously sent to them. We cannot commend too highly the postal workers here."

Immediately following the disaster, NAPUS chapter officers hurried off airmail letters to postmasters in areas hit by the earthquake. Airmail transportation was back in full operation and Editor Wilde compiled a report for his paper, which is summarized in a letter to the Postmasters Gazette.

Here are excerpts from the reports:

Seward: Clarence Larsen, past president. "The Larsen family made out fine on Good Friday; we were all home at the time. The post office suffered only slight damage. The husband of Clerk Frances Jones was on a boat at Kodiak and it is now presumed that he was swept overboard. She is left with five children at home. Clerk Eleanor Billens' home is a total loss. Other clerks suffered only minor losses. Their dedication to their jobs went far beyond the call of duty.

"Since some had lost everything I put out a call that we would not conform to standard practices. We had mail written on paper bags, everything. They should make collectors' items. Easter Sunday I took an hour off for church and that would make quite a story. Clerk David Carlson lost his house and warehouse—swept out by tidal wave, luckily he was vacationing in Phoenix. The wave picked up boxcars and flung them half a mile from the tracks. It is incredible the damage that a quake, followed by tidal waves and fire, can do to a town that is just preparing for Good Friday services in the community church where the 'Seven Last Words' were to be sung. * * *."

RUSH TO HILLS

Kodiak: President Bill Lamme: "Just checking out when the earthquake struck. Clerks ran out the back but my wife, Lilian, and Clerk Ruth were up front. We started for the back as pipes and fluorescent fixtures set up a terrible racket. When lights fell on us we huddled between two cabinets instead, and rode the quake out. The concrete floor rolled under our feet. We had not known that an evacuation warning had been given as there was no power. As we started uptown we met a mass of cars and people running out of town for higher ground and learned a tidal wave was expected. We drove to our home atop the hill overlooking the boat harbor and watched from the window. The first wave came in a a half hour and the second at about 8 o'clock. The post office is on high ground although several businesses were lost from the same block. Our office backyard is a maelstrom of bunkhouses, boats, and buildings.

"We started working mail again the next day and dispatched every day. Most people did not write until Tuesday, 4 days later, not knowing we were dispatching and because they were not allowed into the damaged area by guards. Actually letters got out long before telegrams did. As I type this a coffin is passing in a station wagon, a reminder that death and life go on."

LATE INFORMATION

Late information from Postal Service Officer Bryant Brady and President Bill Lamme indicate that the Afognak Post Office "went to sea" and that Postmaster Martha Nelson is operating from temporary abode. Lamme also states that the Old Harbor office sailed around in reckless abandon and came to rest in a new location. Postmaster Sophia Simenonoff recovered all valuables and is now operating out of the Kodiak post office while all 241 people of Old Harbor were evacuated to Anchorage.

The store and post office at Ouzinkie collapsed but most valuables were recovered and Acting Postmaster Merrle Carpenter has established office in a small building in a higher location. Lamme states that a note to Mrs. Carpenter, "Still acting?" brought the response "Yup."

The Moose Pass post office on the road between Anchorage and Seward, is completely cut off by fallen bridges, writes Postmaster Delbert Wolfe. He states that the Hope, Cooper Landing, and Moose Pass offices were shaken but suffered no damage.

Cohoe: Freda Lewis, postmaster. "Cohoe was shook up with only minor damage. The piano slid around the living room, plants landed on their faces and water splashed out of the toilet. I went outside, planning to get in the car but it was jumping around so much I couldn't catch it."

Homer: Arlene Kranich, postmaster. "Personal loss in the area was not great, broken dishes, I have a broken finger. The post office is a shambles of tipped over cabinets. The school is a total loss, they say."

Valdez: Durwood Huls, postmaster. "It is understood that the new post office has received structural damage but is probably basically all right. Also that Woody's new home, just completed, also received some damage. The town of Valdez, of course, received a near fatal blow."

The offices at Chenega, Paul Kampkoff, postmaster, and Afognak, Martha Nelson, postmaster, were wiped out along with the towns. The postmasters nor any employee were not hurt.

THE BANKRUPTCY OF U.S. FOREIGN POLICY IN THE MIDDLE EAST

Mr. GRUENING. Mr. President, in a thought-provoking article published in the New York Times for May 17, 1964, the able correspondent Dana Adams Schmidt, writing from Beirut, Lebanon, under the title "Russia and Egypt Find Common Goal in Mideast," comes to the conclusion that:

> The old U.S. policy toward Mr. Nasser has completely failed. It has neither persuaded him to do certain things, like withdrawing his troops from Yemen, nor to refrain from doing others, like attacking the British in Aden.

Repeatedly on the floor of the Senate I have pointed out that U.S. policies toward President Nasser offer the classic example of the failure of any policy of appeasement toward a dictator. I have also pointed out long ago that President Nasser was playing Russia's game. This has now become even more evident by Nasser's newest gambit in Aden where he is instigating local tribesmen to attack the British.

We have helped neither Egypt and her people nor ourselves through this policy of appeasing the quest for power in which President Nasser has been engaged for a dozen years. Our hundreds of millions of dollars in economic aid to Egypt have now gone toward the waging of a bitter, cruel, and bloody war in Yemen.

Now President Nasser is showing his true colors—and they are red. It should come as no great surprise to any student of events in the Middle East, since Nasser seized political control of Egypt in 1952, that he is and has been acting as Khrushchev's cat's-paw. He has now come out openly and seeks to throw the British out of the Middle East and control that oil-rich area.

As Mr. Schmidt points out:

> The oil of the Persian Gulf is United States and Western European oil as well as British.

It is time that those in the State Department who have been busy appeasing President Nasser realize that in so doing they are in fact appeasing Russia and helping it to get a stranglehold on the oil resources of the Middle East. Both Nasser and Khrushchev are playing this dangerous game for their own ends with U.S. dollars.

I repeat, Mr. President, it is high time to call a halt to aggression in the Middle East. The Congress has declared clearly in the "anti-aggressor" amendment to the current foreign aid law that it is opposed to using U.S. dollars to arm aggressors. Let the will of the Congress be carried out. Let us stand firm against the Russian-Egyptian drive to control Middle Eastern oil reserves. Economic aid to Nasser's Egpyt should be cut off now before it is too late.

I ask unanimous consent to have Mr. Schmidt's article printed in the RECORD.

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

RUSSIA AND EGYPT FIND COMMON GOAL IN MIDEAST

(By Dana Adams Schmidt)

BEIRUT, LEBANON, May 16.—President Nasser and Premier Khrushchev, sitting side by side at the site of the Aswan High Dam this week, embodied the parallel interests of Egypt and the Soviet Union.

Egypt, an ambitious but underdeveloped leader of the pan-Arab nationalist movement; the Soviet Union, an economically and politically ambitious force in the Middle East—both for different reasons want to force the British out of the great military, naval and air base at Aden.

That is important enough in itself. The power concentrated at Aden radiates out into Africa and the Middle East and serves as Britain's halfway station to the Far East.

But it is above all because it serves as a shield for Britain's privileged economic and political position in the Persian Gulf, with its immense oil interests, that Mr. Nasser and Mr. Khrushchev would like to destroy Aden. Kuwait, Abu Dhabi, Bahrein, Qatar—those are the joint Egyptian-Soviet objectives.

Meanwhile, the British in Aden are not merely embattled. They have launched a counteroffensive against their foe insofar as he takes the tangible form of the Red wolves of Radfan, the Nasser-backed tribal guerrillas who have been harassing traffic on the Aden-Dhala road.

SKILLFUL PROPAGANDA

That is the overall picture in the Middle East. President Nasser's greatest resource in this struggle is propaganda, which he is using with consummate skill in several ways.

First, in leading a public campaign against the imperialists in Aden and even inspirng infiltration across the border, he is obscuring in the eyes of the world—and above all of the Arab world—his political and military failure in Yemen. In Yemen he has not only failed to win the tribesmen who form the majority of the population but has also failed with 40,000 men, tanks and airpower to subdue them.

By brandishing the anti-imperialist banner he is also trying to distract the attention of the Arab world from Palestine, where the Israelis have begun to draw water from the Jordan River. President Nasser cannot stop them any more than he can destroy the royalist Yemeni tribesmen. His plan for diverting the headwaters of the Jordan River will take years to carry out and even then would be dependent on his ability to stand off Israeli military interference.

Mr. Nasser's explanation now is that once the imperialists have been kicked out of the Middle East it will be easy for the Arabs to deal with Israel. The implied connection between British bases in Aden and elsewhere and the Israelis is probably specious, but it serves the purposes of Nasserite editorial writers.

President Nasser's diversionary propaganda has, however, not yet been altogether successful. Baathists in Damascus, who are always looking for ways to discredit Mr. Nasser, and independent Arab journals here have seen to that.

ARABS STRESS RIVER

Indignant that the Arabs should have to stand idly by while Israelis unilaterally take water from the river, which has acquired great importance as a nationalist symbol, they go right on writing about the Jordan.

Aden is distant and peripheral. Even for Mr. Nasser it is hard to build a campaign there into a vibrant cause. One can only say he is showing his usual skill in turning a bad situation to advantage.

Having Premier Khrushchev around is, of course, a great help in this business of propagandistic sleight of hand.

The Arabs are flattered by the Soviet leader's attention in such a long (16-day) state visit. President Nasser is cast as a friend of one of the most powerful men on earth. His own prestige necessarily soars by association.

The Arabs are close enough to their colonial past to like anything that discomfits the West.

To the Arabs there is no moral issue between East and West. They have known both good and evil from the West and thus far only good in the form of economic assistance from the East.

In the face of all this, the British in Aden have rolled up their sleeves in a "Battle of Britain" spirit. They have had "a jolly good bash" at the dissident tribesmen, which, if it did not destroy the dissidents, at least freed the road in question. They have done it with professional military skill.

Now Duncan Sandys, Britain's Colonial Secretary, has gone back to London to seek reinforcements in both troops and money. The British Government is expected to put Britain's presence on a more acceptable political basis by setting independence as the goal within a specified time limit.

But the British are aware that no matter how they turn they will always be wrong in the eyes of Arab nationalists, that they can stay where they are only as long as they are willing to be tough in defending their position with force.

The only chink in British defenses is uncertainty as to whether the Government in London will stand fast in the face of leftist and some-not-so-leftist disparagement of the Aden base or of the federation of feudal sultanates and emirates that serve as its outer buffer. No one is sure what the attitude of a Labor government might be.

The British are grieved also that they have not been able to persuade the United States to share their view of Mr. Nasser and the Yemeni Republic and the threat they constitute not only to British but to Western and more particularly to U.S. interests.

Mr. Khrushchev doesn't mind being used by Mr. Nasser; he is using Mr. Nasser. Who will come out ahead remains to be seen. Meanwhile Mr. Nasser's Arab nationalism can do much against their common enemy, the British in the Middle East, that neither the Communist Party nor Soviet diplomacy can do.

Indeed, Mr. Khrushchev's avid interest in getting the British out of their Aden base and other positions is one of the strongest arguments in the British view of sitting tight.

In addition, the Soviet image as projected by the Aswan Dam is of great value to the Soviet Union in the Middle East, Africa, and Asia. The dam is a symbol of what the Soviet Union wants to stand for in the eyes of the underdeveloped world. With his hand on the mighty dam, Mr. Khrushchev can face Asians and Africans and say: "What did the West ever do for you compared with this?" And he can subtly evoke Mr. Dulles' tragic error.

It is also true that the Soviet Union wants to close the small penetration the Chinese Communists seem to have made in Syria and to make sure that no others are made. Hence, Premier Khrsuhchev's praise for President Nasser's halfway socialism, his assertion that every nation, presumably including Baathist Syria, can find its own way to socialism. The dogmatic Chinese could never endorse that.

The Nasser-Khrushchev offensive has been carefully orchestrated to hurt the British but spare the United States. For this there are several reasons. Mr. Khrushchev presumably would not like his Middle Eastern enterprise to interfere with his overall detente in relations with the United States. Mr. Nasser knows that the United States to a large extent feeds Egypt—a task the Soviet Union would not like to attempt—and has just rejected a bid by R. A. Butler, Britain's Foreign Secretary, to put pressure on Mr. Nasser by cutting off food. The United States is in any case less vulnerable than Britain because it has no territorial bases in the Middle East.

But the whole of the West, including the United States, is involved. Aden serves the military purposes of the North Atlantic Treaty Organization as well as of Britain. The oil of the Persian Gulf is United States and Western European oil as well as British.

For the United States, as Britain's principal ally, as Egypt's principal source of food and as the Soviet Union's principal antagonist in the world, the Nasser-Khrushchev campaign raises grave questions.

POLICY HAS FAILED

The old U.S. policy toward Mr. Nasser has completely failed. It has neither persuaded him to do certain things, like withdrawing his troops from Yemen, nor to refrain from doing others, like attacking the British in Aden. All U.S. initiatives toward solving the Yemen problem, whether directly or through the United Nations, have been frustrated by Mr. Nasser.

Should the United States, then, go on feeding Egypt? Would it not be opportune at least to cut down the flow? Should the United States go on not only recognizing but also economically assisting the Yemen Republic, which disregarded the pledge it gave at the time of recognition not to interfere in Aden territory? Is Mr. Nasser so much the wave of the future that the United States must appease him and his puppets at any cost and in spite of all provocations?

The tragedy of U.S. Middle Eastern policy is that it has never been either one thing or another. In dealing with Mr. Nasser, some experts hold, one either goes the way of building the Aswan Dam or one goes the way of the Suez campaign.

The United States has done neither. It has not helped Mr. Nasser enough to make him independent of Soviet help, nor has it opposed him sufficiently to destroy him.

A HIGH SCHOOL COUNSELOR LOOKS AT S. 2490

Mr. HARTKE. Mr. President, recently I invited the attention of the Senate to testimony on S. 2490, the Hartke college student assistance bill, by a college vocational guidance counselor, Mrs. Josephine Ferguson, of Valparaiso University. On the same day, also as a witness on behalf of the American Personnel and Guidance Association, the Education Subcommittee heard Miss Carolyn Steel, a high school counselor in Minneapolis. The association they represent is a supporter of the bill.

As one who deals directly with the students themselves as they are thinking about the possibilities and the problems of college education, Miss Steel cited specific cases from her own experience. Each of them in its own way was a most pointed illustration of the need for scholarships, loans, and work study aid which my bill provides. I should like to note the stories of two young people whose need she presented in some detail.

Judy, Miss Steel told the subcommittee, is a Minneapolis Negro girl who graduated last year in the top tenth of

her class, was active in school organizations, and had good college capabilities. Her stepfather deserted Judy and her mother when she was nine; and they have existed to a large extent on Aid to Dependent Children funds, which of course ceased for Judy by the time of her graduation. Even though she received a $250 scholarship, the cost of a year at the University of Minnesota, in spite of living at home, would be around $700. Judy's aim is psychology or prelaw; but because of finances, she took a full-time job, and began this year with only one course in night school. Miss Steel summarizes:

She thinks that she will work another year and try to save some money and continue with night school. One can guess that she will give up her ideas of going into a field that takes 6 or 7 years and settle for something less. She probably will also find it hard to give up the security of a full time job for the financial insecurity that goes with full time attendance at college. Funds from S. 2490 might make Judy a full time college student and make another job open for someone else.

Allen took his first quarter last fall at the University of Minnesota Institute of Technology. With a high school standing in the top 15 percent and in the top quarter of college freshmen on aptitude tests, Allen wants to be an engineer. Two years ago, his stepfather lost his job in the Minnesota iron mines; he then relocated in Minneapolis, and last winter took on a second job in a filling station. The family wants Allen to go to college; but with four children and a low family income, Allen felt he had to go to work, to be able to pay for tuition and books; and his grades suffered. He dropped out for a quarter. Now he is discouraged, and is thinking of staying out for a full year. His stepfather felt unable to endorse a National Defense Education Act loan for Allen, and he was not eligible for other financial help. With the aid of S. 2490, he would have a much better chance.

These are only two cases, Mr. President, out of thousands which could be related by Miss Steel and other counselors. There is great need for aid to students faced with mounting college costs.

I sincerely hope S. 2490 will be favorably reported and favorably acted upon by the Senate.

RUSSIAN BUILDUP IN CUBA CONTINUES

Mr. DOMINICK. Mr. President, last week I had an opportunity to place into the RECORD one or two articles which cast extreme doubt upon the claims of highly informed sources in the Department of Defense that Russian troops were removing themselves from Cuba.

I have recently received a letter and accompanying intelligence report from Cuban intelligence which would indicate that the Russians not only are not removing themselves from Cuba but they are, in fact, increasing their military buildup in that island.

The opening paragraph of this letter states:

Despite misleading statements to the effect that the Soviet Union has practically withdrawn all of its troops from Cuba, the fact is that the Russian military buildup continues on the island.

The intelligence report confirms this, insofar as Cuban intelligence is concerned, from sources within the island.

Let me make explicitly clear that the reports I am spreading on the RECORD are not from intelligence sources in the United States. They are reports from Cuban intelligence sources.

The report reveals what I believe will be of extreme interest to a number of Senators—namely, the specific locations of the build-ups in Cuba, including the underground and underwater submarine pens at the Bellamar Caves; and reference is made to the ability of Russian submarines to enter these caves without surfacing. Reference is also made to the degree of security maintained around what are alleged to be missile sites on the island.

This report should be of extreme interest to the United States as a whole. It bears upon the attitude of the Department of Defense and the information it has given out, and conclusively shows that Cuba is both a center for Communist subversion in Latin America and South America—as we have indicated—and a military menace not only to ourselves but to all the free world, by means of such strongly armed Communist fortifications.

Mr. President, I ask unanimous consent that this intelligence report be printed in the RECORD.

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

INTELLIGENCE REPORT ON CUBA SUBMITTED TO GEN. MAXWELL D. TAYLOR, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, BY DR. NESTOR CARBONELL, JR., ATTORNEY AT LAW, LL.M. HARVARD 1958, WHO HAS SERVED AS SPECIAL REPRESENTATIVE OF CUBAN EXILE GROUPS TO THE ORGANIZATION OF AMERICAN STATES

(1) A high sense of duty, as a freedom-loving Cuban concerned over the fate of this hemisphere, prompts me to write you this letter in order to alert U.S. authorities to the new political and military fraud which the Soviet Union is attempting to perpetrate in the strategic island of Cuba.

(2) According to reliable reports received from diplomatic and underground sources in Cuba, Russia is pretending to withdraw all of its troops from Cuba, when in reality there are still more than 15,000 Soviet-bloc soldiers and technicians digging in deeper on the island. Notwithstanding the fact that there has been a reduction of Soviet-bloc military personnel since the October crisis, the bulk of the occupation forces still remains in Cuba.

(3) In order to give the impression of a massive evacuation of its military personnel, the Soviet Union has been "rotating" its troops and moving most of them from populous areas to secluded bases, many of which have underground facilities provided with special electrical and ventilation systems.

(4) The following are some of the bases, camps, and military installations where there are reportedly concentrations of Soviet-bloc soldiers and technicians. For the sake of brevity, I shall only refer to those located in the extreme provinces of Cuba; namely, Pinar del Rio and Oriente:

PINAR DEL RIO PROVINCE

San Julian airbase; "La Guatana" camp, near San Luis; "La Coloma" camp; underground installations in the area of Soroa; strategic installations in "Los Portales"—cave, located in "La Guira" farm, near San Diego de los Baños; the 12-mile long "Great Cavern of Santo Tomas," converted by the Russians into the military reserve warehouse of the western zone; strategic base, provided with underground silos for offensive missiles, in the area of "Suset" farm, between Artemisa and Cayajabos; Mariel naval base; general headquarters of the western zone located in la Gobernadora hills; Electronic Control Center in Blanquizar hills (also known as Anafe plateau) between Caimito del Guayabal and Guanajay, etc.

ORIENTE PROVINCE

Military camps in the area of Manati and Puerto Padre; Holguin airbase, provided with underground hangars and protected by a chain of camps and installations; strategic military zone, provided with underground silos for offensive missiles and submarine installations, in the coastal area of Cabo Lucrecia, Punta de Mulas and Banes; strategic bases of Mayari, Pinales de Mayari and Mayari Arriba; military installations between Baltony sugar mill and the naval base of Guantanamo; strategic base of Las Mercedes; military installations in "Potosi" farm, north of Victoria de las Tunas, etc.

(5) The Soviet Union not only keeps in Cuba the bulk of its forces, but also continues to increase or enlarge its strategic bases. In this connection, it is of interest to refer specifically to the famous Bellamar Caves, located north of Matanzas Province. These caves connected through newly built tunnels with Matanzas Bay, have been reinforced and converted into a submarine base, with adjacent underground fuel and arms depots.

(6) Matanzas Bay is so deep, that the submarines do not have to surface in order to reach the pens, which are provided with a special system of gates controlling the flow of water. The pens are finished, but we do not have, as yet, any evidence of Soviet submarines operating from this base.

(7) The military constructions in the area of the Bellamar Caves began more than 2 years ago. At that time, Cuban officials closed some of the galleries of the caves, alleging that they were being enlarged for tourist purposes. Security measures were later enforced under the pretext that gold deposits had been found in the excavations. In the final stage of the military constructions, Soviet specialized personnel replaced the Cuban engineers and workers. At present, most of the Bellamar Caves, as well as the adjacent tunnels and submarine installations, are under Soviet control.

(8) In connection with the submarine installations, it is of interest to refer to the May 1963 Interim Report on Cuba issued by the Senate Preparedness Subcommittee, which states that "advanced Soviet submarine bases could be established in Cuban ports with very little effort."

(9) The Bellamar complex is protected by a chain of military installations located in the mountains bordering on Yumuri Valley, just by San Juan River; in Margot Mines, near the town of Cidra; in the quarries close to the town of Limonar; in the hills adjacent to Canimar River, and in Hicacos Peninsula. The electronic equipment covering this area are mainly concentrated in the mountains bordering on Yumuri Valley.

(10) I am submitting this report in the hope that it will merit a careful investigation. My sole interest is to collaborate with the authorities of this great country, committed by the congressional joint resolution of October 3, 1962, "to prevent in Cuba the creation or use of any externally supported military capability endangering the security of the United States," and "to work with the Organization of American States

and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

NESTOR CARBONELL, Jr.

MAY 1, 1964.

INACTIVE DEFENSE FACILITIES IN NEW YORK

Mr. KEATING. Mr. President, the Defense Department is now maintaining in the State of New York, or expects to continue to hold, 108,847 acres of land which is currently inactive or at this time is scheduled for inactive status; 108,052 acres are currently inactive, but the Defense Department has no plans for disposal of the land; 795 acres will be inactivated within the next few years; but the Defense Department indicates that it has no present plans for disposal of them and intends to keep them for possible Defense Department use.

In other words, Mr. President, a total of 108,847 acres of land in New York will shortly be held by the Defense Department, serving no Defense Department need that has yet been indicated, paying no taxes, and contributing no community services of any kind.

Mr. President, this is a substantial amount of land. In terms of the jobs that might be created on that land if defense facilities were operating there, it is a great deal. In terms of taxes that might be paid if privately held, it is a lot, also. I am urging the Defense Department to consider the possibilities for this property as soon as possible, so that New York can have either the jobs or the taxes that this land might offer. New Federal facilities on this land would be one way of saving the Government money and putting these unused properties to work again. I am also studying other methods of coping directly with the hardships caused by this retention of idle, untaxed land.

Mr. President, I ask unanimous consent to include in the RECORD, following my remarks, the text of the communication on this subject from the Defense Department.

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

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS,
Washington, D.C., May 14, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in reply to your letter of May 4, 1964, concerning the amount of land held by the Department of Defense in the State of New York in an inactive status and for which no disposal plans have been made. In addition, you expressed interest in properties which have been scheduled for inactivation within the next 3 years but which are to be retained for other possible use.

The properties held by the Department of Defense in New York which are inactive but which are not at present the subject of disposal action are:

	Acres
Camp Drum, Watertown	107,675
Camp Hero, Montauk Point	362
Auburn Ordnance Shell Plant, Auburn (leased)	15
Total	108,052

Defense properties in New York which were announced for closure but which are to be retained by the Department of Defense for other possible use are:

	Acres
Fort Slocum, New Rochelle	123
Fort Tilden, N.Y.	312
Fort Totten, N.Y.	147
Miller Field, Staten Island	213
Total	795

In connection with the Seneca Army Depot, this installation consisting of 10,688 acres of land is considered to be in an active status and, accordingly, is not included in the above list of inactive properties.

We trust this information will prove helpful. We shall be happy to furnish additional information on these properties if you so desire. Your interest in this matter and your continued support of our national defense efforts are greatly appreciated.

Sincerely yours,

EDWARD J. SHERIDAN,
Deputy Assistant Secretary of Defense
(Properties and Installations).

THE STATE OF THE ECONOMY

Mr. LONG of Louisiana. Mr. President, when Congress passed the Revenue Act of 1964, the largest revenue bill ever to be passed by Congress, it provided for the largest tax reduction we shall probably see in our lifetimes; perhaps the largest to be made in many generations.

When the Revenue Act of 1964 was passed, many of us had high hopes that the fiscal policy then adopted would do much to continue the prosperity the Nation was enjoying; that it would avoid a recession that, in some respects, might have been regarded as overdue; that it would increase American production and American income; and that it would also help to solve our fiscal and monetary problems, including the problem of the outflow of gold from American reserves.

Since that time, the economic indicators and information coming to us from financial sources have demonstrated that the Nation is enjoying the type of increased employment and production that had been hoped for; that the trend is extremely favorable; and that we are experiencing the type of prosperity we had hoped would result from the revenue legislation.

All this speaks well for the fiscal policy of President Johnson and of the late President Kennedy, who initiated this proposal.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Trends Reverse Forecasts," written by Eliot Janeway, and published in the Evening Star of today, May 18, 1964; and an article entitled "Steel Output Best in Year."

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

[From the Washington (D.C.) Star, May 18, 1964]

AS JANEWAY VIEWS IT: TRENDS REVERSE FORECASTS

(By Eliot Janeway)

NEW YORK.—Last autumn, the dollar was in trouble. Here and abroad, bankers were warning of a run on the dollar, and Washington was getting ready for a money squeeze.

There's no fear as infectious as fear for the value of money. Our bond market, which reflects confidence in money, was sick; and our stock market, which reflects confidence in the use to which money is put, was jittery.

By contrast, every currency on the continent of Europe looked strong, and the entire economy between the Iron Curtain and the English Channel looked rich. Because everything in Europe looked so rosy, while the outlook here was growing murky, money wanted to leave here and go there. This was making a bad situation worse. Specifically, it was making a weak dollar weaker still.

Veterans of market storms know that many big changes come as surprises—especially as political surprises which break the continuity of familiar economic ups and downs. Johnson's Presidency has brought us a major surprise of this kind. The change it has brought has certainly broken all continuity with 1963 market forecasts and performances.

SEEKING HAVEN HERE

For 1964 is seeing not the threatened run on the dollar but, instead, a flight to the dollar. Hard cash is pouring out of Europe and seeking a haven here. The financial history of 1964 is taking form as a reversal of the forecasts of 1963.

The way this big change is working out is as surprising as the charge itself. When the dollar was weak, the word was that the beneficiary of money trouble here would be gold. And so it would have been, if only because the United States bulks so large in the world's consumption of hard goods. A money squeeze here would have curtailed our consumption and put the rest of the world on short rations. Commodities would have been worth less and, therefore, gold would have been worth more.

HAVING MONEY WOES

But Europe fits differently into the world economy. Now that she's having money trouble, while the dollar is strong again, gold is dead and gone as the market beneficiary of financial strain and retrenchment. Instead, its basic commodities, like copper and hides, that are going to a premium as the sicker currencies go to a discount.

The theory on which Europe is shipping money out and taking commodities in is simple and sensible. First of all, it respects the trendmaking role of the United States in world markets. The momentum of the business improvement here is feeding on the liquidity coming in from abroad. When business here is good, and the United States is an active buyer abroad, consumers in smaller economies must be prepared to bid up and to pay higher for their needs.

Fear of inflation is Europe's other motive for dumping paper money and accumulating hard goods. But no one there expects money trouble to undo the Americanization of consumption and of living standards. All that will happen is that commodity prices will rise as currencies depreciate.

Meanwhile, because we're doing so well should make us not smug but wary. Any time the flow of money here slackens or the strength of commodity prices falter, it will be a warning that we're stumbling again.

STEEL OUTPUT BEST IN YEAR

CLEVELAND—Some of the slack in steel orders from automobile manufacturers is being taken up by rising demand from the construction industry, Steel magazine reports.

The metalworking weekly said steelmakers now expect June shipments to drop no more than 5 percent, compared with their forecast of a 10-percent dip a few weeks ago. Reasons for the revision, it added, include:

Automobile manufacturers have reduced steel buying less than anticipated.

Appliance makers and other producers of consumer durables are continuing to buy light, flatrolled steel products at a good rate.

Structural fabricators, railroad carbuilders, machinery manufacturers and shipbuilders are placing big orders for shapes and plates.

The magazine said steelmaking operations are at the highest level in 11 months, with this week's output expected to exceed the 2,492,000 tons produced last week.

"This month's production will be about 11 million tons, highest since May 1963," Steel said. "Next month's output may drop to 10.2 million tons, but it will boost the first half's total to 61.2 million tons—2 million more tons than in the first half of 1963."

Steel said market analysts predict a 10-percent drop in steel production and shipments for July, but expect the month's performance to be better than that during July of last year.

"The downturn in July will reflect sharply reduced automotive steel buying, model changeovers in the appliance industry and vacation shutdowns by other big steel-consuming industries," the publication said.

NATIONAL COMMISSION ON FOOD MARKETING

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 967, Senate Joint Resolution 71.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Commerce with an amendment on page 2, after line 4, to insert:

(b) The President shall designate a Chairman from among the members of the Commission.

At the beginning of line 7, to strike out "(b)" and insert "(c)"; at the beginning of line 10, to strike out "(c)" and insert "(d)"; in line 23, after the word "of", to strike out "subsistence" and insert "subsistence,"; on page 3, line 14, after the word "farming", to insert "and other food production"; on page 4, line 6, after the word "of", to strike out "opinions." and insert "opinions pertinent to the study."; in line 8, after the word "is", to strike out "authorized—" and insert "authorized by majority vote—"; on page 5, line 15, after the word "to", to strike out "request" and insert "require"; in line 17, after the word "agency", to strike out "available"; in line 19, after the word "authorized", to insert "and directed"; on page 6, line 20, after the word "as", to strike out "it deems" and insert "are"; in line 21, to strike out "its business" and insert "business, except as otherwise provided"; after line 21, to strike out:

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) The Chairman of the Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

And, in lieu thereof, to insert:

SEC. 6 ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director, with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

On page 8, line 10, after the word "payments", to strike out "(5 U.S.C. 46c)" and insert "(5 U.S.C. 46e)"; in line 14, after the word "the", to strike out "Commission:" and insert "Commission."; and, after the amendment just above stated, to strike out *"Provided further,* That the Commission shall not be required to prescribe such regulations."; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) The President shall designate a Chairman from among the members of the Commission.

(c) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(d) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and other food production and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and

(5) The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

(b) The Commission shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate.

(c) The Commission shall make such interim reports as it deems advisable, and it shall make a final report to the President and to the Congress by July 1, 1966.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any member thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case or refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed

best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of business, except as otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(b) The Chairman is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission.

(e) Ninety days after submission of its final report, as provided in section 4(c), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $2,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. McGEE. Mr. President, the pending measure, Senate Joint Resolution 71, contains the proposal of the President to create a bipartisan National Commission on Food Marketing, to be made up of 15 members.

The good that will come from this resolution, the benefits to the Nation, will accrue from the actions of the National Commission on Food Marketing that will be established because of this resolution.

To understand the necessity for such a commission and such an investigation, it is necessary to assess the developments that have occurred in food marketing since the end of World War II. This is not a story of gradual change and improvement, but rather a new phenomena of complete change that is a very significant development in the lives of most Americans.

The food marketing industry is today one of our giant industries, involving expenditures of $70 billion annually at retail and employing about 11 million wage earners. In the days before the war the bulk of grocery sales were made by the small, neighborhood grocery store. Such a store might have averaged 800 square feet of floor space and stocked about 870 different items. Today, the air-conditioned supermarket, with background music and a mammoth parking lot, contains 20,000 square feet of floor space and stocks 6,000 items.

A very significant fact is that in the development of the supermarket more than 140,000 of the small, neighborhood grocery stores have gone out of business.

With the advent of these new giants on the retail level comes an equal accumulation of size and power at the other end of the commercial scene, the purchase from the producer or his agents. In the hearings conducted by the Commerce Committee we heard many instances of chainstore buyers contracting for the entire amount of a farmer's crop or that of a marketing association or cooperative. In these cases the purchasers have often demanded and received considerations that the suppliers thought unfair but were unable to refuse for fear of losing the sale of their entire year's effort. In fact, we heard several reports of producers who were afraid to testify before the committee for fear of reprisals by the food chain purchasers.

Mr. President, no one would deny that the new merchandising phenomena that is the chainstore has brought many benefits to the Nation and to the consumer. Certainly the results of mass purchasing and high volume can bring impressive savings to the consumer. And this can be demonstrated by the fact that our Nation leads the world in food costs as a percentage of income. Today's American wage earner spends but 18.5 percent of his take-home pay to feed his family, the lowest percentage in the world. But at the same time that food costs have fallen in comparison to the cost of living, the percentage of the food dollar that winds up in the hands of the farmer has steadily decreased also. Today the farmer is in the worst price squeeze he has been in for 30 years.

Since 1947 farm prices for food have dropped 12 percent but retail food costs have increased by 29 percent. Since that year the farmers have increased their production by 40 percent. At the same time the annual consumer food cost has increased by $26.2 billion. I would point out, Mr. President, that of that $26.2 billion, 88.5 percent or $23.2 billion went to processors and marketing agencies and only $3 billion to the farmer.

I realize that part of this cost may be attributed to the increasing amount of preparation that the consumer now demands in his food products, TV dinners, precooked foods, precut chicken, and the like. And the labor costs of the processors and stores have also risen, but the productivity of the average worker—aided by modern machinery and new techniques—often has risen too, to offset the wage increases. The National Commission will find no shortage of unknown factors when they begin their investigation.

But to mention one field where there is a real urgency for an accounting I would point out that the American cattleman has lost more than $2 billion since his prices started to fall about 2 years ago. I believe that he is entitled to know why his prices have dropped to the point where he can no longer make a living while at the same time the price the housewife is paying for her beef has not dropped at all. And beef is not the only area where there seems to be little relationship between the price paid the producer and that paid by the consumer.

In the history of our Nation there are many instances where power has been consolidated and used to the detriment of the public interest. And in many of these cases these practices were well entrenched before any action was taken to correct them and, as a consequence, much harm was done and many inequities suffered by the consuming public because no one knew or could prevent these abuses of our free enterprise system.

I believe that President Johnson's call for an investigation now is a prime example of a lesson learned from the past. We shall now be able to provide the public with the assurance that the Government is fulfilling its duty to protect their interest and we are doing it with speed and efficiency.

We do not know at this time what is the relationship between the phenomena of the food chainstore and the increasing cost squeeze on the farm front. But I believe we deserve to know if a relationship exists, and, if it does, what can be done to make sure this new force on our commercial front works for the public interest within the realm of our traditional free enterprise operations.

By this action today we shall add to our knowledge an important body of facts concerning operations that affect all Americans. Armed with this knowledge, we may be able to make such adjustments as are necessary to retain the balance that is necessary if all who would compete in the marketplace are to have a fair chance to succeed on the strength of their ability and initiative.

We have not suggested that a way be found to guarantee everyone the right to an income, but rather that he have the right to compete on terms of equality and without restraints with his fellows for that income. When that is the case, the American system shall be immeasurably strengthened, and we all—consumer, producer, and the middleman—will be the stronger for it.

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

Mr. McGEE. I yield.

Mr. MORTON. Mr. President, I attended many of the hearings, which were presided over by the Senator from Wyoming. We heard from the agricultural community and also from the National

Association of Chain Stores, which includes most of the big supermarket operations. They are agreeable to the resolution. They sympathize with the plight of the farmer and realize that his return has been diminishing for several years. The fact is, of course, that much of the drudgery of the kitchen has been transferred to the producer and manufacturer of food products.

The big chains operate on a very low margin—something like 1 percent—and they, along with the agricultural industry, welcome a bipartisan approach such as this. I trust that Congress will pass the joint resolution.

Mr. McGEE. I thank the Senator from Kentucky for his help and leadership in connection with this measure.

One of the very striking elements in the hearings was the way in which all segments connected with the problem came to our support in trying to solve it. I refer to the Farmers Union, the American Farm Bureau Federation, the National Grange, the National Federation of Independent Businesses, the American Stockyards Association, the American National Cattlemen's Association, the Wool Growers, the Cattle Feeders, the National Association of Food Chains, the National Association of Retail Grocers, labor unions—nearly everyone who is in any way connected with the problem.

As the Senator from Kentucky has mentioned, this is testimony to the fact that all would like to learn the facts and to dispel any false assumptions which may have been drawn.

The distinguished Senator from Nebraska [Mr. HRUSKA] has spoken to me on the floor about a modification of one of the clauses in Senate Joint Resolution 71. He has made a very helpful suggestion. I am willing to accept it.

Mr. HRUSKA. Mr. President, the discussion which I had with the distinguished chairman of the subcommittee referred to subsection (4) of section 4, on page 3 of the joint resolution, in which reference is made to the changes in public policy which would be considered appropriate to achieve a desired distribution of power, as well as desired levels of efficiency.

The question that arose in my mind was whether the "distribution of power" referred to the several segments of the food industry or to the power possessed by the Federal agencies which have jurisdiction over those segments.

The suggestion was made—and I understand the chairman is agreeable to the suggestion—that there be inserted on line 17, after the word "power" the words "among Federal agencies".

That would definitely mean that the "distribution of power" referred to the power of the Federal agencies which have jurisdiction over segments of the food industry.

Mr. McGEE. Yes.

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

Mr. McGEE. I yield.

Mr. DOMINICK. I welcome the Commission which is provided for in the joint resolution.

I wonder whether it is the Senator's impression that the Commission would give any assistance in solving the problems of the livestock industry. It is my understanding that it will take a considerable length of time for a report to be issued. Is that not correct?

Mr. McGEE. The interim reports will be made in order; and the first item of business on the agenda is the red-meat problem. We hope this will be a matter of high priority with the Commission.

Whether the Commission's efforts can have quick enough impact is another question. In my opinion, this investigation should be undertaken, regardless of how soon its impact may be felt, because of the depth and importance of the problems. It is our hope that the study will move rapidly.

Mr. DOMINICK. At what time does the Senator expect the first report to be received?

Mr. McGEE. At this time, I have no way of answering the Senator's question, for the reason that the measure still has not been sent to the White House and the Commission has not yet been established. I think the answer will depend somewhat on that action. Once the Commission is created, I should imagine that in the course of a number of weeks, rather than interminable months, it would be possible to receive an interim report on the meat problem.

Mr. DOMINICK. I am sure the Senator is aware that feeders are now offering about 17 or 18 cents for producers' calves that are now reaching the market, and have been threatening to lower that price to 14 or 15 cents, which would extend the problem that now faces feeders, banks, and some of the other industries that are trying to keep the feeders going. They are seeking to extend aid to the producers before this fall.

This is a perfectly good mission, which should be of value over a period of time. My concern is whether it will have an impact on the thinking of Senators in such a way as to cause them to believe the problem will be solved by virtue of the passage of the joint resolution, because I am sure Senators will agree that is not so.

Mr. McGEE. Indeed, not. Actually, we want to get to the bottom of the problem, by asking questions and finding the right answers, rather than to leave anyone with the suggestion that the particular price problems at the moment have been resolved. We know the cattleman is affected now by forces preying upon depressed cattle prices, which involve imports, overproduction, and a carrying of extra heavy steers for a long time on local feed lots. These are forces that will not be reversed by magic. The joint resolution makes no pretention of doing so. Thus, we are interested in answers, and we do not expect a solution overnight.

Mr. HRUSKA. Mr. President, the point raised by the Senator from Colorado is especially pertinent. Not only are we confronted with the forces of the imports of beef and overproduction of beef domestically, but we also have as one of the proposals in the so-called Appalachia war on poverty the improvement of pasture land for cattle raising. The goal is to increase in a short number of years the gross income of farmers within that area, to the extent of some $230 million from beef and cattle marketings. The program would be financed by Federal grants and subsidies, in the main. So we get into that phase of the problem from the standpoint of increasing the present overproduction of beef, which, according to the Department of Agriculture, is the chief cause of the drop in the market prices of cattle.

I hope that in due time that proposal will be checked into by the Commission, and that its report will bear out the idea that its investigation is not something that will cure the problems of the cattle producers, late in the summer—in August and September, when the producers will begin the marketing of their present stock cattle.

Mr. McGEE. The Senator from Wyoming fully understands the problem, and thanks both the Senator from Nebraska and the Senator from Colorado for their contributions to the discussion.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by the chairman of the Committee on Commerce [Mr. MAGNUSON], who would have made the statement himself, had he been present. I also ask unanimous consent that letters which he intended to place in the RECORD be printed therein.

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

STATEMENT BY SENATOR MAGNUSON

The action which the Senate takes today in passing Senate Joint Resolution 71, to establish a Presidential Commission to investigate food marketing, may have as great and as beneficial an impact on the American economy of the future as any other act of the 88th Congress.

Make no mistake about it, the American farmer is besieged by high costs and low farm prices. The Senate Commerce Committee heard compelling testimony from cattlemen relating to the recent disastrous drop in livestock prices, but cattlemen are not the only victims of the upheavals in our food marketing system.

I have heard from livestock producers in the State of Washington and from poultrymen, dairymen, berry growers, wool growers, wheat growers, pear, apricot, cherry, peach, and prune growers.

Without exception they have urged the enactment and speedy implementation of the Food Marketing Commission as proposed in Senate Joint Resolution 71.

The Governor of Washington, Governor Rosellini, and his director of agriculture, Joe Dwyer, have taken the lead in pleading the cause of the Washington farmer and grower. "For many years," writes Governor Rosellini, "I have shared the increasing concern of farm leaders and spokesmen over the revolutionary changes in the food marketing structure and their effect upon the individual farm operator."

And Director Dwyer emphasizes the particular sensitivity of Washington agriculture to the revolutionary changes in the structure of food marketing:

"Because of its geographic location and the character of its agriculture, the State of Washington is particularly sensitive to these

changes. Ours is a developing agriculture, without the full stability of agriculture in many of the older areas of the Nation. Ours is also a diversified agriculture, producing many products that are in direct competition with the products of other areas and nations. And because of our location, many of our most important products must find their markets in distant areas and must move to those markets through the full channel of the marketing process. They are thus subject to the full impact of concentrated buying power, integration, freight rate differentials and the increasing spread between producer and consumer prices."

It is clear that nothing less than the very survival of the family farmer and grower is at stake. It is therefore of the most critical importance that a vigorous and fearless commission be established at once and that it seek out the answers and solutions to the farmers' distress.

STATE OF WASHINGTON,
Olympia, April 20, 1964.

Hon. WARREN G. MAGNUSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR WARREN: President Johnson said in his message on agriculture to the Congress on January 31 that a bipartisan study of market power in the distribution of food "is a pressing need if American agriculture is to be strengthened."

For many years I have shared the increasing concern of farm leaders and spokesmen over the revolutionary changes in the food marketing structure and their effect upon the individual farm operator.

I strongly support the proposal embodied in Senate Joint Resolution 71 to create a Presidential commission to study and appraise these changes.

Only by fully exploring both the character and extent of these developments and their effects will we be able to properly discharge our responsibility to farmers and consumers.

Sincerely,

ALBERT D. ROSELLINI,
Governor.

STATE OF WASHINGTON,
DEPARTMENT OF AGRICULTURE,
Olympia, April 20, 1964.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: No single element has had a more profound effect upon agriculture in the State of Washington than the tremendous changes that have occurred in recent years in the marketing of food products.

Because of its geographic location and the character of its agriculture, the State of Washington is particularly sensitive to these changes. Ours is a developing agriculture, without the full stability of agriculture in many of the older areas of the Nation. Ours is also a diversified agriculture, producing many products that are in direct competition with the products of other areas and nations. And because of our location, many of our most important products must find their markets in distant areas and must move to those markets through the full channel of the marketing process. They are thus subject to the full impact of concentrated buying power, integration, freight rate differentials, and the increasing spread between producer and consumer prices.

I strongly believe that a comprehensive study of the changes in the food marketing structure and the effect of those changes upon the farmer and the consumer is imperative.

I endorse Senate Joint Resolution 71 which will create a bipartisan Presidential commission to conduct this study and provide us with a basis for sound and constructive decisions for the protection of agriculture, business, and the consumer.

Sincerely yours,

JOE DWYER,
Director.

APRIL 20, 1964.

SIGMUND H. RESTAD,
Director, Division of Agriculture,
Palmer, Alaska:

I strongly support Senate Joint Resolution 71 establishing bipartisan Presidential Commission to study food marketing structure, integration, contract farming. If you concur please wire or write Senator WARREN MAGNUSON, chairman, Commerce Committee, indicating importance to agriculture your State.

JOE DWYER,
Director, Department of Agriculture.

(Same telegram sent to Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming.)

SPOKANE, WASH., *April 22, 1964.*

Senator WARREN MAGNUSON,
Washington D.C.:

Washington Wheat Commission urges your strong support Senate Joint Resolution 71 establishing Commission, study food marketing structure, particularly farmer's share food dollar and wide variance between that and consumer's price.

WAYNE GENTRY,
Administrator.

SEATTLE, WASH., *April 22, 1964.*

Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.:

DEAR SENATOR: The Washington State Fryer Commission which represents over 300 fryer growers and processors, support you in your endorsement of Senate Joint Resolution 71, and urge its immediate passage.

Happiness.

WASHINGTON FRYER COMMISSION,
CHARLES L. SHAFER, *Chairman.*

WASHINGTON STATE FRUIT COMMISSION,
Yakima, Wash., April 20, 1964.

Hon. WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Information has reached us that you are soon to enter a bill in the Senate known as Senate Joint Resolution 71 for the purpose of establishing a committee and procedure to, among other things, study, and analyze the effects of the great concentration in retailing upon farm prices and farm product marketing.

Please be assured that, as manager of the Washington State Fruit Commission, I am very much aware of the need of this study on the part of Government, and I wholeheartedly endorse your resolution.

Sincerely yours,

FRED H. WESTBERG,
Secretary-Manager.

WASHINGTON DAIRY PRODUCTS COMMISSION,
Seattle, Wash., April 23, 1964.

Hon. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: On April 22, in regular session, the members of this organization gave full and careful consideration to the provisions of Senate Joint Resolution 71.

They were in unanimous agreement that the establishment of a National Commission on Food Marketing to study the food industry from farm to the consumer would be to the best interests of all farmers, including dairy farmers, as well as the consuming public.

Consequently, they voted to support the joint resolution and to ask you for your views in the matter.

Yours truly yours,

FRED OLSEN,
Secretary.

WAYNE MUNKRES,
Chairman.

EVERSON, WASH.

CURTIS L. BLACK,
Vice Chairman.

CHEHALIS, WASH.

LOWELL V. ANDERSON.

ELLENSBURG, WASH.

HOWARD A. ESVELT.

DAISY, WASH.

LEVI L. CAYS.

SEQUIM, WASH.

HARRY A. LINDSEY.

NACHES, WASH.

SCOTT WALLACE.

CARNATION, WASH.

WASHINGTON STATE DAIRYMEN'S FEDERATION,
Puyallup, Wash., April 20, 1964.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: It is our understanding that the resolution requested by President Johnson for establishment of a bipartisan commission to study changes in agricultural marketing is in your committee. We would appreciate receiving the details of the resolution. The information we have indicates the resolution is broad in directing a study of integrated farming, chain store buying, marketing margins and other related questions. Many of us in agriculture need to know what the changes are, what they mean and how far these trends will go. With this information we can make more realistic decisions on our own adjustments.

The Washington State Dairymen's Federation supports the formation of the Commission.

Sincerely,

W. O. HARTILL,
President.

BOB COOK,
Manager.

WASHINGTON-OREGON BERRY GROWERS ASSOCIATION,
Puyallup, Wash., April 20, 1964.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: It is our understanding that the resolution requested by President Johnson for establishment of a bipartisan commission to study changes in agricultural marketing is in your committee. We would appreciate receiving the details of the resolution. The information we have indicates the resolution is broad in directing a study of integrated farming, chain store buying, marketing margins and other related questions. Many of us in agriculture need to know what the changes are, what they mean and how far these trends will go. With this information we can make more realistic decisions on our own adjustments.

The Washington-Oregon Berry Growers Association supports the formation of the Commission.

Sincerely,

BOB COOK,
Manager.

YAKIMA, WASH.,
April 22, 1964.

Senator WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing in reference to Senate Joint Resolution 71 and urging speedy completion of hearings and passage by the Senate and House of this resolution.

I represent and speak for four Federal marketing orders, the Washington Apricot Marketing Committee, the Washington Cherry Marketing Committee, the Washington Peach Marketing Committee, and the Washington-Oregon Prune Marketing Committee.

The soft fruitgrowers in the State of Washington are interested in this resolution because they are faced with rising costs of production and yet soft fruit is returning the growers less money than it did 10 years ago. We realize fruit is not as influential on a national scale as beef, however, it is very vital to the fruitgrowers of the State of Washington, which are many hundreds in number, and who are affected by this price squeeze in the same manner as the cattle feeders. These grower marketing order committees feel that the consumer is getting a bargain in fruit prices compared to the other items purchased.

We are not necessarily pointing a finger at chainstores specifically for excess profits, such as some other commodity organizations have, but it is the general feeling among fruitgrowers that chainstores often contribute to forcing the fruit prices lower than they should have been if the law of supply and demand had not been tampered with. These large and powerful chainstore complexes have enough buying power to partially influence the supply and demand on specialty crops which are not marketed on a national scale.

We urge speedy passage of Senate Joint Resolution 71 and subsequently a complete investigation to determine if chainstores actually are influencing the law of supply and demand. We would like to see the consumer get a bargain on food, but not at the expense of putting the producer out of business due to unfair pricing practices.

I would be happy to discuss this program with you further if you wish.

Thank you in advance for your cooperation.

Sincerely yours,
STONE FRUIT MARKETING COMMITTEES,
DEE SMITH,
Manager.

WASHINGTON STATE COUNCIL OF FARMER COOPERATIVES,
Seattle, Wash., May 1, 1964.

Senator WARREN G. MAGNUSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Washington State Council of Farmer Cooperatives which represents 145 farmer cooperatives in this State supports Senate Joint Resolution 71, a bill to establish a National Commission on Food Marketing. A study of market power in the present food marketing system will be most helpful, not only to farmers, but also to consumers as they would gain more information regarding the farmer's position in the total economy of the country.

A strong agricultural economy is most important to the Nation. The Commission as proposed in Senate Joint Resolution 71, and the outline of assignments merit the support of the Senate Commerce Committee and all Members of Congress.

Very truly yours,
H. M. OLSEN,
Executive Secretary.

WESTERN FARMERS ASSOCIATION,
Seattle, Wash., May 1, 1964.

Re Senate Joint Resolution 71, National Commission on Food Marketing.

Hon. WARREN G. MAGNUSON,
U. S. Senate,
Washington, D.C.

DEAR WARREN: Our association is very much interested (affirmatively) in this proposed legislation. We are not only interested in the price spread between what the farmer receives and the consumer pays, but are particularly concerned over the disadvantage at which the farmer frequently finds himself through lack of bargaining power with the large mass buyer.

I note, WARREN, that Kenneth D. Naden (a longtime friend and acquaintance), executive vice president of the National Council of Farmer Cooperatives, presented testimony before your committee under date of April 22. Mr. Naden is well informed on this subject, represents the major farm cooperatives of our country, and I know can be most helpful to you and your committee should you see fit to call upon him.

Incidentally, Scoop advises me that we have a luncheon date on Tuesday, June 2, when I expect to be in Washington, D.C.

With my kindest personal regards.

Sincerely yours,
HARRY J. BEERNINK,
General Manager.

NORTHWEST WASHINGTON FARM CROPS ASSOCIATION,
Mount Vernon, Wash., April 20, 1964.

Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Northwest Washington Farm Crops Association, consisting of 366 active member growers of fruit and vegetable crops in the three-county area of northwest Washington, namely Skagit, Snohomish, and Whatcom Counties, hereby request your support of Senate Joint Resolution 71.

In view of the economic position of the industry we feel a study and appraisal of the situation is timely and necessary.

Yours very truly,
RAY A. SCHINK,
Manager.

CIRCLE LAZY H RANCH,
Ellensburg, Wash., April 20, 1694.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Regarding Senate Joint Resolution 71 which would create a commission supposed to come out of your Commerce Committee this week.

As I understand this, it will create a committee to study our declining cattle market. Personally, I am all for it. After all, the cry is that imports are the fault. Who are the importers? As near as I can figure, our big packers are the producer as well as the importers playing monopoly and if left unchecked, will create a serious impact on our economy. It has already caused many feeders to go broke and if left unchecked, will break many small packer-feeders as well.

The chainstores are perhaps one of the farmers worst enemies as they not only set the price on beef and other farm commodities but they get by with it. I can't go along with the cry that there is a surplus of beef. Nobody knows of its spoiling in the coolers yet.

Thanks to you, Senator, for your interest in this matter.

Sincerely,
LAURENCE MELLERGAARD.

P.S.—We are still hoping to build the steamplant, so anything that you can do to build the tieline will be greatly appreciated as it will help our endeavor.

YAKIMA, WASH.,
April 20, 1964.

Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.:

We support Joint Resolution 71, which will create bipartisan commission to study, appraise, and evaluate the dynamic changes which have taken place in the food industry. Points of study: production, marketing, transportation, and labor costs.

CLAY WHYBARK,
Secretary-Manager, Washington-Oregon Canning Pear Association.

ELLENSBURG, WASH.,
April 20, 1964.

Senator WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.:

We support Senate Joint Resolution 71 and appreciate your action on our behalf.

PHIL KERN,
Secretary, Washington Wool Growers Association.

BOTHELL, WASH.,
April 15, 1964.

Senator WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a 45-year-old housewife who has voted for you twice in the last decade. I, and several other housewives, wish to persuade you to do whatever you can to stop the food prices from rising. We know that the producers get no higher prices for their products, and that we housewives keep having to pay more and more for food in the stores. So who is profiting from this?

We wish you to help find out the reason for the steady rise in prices, and to prevent this robbery from continuing.

Thank you.

Yours truly,
MRS. RAY DURBIN.

RESOLUTION FAVORING SENATE JOINT RESOLUTION 71

Whereas Senate Joint Resolution 71 would authorize an investigation by the Federal Trade Commission of the purchasing, processing, marketing and pricing practices of the food chainstores; and

Whereas at the present time 10 national food chains control over one-half of the beef that is marketed at the retail level in the United States; and

Whereas farmers and ranchers are subjected to prices which are deliberately set and manipulated by these giant food chains, which has resulted in the closing of competitive livestock markets and bankruptcy of independent producers and distributors; and

Whereas in our opinion this investigation is of the utmost importance and long overdue: Now, therefore, be it

Resolved, That Thurston County Pomona Grange No. 8 urge the passage of Senate Joint Resolution 71 at this session of Congress, and that copies of this resolution be sent to Senators MAGNUSON and JACKSON, also Senator MCGEE, of Wyoming, and to the Washington State Grange.

JAMES NELSON,
Master.
JEAN PETERSON,
Secretary.

OLYMPIA, WASH.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments will be considered and agreed to en bloc.

Mr. HRUSKA. Mr. President, I offer amendments to the committee amendment, and ask that they be read.

The ACTING PRESIDENT pro tempore. The amendments of the Senator from Nebraska to the committee amendment will be stated.

The legislative clerk read as follows:

On page 3, line 17, after the word "power", it is proposed to insert "among Federal agencies".

On page 3, line 18, after the word "as", to insert "their".

The ACTING PRESIDENT pro tempore. Without objection, the amendments to the committee amendments are agreed to.

The joint resolution, as amended, is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 71) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members, including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) The President shall designate a Chairman from among the members of the Commission.

(c) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(d) Eight members of the Commission shall constitute a quorum.

SEC. 3. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 4. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades, in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

(4) The changes in statutes or public policy, the organization of farming and other food production and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power among Federal agencies as well as their desired levels of efficiency; and

(5) The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

(b) The Commission shall recommend such actions by Government or by private enterprise and individuals as it deems appropriate.

(c) The Commission shall make such interim reports as it deems advisable, and it shall make a final report to the President and to the Congress by July 1, 1966.

SEC. 5. POWERS OF THE COMMISSION.—(a) The Commission, or any member thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay the witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of business, except as otherwise provided.

SEC. 6. ADMINISTRATIVE ARRANGEMENTS.—(a) Without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, the Chairman of the Commission is authorized to appoint and fix the compensation of an executive director, and the executive director, with the approval of the Chairman, is authorized to appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the Classification Act of 1949, as amended.

(b) The Chairman is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission.

(e) Ninety days after submission of its final report, as provided in section 4(c), the Commission shall cease to exist.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $2,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

The title was amended, so as to read: "A joint resolution to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer."

Mr. McGEE. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BIPARTISAN NEWSLETTERS NOS. 52 THROUGH 56

Mr. HUMPHREY. Mr. President, the bipartisan floor leaders of the civil rights bill make a practice of placing each week's newsletters in the RECORD. I ask unanimous consent that newsletters Nos. 52 through 56 be printed at this point in the RECORD.

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

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 52, MAY 12, 1964

(The 36th day of debate on H.R. 7152; 53d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but when the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum, called at 10:16, required more than an hour and a half.

Fulfillment of their quorum obligations is the only way that most supporters of civil rights can presently contribute to the passage of the bill. When they fail to meet these obligations, the civil rights struggle suffers a defeat, and the prospects for a post-convention session grow stronger.

2. Tuesday's schedule: The Senate will convene at 10 this morning and will stay in session until late tonight. Live quorums should be expected throughout the session. Floor captains for Tuesday:

Democrats: HART, 10 to 1; MORSE, 1 to 4; DODD, 4 to 7; PROXMIRE, 7 to close.

Republicans: JAVITS, all day; MILLER, all day.

3. In 1955 Justice William Douglas and Robert F. Kennedy, then a Senate staff member, toured the Soviet Union. A year later Mr. Kennedy described one of their interesting discoveries in the Soviet Union:

"In every city that we visited there were two different school systems. There was one set of schools for the local children—those of different color and race from the European Russian children. State and collective farms were operated by one group or the other, rarely by a mixture of both.

"Although work is supposedly being done to minimize the differences, many of the cities we visited were still split into two sections, with the finer residential areas being reserved for the European Russians. European Russians coming into the area receive a 30-percent wage preferential over local inhabitants doing the same jobs. The whole picture of segregation and discrimination was as pronounced in this area as virtually anywhere else in the world." (New York Times magazine, April 8, 1956.)

4. More true crimes stories: The following remarks by a supporter of the civil rights bill may be interesting, in view of the attempts by the enemies of the bill to distract attention from racial discrimination by telling bloodcurdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than those of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed toward us.

"New York City's crime rate for serious offenses * * * per 100,000 inhabitants was 1,509.7. What the southern Senators fail to note is that the crime rate was higher in the following 18 southern metropolitan areas:

"Amarillo, Tex., 1,751.1; Atlanta, Ga., 1,796.3; Baton Rouge, La., 1,654; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,592.9; Corpus Christi, Tex., 1,920.6; Fort Lauderdale-Hollywood, Fla., 1,778.6; Galveston-Texas City, Tex., 1,529.5; Greenville, S.C., 1,639.1; Houston, Tex., 1,637.2; Jacksonville, Fla., 1,584.7; Laredo, Tex., 1,645.7; Lubbock, Tex., 1,713.9; Miami, Fla., 2,322.2; Pensacola, Fla., 1,631.5; Richmond, Va., 1,593; San Antonio, Tex., 1,579.2; Savannah, Ga., 1,513.4." (CONGRESSIONAL RECORD, May 5, 1964, p. 10057.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 53 MAY 13, 1964

(The 37th day of debate on H.R. 7152; 54th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators got back on the track yesterday, making four quorums in an average of 22 minutes.

2. Wednesday's schedule: The Senate will be in session from 10 this morning until late tonight. Opponents of the civil rights bill have said that they will continue to prevent a vote on the Mansfield-Dirksen jury trial amendment this week. Floor captains for Wednesday:

Democrats: HART (10 to 1), KENNEDY (1 to 4), MUSKIE (4 to 7), NELSON (7 to close).

Republicans: COOPER (all day), CURTIS (all day).

3. A short lesson on evaluating the "Educational Debate." Opponent: "I have had the privilege of spending approximately 25 years of my life in courtrooms * * * for 7 years I was honored to serve my State in the capacity of a superior court judge. Since North Carolina provides the right of trial by jury in respect to the issues of fact in all civil cases, regardless of whether they involve equitable or legal elements, and in all criminal cases whatsoever, I spent most of my time presiding over jury trials. There is no objection that can be urged against trial by jury in a civil rights proceeding that cannot be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any American would take such a position." (CONGRESSIONAL RECORD, May 8, 1964, p. 10425.)

The following is from an opinion by the North Carolina Supreme Court: "Under North Carolina General Statutes, Section 5–1 which supplants the common law in authorizing contempt proceedings, the proceeding is sui generis, criminal in its nature, and which may be resorted to in civil or criminal actions and entitles persons charged to no jury trial. In contempt proceeding authorized by Section 5–1 of the general statutes of North Carolina arising out of defendant's failure to obey an order restraining intimidation of employees crossing a picket line the court had jurisdiction to render a judgment of fine and imprisonment without a jury trial." (*Safie Mfg. Co.* v. *Arnold*, 228 N.C. 375; 45 S.E. 2d 577.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER, No. 54, MAY 14, 1964

(The 38th day of debate on H.R. 7152; 55th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Thursday:

Democrats: BURDICK (10 to 1), WILLIAMS (1 to 4), MORSE (4 to 7), MCCARTHY (7 to close).

Republicans: HRUSKA (all day), BOGGS (all day).

3. The first amendment in Mississippi: On April 8, 1964, Gov. Paul H. Johnson of Mississippi signed House bill 546 into law. It provides:

SECTION 1. It shall be unlawful for any person, singly or in concert with others to engage in picketing or mass demonstrations in such a manner as to obstruct or interfere with free ingress or egress to and from any public premises, State property[1] owned by the State of Mississippi or any county or municipal government located therein or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or interfere with free use of public streets, sidewalks or other public ways adjacent or contiguous thereto.

SEC. 2. Any person guilty of violating this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500 or imprisoned in jail not more than 6 months, or both such fine and imprisonment.

On April 9, 1964, 52 people were arrested for picketing in Greenwood. This number includes five school children aged 9, 10, 11, 11, and 13, and a Negro minister who is a candidate in the June 2 primary congressional.

On April 10, 1964, 55 persons were arrested for picketing in Hattiesburg.

4. Quote without comment: "The power to fine and imprison for contempt, from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wide provisions of the common law. A court without the power to effectively protect itself against the assaults of the lawless, or to enforce its orders, judgments or decrees against the recusant parties before it, would be a disgrace to the legislation, and a stigma on the age which invented it." Mississippi High Court of Errors and Appeals, *Watson* v. *Williams*, 36 Miss. 331 (1858).

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 55, MAY 15, 1964

(The 39th day of debate on H.R. 7152; 56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator

[1] County or municipal courthouse, city halls, office buildings, jails or other public buildings or property.

HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard. Four quorum calls were made on Thursday within the allotted time.

2. Schedule for Friday: The Senate will convene at 10 a.m. and will be in session until late evening. Floor captains for Friday:

Democrats: MCINTYRE (10 to 1), WILLIAMS of New Jersey (1 to 4), NELSON (4 to 7), CHURCH (7 to close).

Republicans: BENNETT (all day), CASE (all day).

3. Knitting that won't be stuck to: The opponent of H.R. 7152 who was disappointed to learn that American religious leaders are supporting civil rights on "supposedly moral grounds," and who suggested that they "stick to their own knitting," will be even more disappointed when he sees a collection of 53 statements representing 29 religious groups, to appear soon in the RECORD.

4. Recommended reading: From a group of articles on education and civil rights in the Saturday Review, May 16, 1964, by Ralph McGill, Harry Ashmore and others:

"For a brief measure of time after the school decision by the Supreme Court of the United States in May of 1954, there was a period of silence and hope. But much of the silence was sullen. And hope was soon to be rebuffed by defiance and demogoguery at high-decibel levels.

"Statutory and constitutional segregation of U.S. citizens by race was dead and on view on the highest pinnacle of law. But the vultures of prejudice, hate, and greed were soon to come and tear at it, vainly seeking to destroy the evidence of that death.

"The decision of May 1954 * * * was as if a call loan, on which the South and the Nation had been paying exorbitant interest rates, had suddenly been called.

"There is no quick adjustment of this debt. But it should be obvious that the sooner the Negro comes to the ballot, to education, and to jobs, the better. Then, and only then, can the bill be settled. As the Negro rises in the economy and the life of the community, the fears and myths will mainly disappear." (Ralph McGill.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER, No. 56, MAY 16, 1964

(The 40th day of debate on H.R. 7152; 57th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights supporters met five quorum calls with extreme ease on Friday. An average of only 11 minutes was required for each of the calls.

2. Schedule for Saturday: The Senate will convene at 10 a.m. and will be in session until late this afternoon. Floor captains for Saturday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4).

Republicans: CARLSON (all day), FONG (all day).

3. Southern Negroes at the bottom of economic ladder: The individual income of Negroes in the South is only two-fifths that of comparable whites. In other regions, the income of Negro citizens is about three-fourths that of whites.

Median income of persons 14 years and over with income by region and color, 1950 and 1960

1960

	White	Nonwhite	Dollar difference, white and nonwhite	Nonwhite percent of white
Northeast	$3,304	$2,441	−$863	73.9
North central [1]	3,090	2,263	−827	73.2
South	2,473	995	−1,478	40.2
West	3,298	2,474	−824	75.0

1950

	White	Nonwhite	Dollar difference, white and nonwhite	Nonwhite percent of white
Northeast	$2,246	$1,662	−$584	72.2
North central [2]	2,143	1,652	−491	77.1
South	1,647	739	−908	44.9
West	2,114	1,445	−669	68.9

SOUTH AS A PERCENT OF OTHER REGIONS

	1960		1950	
	White	Nonwhite	White	Nonwhite
Northeast	74.8	40.8	73.3	45.6
North central	80.9	44.2	76.9	44.7
West	74.9	40.2	77.9	51.5

[1] Includes also Maryland, Delaware, Texas, Oklahoma, West Virginia, and the District of Columbia.
[2] Ibid.

NOTE.—The table also shows that southern Negroes have incomes of about ⅔ that of nonsouthern Negroes. On the other hand, white persons in the South have incomes close to ⅘ that of white persons in the non-South.

Source: Hearings before the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on S. 773, S. 1210, S. 1211, and S. 1937, at p. 443.
Original source of figures: U.S. Department of Commerce, U.S. census, 1950 and 1960.

THE BOBBY BAKER PROBE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a series of editorials relating to the investigation of Robert G. Baker, as follows:

An editorial entitled "Senate Takes the Fifth," published in the Washington Post of May 16, 1964; an editorial entitled, "Muffling the Baker Probe," published in the Philadelphia Inquirer of May 16, 1964; an editorial entitled "The Senate Wants No Probe," published in the Philadelphia Bulletin of May 16, 1964; an editorial published in the National Observer of May 17, 1964; an editorial entitled "Money Changers in the Temple," published in the New York Herald-Tribune of May 16, 1964; and an editorial entitled "Better To Put Out the Fire," published in the Wilmington, Del., Evening Journal of May 16, 1964.

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

[From the Washington (D.C.) Post, May 16, 1964]

SENATE TAKES THE FIFTH

The Senate had a right to refuse to investigate itself, but by doing so it has exposed its own Members to unnecessary suspicion and controversy. It has said in effect that the misconduct of a Senate employee, former Majority Secretary Bobby Baker, must be scrutinized and exposed. But Senators will not be asked to testify in regard to his operations because this might lead to embarrassing disclosures in regard to their own activities.

Aside from the inflammatory exchange between Majority Leader MANSFIELD and Senator CASE, the ambivalence of the Senate on this issue was demonstrated by Thursday's voting. The Senate first decided by a vote of 36 to 32 that the Republicans should have the right to subpena witnesses in the Rules Committee investigation of the Baker affair. But this amendment was part of a larger resolution by Senators WILLIAMS and CASE designed to extend the investigation until September. Upon the insistence of Senator MANSFIELD, the Case-Williams resolution was defeated, carrying down with it the GOP subpena rights previously approved.

So the investigation will end on May 31 without any examination of the witnesses the minority wanted to call. It will end without clearing up the report that Mr. Baker suggested to Senator MCINTYRE of New Hampshire that "some people" would be willing to pick up a $10,000 campaign debt. Nor has any testimony been taken about an allegation that Mr. Baker deceived the Democratic Steering Committee in the allocation of committee assignments, even though Senator HUMPHREY, the Democratic whip, had requested such an inquiry.

The cover-up aspects of the investigation cry out so loudly that it may be difficult to get a hearing for the reforms that the Rules Committee is expected to recommend. The public has relatively little interest in Mr. Baker's finances as such. What it especially wanted to know was whether Mr. Baker did indeed, as he is said to have boasted, hold 10 Senators in the hollow of his hand. It wanted to know whether he juggled campaign funds to influence votes on the floor.

By cutting off inquiry into these matters from the people who are in the best position to testify—Senators themselves—the Senate has in effect taken the fifth amendment against self-incrimination. The investigation will peter out on May 31. The issue will remain, and if innuendo flourishes where facts have been hidden the Senate will carry a heavy portion of the blame.

[From the Chicago (Ill.) Tribune, May 16, 1964]

BURIED BUT NOT DEAD

A straight party lineup of 42 Democrats has defeated a Republican attempt to let light and air into the firmly sealed room where the Johnson administration has locked up the Bobby Baker scandal. There is a good reason for this collective agoraphobia (fear of bringing things out in the open). The reputation of Baker's political playmates, among them inmates of the White House, would have gone into severe decline if the truth were known.

The Democrats flunked the test of integrity on a resolution submitted by Senator WILLIAMS of Delaware. The so-called investigation of the Baker affair was entrusted to the Senate Rules Committee, which has a Democratic majority of 6 to 3. Its chairman, Senator JORDAN of North Carolina, has not only refused to summon witnesses at the request of the Republican minority, but has stated that his committee "is not investigating Senators."

This interpretation of the committee's authority was challenged not only by Senator WILLIAMS, whose original resolution initiated the inquiry, but by Senator CASE, of New

Jersey. CASE said the integrity of the Senate and the reputation of its Members were impugned by Baker's boast that he had at least 10 Senators "in the palm of his hand."

WILLIAMS then offered a supplementary resolution which would have made unmistakably clear the power of the committee to call every Senator before it and ask each if he had any business or financial dealings with Baker and if he got anything of value from Baker. The resolution would have extended the investigation until September 1, instead of permitting it to expire at the end of this month.

The majority leader, Senator MANSFIELD, was able to steamroller the 24 Republicans and 9 Democrats who supported the resolution. The vote followed one of the most violent and unseemly scenes in the Senate in many years, with MANSFIELD and CASE engaging in shouted exchanges of bad faith, personal insult, and overriding of senatorial and minority rights.

The vote to end the Baker inquest comes as no surprise to us. We had predicted the outcome Thursday. But the Democrats now must assume the full responsibility for a vote which is nothing less than a confession that they dare not expose themselves to the truth. Here is a campaign issue that will not down—a political party which has convicted itself by pleading nolo contendere.

The Baker case has exposed the shabby morality of a party which makes an elaborate pretense of virtue. As Secretary of the Senate majority and protege of Lyndon Johnson, Baker drew a salary of $19,600. But a few years later, when he was obliged to resign under fire, his net worth was listed at more than $2 million. He had a law business, an insurance business, a vending machine business, motel and real estate promotions, and a "finders" racket on the side, as intakes for cash far beyond his salary. He also had interests in a mortgage guarantee company and a Washington bank.

The testimony was that he twisted the arm of an insurance colleague in order to confer a $588 phonograph set on Johnson as a "sweetener" in selling Johnson a life insurance policy. The insurance man also stated that Johnson's administrative assistant persuaded him to buy $1,208 in advertising time on the Johnson radio-television station in Austin, Tex., because it was expected of him. The time was worthless to him because his business was in Washington.

The good name of the Senate and its Members of both parties is blackened by the refusal of the Democrats to face the music. What is hidden in this scandal must be portentous indeed when the President's party publicly shames itself by running from the truth.

[From the Philadelphia (Pa.) Inquirer, May 16, 1964]

MUFFLING THE BAKER PROBE

Senators who are determined to choke off the Bobby Baker inquiry without having Members of the Senate drawn into it were given quite a scare on Thursday.

They had thrown at them a resolution which would have extended the investigation, now scheduled to expire at the end of this month, to September 1. It would also have brought all Senators within the specific scope of the inquiry, subjecting them to questions about any financial dealings they may have had with the former secretary of the Senate majority and any campaign contributions Baker may have helped to obtain for them.

The resolution was killed by a vote of 42 to 33 but only after Senator CLIFFORD CASE, of New Jersey, a backer of the resolution, had engaged in a knock-down-and-drag-out fight with the Democratic leader, Senator MIKE MANSFIELD.

But, if the Senators who want to steer clear of involvement in the Baker probe consider this development a victory, they will have to learn some hard facts of political life. For the Baker mess remains a major political issue, and it has been made more so by the frantic attempt by Democratic Senators to run away from it.

There was no reason why the Rules Committee, under the original resolution authorizing an investigation into Baker's private business dealings, could not look into possible link-ups with Senate Members. But Chairman JORDAN chose to keep the probe narrowed to Senate employees and any conflict of interest involving them. Trails leading to sacrosanct senatorial doors were quickly closed off, and efforts by Senator CASE, Senator JOHN J. WILLIAMS, and others, to expand and extend the inquiry were treated with disdain.

Bobby Baker pursued very lucrative business ventures while on the Senate payroll. The public has a right to know if he used his influence and his relations with Members of the Senate to advance his personal business interests. Obtaining the answers might or might not embarrass certain Members. But shutting off the answers, by halting the inquiry prior to its completion, only accentuates public resentment and suspicion, and could have profound political reaction.

[From the Philadelphia (Pa.) Bulletin]

THE SENATE WANTS NO PROBE

The U.S. Senate, one would like to think, is the firm defender of probity, honest disclosure, and due process.

Such a day as Thursday, however, makes it difficult to keep this view. It was a day of loudmouthed wrangling, of voting strictly along party lines, and of avoiding any possibility that inquiry might reveal improprieties damaging to the image of the majority party.

This, of course, had something to do with Bobby Baker, the former secretary of the majority (Democratic) caucus, who has been under investigation for months for deals which seem to have made him wealthy far beyond the emoluments of his office. It has been obvious to anyone older that the Bobbsey Twins that Baker could not have attained this affluence without the friendship of some Senators.

Extending the probe to look into the conduct of Senators as well as Baker and other employees was clearly the approach that Senators concerned with the Senate's rectitude should have welcomed. A resolution to authorize this was put in by a dependable exponent of probity in government—Senator JOHN J. WILLIAMS, Delaware Republican. Most of the fight for it was put up by Senator CLIFFORD P. CASE, New Jersey Republican. These two do not always see eye to eye; this time they were in full, and honest, accord.

The campaign to avoid revealing any skeletons in the Democratic closet was loudly carried on by the majority leader, MIKE MANSFIELD, of Montana, a man whose integrity has never been questioned, ably assisted by TED KENNEDY, freshman Senator from Massachusetts, who had the luck to be presiding temporarily.

There were rough words before these two Democratic leaders steamrollered through a vote to table the Williams amendment—and the vote was then baldly partisan. Even such "good government" people as Pennsylvania's Senator JOSEPH S. CLARK voted, in effect, to suppress full disclosure.

It was an occasion of which the Senate cannot be proud.

[From the National Observer, May 17, 1964]

SIN AND THE PARTISANS

Bobby Baker's fortunes won't get wider examination, at least for now, despite a Republican attempt to extend the Senate investigation.

The Democratic leadership defeated such a proposal charging partisanship and a screaming match developed between Democratic leader MANSFIELD and Republican Senator CASE.

The episode did no one any credit but it did manage to obscure the question of improper activities on the part of Senators during the Democratic Mr. Baker's heyday. No doubt the Republicans were making a partisan point, but they are also performing as an opposition should.

Sin is nonpartisan most places and we presume the Senate is no different. But we wonder why the Democrats, who usually profess such worry about lack of congressional action, are so unworried this time around.

[From the New York Herald Tribune, May 16, 1964]

MONEYCHANGERS IN THE TEMPLE

That intemperate shouting match the other day between two normally mild-mannered Senators, Majority Leader MANSFIELD and New Jersey Republican CLIFFORD CASE, showed how raw senatorial nerve ends have been rubbed by the Bobby Baker case. And the 42–33 vote against broadening the inquiry to include improper activity by Senators was a pretty good indication of why the nerve ends are so raw.

The Baker noninvestigation has been marked from the start by a tremulous reluctance to let it go further than it absolutely has to. Senator JORDAN's well-remembered remark, "We're not investigating Senators," has set its tone and marked its limits—despite the transcendent fact that it was Baker's relationship to the Senate—and to Senators—that attracted the public spotlight in the first place. It's not the peccadillos of one former Senate employee, however influential, that's of paramount public concern. Rather, it's the ethical standards of the Senate itself. For Baker was the Senate's creature, and the Senate Baker's teacher.

One of Baker's levers of power was his handling of Democratic campaign funds. In adamantly refusing to investigate the way these were handled, the majority is tacitly acknowledging that it doesn't want the facts brought out.

Sadly, one of the prices we pay for elective democracy is the corruptive influence of the contributions without which campaigns can't be waged. The average voter, by not contributing, leaves the official dependent on money from those who give in the expectation of getting. Pass this money through the hands of a Baker-type operator, and it's easy to see why Senators who get it might want any inquiry tightly lidded.

But it's the public's business that the Senate conducts. It was the Senate Members' own choice to take the public stage and assume a public trust. And it's the public right to know what role moneychangers have played in the temple of democracy.

[From the Wilmington (Del.) Evening Journal, May 16, 1964]

BETTER TO PUT OUT THE FIRE

The Democrats in the majority on the Senate Rules Committee did neither the Senate nor their party a service by their too-evident eagerness to wind up the Bobby Baker inquiry. Their Democratic colleagues have compounded the original error by voting down, on a straight party-line vote, Senator WILLIAMS' resolution to include Senators in the investigation.

"Error" is the word because the Democratic majority has handled this issue badly whether or not it is trying to keep something—or some things—from coming to light. If there is nothing to hide, then there is no reason to fear the most sweeping probe the Republicans can dream up. If

there has been wrongdoing, then the right and only sensible thing to do is expose it and deal with it as speedily as possible.

It's a natural deduction that where there's smoke, there's fire. The Democrats, by seeming to show more concern over the smoke than the cause of it, have created the impression they know something has been smouldering away somewhere and they don't want it discovered.

The resolution Delaware's senior Senator brought in the other day was surely comprehensive. He proposed to amend the original resolution which applied to Senate employees, by including in the probe "any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate, employee, or former employee of the office of a Senator * * * Senate committee or subcommittee thereof." Included also were all who had been paid through the Senate Disbursing Office or employed in either Senate office building or the Senate wing of the Capitol.

Senator WILLIAMS' resolution came under attack from several sides. It was charged that it was a blanket indictment of the whole Senate, that it amounted to an authorization for a whole new investigation, and that it was badly drawn and full of loopholes. We doubt that the public will be impressed by the first charge, which is nonsense. As for the second, what's wrong with touching all the bases? As for the third, let the Democrats produce a better draft—one without loopholes.

The anger displayed by Democratic Senators will do nothing to repair the damage that has been done. A skeptical public will not be led to see things their way because they complain that Senator WILLIAMS is playing partisan politics. The fact is that the Senate ought to investigate itself—and until it does the Democrats who control it will continue to be under suspicion.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of 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 ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. HILL. I suggest the absence of a quorum.

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

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 236 Leg.]

Allott	Hartke	Metcalf
Bartlett	Hayden	Miller
Bayh	Hickenlooper	Monroney
Beall	Hill	Morton
Bible	Holland	Moss
Boggs	Hruska	Neuberger
Burdick	Humphrey	Pearson
Carlson	Inouye	Proxmire
Case	Jackson	Randolph
Clark	Johnston	Robertson
Cooper	Jordan, Idaho	Russell
Dirksen	Keating	Saltonstall
Dodd	Kennedy	Scott
Dominick	Lausche	Simpson
Douglas	Long, Mo.	Smith
Ellender	Magnuson	Sparkman
Fong	Mansfield	Walters
Gore	McCarthy	Williams, N.J.
Gruening	McGee	Williams, Del.
Hart	McNamara	Young, N. Dak.

The ACTING PRESIDENT pro tempore. A quorum is present.

The Senator from Virginia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield, with the understanding that he will not thereby lose any of his rights to the floor?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield under those conditions.

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

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that, because of the rule of germaneness, I may proceed out of order for a period not to exceed 30 seconds.

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

DISCLOSURE OF INCOME AND ASSETS BY SENATOR CHURCH

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Idaho [Mr. CHURCH] had intended today to make on the floor of the Senate a complete disclosure of his assets. Unfortunately, he has been confined to his home, with the flu. So he has asked that I request unanimous consent to have his statement printed in the RECORD. I ask unanimous consent that the statement of the Senator from Idaho be printed at this point in the RECORD.

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

STATEMENT BY SENATOR CHURCH

During the war, it was often emphasized that a good officer never ordered a man to assume any burden, undertake any mission, or face any danger, that he, himself, would be unwilling to accept personally. It was a good rule to follow in time of war, and it has equal validity in time of peace. In fact, it is one of those standards commonly used to measure individual and institutional behavior.

As such, it is applicable to Congress. When we insist, as we often do, that a man who has been nominated to a Cabinet post must, as a condition to his confirmation, make a full disclosure of his business interests and private holdings, we in Congress ought to be willing to do likewise. When we go a step further, and require the appointed officers of the Senate itself to make such a disclosure, then it becomes incumbent upon us to observe the same rule ourselves.

We have thus far failed to do this, either through the adoption of an appropriate rule, or the enactment of any of the disclosure bills which have been so long gathering dust in various "pigeonholes." We continue to uphold a double standard, imposing full disclosure requirements upon others of high station in the Government, but refusing to apply a like requirement upon ourselves.

I have kept hoping that this regrettable shortcoming of ours might be remedied. But as the months have turned to years, and one session of Congress has followed upon another, without any action being taken, I have finally concluded that to wait for the adoption of some uniform rule, equally applicable to all Members of Congress, might well mean waiting indefinitely.

So I have decided to make a voluntary disclosure of my own. A few of my colleagues have already chosen this course, and I note, with approval, that they come from both sides of the aisle: MIKE MANSFIELD, Democrat of Montana; JOSEPH CLARK, Democrat of Pennsylvania; JACOB JAVITS, Republican of New York; KENNETH KEATING, Republican of New York; HUGH SCOTT, Republican of Pennsylvania; STEPHEN YOUNG, Democrat of Ohio; WILLIAM PROXMIRE, Democrat of Wisconsin; CLIFFORD CASE, Republican of New Jersey; PHILIP HART, Democrat of Michigan; and WAYNE MORSE, Democrat of Oregon.

Some who object to the practice of volunteering a full public disclosure of personal assets, contend that Senators are as much entitled as any other citizen to own stocks and bonds, or to engage in business ventures, or to practice law on the side, and that, therefore, their private holdings ought not to be treated as a public affair.

But this argument misses the point. No one maintains that a Senator should refrain from making business investments, as other citizens freely do, so long as conflicts are avoided between his private interests and his public responsibility. But since a Senator must vote on legislation which affects every segment of the economy, there is no way to draft a workable conflict-of-interest statute, and make it effective when applied to Congress. Our long experience with this kind of prohibition amply proves its impracticability.

If a solution is to be found, we must look for it in the field of full disclosure. Let each Senator make public his personal holdings and his sources of income. Then the voter may compare the Senator's record in office with his financial holdings and determine for himself whether the Senator has voted his private pocketbook interest or the general public interest, in the discharge of his duties.

This is a fair test. The commonsense judgment of the American people can be relied upon. Some rich men in this Senate have voluntarily listed all of their holdings; they are willing to submit to this test. Should those of us without substantial means be less willing? I should think not.

My own disclosure, I must confess, will not take much time, or occupy much space in this CONGRESSIONAL RECORD.

I own no stock or bonds, and have no interest in any private business. I am not a member of any law firm, and have not engaged, directly or indirectly, in the practice of law since my election to the Senate. Apart from my salary, I have no source of income other than semiannual interest from a dwindling savings account and modest earnings from lecture fees, magazine articles, and other writings. This supplementary income has averaged about $2,000 a year, during the 8-year period I have served in the Senate, but it has not been sufficient to close the gap between what I am paid and what it has cost me to keep my family and meet the out-of-pocket expenses of my office. Consequently, my combined savings accounts

which totaled $15,569.23 when I left the law practice to enter the Senate, have been drawn down, over the years, to my current balance of $6,833.17.

In making this disclosure, I am not, in any sense, registering a complaint, nor am I attempting to make a case for increasing congressional salaries. That question is still before the House of Representatives, and I will reckon with it, on its merits, if and when it comes to the Senate.

It is not the question of salary, but the question of congressional expense which is so little understood. To begin with, living costs in Washington are unusually high. Nonetheless, $22,500 a year, even when reduced to $18,000 after taxes, ought to provide an ample income for any Member of Congress. And indeed it would, if Congressmen had expense accounts like businessmen have, or, for that matter, like other employees of the Government enjoy. Most people assume that a congressional office involves no special expense, or that the costs are fully covered by Government allowances. Neither assumption is true.

I have yet to find a Senator, from a large or small State, whose annual stationery allowance is adequate to meet his need. The Government pays for only three trips home each year; the extra half dozen come out of the Senator's own pocket, and a single, roundtrip fare from Washington, D.C., to Idaho, by air, is about $300.

Then there are the other costs of incumbency for which every Member of Congress must spend his own pay—the statewide newspaper subscriptions, film clips, and news photographs and radio tapes, all of which are necessary if effective two-way communication with the constituency is to be maintained. And when the constituents, themselves, come to the National Capital, as they do in a steady stream, they are entitled to be hospitably received. If no more than a plain lunch in the Senate dining room is offered, it is surprising what the monthly total turns out to be.

I have tried to keep these news media and constituent costs to a bare minimum, but they regularly exceed $3,000 a year.

Such are the sources and extent of my income and such is the character of my office expense. It remains for me to disclose my property holdings. They consist of an equity interest in a brick-and-frame, split level dwelling house, located in Bethesda, Md., against which there is a mortgage, bearing 5 percent interest, with a balance of $22,380.61 outstanding, as of May 15, 1964. I own the furnishings in the house, together with two cars, a Ford and a Rambler.

I carry the usual insurance coverage, including medical insurance for my family, and I make a monthly contribution to build my entitlement in the Federal retirement fund.

It is somewhat chastening to have to acknowledge so modest an estate in this Chamber, which has often been referred to as a "rich man's club." But at least it can be said that I need not worry about conflicts of interest. Moreover, I know my situation is typical of that faced by many Members of Congress who must live on their salaries. So if this statement does no more than to place their problem in a clearer perspective, it will have served a good purpose.

No one should expect to make money serving in the Congress, but many are those who are not even making ends meet.

Still, I believe each Senator and Congressman, whatever his income may be, should fully disclose it, together with his business interests and property holdings, each time he commences a new term of office. The disclosure requirement we impose upon others, we should willingly assume ourselves. It is time for Congress to end the double standard. The sooner we do, the better.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of 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. ROBERTSON. Mr. President, I rise to continue my advocacy of the inclusion in the pending civil rights bill of a provision for trial by jury.

Yesterday, the press gave great prominence to the fact that it was the 10th anniversary of a very momentous decision by the Supreme Court, rendered in a case called Brown against Board of Education. Consolidated with the Brown case for argument on appeal was a somewhat similar case from Prince Edward County, Va.

An enthusiastic supporter of the decision in Brown against Board of Education, writing in the Washington Post of yesterday, said that not only did that case attempt to cure racial discriminations of this day and generation, but it even went back to 1619. Then he proceeded to charge Virginia with being responsible for slavery and everything that has been done to the colored race since that time.

That shows how extreme some advocates of this bill can be. I do not know where and when slavery started; but the very earliest recorded history shows that when one tribe achieved mastery of another tribe, the members of the conquered tribe were forced to work for the conquerors. We are told that the pyramids in Egypt were built by slaves. Nobody knows when the Book of Job was written; but when God permitted the Devil to test Job's faith, one of the things the Devil did was to let a hostile tribe run off with all of Job's slaves. That left Job, as a farmer, rather handicapped.

We read about maid servants and man servants of the patriarchs of Israel. We know the oldest sons of Jacob sold their younger brother, Joseph, into slavery. Later, after Joseph located them in the land of Goshen, and after they prospered and multiplied until there were a million and a half of them, the then Pharaoh put all of them into bondage.

The story is told that in the days of Pericles, when Athens was supposed to give the world a model of free government, there were in the city of Athens more slaves than free men.

I understand there soon will be a proposal to increase the pay of Members of Congress. History records the fact that when the Goths and the Vandals destroyed Rome, every Roman senator had an average of 400 slaves.

We know that all through history there has been this institution. Christ gave wonderful instructions about love, and gave the commandment, "Do unto others as you would have them do unto you"; and the second greatest commandment was "Love thy neighbor as thyself." But St. Paul, the greatest interpreter of Scripture, did not say, "Abolish your slaves." He said, "Slaves, obey your masters."

I mention that in passing, because it seems to me the proponents of the bill might discuss it without saying that Virginia was responsible for slavery and for all the treatment the colored race has received since then. Virginia never had one slave ship—not one. Virginia did not have a shipyard that could build that kind of ship. We wanted river boats to come up the James, the Rappahannock, and the York, to take our tobacco to Liverpool.

I do not know who brought the first slaves in 1619, but I know who brought the rest of them. They were brought in ships from Massachusetts and Connecticut.

I am not saying that to be unkind to those States; I am just trying to keep history in its proper perspective.

Thomas Jefferson was so much opposed to slavery that he urged his friend James Madison to offer to the new Constitution a provision prohibiting slavery. When he offered it, delegates from Massachusetts and Connecticut said, "We will walk out if you do not withdraw that." So he was forced to withdraw it.

In 1857, when there was slavery in this country, the Supreme Court rendered a decision on the question whether a slave was a chattel and whether a runaway slave could be repossessed. The runaway slave involved was named Dred Scott. Some assert that the decision of the Supreme Court in 1857 started the war, and that the war was over slavery. We knew that the Court was absolutely, 100 percent right, from the constitutional standpoint; namely, that slavery was a matter for State control. There was not one word about it in the Constitution, and therefore the States that had slavery and had not abolished slavery were entitled, under the Constitution, to treat slaves as property. And if one ran off with his owner's horse or cow or wagon, the owner could get it back. If a slave went off on his own legs—and many of them were sneaked off by some people; there was a big underground movement to get them away—the owner was entitled to get the slave back.

But the war was fought over a principle of constitutional government—namely, the right of the States, rather than the Congress, to act on this problem. The decision in the Dred Scott case was a momentous one; but it was entirely different from the momentous decision of which the 10th anniversary was celebrated on yesterday. In the first decision, the Court was absolutely right from a constitutional standpoint. The second decision overrode every other decision on that subject by the Supreme Court or by any other court, including State courts in Massachusetts itself.

But what was the difference psychologically? The Dred Scott decision offended the Abolitionists. It offended the northern area which had no slaves. It

offended the new territory which had come into the Union, which had been taken from the Northwest Territory to which Virginia claimed title, and then ceded to the Nation. The Legislature of Wisconsin passed a resolution defying any marshal of the United States to come into their State to recapture a slave. The Wisconsin Legislature said the Dred Scott decision would not be enforced there. But today, 10 years after the Brown against Board of Education decision, some wish to erect a great monument to it.

In 1857, the Court's decision in the Dred Scott case was not considered by some to be the law of anything, not even the law of that case. In 1857, after a southern Democrat from Maryland wrote the decision, Abraham Lincoln said, "Defy it. They cannot enforce it. We challenge them to enforce it. It is wrong."

From a moral standpoint, we realize that it was unfortunate. From a legal standpoint, it was right. But a war followed it. One of the essential principles on which that war was fought was whether a State had a right to secede. The decision at Appomattox was that a State could not secede. No State has tried to secede since then. But a number of States were for it. South Carolina threatened to secede in 1860. In Pennsylvania, when the Government tried to put a tax on their moonshine whisky, many of the people did not want to pay it, and said they were going to secede; but they did not.

I now come to the point of the so-called momentous decision in 1954. It was a momentous decision, because it rewrote the Constitution. It so expanded the application of due process of the 14th amendment that we find the Supreme Court relying on that interpretation in its attempts to strike down any State law it pleases. I defy anyone to point to a place where the Supreme Court has fixed any limitation on its power against striking down a State law which it did not like. It has given hope and encouragement to Members of Congress to propose and try to force through so-called progressive legislation, any so-called civil rights legislation which they believe would be good for the country or would be politically expedient under the due process clause of the 14th amendment.

So we find even another equal accommodations section written into the original bill, based on the 14th amendment.

Then the issue got so hot that certain of the proponents thought perhaps they had better pull that section out, and rely on the commerce clause, and send that part of the Kennedy omnibus bill to the Senate Committee on Interstate Commerce.

So, 10 years ago, a precedent was set by the Supreme Court for rewriting the Constitution in accordance with its idea of current rights—civil rights, sociological rights, and whatnot.

As I pointed out, that decision completely ignored both the Court's prior rulings and the facts in the Virginia case which was decided in the same opinion.

I am sure Senators know the high esteem in which I hold David Lawrence. I have known him since the time when he was a favorite White House reporter, in World War I. I meet with him at our breakfast group every Wednesday morning, and he makes fine contributions to our discussions of the moral problems that confront us. In his daily columns published in the New York Herald-Tribune—reprinted, I am glad to say, by the Washington Evening Star—and in his weekly editorials, he makes splendid contributions on the political problems that confront us.

I was pleased to read his contribution this morning on the real meaning of the decision of the Supreme Court in that school case 10 years ago. After I read it, I shall read the facts in the Virginia case which were completely ignored in that decision.

So now the Supreme Court tell us that its decision in the Brown case is the law of the land, despite the Court's decisions in the civil rights case in 1883. Although those decisions never have been reversed, today the Court says they are to be ignored. Therefore, the proponents of the pending bill insist that the Senate pass it, and say the Supreme Court will take care of that problem later on.

Here is what David Lawrence said this morning, under the heading, "Ten Tragic Years."

Ten tragic years have passed since the Supreme Court of the United States on May 17, 1954, rendered a decision declaring that any State law permitting segregation by race or color in public schools violates the provision of the 14th amendment which guarantees "equal protection of the laws" to all citizens.

No such ruling had been proclaimed before. Indeed, the highest Court in the land had consistently upheld the doctrine laid down by the supreme tribunal in 1896 that it was constitutional to provide "separate but equal" facilities.

The legal debate in those 58 years turned on the question of whether the separate facilities were in fact "equal." Nor has this dilemma been resolved since the 1954 decision.

Who is to say, for instance, that either the spirit or the letter of this decision has been fulfilled in the last 10 years, even in many northern cities where, by the accident of geographical districts, public schools are predominantly Negro or predominantly white?

Will the High Court someday decree that the Federal Government must rearrange the population of a city or a State so that Negro and white students will be allocated to the classrooms in the same proportion as the two races make up the whole population?

Temporarily—to placate political opposition—the proponents of "civil rights" inserted in the bill passed by the House a clause saying that " 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance." But the words of the Supreme Court nevertheless are clear and unequivocal. The 1954 decision says:

"We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

Mr. President, I wish the Senate to bear that point in mind. When the Court said, "We believe that it does," I ask: Does what? Is it true that when schoolchildren of the two races are not mixed up, those of the minority race are deprived of a vital educational right?

In the Farmville case, in which there was voluminous testimony, pro and con, on that subject, the court was unanimously of the opinion that the preponderance of the evidence was that no such result had ever occurred. The Supreme Court calmly ignored that opinion, and quoted from a book by a Swedish Socialist to sustain its position, although the book was not in evidence, and no one had ever been able to cross-examine the author on that subject. But that was the main basis on which the decision was rendered.

I continue reading the David Lawrence article:

If the principle set forth by the Supreme Court is accepted, then we must concede that desegregation has not yet been achieved and that the mandate of the Supreme Court is still being ignored. The Court in 1954 pointedly affirmed a lower court ruling which said:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

But after 10 years has this sense of inferiority been removed when there are so many areas in which predominantly Negro schools still prevail?

Some cities have endeavored to deal with the problem by using buses to transport children from Negro areas to attend school in other parts of the city which are predominantly white. To make room for them, white children have, in many instances, been reassigned and prevented from attending the schools in the neighborhood where they reside. But will "racial imbalance" ever be corrected?

Again I pause to call attention to a news item from New York about a recommendation to correct the imbalance by building new schools in Harlem, for instance, and busing children across the city. It is proposed to add $150 million a year to defray the cost of constructing these schools, and their operation, in New York City; and the further suggestion has been made that the money come out of the Federal Treasury. Mr. President, can you beat that?

I proceed with reading Mr. Lawrence's article:

The New York Herald Tribune, which for 10 years has consistently supported the movement for desegregation of public schools, conceded in an editorial last week that no solution has been found. Commenting on a special report just issued by James E. Allen, Jr., commissioner of education for the State of New York, the Tribune said:

"The Allen report on New York City school desegregation is severely critical. But it is also realistic; the racial situation in our schools has not developed by intention. For what has happened here, as in other great cities, is the result of population trends. The Negroes and Puerto Ricans have flowed in; the white people, in large numbers, choose to leave the city.

I pause again, to call attention to the fact that more than 80 percent of the pupils in the public schools in the District of Columbia are now nonwhite. Why is that? It is because of the integration of the schools, to the point where many of them have more nonwhite pupils than white pupils. I can remember the time when my oldest boy was a student at Western High School. At that time there was not one colored pupil in that school. In those days Western High won all the prizes for drills, football, and for everything else. It was the top school in the District. Frankly, it compared very favorably with our choice private schools, such as Episcopal High School and St. Alban's.

Today, nearly all the students at Western High School are nonwhite, and it has not won a single prize in recent years in competition with other schools. The reason why the proportion of the white students in the schools has dropped below the proportion of the white population in the city is that so many of the white children are either going to schools in Virginia or in Maryland or are attending private schools. They have been taken out of the schools in the District.

I do not know how the imbalance, so-called, can be corrected in the District of Columbia, because at the moment 74 percent of the population in the District of Columbia is nonwhite. That is the largest percentage of any city in this hemisphere. However, the suggestion has been made that the children be bused from one area to another.

I continue the read Mr. David Lawrence's article:

The result is that we have, in fact, segregated education. But this has not come through policy. The blame for the ghettos rests on the lack of advantage in housing jobs. All the efforts of the board of education at complete racial integration for the last decade have largely failed not for lack of purpose, but because the problem has been too massive and inscrutable. So the present study asserts flatly that total desegregation of the schools is impossible in the foreseeable future.

Of course it is impossible, unless Congress will put up, let us say, $150 million a year, to transport white pupils in New York schools great distances to integrated schools, or to transport a large number of pupils from Harlem and other places where there is a large concentration of nonwhites.

David Lawrence continues:

Meanwhile, there has been an extension of the fight against segregation. The concept of "equal protection of the laws" now has been applied by many States to prohibit racial discrimination in hotels, motels and eating places. The Congress of the United States for several months has been struggling with a civil rights bill designed to abolish discrimination not only in public schools and in places of public accommodation, but in the employment practices of private enterprises.

Negro leaders have been conducting demonstrations to agitate for these changes. Ministers of the Gospel have participated in such demonstrations, and many of them have gone to jail for disorderly conduct. Pastors have become lobbyists in the Halls of Congress. Intemperate speeches are being made constantly which inflame passions on both sides. And even organizations that call themselves nonviolent participate in demonstrations that eventually end up in violence.

These tragic occurrences are due in large part to a failure to realize that conformity by coercion is a dubious formula in a democracy. Respect for law emerges only when there is human understanding. The American people have been taught to believe that they have a system of law under a written Constitution which they alone can change by the method prescribed in the document itself.

Even assuming that the Supreme Court of the United States has the right—which many will dispute—to reverse earlier decisions at will, it may be said that a third legislative body; namely, the Supreme Court itself, now rewrites the Constitution. This is contrary to the concepts set forth by our forefathers when they deliberately formulated a written Constitution to take the place of the unwritten process then and now prevailing in England. We need stability in our system.

The travesty of the 14th amendment, moreover, has been imprinted upon the minds of many citizens. The amendment was never legally adopted. After the War Between the States was over, Members of the House and Senate from the South were arbitrarily expelled and denied their seats.

Mr. President, how true we know that is. Congress deliberately passed a resolution declaring that Virginia, the Mother of Presidents, was not capable of self-government; and Virginia was designated as Military District No. 1, to be governed by the conquering Federal army.

To return to Mr. Lawrence:

State legislatures had been recognized as legal members of the Union when they adopted the 13th amendment abolishing slavery. But suddenly these States, after rejecting the 14th amendment, were declared "out of the Union," and were served an ultimatum by Congress stating that, until they ratified the 14th amendment, they would not be "readmitted" to the Union.

This procedure was brazenly unconstitutional, and the Supreme Court of the United States for nearly 100 years has studiously avoided ever taking a single case out of the many presented to it that would have required a ruling on the validity of the process by which the 14th amendment was ratified.

So again today what we are witnessing in America is the unreasoned attitude of an impatient mob. For years we saw the same thing when angry citizens gathered together and said, "Lynch him—he's guilty anyway." The mob couldn't wait for the courts or for the normal legal procedures. It insisted upon asserting itself arbitrarily because it had the power.

Today other impatient agitators do not want to wait for the courts or for constitutional processes to function. They violate the laws of trespass again and again because the penalties are minor and the opportunities for notoriety and dramatization are considered worthwhile.

But what has this done to the feelings of people on both sides of the controversy? It has intensified friction.

We have lost 10 years. We have missed an opportunity to educate the citizenry through the art of persuasion, the science of reason and the virtue of orderly discussion.

We must try to understand the human aspects of the whole problem, because a solution will come in no other way. The right to freedom of association is well defined. It is a principle that can be made to apply to every controversy over human relationships whether they involve race or color or religion. We must recognize that human beings have their likes and their dislikes. They will associate with one another if they respect one another.

Human associations cannot be dictated by law. They must evolve naturally and on the basis of individual behavior and achievement.

Time was when the church concentrated on spiritual matters and taught love. Time was when the pastors recognized that to participate in political controversies was not their function and that church and state should remain apart. Time was when individual citizens in local councils could sit down together and endeavor to improve living conditions in the community. To resolve human differences it is important first to understand them fully.

We are dealing not merely with a legal problem, but with a human problem. Laws cannot abolish human habits, traditions or heritage. Laws can make available the means of promoting better relationships and can persuade State and local governments to try to provide better and better facilities for education and for housing.

But we have on our hands today a major problem that the mob can never settle. We have had 10 tragic years of mob psychology. May we hope and pray that the next 10 years will elevate the debate to the level of human reason and human love.

Mr. ELLENDER. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield for a question, with the understanding that I shall not lose the floor.

Mr. ELLENDER. A while ago, my good friend from Virginia mentioned the Dred Scott decision. That decision was handed down before the Civil War.

Mr. ROBERTSON. Yes, in 1857.

Mr. ELLENDER. Is it not true that under that decision, Negroes were considered as chattels—property?

Mr. ROBERTSON. That is true; and under the Constitution they were, too.

Mr. ELLENDER. Is it not true that supposedly in order to grant him rights of citizenship, it was necessary to enact the 14th amendment?

Mr. ROBERTSON. Yes. The 13th amendment abolished slavery; the 14th amendment gave the Negro the rights of citizenship.

Mr. ELLENDER. The rights of citizenship are what I am talking about.

Mr. ROBERTSON. That is correct.

Mr. ELLENDER. Is it not true that in 1866, Congress enacted the first civil rights act, which provided as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States * * * shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other; any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Mr. ROBERTSON. That is true; that was an act of Congress.

Mr. ELLENDER. The point I wish to make is that the rights provided in that act were really civil rights, were they not?

Mr. ROBERTSON. The Senator is absolutely correct.

Mr. ELLENDER. That is the act from which the present bill derives its name. The rights provided in the act of 1866 were really and truly civil rights, whereas the provisions of the present bill are far removed from what we know and what were described in the act of 1866 as civil rights.

Mr. ROBERTSON. The Senator from Louisiana is correct. I have frequently said that while enforcement may be a little tedious, a little slow, and a little expensive, I do not know of any constitutional right enjoyed by any white person in this country and denied to any colored or nonwhite person that cannot be reached under existing Federal law or State law.

Mr. ELLENDER. Senators have stated on the floor of this Chamber that the Emancipation Proclamation of President Lincoln freed the slaves—freed the Negroes. But is it not also true that in the face of the Dred Scott decision, although the Negro was declared by the Emancipation Proclamation to be free, he was not altogether recognized as a citizen having the right to deal with property and other things, which are described in the act of 1866; a law or an act was required to make it possible for him to be a citizen, as he was declared to be under the 14th amendment?

Mr. ROBERTSON. That is correct.

Mr. ELLENDER. The Senator from Virginia has traced the history of slavery. He stated that the Bible records its existence. He has mentioned Roman civilization and Greek civilization. But I remind the Senator that he does not have to go so far back.

It was my privilege to visit practically all of Africa in 1953, and again in 1962. There now exists in central Africa—what is known as tropical Africa—slavery of the worst kind. In most of tropical Africa today, women are considered chattels. They can be purchased or exchanged, just as one can exchange a horse or a goat or a sheep. I do not say this in derogation of the Negro race; but it is the truth.

The same thing that prevailed prior to the Civil War and soon thereafter in this country now exists on the Continent of Africa. All one needs to do is visit that area, and he will find that a man can purchase a woman of his own choosing. He can purchase young girls ranging from 10 to 15 years or from 15 to 25 years of age, if he has the price to pay for the females.

In 1953, in the country of Liberia which has been free and independent for over 100 years, I met a chief who had at least 40 wives. I was told that any of his wives could be bought for about $40.

In other areas, I came across paramount chiefs who had bought as many as 300 women to serve as his wives. Actually they were nothing but slaves, and were bought and sold, or traded for cattle. That situation exists in Africa today.

I mentioned Liberia, for that nation represents one of the worst examples. It was not very long ago that slavery existed not only between the men and women, but between the Liberian politicians and their subjects.

I have had my staff do some research into the economic history of Liberia, where every imaginable civil right has been granted to the inhabitants since the country came into being. I wished to see how the groups which are clamoring for these so-called rights had performed when all the things they are asking today are placed in their hands.

Mr. President, I ask unanimous consent that I be allowed to insert in the RECORD an excerpt from the product of that research.

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

EXCERPT FROM ECONOMIC HISTORY OF LIBERIA

In the meantime (1927–30), rumors flourished that conditions of slavery and forced labor existed in Liberia. The Monrovian Government persistently denied that such conditions were tolerated. American Secretary of State Henry Stimson wrote the American Minister in Liberia, "It would be tragically ironic if Liberia, whose existence was dedicated to the principle of human liberty, should succumb to practices so closely akin to those which its founders sought forever to escape."

The American State Department suggested that the Monrovian Government appoint an International Commission of Inquiry To Investigate the Slavery Charges. Bending to the pressure of public opinion, Liberia announced in 1930 the creation of such a Commission. One member was named by the United States, one by the League of Nations, and a third by the Liberian Government.

The Commission report cited numerous abuses, the most severe being an organized system of forced labor for the nearby Fernando Po cocoa plantations. It charged that, in order to provide cheap labor for the planters on the Spanish island, certain Liberian officials, including Vice President Allen N. Yancy, sent police to procure native boys from the countrysides. Recruiting agents for the planters agreed to pay a number of Liberians, including some relatives of President Charles D. B. King, $45 for each man supplied.

The report revealed evidence of a practice known as pawning, regarded by the Liberian Government as an old native custom. To obtain money, people would sometimes pawn a human being, usually a child relative. These pawns were given into servitude for an indefinite period, without compensation or privilege. In effect, they were slaves to the pawnholders until the debt was paid, which sometimes meant years. Excessive forced labor within Liberia in connection with the road program was also revealed in the Commission's report.

After the Commission findings were released, American Secretary of State Stimson informed President King that the United States was profoundly shocked and demanded prompt reform. When reform was not forthcoming, a second admonishment was delivered to Liberia, declaring that: "Unless there is instituted by the Liberian Government a comprehensive system of reforms, loyally and sincerely put into effect, it will result in the final alienation of the friendly feelings which the American Government and people have entertained for Liberia since its establishment nearly a century ago." As a result, impeachment proceedings were instituted against Vice President Yancy, and President King resigned, being succeeded by the Secretary of State, Edwin Barclay. Barclay was subsequently elected to the presidency.

The United States declared that recognition of the Barclay government would be dependent on the attitude taken by Liberia toward the report of the International Investigating Commission. The Liberian Legislature did enact laws prohibiting the export of labor and pawning, creating a public health service, reorganizing the administration of the hinterland. But, as Author Raymond Buell comments, "Such measures were largely international window dressing." Early in 1932, a revolt of the Kru people had erupted, and the Liberian troops proved guilty of grave excesses in quelling the disturbance.

Confronted by the slavery charges and a deteriorating financial situation, Liberia requested advice in giving effect to the recommendations that the International Commission had set forth. The Council of the League of Nations set up a Liberia Committee, composed of representatives of eight member states, working with a U.S. representative. Two major problems loomed before this committee. One, to formulate a program of league assistance for Liberia. Two, to secure a modification of the 1926 Firestone-inspired loan agreement in order to ease the financial burden on the Liberian Government. The representative from the United States was instructed to assist in the adoption of reforms for the permanent improvement of Liberian conditions. Again, the United States was asking reform in Liberia; it had been asking reform since the birth of the Negro republic.

Mr. ROBERTSON. Mr. President, no one could condemn slavery more than the junior Senator from Virginia does. No one could advocate equal rights under the law more zealously than I do. By equal rights under the law, I mean equal opportunities, not equal possession of property. I do not mean some special privilege that a group obtains; I mean a recognition that the fundamental principles of life, liberty, and the pursuit of happiness should be equally enjoyed by everyone.

I have been trying to point out—but very ineffectually, I fear—that we are trying to promote by legal enactment certain principles of morality—"Do unto others as you would have them do unto you. Love thy neighbor as thyself." I have all due respect for the ministers who have been referred to as lobbyists. We learned from a newspaper article that there would be a group of them here today. I have not yet seen them; but we are told they are coming here to call on Senators, to urge them to vote for the bill "without watered-down amendments." I do not know what they call "watered-down amendments."

I did make a little talk the other day about what Mr. Palmer and Dr. King call "watered-down amendments." They said one of them which would "take the heart out of the bill" was the one to remove from the bill the provision that, in connection with the attempt to expand government by injunction, defendants in criminal-contempt cases should be denied jury trials. They call that "cutting the heart out of the bill." I do not know what they would call the amendment of the distinguished majority leader [Mr. MANSFIELD] and the distinguished minority leader [Mr. DIRKSEN] which proposes that a man cannot be placed in jail for more than 30 days or fined more than $300 without having a jury trial.

But they do not want that. They want an indefinite sentence and an indefinite fine. That is the manner in which the bill was written. I do not know whether they will temporarily accept this substitute, and then try to have it cut out in conference.

I return to the discussion of desegregation, as covered by the decision of the Supreme Court in Brown against Board of Education, in 1954. That decision is really the foundation upon which this proposed legislation is based. Practically everything in the bill is based upon it and the 14th amendment. Even title II of the accommodations section was originally based on that. Some have said it still can be justified. If it were permissible to construe the 14th amendment in any way they please, it would cover a lot of the so-called justification of the courts and legislative bodies. But all of us know there are only two kinds or categories of laws. One is based on treaties; the other is based on acts of Congress.

So, for fear that someday some court might reverse the Court's decision in Brown against Board of Education, the proponents of the bill wish to make the Court's decision in Brown against Board of Education the actual law of the land, by confirming it in the bill. There is some question whether a private school that gets tuition money from the Federal Government, the State government, or county government is a public school. So, the proponents wish to write into the bill a new definition of public schools to have it cover all the parochial schools, if the Federal Government ever gives them any money—in fact, all the schools, such as the one operated at Farmville, which receives some Government aid, although that school is chiefly supported by a private foundation. The proponents tell us the school boards will not need the right of jury trial, under title IV of the bill, which would give the Attorney General authority to move against any school board in any county or any city in the Nation. It is proposed that when the Federal Government is a party to the suit, the Attorney General may bring an action before the court without a jury. So, when the Attorney General intervenes—and he will, if we include such authority in title IV, he can proceed without a jury trial against any or every school board in any county or in any city in the Nation that has not fully desegregated its schools. And there are plenty of them that have not; let us make no mistake about that.

We cannot stress too much the importance of a jury trial. It is mentioned in five titles of the bill. On Friday, the junior Senator from Georgia [Mr. TALMADGE] made a fine speech in which he outlined the various ways in which people could be proceeded against under the bill. I recapitulated—in questions asked on Saturday of the distinguished Senator from Mississippi [Mr. EASTLAND]—the points covered by the Senator from Georgia.

When one talks about busing children miles across a city, to mix the races, he is not talking about desegregation; he is talking about integration. In a brilliant decision in a South Carolina case, Chief Judge John J. Parker, then chief judge of the Fourth Circuit Court of Appeals, held that nothing in the decision in the case of Brown against Board of Education compels integration. The prohibition was against segregation, and elimination of segregation by law was all that was required.

Judge Parker has passed on to his heavenly reward; but he left behind him a reputation of having been one of the greatest judges we have had in generations. I think it is a tragic commentary upon the power that has been acquired in recent years by the labor unions and by the NAACP, and similar pressure groups, that no man who does not have their approval can be appointed to serve on the highest Court of our country.

My predecessor, Senator Carter Glass, made a wonderful speech on behalf of the confirmation of the nomination of Judge Parker to be a member of the Supreme Court. President Hoover had nominated him. Judge Parker had a wonderful record as a district judge and as a circuit judge. Everyone knew his character and his outstanding ability.

The Senate rejected the nomination. When it did so, Senator Glass predicted that never again would anyone who did not have the approval of the labor unions and the NAACP serve on the Supreme Court—and none ever has. In view of the way our Government is now operated, I can predict none ever will. But that does not detract from the fact that Judge Parker was one of our greatest jurists. In the South Carolina case to which I referred, he wrote an opinion, which is crystal clear, in which he said that nothing in the Brown against Board of Education case demanded affirmative integration.

Mr. THURMOND. Mr. President——

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I should like to ask the able and distinguished Senator from Virginia if he knows of any civil right that is above or more important than the right of trial by jury.

Mr. ROBERTSON. I do not. For 700 years the right of trial by jury is supposed to have been the hallmark of freedom. It came down to us. It was not spelled out in the Magna Carta in 1215, but that document was its real origin. We claimed that right; so our Founding Fathers wrote into the Constitution the provision that "The trial of all crimes"—and certainly they intended to include criminal contempt—"shall be by jury." Then they included in the Constitution the sixth amendment.

Mr. THURMOND. Mr. President, I heartily agree with the able Senator. Is it not true that even before our country won the Revolutionary War, and decided that it would separate, and declared its independence from Great Britain, among the grievances our Founding Fathers wrote into the Declaration of Independence was the denial of the right of trial by jury?

Mr. ROBERTSON. That is absolutely correct. That provision was based on the Virginia Bill of Rights, which had been adopted prior to the signing of the Declaration of Independence.

Mr. THURMOND. Later, when the Constitution was written, did not our Founding Fathers provide in article III, section 2, clause 3 that the right of trial by jury would be guaranteed to the people?

Mr. ROBERTSON. That is absolutely true.

Mr. THURMOND. Does not the sixth amendment to the Constitution also provide that if an accused is being prosecuted for a crime, he shall have the right of trial by jury?

Mr. ROBERTSON. That is correct.

Mr. THURMOND. Does not even the fifth amendment provide that if a man is charged with a crime of any consequence, there must be a presentment by a grand jury before the accused can even be indicted to be tried for that crime?

Mr. ROBERTSON. Yes. Under the fifth amendment, if an accused is tried, he cannot be forced to give testimony against himself. But if criminal contempt cases are not crimes, an accused person could come before a court, and if he should try to testify, he could be forced to give evidence against himself. If he were an honest man, he could be forced to give testimony that would hurt him in the trial. He would be required to tell the truth about the charge, even if, as a result, he would be given a jail sentence.

So we would not only wipe out the rights provided in the sixth amendment; but also we would wipe out the rights provided in the fifth amendment, if a crime were involved. If a crime is charged, the accused is entitled to his rights under the sixth amendment.

Mr. THURMOND. Do not the fifth amendment, the sixth amendment, and the seventh amendment refer to the right of trial by jury? The seventh amendment provides that in a civil case, if the value of the property involved is over $20, a man shall have the right of trial by jury.

Mr. ROBERTSON. The Senator is correct.

Mr. THURMOND. So 3 of the first 10 amendments to the Constitution of the United States, which are known as the Bill of Rights, refer to the right of trial by jury.

Mr. ROBERTSON. Those provisions show the importance of the subject to our forefathers, who wrote the Constitution, and to those who sat in Congress and submitted those 10 amendments to the people. The people ratified those amendments through their State legislatures.

Mr. THURMOND. Does that not show the great importance that our leaders in those days placed upon the right of trial by jury?

Mr. ROBERTSON. There can be no doubt about it. It seems most unusual that we must stand here day after day to plead with Senators not to pass a bill that would deny that cherished right.

I am so happy to see on the floor of the Senate our distinguished colleague, the Senator from Florida [Mr. SMATHERS], and I am so happy to support his amendment. The Senate turned down the amendment offered by the distinguished Senator from Kentucky [Mr. MORTON].

That amendment ought to have been adopted, for it was written in exactly the same language as that in which the jury trial provision of the public accommodations section, last year, was written. The Smathers amendment is a little different; it provides that if an accused demands a jury trial, it must be given to him. What could be simpler or fairer than such a provision?

I am really speaking in behalf of the Smathers amendment; but I would prefer the broader language of the Talmadge amendments, of which the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. ERVIN], and I are joint sponsors. Those amendments would give the right of jury trial in all criminal contempt cases; and they are the same as the provision for which we voted in 1957, by means of the O'Mahoney amendment.

Mr. THURMOND. Is not the able Senator from Virginia amazed that some people would today try to deprive citizens of our country of the right of trial by jury, when that right has been a fundamental aspect of the structure of our Government since the Declaration of Independence was written?

Mr. ROBERTSON. Yes, I am very much surprised. Anyone who has ever been elected to the Senate has had to have been in public life for some time. He must love public life. He would not wish to come in, and then go right out. He would like to remain here, I believe.

As I said the other day, I am not the keeper of anyone's political future; but I wonder how I could go back home and could tell the people I represent why I had voted to deny them the constitutional right of trial by jury.

Mr. THURMOND. Can the Senator tell me why there is a desire not to give the right of trial by jury in civil rights cases, when the opposite has been true in relation to labor cases? In every instance when the question of contempt has arisen in labor cases, Congress has provided the right of trial by jury. For example, under the Clayton Act of 1914, the Norris-La Guardia Act of 1932, and the Landrum-Griffin Act of 1959, if a man was held for contempt for violating a court order, Congress provided that he would be entitled to a trial by jury. Yet, in relation to civil rights proposals, it seems there is a great desire not to give the right of trial by jury. Can the Senator explain why there seems to be a willingness to give the right of trial by jury when a man is charged with contempt in a labor case, but a lack of willingness to do so if an accused is charged with violating the so-called civil rights statutes?

Mr. ROBERTSON. I would not want to go that far. I can give an answer in reference to such labor cases. Has the Senator ever heard of an organization called the Political Action Committee of the CIO?

Mr. THURMOND. I certainly have.

Mr. ROBERTSON. Does the Senator know about the job that committee did upon a man who once was the most popular vote-getter in California—Bill Knowland—in relation to his attitude toward right-to-work laws? Does the Senator know what the voters in Ohio did to John Bricker as a result of his attitude toward right-to-work laws? Do we need any more explanation than that? When the unions said, "We want a right to trial by jury," Congress gave it to them. They said, "We will see whether you remain here or not." That is the reason why Congress provided the right in the acts I have mentioned.

Mr. THURMOND. How could anyone justify denial of the right of trial by jury in a civil rights case, and yet be willing to give the right of trial by jury in a labor case?

Mr. ROBERTSON. I shall permit my distinguished friend to answer his own question; otherwise I might violate the language of protocol.

Mr. THURMOND. I thank the able Senator from Virginia, and I commend him for the fine presentation he is making.

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

Mr. ROBERTSON. I yield, with the understanding that I shall not lose my right to the floor.

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

Mr. SMATHERS. Mr. President, I should like to ask the able Senator if he saw in this morning's newspaper an article with respect to what the realtors of America think about the bill.

Mr. ROBERTSON. I saw the article. I also received a letter from that organization. They said they thought it was a pretty bad bill, and that they were against it.

Mr. SMATHERS. I wonder whether I may read a portion of the article to the able Senator, and then ask if he agrees with the conclusion arrived at by the organization to which I referred.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that that question may be asked of me.

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

Mr. SMATHERS. The article is by the United Press International, and reads:

RIGHTS BILL DRAWS FIRE OF REALTORS

(By Robert Barkdoll)

A powerful segment of the real estate lobby came out formally against the civil rights bill yesterday and called on its 77,000 members to petition their Senators to vote against it.

The National Association of Real Estate Boards, representing most of the Nation's real estate agents, opposed the bill now before the Senate on grounds that it threatens the right of property owners to "use, rent, and dispose of property" as they see fit.

Members of the association have been speaking out against the House-passed bill for months. The national organization took a formal stand in a resolution adopted last week and in a followup statement yesterday by association President Ed Mendenhall, of High Point, N.C.

Mendenhall said the association was not opposed to civil rights, but that the bill "would result in an unlimited extension of Federal power into the civil liberties of every citizen." He urged association members to contact their Senators in opposition to it.

Under the public accommodations section of the bill, discrimination would be barred in hotels, motels, and other places providing lodging for transients, except homes—occupied by the owner—which do not rent more than five rooms.

Also affected would be restaurants, gasoline stations, and amusement centers that serve interstate travelers or that handle goods moving in interstate commerce.

A spokesman for the National Association of Home Builders, an organization representing housing constructors, said his organization did not intend to become involved in the civil rights battle and would take no stand on the bill.

Both the Home Builders and the Real Estate Association opposed the late President John F. Kennedy's 1962 order prohibiting discrimination in federally assisted housing. Since then, the homebuilders have pretty much lived with the order, while the real estate organization has continued to speak out on the issue.

Mendenhall noted in his statement that the Real Estate Association had not previously taken a stand on the bill, although many local boards and associations had been fighting similar laws at the local and State level.

He said recent Senate debate had shown a wide range of opinion among Members of that body on the bill's effect in many areas, including real estate. The real estate chief also referred to the bill's "broad-brush intent to interject Federal Government into the everyday life of most segments of our economy."

I interrupt myself at that point, to say this demonstrates the worth of the extended discussion with respect to this particular bill, because, as the president of the Real Estate Association said, since the bill has been debated on the floor of the Senate to the extent that it has, in pointing out the evils of the bill as they will finally be felt by the average citizen throughout the country, the association has learned, from the debate, that in its interests and in the interests of the American community, it believes it must oppose the bill.

The article continues:

Mendenhall said there had been "a dramatic turn in public opinion" against laws that he described as threatening property rights "under the guise of creating a new right for individuals of minority groups."

Does not the Senator from Virginia agree with the conclusions arrived at by the president of the American Association of Real Estate Boards?

Mr. ROBERTSON. Those were the conclusions arrived at. He wrote me a letter to the same effect. I agree with the conclusions. I was especially impressed by what he said about the accommodations title, title II. When the Commerce Committee reported that measure, last year, it was with a jury trial amendment in it. If we are to enact such a title, I think it should have in it a jury trial amendment. That is the reason why I am supporting the jury trial amendment of my distinguished colleague from Florida [Mr. SMATHERS].

Mr. SMATHERS. I thank the distinguished Senator. I wish to commend him on the splendid job he is doing with respect to the need for the jury trial amendment.

Mr. ROBERTSON. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I am glad to yield to the Senator for a question.

Mr. ERVIN. I wish to call the Senator's attention to paragraph 1 of subsection (b) of section 201, on page 6 of the bill, which defines some of the so-called places of public accommodation as follows:

any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

I ask the Senator from Virginia if this so-called exception was designed to exempt the fictitious constituent of the senior Senator from Vermont [Mr. AIKEN], Mrs. Murphy, from the coverage of the bill?

Mr. ROBERTSON. I could not draw any other conclusion. Mrs. Murphy was included. If anyone from New York or any other Northern State came to a Southern State, or vice versa, and stayed in Mrs. Murphy's roominghouse, she would be held to be engaged in interstate commerce, and she would be required to take in anybody who came, whether she wanted to or not.

Just as in the case of the labor unions which insisted on the right to have a jury trial, this provision was included because there were many Members of Congress who did not want to go home to their "Mrs. Murphys" and tell them, "We have put you out of business. Why? We have required you to take everybody who applies to you, and you cannot discriminate against them for a number of reasons." Mrs. Murphy would say, "But that would put me out of business. I won't stand for it."

So what did they do? They provided an exemption for Mrs. Murphy if she rented five rooms or less; but if one of those roomers had breakfast the next morning with Mrs. Murphy, she would be held to be engaged in interstate commerce.

Mr. ERVIN. I ask the Senator from Virginia whether the so-called exemption for the benefit of Mrs. Murphy fails to describe the nature of the five rooms that are mentioned in the exception?

Mr. ROBERTSON. Yes. That is characteristic of the bill. Everything would be left to regulations and to discretion. Who knows what "discrimination" means? Nobody really knows.

Mr. ERVIN. Would not a bedroom fit the description of a "room"?

Mr. ROBERTSON. That would be a room.

Mr. ERVIN. Would not a bathroom fit the description of a "room"?

Mr. ROBERTSON. Well, it is called a bathroom.

Mr. ERVIN. Would not a sitting room fit the description of a "room"?

Mr. ROBERTSON. It would.

Mr. ERVIN. Is it not true that if a widow who resided in her own home made it a practice to rent out to one tourist a sitting room, a bedroom, and a bathroom, and to another tourist a sitting room, a bathroom, and a bedroom, she would be required to receive anyone who came there whether she wished to do so or not?

Mr. ROBERTSON. That is correct. I believe the Senator mentioned six rooms that would be rented. So she would come under the bill.

Mr. ERVIN. Does the Senator from Virginia agree with the Senator from North Carolina that Mrs. Murphy's protection against intrusion of her home by an unwanted guest would be very slight?

Mr. ROBERTSON. Yes, very slight. It would be still slighter if we do not put the jury trial amendment in the bill.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the whole object of the bill is to prevent what the proponents of the bill call "discrimination"?

Mr. ROBERTSON. That is the whole theme—"discrimination."

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that discrimination refers to a mental process?

Mr. ROBERTSON. It is bound to be so.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that every person who is to be condemned for an "illegal" act under the terms of the bill would be condemned for such act because of the state of his mind, rather than for the quality of the external act performed by him?

Mr. ROBERTSON. Yes. That is one of the great fallacies and unworkable features of the bill.

The attempt would be to read a man's mind, and then accuse him of the crime of discrimination.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I am glad to yield to the Senator from South Carolina, under the usual stipulations.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Without objection, it is so ordered.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that in the ultimate analysis, the bill is one which is intended to compel Americans to conform in their thoughts in respect to matters of race to those of the administrators of the bill in Washington?

Mr. ROBERTSON. Yes. The administrators would issue the regulations, and they would have the force and effect of law. The first bill provided that the President would issue the regulations. Then it was rewritten, so as to provide that the administrators would issue them, but the President would approve them. Every department would have its own regulations. There would be no uniformity about them. It would be a physical impossibility for the President to know all the details and to approve them, except in a superficial and general way. Many other laws enacted by Congress would delegate to any bureaucrat we could name the power to enact more laws and to put more people in jail under those laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that the most outrageous examples of tyranny in history were the cases in which governments acting at the instance of established churches, undertook to control the thoughts of men in the religious field and to make them conform to the usages of the established churches?

Mr. ROBERTSON. I certainly do, because my ancestors in Virginia were friends and supporters of Thomas Jefferson. They believed in religious freedom. They left the Church of England, and they were put in jail for doing so.

Senators must not say anything uncomplimentary about a State; but we can say that there was a time when witchcraft allegedly was practiced in some sections of the country, and the authorities believed they were promoting religious principles when they ducked the so-called witches in the water; and some were even burned.

Mr. ERVIN. Does not the Senator from Virginia recall that the history of Scotland teaches us that the Government of Scotland, in conjunction with the established Church of Scotland, undertook to control the thoughts of the Scottish covenanters in the religious field?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia recall that the established Church of Scotland, in collaboration with King Charles II, used the troops of King Charles II to hunt down Scottish covenanters among the crags and moors of Scotland, and that the troops actually slew them because the contents of their minds did not harmonize with the desires of the established church and of King Charles II?

Mr. ROBERTSON. That is clearly established history; certainly that is true.

Mr. ERVIN. Does not the Senator from Virginia know that millions of American citizens trace their ancestry to the Huguenots, of France, and that history shows that the Huguenots were hunted down and slain because they were unwilling to conform the contents of their minds to the established church and the Government of France?

Mr. ROBERTSON. The Senator is correct. Not only were they hunted down, but all of their property was confiscated. So they had to leave the country. Many who came to South Carolina and other places in America were completely bankrupt; but they were determined to keep their religious freedom.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that virtually every adherent of every religion now existing in the United States is a descendant of persons who were dissenters from the established churches in the lands of their origin?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that one of the main reasons why our original settlers came here was in order that they might

not be compelled by law to have their thoughts on religion conform to the desires of the established churches and to the governments in the lands of their origin?

Mr. ROBERTSON. The Senator is correct. The settlers landed at Plymouth Rock because of their desire to have religious freedom. Other settlers came into the valley of Virginia. They were what we call the Scotch-Irish. They were not Irish Catholics, though; they were Presbyterians from Scotland. They had lived in two Irish counties which were Presbyterian. They were so persecuted by the Catholics that they emigrated in great numbers to America, and came to Virginia. When they arrived in Virginia—before there was religious freedom in Virginia—they made an agreement with Governor Gooch of Virginia. They said to him, "We will protect you lowlanders from the Indians if you will let us have our own Presbyterian churches." The Governor said, "It is a deal. And we will not tax you or persecute you for being Presbyterians."

One of those who participated in that understanding was John Caldwell. He had a daughter who married a Calhoun, and they had a son who became the famous Senator Calhoun, of South Carolina. His fiery nature came from old Dr. John Caldwell, who was a Presbyterian preacher.

Mr. ERVIN. Does not the Senator from Virginia recall that the history of England demonstrates that Catholics were jailed in England for practicing their religion and for accepting the beliefs of their religion, against the will of the Church of England, backed by the British Government?

Mr. ROBERTSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that in light of the history of religious denominations now existing in America, it is past comprehension why some present-day ministers of the gospel wish the American Government to pass laws to control the thoughts of men?

Mr. ROBERTSON. I agree.

Mr. ERVIN. Does not the Senator from Virginia agree with me that racial relationships can be solved in a satisfactory manner only by mutual cooperation, mutual understanding, and mutual tolerance, on the local level, where people live?

Mr. ROBERTSON. I agree. We cannot legislate morality; we cannot make men love each other merely by passing laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that one of the saddest aspects of contemporary American life is the indication that some ministers of the Gospel now seem to have more faith in the coercive power of manmade laws than they do in the persuasive power of the Gospel of Christ?

Mr. ROBERTSON. Yes. The Senator may remember some of our discussions on maintaining law and order, when the late Senator Kerr of Oklahoma, was convinced that we were getting better and better, and I was pessimistic about the increase in juvenile delinquency, in broken homes, in the increase in crime, and whatnot. It is a fact that right here in the District of Columbia, where Congress controls, major crimes have increased 43 percent in the past year. This city holds the record for rape, robbery, illegitimacy, and any other undesirable record one can think of—right here in our Nation's Capital.

Certainly, someone is failing to reach this generation by the only process by which it can be reached: through the heart. We shall never reach it by passing laws.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it is rather absurd to expect Congress to pass a law controlling the minds and spirits of men and in one fell swoop to correct the imperfections in man, which the Gospel has not been able to correct in 2,000 years?

Mr. ROBERTSON. Certainly.

We know that a very able man who happened to be President at the time was ridiculed and blamed for the worst depression we have ever had. He was unfortunate enough to call prohibition a noble experiment. We remember what Al Smith and others had to say about it. They were against prohibition. They complained about it. Bootleggers were permitted to operate up North. There was so much dissatisfaction with the law, that finally it was repealed. Temperance is a virtue. It is moral. How was temperance supposed to be promoted? Apparently by passing the Volstead Act. But instead of promoting temperance, we promoted bootlegging and all that went with it.

Mr. ERVIN. Is it not a fact that Congress passed the Volstead Act so that the Federal Government might regulate the contents of a man's stomach?

Mr. ROBERTSON. Yes.

Mr. ERVIN. Does not the Senator from Virginia agree with the Senator from North Carolina that it is the height of folly to expect that a government which could not regulate the contents of a man's stomach would regulate the contents of a man's mind?

Mr. ROBERTSON. The argument reduces itself to what Cicero would call an absurdum. We arrived at an absurdity when we talk about passing a law to control what is in a man's mind.

Mr. ERVIN. I thank the Senator from Virginia for yielding to me.

Mr. ROBERTSON. I appreciate the Senator's asking me these questions.

Speaking of Mrs. Murphy, I have before me a little list of what title II embraces. It includes:

(1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) Any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) Any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

Subsection 201(d) declares:

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

Mr. President, I welcome the suggestion offered by my distinguished friend from North Carolina, who is one of our ablest lawyers, and possibly the best constitutional lawyer in the Senate. I wish to return now to my central theme.

Mr. HILL. Mr. President, will the Senator yield, before he leaves his present discussion?

Mr. ROBERTSON. I yield.

Mr. HILL. Does not the bill also cover hamburger stands and hot dog stands?

Mr. ROBERTSON. Yes. One can hardly single out any establishment that is not included. Of course no jury trial is provided.

Mr. HILL. No jury trial is provided. Was not the bill written in this form so there would be no jury trial under at least five of the main titles of the bill?

Mr. ROBERTSON. The five main titles were written in a very clever way, if I may say so. The general statement is made that when the United States is a party, no jury trial is provided. In any school desegregation case, all that the Attorney General would need to do would be to have someone say, "My child has been discriminated against, and I am not financially able to prosecute." Then the Attorney General would say, "Don't worry. I will move into the case right away."

Under five of the titles, in one way or another, the Government would become the prosecutor. The Government then would fall back upon the general statement that when the Government is a party, a person is not entitled to a jury trial.

Senators have presented able arguments in that connection. The late Senator Borah, of Idaho, and the late Senator Reed, of Missouri, spoke on this point. Senator Borah tried to remove that provision. In the past it has never been abused.

Now it is proposed that we pass a comprehensive statute which would prevent a jury trial in practically all these cases.

A judge might be prejudiced against a person, but under the bill he could still try the case. If a judge were sympathetic to a person who came before him,

the Attorney General could take the case anywhere he pleased, in the entire circuit.

In an FEPC case, he would prosecute the case anywhere in the country where the main office of the firm was located. A suboffice might be located in Mississippi; but he could prosecute the case in Chicago, for example, if the main office was located there.

Mr. HILL. In other words, a person could be made to travel thousands of miles from his home, could he?

Mr. ROBERTSON. Yes. Because it was a misdemeanor, he could not issue a subpena for witnesses to attend a trial at that great distance. Of course, he could take depositions, if he wished. He would not have the assistance of witnesses or friends to help him. All that is provided by the bill.

Mr. HILL. The Attorney General could deny the accused the right of confrontation, in other words, could he?

Mr. ROBERTSON. Yes.

Mr. HILL. He could be tried and convicted before a judge, without benefit of a jury trial, and never even would know who his accuser was? Is that correct?

Mr. ROBERTSON. The Senator is correct. Every case would be a separate case. It would not be necessary to proceed against a man three times before he would be financially wrecked, even if he won every case that had been presented against him. We know what Mr. Hoffa has been up against, when the Government moved in on him two or three times. I do not know what those cases have cost him. An estimate has been made that he has spent about $500,000 in his defense. I believe six of the unions have said that he should defend himself, and should pay the cost of the defense out of his own pocket, and should not use Teamster funds for that purpose. But a man could spend money out of his pocket, and could still go to jail, of course.

Mr. JOHNSTON. Mr. President, the bill does not even provide that the man shall be tried in his own district, does it?

Mr. ROBERTSON. That is correct. If the Attorney General thought the judge were friendly to the defendant, he could take the case anywhere in that circuit. The fourth circuit, for example, includes the States of Virginia, Maryland, West Virginia, and the Carolinas.

If it were an FEPC case, it would be possible to carry it thousands of miles from a man's home. A suboffice could be located in one State, but the Attorney General could take the case to the State in which the main office was located.

Mr. JOHNSTON. The Senator mentioned the Hoffa case. I believe the first Hoffa trial was had in Florida. Did not the Government proceed against him in Florida?

Mr. ROBERTSON. There have been so many trials, that I do not remember.

Mr. JOHNSTON. Then there was one in Michigan. Finally, the Government fished around to find the best place in which to try Hoffa. Is that correct?

Mr. ROBERTSON. The Government proceeded against him in many jurisdictions. I do not know why. I know one jury finally convicted him.

Mr. JOHNSTON. That is correct.

Mr. ROBERTSON. That illustrates what it costs when the Federal Government starts to proceed against a person.

Of course, these would be felony cases, not misdemeanors. Some people will spend half of what they have, or more, rather than be branded a criminal by being sent to jail. Some people do not want that to happen to them. They do not want their grandchildren to say about them, "He was a nice man, but I remember when we went to see him when he was in jail."

If a Federal judge sends a man to prison, he must serve the sentence. He cannot get out of jail, except on appeal.

Mr. President, since this is the 10th anniversary of the Court's decision in the famous case of Brown et al. against Board of Education, as to which so much has been done and is undertaken to be done, I invite attention to the fact that in that case the Court ignored all the facts in the Virginia case which was consolidated with it, and all the rulings and sound legal arguments that were presented by the three-judge court.

One member of the three-judge court was Judge Dobie, formerly a great teacher of law at the University of Virginia, and a brilliant member of the Fourth Circuit Court of Appeals. Another was District Judge Albert Bryan, now a member of the Fourth Circuit Court of Appeals, and entitled, in my opinion, to be a member of the Supreme Court. The third was Judge Hutcheson, who was one of the ablest district judges Virginia had for a long time. He is now retired.

The opinion in that case, which was styled Davis et al. against County School Board of Prince Edward, et cetera, was written by Judge Albert Bryan, who discussed at length both the testimony and the meaning of the 14th amendment. The exact style of the case was: "Davis et al. against County School Board of Prince Edward County, Va., et al., before Dobie, circuit judge, and Hutcheson and Bryan, district judges." In that case, Judge Bryan said:

> Prince Edward is a county of 15,000 people in the southern part of Virginia. Slightly more than one-half of its inhabitants are Negroes. They compose 59 percent of the county school population. At the high school plane the average pupil attendance is 386 colored, 346 white. For themselves and their classmates, a large number of these Negro students, their parents, or guardians now demand that their county school board and school superintendent refrain from further observance of the mandate of section 140 of the Constitution of Virginia and its statutory counterpart, the former reading: "White and colored children shall not be taught in the same school." Defendants' adherence to this command, it is averred, creates a positive discrimination against the colored child solely because of his race or color, constituting both a deprivation of his privileges and immunities as a citizen of the United States and a denial to him of the equal protection of the laws. The prohibition is denounced as a breach of the Civil Rights Act and as inimical to section 1 of the 14th amendment of the Federal constitution.
>
> Demandants pray a declaration of the invalidity, and an injunction against the enforcement, of the separation provisions. In the alternative, they ask a decree noting and correcting certain specified inequalities between the white and colored schools. That the schools are maintained with public tax moneys, that the defendants are public officials, and that they separate the children according to race in obedience to the State law are concessa. The Commonwealth of Virginia intervenes to defend.
>
> Plaintiffs urge upon us that Virginia's separation of the Negro youth from his white contemporary stigmatizes the former as an unwanted, that the impress is alike on the minds of the colored and the white, the parents as well as the children, and indeed of the public generally, and that the stamp is deeper and the more indelible because imposed by law. Its necessary and natural effect, they say, is to prejudice the colored child in the sight of his community, to implant unjustly in him a sense of inferiority as a human being to other human beings, and to seed his mind with hopeless frustration. They argue that in spirit and in truth the colored youth is, by the segregation law, barred from association with the white child, not the white from the colored, that actually it is ostracism for the Negro child, and that the exclusion deprives him of the equal opportunity with the Caucasian of receiving an education unmarked, an immunity and privilege protected by the statutes and Constitution of the United States.

I invite Senators to pay special attention to the following statement in the opinion in the Prince Edward County case, which, as I have said, was completely ignored by the Supreme Court when it handed down its decision. Judge Bryan wrote:

> Eminent educators, anthropologists, psychologists and psychiatrists appeared for the plaintiffs, unanimously expressed dispraise of segregation in schools, and unequivocally testified the opinion that such separation distorted the child's natural attitude, throttled his mental development, especially the adolescent, and immeasurably abridged his educational opportunities.

Mr. President, all those witnesses appeared for the plaintiffs. Mind you, this case was going to the Supreme Court on that record. Additional witnesses are not heard before the Supreme Court; the Supreme Court must take the record as it is made in the lower court, and is bound by it—or is supposed to be bound by it. In that case, the Supreme Court was not bound by it; it ignored the testimony. I continue to read from Judge Bryan's decision:

> For the defendants, equally distinguished and qualified educationists and leaders in the other fields emphatically vouched the view that, given equivalent physical facilities, offerings and instruction, the Negro would receive in a separate school the same educational opportunity as he would obtain in the classroom and on the campus of a mixed school. Each witness offered cogent and appealing grounds for his conclusion.

Now I invite attention to the verdict of the three judges who heard the testimony and who listened to the witnesses as they were cross-examined:

> 1. On this factual issue the Court cannot say that the plaintiffs' evidence overbalances the defendants'. But on the same presentation by the plaintiffs as just recited, Federal courts have rejected the proposition, in respect to elementary and junior high

schools, that the required separation of the races is in the law offensive to the national statutes and Constitution. They have refused to decree that segregation be abolished incontinently. We accept these decisions as apt and able precedent. Indeed we might ground our conclusion on their opinions alone.

I depart from the reading of the opinion by Judge Bryan, to emphasize what I am about to read:

But the facts proved in our case, almost without division and perhaps peculiar here, so potently demonstrate why nullification of the cited sections of the statutes and constitution of Virginia is not warranted, that they should speak our conclusion.

Regulations by the State of the education of persons within its marches is the exercise of its police power—"the power to legislate with respect to the safety, morals, health and general welfare." The only discipline of this power by the 14th amendment and the civil rights acts of Congress is the requirement that the regulation be reasonable and uniform. We will measure the instant facts by that yardwand.

It indisputably appears from the evidence that the separation provision rests neither upon prejudice, nor caprice, nor upon any other measureless foundation. Rather the proof is that it declares one of the ways of life in Virginia. Separation of white and colored children in the public schools of Virginia has for generations been a part of the mores of her people. To have separate schools has been their use and wont.

The school laws chronicle separation as an unbroken usage in Virginia for more than 80 years. The General Assembly of Virginia in its session of 1869–70, in providing for public free schools, stipulated "that white and colored persons shall not be taught in the same school, but in separate schools, under the same general regulations as to management, usefulness, and efficiency." It was repeated at the session 1871–72, and carried into the code of 1873. As is well known, all this legislation occurred in the period of readjustment following the Civil War when the interests of the Negro in Virginia were scrupulously guarded. The same statute was reenacted by the legislature of 1877 and again in 1878, still within the Reconstruction years of Virginia. In almost the same words separation in the schools was carried into the Acts of Assembly of 1881–82, and similarly embodied in the code of 1887, in the code of 1919, and now it is placed in the code of 1950, in a single section, 22–221, in the same words: "White and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness, and efficiency." The importance of the school separation clause to the people of the State is signalized by the fact that it is the only racial segregation direction contained in the constitution of Virginia.

Maintenance of the separated systems in Virginia has not been social despotism, the testimony points out, and suggests that whatever its demerits in theory, in practice it has begotten greater opportunities for the Negro.

I emphasize the following statement in the opinion of Judge Bryan:

Virginia alone employs as many Negro teachers in her public schools, according to undenied testimony, as are employed in all of the 31 nonsegregating States. Likewise it was shown that in 29 of the even hundred counties in Virginia the schools and facilities for the colored are equal to the white schools, in 17 more they are now superior, and upon completion of work authorized or in progress, another 5 will be superior. Of the 27 cities, 5 have Negro schools and facilities equal to the white and 8 more have better Negro schools than white.

So ingrained and wrought in the texture of their life is the principle of separate schools, that the president of the University of Virginia expressed to the Court his judgment that its involuntary elimination would severely lessen the interest of the people of the State in the public schools, lessen the financial support, and so injure both races. His testimony, corroborated by others, was especially impressive because of his candid and knowledgeable discussion of the problem. A scholar and a former Governor and legislator of the State, we believe him delicately sensible of the customs, the mind, and the temper of both races in Virginia. With the whites comprising more than three-quarters of the entire population of the Commonwealth, the point he makes is a weighty practical factor to be considered in determining whether a reasonable basis has been shown to exist for the continuation of the school segregation.

In this milieu we cannot say that Virginia's separation of white and colored children in the public schools is without substance in fact or reason. We have found no hurt or harm to either race. This ends our inquiry. It is not for us to adjudge the policy as right or wrong—that, the Commonwealth of Virginia "shall determine for itself."

On the second phase of this case, the inequality in the Negro schools when compared with the white, the defendants confess that the buildings and facilities furnished for Negro high school education are below those of the white school. We think the discrepancy extends further. We find inequality also in the curriculums of the schools and in the provision for transportation of the students.

Undoubtedly frankness required admission by the defendants of their dereliction in furnishing an adequate school plant and facilities for the Negro. His high school is the Robert R. Moton. It is composed of one permanent brick building and three temporary, one-story, frame buildings. No gymnasiums are provided, no shower or dressing rooms to accompany physical education or athletics, no cafeteria, no teachers' rest room and no infirmary, to give some of the items absent in Moton but present in the white high school. Moton's science facilities and equipment are lacking and inadequate. No industrial art shop is provided, and in many other ways the structures and facilities do not meet the level of the white school.

In offerings we find physics, world history, Latin, advanced typing and stenography, wood, metal and machine shop work, and drawing, not offered at Moton, but given in the white schools. While the school authorities tender their willingness to give any course in the Negro school now obtainable in the white school, all courses in the latter should be made more readily available to the students of Moton.

In supplying school buses the Negro students have not been accorded their share of the newer vehicles. This practice must cease.

In the allocation of new conveyances, as replacements or additional equipment, there must be no preference in favor of the white students.

2. On the issue of actual inequality our decree will declare its existence in respect to buildings, facilities, curriculums, and buses. We will restrain immediately its continuance in respect to the curriculums and conveyances. We will order the defendant to pursue with diligence and dispatch their present program, now afoot and progressing, to replace the Moton buildings and facilities with a new building and new equipment, or otherwise remove the inequality in them.

The frame structures at Moton were erected in 1948 and 1949 as temporary expedients, upon the advice and authority of the State board of education. Through the activities of the school board and the division superintendent, defendants here, $840,000 has been obtained, the land acquired, and plans completed, for a new high school and necessary facilities for the Negroes. Both local and State authorities are moving with speed to complete the new program. An injunction could accomplish no more.

A decree will be entered in accordance with this opinion.

Chief Justice Warren, in writing the opinion in the Brown case, completely ignored both the interpretation of the 14th amendment made by the lower court, and likewise the opinion of the lower court, that careful consideration of all the testimony showed beyond any question that the attendance in separate schools caused no sense of frustration or the other imaginary ailments subsequently relied upon by the Supreme Court to sustain its opinion in Brown against the Board of Education.

I plan to end my discussion today on the same note on which I commenced it; namely, to stress that we have had 10 years of experience with the so-called noble experiment. The Supreme Court overruled not only the previous decisions of that Court, but also those of all other courts, on the question of the application of the 14th amendment. It deliberately amended the Constitution by reading into the 14th amendment something its framers never intended to be there, and something the Congress that proposed it did not intend to be there, as evidenced by the fact that even after the 14th amendment had been adopted, Congress provided, and continued to provide for many years, segregated schools in the District of Columbia.

At a subsequent date, I intend to go more fully into the meaning of the 14th amendment. I shall also take up title II, to which reference has been made this morning. I think that title would cause a great deal of hardship, either with or without a jury trial provision. And without a jury trial provision, it would be disastrous to many small operators, boardinghouse keepers, filling station operators, hotdog-stand owners, and so forth.

I repeat that we must insist upon the inclusion in the bill of a provision for the right of trial by jury in all proceedings under the bill when the defendant demands a jury trial, as provided in the amendment submitted by the Senator from Florida [Mr. SMATHERS].

Mr. President, I yield the floor; and 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. 237 Leg.]

Allott	Cooper	Hart
Bartlett	Cotton	Hartke
Bayh	Dirksen	Hayden
Beall	Dodd	Hickenlooper
Bible	Dominick	Hill
Boggs	Douglas	Holland
Burdick	Ellender	Hruska
Carlson	Fong	Humphrey
Case	Gore	Inouye
Clark	Gruening	Jackson

Johnston	McNamara	Saltonstall
Jordan, Idaho	Miller	Scott
Keating	Monroney	Smith
Lausche	Morse	Sparkman
Long, Mo.	Morton	Walters
Mansfield	Neuberger	Williams, Del.
McCarthy	Pearson	Young, N. Dak.
McClellan	Proxmire	
McGee	Robertson	

The PRESIDING OFFICER. A quorum is present.

ADDITIONAL FUNDS FOR MUTUAL DEFENSE AND DEVELOPMENT PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 307)

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Last January, in my budget message to the Congress, I pointed out that this budget made no provision for any major new requirements that might emerge later for our mutual defense and development program. I stated then that if such requirements should arise I would request prompt action by the Congress to provide additional funds.

That need has emerged in Vietnam. I now request that the Congress provide $125 million in addition to the $3.4 billion already proposed for foreign assistance; $70 million is required for economic and $55 million for military uses in Vietnam.

Since the 1965 budget was prepared, two major changes have occurred in Vietnam:

First. The Vietcong guerrillas, under orders from their Communist masters in the North, have intensified terrorist actions against the peaceful people of South Vietnam. This increased terrorism requires increased response.

Second. A new government under Prime Minister Khanh has come to power, bringing new energy and leadership and new hope for effective action. I share with Ambassador Lodge the conviction that this new government can mount a successful compaign against the Communists.

In March Prime Minister Khanh declared his intention to mobilize his nation. This intention has now been confirmed by his new and enlarged budget for 1964. It provides for:

Expanding the Vietnamese Army, Civil Guard, Self-Defense Corps, and police forces, and integrating their operations with political, economic and social measures in a systematic clear-and-hold campaign.

Greatly expanding and upgrading the Vietnamese civil administrative corps to increase the Government's effectiveness and services at the village, district, and province level. Local government capacity, responsiveness to popular needs, and initiatives are to be strengthened.

Better pay scales for the men and adequate budgets for the organizations engaged in this struggle of many fronts.

Manifold expansion of training programs, to provide teachers, health workers, agricultural, financial, and administrative staffs for the rural areas.

These and other measures, if promptly carried out, will require an increase of about 40 percent in Vietnam's domestic budget expenditures over the 1963 level—a far greater expansion of Vietnamese effort than was assumed in the assistance plans submitted in January. Under present circumstances, Vietnam's domestic revenues cannot be increased proportionately. Severe inflation resulting from a budget deficit would endanger political as well as economic stability, unless offsetting financial actions are taken. We expect the Vietnamese Government to take all possible self-help measures to deal with this problem internally, but substantial increases in economic assistance also will be required. We must share the increased costs of the greatly intensified Vietnamese effort.

Our more direct support of the expanded Vietnamese military and civil operations also must keep pace with the intensified Vietnamese effort. On the civil side—through AID's counter-insurgency program—this means more fertilizer, medical supplies and services, repair parts and replacements for war-damaged railway rolling stock, school supplies and building materials, well-drilling equipment and teams to bring fresh water to the villagers, and enlarged advisory staffs in the provinces.

On the military and paramilitary side, additional equipment, ammunition, training, and supplies will be needed as the organization and functioning of the armed forces improves. Additional aircraft, pilot training for the Vietnamese and airfield improvements are required. Increased activity will require additional ammunition. Additional support equipment is required for all forces.

The vigorous decisions taken by the new Government of Vietnam to mobilize the full resources of the country merit our strongest support. Increased Communist terror requires it.

By our words and deeds in a decade of determined effort, we are pledged before all the world to stand with the free people of Vietnam. Sixteen thousand Americans are serving our country and the people of Vietnam. Daily they face danger in the cause of freedom. Duty requires, and the American people demand, that we give them the fullest measure of support.

We have reviewed the entire budget for mutual defense and development programs once again to determine whether we can accommodate within it these added requirements. We cannot. In fact, recent events in Brazil and elsewhere may add to the economic programs originally planned. Military programs have already been cut to the bare minimum. We cannot respond to the new situation in Vietnam within the limits of the original budget proposal without unacceptable danger to our other basic security interests.

I am today forwarding to the Speaker of the House of Representatives amendments to my 1965 budget increasing my request for appropriations for supporting assistance from $335 to $405 million, and for military assistance from $1.0 to $1.055 billion. Both of these increases are covered by the budget's allowance for contingencies, so that they will not affect overall budget totals.

I ask the Congress to enact authorization for supporting assistance and military assistance sufficient to permit appropriations in these amounts.

I strongly urge the Congress to provide this additional $125 million to Vietnam, and to appropriate the full $3,517 million now required for our mutual defense and development programs.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 18, 1964.*

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of 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 discriminaton 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. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 577), proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513), proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. McCLELLAN. I thank the Chair.

If I correctly understand the pending business, these are the amendments which would serve as perfecting amendments to the Talmadge amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. These amendments, as I interpret them, would provide for jury trials in criminal contempt cases when requested by the defendant; in other words, if the defendant requested a jury trial, the court—under the provisions of these amendments—would be compelled to grant it.

If no jury trial were requested by the defendant, the provisions of these amendments would limit the punishment, or provide a maximum punishment that could be assessed by the court, or by the judge hearing the criminal contempt matter; and the maximum punishment under these amendments, if I correctly interpret them, would be a $300 fine or 30 days in jail.

Mr. President, I support these perfecting amendments. I do so for two reasons. I do not believe it would be constitutional to subject anyone to trial on a criminal contempt charge without recognizing and honoring the constitutional right to a trial by jury. For that reason,

of course, I support the principle, and I will support these amendments.

Again, if we are going to permit a court to assess the penalty if a jury trial is not requested or granted, I believe it would be well for the law to fix the maximum punishment or penalty that a court or judge could impose. So those are two basic reasons for supporting the amendments. If the Talmadge amendments cannot be adopted in their present form, I also support them; and then I would support the amendments that are now the pending business.

I have spoken once or twice before on this issue. Unfortunately, on neither occasion did I finish my remarks. There is so much that can be said, because so much is involved. When we talk about the liberty of citizens and taking away that liberty for even a limited period of time, and incarcerating a person in jail for 30 days or 45 days, we are talking about something which cannot be taken lightly, even though in a relative sense 30 days or 45 days—as compared to the lifetime of an individual—might not be a vitally important period of time.

But, Mr. President, the shame or disgrace that many good citizens would feel—in fact, every Senator would feel it if he were sentenced to jail for 30 days or 45 days for any offense—would certainly be most humiliating and would leave a mark of discredit upon the character of the one so penalized. Thus, we are dealing with human liberty.

We hear a great deal about human rights. This bill is supposed to be a bill—I say "supposed"; I do not say it is—to provide for civil rights. So we hear a great deal about "civil rights."

I should like to think in terms of civil liberty and personal liberty, when we are dealing with the liberty of an individual and the question of whether he shall be free, whether he shall stay out of jail, whether he shall be placed in jail, or whether he shall be adjudged guilty of a crime. If the charge is criminal contempt, it is a crime of criminal contempt, just as larceny is a crime of larceny—crimes which the laws propose to punish by taking away the liberty of the accused, and placing him in jail.

When we start doing that, when our goal, our objective, and our declared purpose, as means of law enforcement, are to compel obedience to the orders of a court, then I believe we should not place the power, the duty, or the responsibility for the whole process in the hands of one judge.

In the first instance, the judge would become the accuser, because it is anticipated that it would be an order of the court which, it would be alleged, the accused had violated. Therefore the court which issued the order must necessarily issue the citation for contempt. The citation for contempt would be the accusation.

Therefore, the judge who had made the order, who claimed the defendant had violated his order, would make the accusation which would bring the defendant into court. The accusation would become the charge of the offense that the defendant was alleged to have committed. The judge who issued the charge, who made the order, and who decided that it had been violated, would issue the citation for contempt which would bring the defendant before him, to be tried.

No Member of the Senate would wish to be tried by his accuser. All of us would seek a fair and impartial trial. Taking into account the elements which compose human nature, it is rather hard to conceive that a judge who made an order and who thought the order had been violated and who issued the charge of contempt could even begin the trial with a fair and impartial attitude.

When a jury is impaneled to try a petty thief, the lawyer for the defense asks a prospective juror if he knows anything about the case, if he has heard of it, if he has any opinion about it, if he knows the defendant, and if he has an opinion about the guilt or innocence of the defendant. Then he goes even further, and asks the prospective juror, on his voir dire examination, "Will you require the Government to prove beyond a reasonable doubt the guilt of the accused before you find him guilty?"

If the prospective juror does not agree to do that, or if he says he already has an opinion, or if he says he has a prejudice in such cases, or if he indicates that he cannot be impartial in his judgment, or if he indicates that he has a preconceived idea as to the guilt of the defendant, he is held not to be a competent juror, and he can be excused from service on the jury; and it becomes the duty of the court to excuse such a prospective juror.

Unless the Talmadge amendment, or a comparable amendment dealing with this issue, is adopted—in other words, if the bill remains as it was when passed by the House of Representatives, and if no amendment to change this provision is adopted—the accused could be tried before the judge who made the accusation, who could not be impartial, who would not be impartial, and who would have a preconceived idea of the accused before the contempt citation was issued.

I believe that a person charged with violating an order of the court is entitled to as much consideration as that we accord to a petty thief. He should have a fair trial.

I do not understand why it is necessary to single out a person in this instance, and say—because he is charged with violating a court order—that he is not entitled to his constitutional right of trial by jury. There is an alleged reason for it—though not a valid reason. The reason given is that in some places, so it is claimed, it is impossible to get a jury to convict.

We can go to many places in the United States where it is difficult to get a conviction in certain cases. I have not heard anyone suggest that in areas where juries habitually turn criminals loose, or where law enforcement is weak, jury trials should be abolished. No one is offering such an amendment to the pending bill.

This particular issue is being singled out. We are asked to let one man determine whether a person shall go to jail.

Mr. President, I have not really begun my speech; but this subject moves me. To tell the truth, it really starts one thinking. We think in terms of American jurisprudence and our system of justice that requires trial by jury. When we consider it, we really begin to think about it. It makes one shudder to think what is about to happen and what will be the ultimate consequence, what the bill will lead to, if we break the barrier now in existence, and have Congress give its sanction to one-judge verdicts, with the judge as the accuser. One does not have to have a formal speech prepared in order to speak on this subject.

Mr. McCLELLAN. Madam President (Mrs. NEUBERGER in the chair), on Tuesday of the week before last, I devoted approximately 4 hours to a discussion of the history, development, and importance of trial by jury.

On Monday of last week, I again devoted some 4 hours to a discussion of this subject, principally to the observations, views, and comments of leading jurists and distinguished legal historians, scholars, and practitioners, concerning this very fundamental bulwark of American liberty.

A considerable portion of the material I presented on last Monday was taken from the admirable work entitled "Civil Justice and the Jury," written by Charles W. Joiner, associate dean of the University of Michigan Law School. As I pointed out previously, Dean Joiner presents a strong defense of the jury system. His work includes not only his own excellent views, but also the views of famous judges, lawyers, and scholars—the expressions they have made over the past 200 years in supporting and commending our jury system.

Madam President, in my remarks on Tuesday, 2 weeks ago tomorrow, I stated that Dean Joiner's book carries a foreword by the Chief Justice of the United States, Earl Warren. I take this occasion to say, Madam President, that quite often I do not agree with the Chief Justice of the Supreme Court on some of the opinions he has rendered and written in vital cases which have been before the Court, and have been decided by it since Mr. Warren became the Chief Justice of the Court; but in the foreword to which I have just referred, he speaks with some eloquence and with obviously unchallengeable wisdom.

At that time, when I previously made reference to it, I read only the last paragraph of Chief Justice Warren's eloquent and persuasive statement. I was so impressed with that paragraph that I then reread the whole article. I have come to the conclusion that all of it—not just the last paragraph or a single paragraph, but all of it—is well worth the attention of all Senators.

Madam President, I do not believe the record of the debate on the pending issue is complete without having the whole article printed in the RECORD. Ths is a very good point at which to insert it. Having read it two or three times, I have developed a liking for the ring of it. It reads very well, even when one reads it silently. It reads even better when one reads it aloud. That is what I shall do.

Accordingly, before I continue my discussion of the views and observations of other outstanding jurists, scholars, and practitioners concerning trial by jury, I shall read the complete statement by the Chief Justice of the United States, which I believe serves as a very forceful preface to the quotations I shall read from other learned jurists and practitioners and historians with respect to jury trial in the United States.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a question?

Mr. McCLELLAN. On the premise of the unanimous-consent agreement entered into previously, I yield to the distinguished Senator from Louisiana, without losing my right to the floor.

Mr. LONG of Louisiana. Is the Senator about to read from the opinion in the Green case?

Mr. McCLELLAN. Oh, no. This is from a foreword written by the Chief Justice of the Supreme Court. I have not read it yet. It is from a foreword to a book recently published, written by Charles W. Joiner. The title of the book is "Civil Justice and the Jury."

Mr. Joiner is associate dean of the University of Michigan Law School. Apparently, it is a new publication. Chief Justice Warren wrote the foreword for it. The book was published in 1962. It deals with what we have before us with respect to jury trials. Some people would like to abandon or abolish the jury system.

I shall place in the RECORD some very fine opinions expressed by those who certainly are as able as any of us who are serving in the Senate today, and who will have to resolve the issue on the pending amendment or on some other amendment in the bill, during the course of its further consideration.

There are those who take the view that all we are doing is filibustering, merely filling the air with words; that we do not have any sincerity of purpose except to prevent enactment of the bill. But even if we are to be overwhelmed, Madam President, let us at least expose the flaws in the bill, so that those who are determined to pass some kind of so-called "civil rights bill" will be awakened to what they are doing, and will not blindly destroy a system of jurisprudence, including the right of trial by jury, one of the most sacred rights guaranteed a citizen under the Constitution. Let us make the record, so that he who reads may judge. He cannot read it if it is not in the RECORD. So I propose to put it in the RECORD.

Now I shall read what Chief Justice Warren said. He first expressed these profound sentiments:

> Freedom and justice for the individual—grounded upon a just system of laws and protected by the courts—are the keystones of America's strength.

The Chief Justice wrote that as a preface to a book on civil justice and jury trials. Then he wrote:

> This is the American concept, and it is our main claim to moral leadership in the world community.

He wrote of freedom and justice for the individual, grounded upon a just system of laws.

Madam President, that system of laws is premised on the Constitution. It includes the guarantee of jury trial in all criminal cases, and also in civil cases in which the amount involved is more than $20.

Apparently we are asked to place more value on $20 in a civil suit than on 30 or 45 days in jail; we are asked to believe that a jury trial is not important and that we should let a judge decide whether a person shall go to jail.

I continue to read from the foreword by Chief Justice Warren:

> However, the real test of our system is the extent to which our ideals are given actual concrete reality in the lives of our people. A system of laws, however just, that exists only in theory, is a slim basis for a claim to moral leadership.

I ask these questions: Does the right of trial by jury exist only in theory? Is that what the system means? Does it mean that the theory is good, but in reality it is not necessarily so? The Chief Justice wrote that it is "a slim basis for a claim to moral leadership" if it "exists only in theory."

Then he wrote:

> It is a weak reed to support our national strength.

I agree with him. If the Constitution provides for trial by jury—as it does in three places—it is only a weak reed to support our national strength if we adhere to it only in theory, but not in practice.

He also wrote:

> We must not forget that the role of the courts is not merely to define the right; it is also to administer the remedy. Unless the remedy is actually applied to persons and things, the right is merely a pious idea.

In other words, the Constitution provides for a jury trial; but unless a citizen is actually given the right of trial by jury, the right of trial by jury is merely a pious idea.

The Chief Justice then wrote:

> With these thoughts in mind, we are challenged to reexamine our system of justice, to determine whether it is based upon sound procedures and systems, and whether we are presently approaching or receding from our goal. That purpose is well served in this study of "Civil Justice and the Jury."

That was what Chief Justice Warren wrote, after he had read this book. He continued as follows:

> Nowhere does government touch the lives of the people more intimately than in the administration of justice, and nowhere is it more important that the governing process function with efficiency and commonsense. Nothing we can say or do is so important as the way we administer justice. And when I say we, I mean the lawyer and the layman, too.

It is really no wonder, it is not surprising at all, in view of this foreword that the Chief Justice wrote to the book, "Civil Justice and the Jury," that we find him joining with Justice Goldberg, Justice Douglas, and Justice Black in the dissenting opinion recently rendered in the Barnett case.

That was one time when the liberals on the Court really rose to the defense of true liberalism—trial by jury, not trial by the accuser. I find it strange that some of the members of the Court who are inclined toward so-called conservatism could not also have seen the light. But the truly great liberals of the Court, recognizing the danger to personal liberty, took a position of protecting the right of trial by jury.

In this foreword, Chief Justice Warren continued:

> The courts represent the one institution which has been entrusted in a particular way to our keeping—lawyer and layman alike. It places a tremendous obligation on us to make our Federal and State systems work, for without an efficient judiciary, there can be no real justice. It is primarily the law and its adequate and fair administration that makes individual liberty possible.

Madam President, what is fair administration? The fathers of the Constitution had in mind, when they provided for trial by jury, that it was a better system to protect human rights, to protect civil liberties, to protect civil rights, and to protect individual rights and individual liberties. All of us should read that statement by the Chief Justice again and again. I wish every Senator would read it and meditate upon its meaning. I re-read his last statement:

> It is primarily the law and its adequate and fair administration that makes individual liberty possible.

Then Chief Justice Warren continued, as follows:

> The men and women who are called upon to serve on juries in both our Federal and State courts—

All of this was a prelude to his discussion of the jury trial and of the place of the jury in our system of justice—

> have maintained a standard of fairness and excellence throughout the history of our country.

That is the judgment and declaration of faith, so to speak, of the highest judge in the land. That is his comment, taken from his views about the jury system. That does not mean, of course, that there has never been a miscarriage of justice before a jury. It does not mean that a juror has never been bribed. It does not mean that in the same circumstances jurors have not been loyal to the oath they took. It does not mean that every juror who has ever been impaneled did not enter the jury box with a prejudice or perhaps an ulterior motive as to how he would decide the case. The human equation enters into all these considerations, of course. But, taking into consideration the element of human nature that it is in all of us, what the Chief Justice was stating was that, notwithstanding the frailties of human beings, there has not yet been—and his implication certainly is that there cannot be—a better system devised by men for the administration of justice than trial by jury.

Certainly if trial by jury should be preserved, maintained, and observed anywhere, it is in the cases in which an adverse judgment, a judgment of guilty, might carry with it incarceration of the defendant in prison or in jail.

Mr. LONG of Louisiana. Madam President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I gladly yield for a question.

Mr. LONG of Louisiana. Is not this one more way in which the Chief Justice, like others of his stature, is telling us that the personal liberties of citizens, as well as their freedoms, are safer in the hands of a jury than they are when entrusted to courts of one judge or three judges? After all, judges are human beings who are sometimes subject to varying degrees of prejudice and other shortcomings to which the Seantor has referred.

Mr. McCLELLAN. The Chief Justice there was recognizing and emphasizing the fact that judges are human beings and that they are possessed of as many frailties and human weaknesses as are laymen, including those who may be called upon to serve as jurors. But he was also emphasizing the odds favoring the administration of justice when the issue of guilt or innocence is entrusted to 12 persons, instead of to 1. There is far less likelihood that an innocent person will be found guilty by a jury of 12 persons than there is that an innocent person may be adjudged guilty by the judgment of 1 man, because it takes the unanimous verdict of 12 jurors to convict; whereas it is not likely that 12 jurors would make a mistake against an individual and adjudge him guilty, as it would be if that decision were left to the mind, the judgment, and the wisdom of 1 man. That is what our jury system means. The defendant—the accused—is protected, first, by a presumption of innocence; second, by the requirement—by a burden upon the Government or upon the State, as the case might be—to establish guilt by competent evidence beyond a reasonable doubt.

What may convince one judge that there is guilt beyond a reasonable doubt, might fail to convince 12 individuals who are serving as jurors. It might convince five. It might convince six. It might convince 11. But trial by jury means that 12 citizens serving as impartial jurors must be convinced beyond a reasonable doubt before the defendant can be incarcerated.

We are tampering with something that is precious. We are tampering with something that every man who loves freedom truly cherishes. And yet we dare to tamper with it in this particular bill.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. Is it not true that the big difference between a citizen's right to be tried before a judge when accused of crime, and his right to be tried before a jury is that in one instance the citizen has a right to pass upon those who will sit in judgment on him, as to whether he thinks they will give him a fair trial and will judge his case fairly. He does not have this right when he is hauled before a judge for trial. And in the second instance, not one man, but a group of 12 must unanimously agree, in order to find him guilty.

Mr. McCLELLAN. That is correct. The defendant in a criminal trial can participate through his lawyer, or himself, or both, in the selection of those who will try him. In a circumstance such as this, if the judge whose order he is supposed to have violated decides that he wants to charge him, he has no alternative. He must go before that one person, who in this instance is the judge, and the accuser. He has got no right to participate in the selection of those who will try him as to whether they will be fair and impartial. That right is completely denied him.

We cannot overemphasize the right of a trial by jury which is involved here. We are proposing to tamper with that right.

As the Senator will recall, the four members of the minority in the decision of the Supreme Court in the Barnett case referred to the duty of the court to try and adjudicate criminal contempt cases without a jury is a myth. They said that there was no basis in law for it, that they had usurped over the years a power that they did not have under the Constitution. That is the effect of their holding.

Justice Goldberg, speaking for the minority, said:

> A review of the original sources convinces me, however, that the history relied on by the decisions of this Court does not justify the relatively recent practice of imposing serious punishment for criminal contempts without a trial by jury. My research, which is confirmed by the authorities cited in the appendix to the opinion of the Court, suggests the following explanation as to why criminal contempts were generally tried without a jury at the time of the Constitution: the penalties then authorized and imposed for criminal contempts were generally minor; and the courts were authorized to impose minor criminal penalities without a trial by jury for a variety of trivial offenses including, but not limited to, criminal contempts.

I quote from Chief Justice Warren:

> The men and women who are called upon to serve on juries in both our Federal and State courts have maintained a standard of fairness and excellence throughout the history of our country.

I call the attention of the Senator from Louisiana [Mr. LONG] to the fact that Chief Justice Warren then stated, speaking of jurors:

> They have demonstrated a vision and a will toward the administration of justice that is a wellspring of inspiration. It is, therefore, with confident anticipation of their continued service as jurors, and with the highest respect for our jury system, that I welcome this further analysis and study of the history and operation of the civil jury in our country.

Yes, Madam President, we are tampering with something sacred.

When the Chief Justice of the United States stated that, "it is primarily the law and its adequate and fair administration that makes individual liberty possible," he was following in the best traditions of the Founding Fathers of our Nation. An analysis of the debates at the Constitutional Convention of 1787 indicates that much attention was devoted to a discussion of the national judicial system, in general, and to trial by jury in particular.

Referring to the debates on what later became the judiciary article, article III of the Constitution, Charles Warren, one of our great legal historians and the biographer of the Supreme Court, in his remarkable work, "The Making of the Constitution," recounts the inclusion of the requirement of trial by jury in criminal cases in the judiciary article, and observes that this article "was amended by the Convention, on August 28, 1787, and adopted without debate or dissent." After quoting the language in question, he notes that—

> This section (with slight verbal changes made by the committee of style, in its report of September 12) became article III, section 2, clause 3, of the present Constitution; and in this manner the principle of jury trial in criminal cases was imbedded and guaranteed forever.

We are testing that guarantee. Does it hold today? Is that guarantee now valid? Can we rely on it? Have we, in our modern sophistication, concluded that in certain cases in which the incarceration of a person is involved we shall abandon the right of trial by jury? Have we decided that it has now become necessary in the enforcement of law and in the administration of justice to abolish that right so far as cases that might arise out of the pending proposed legislation are concerned?

It is of interest that in the recent Barnett case, to which we have referred, the minority members of the court quoted from a previous decision in which it was said:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

If we keep the Constitution, respect what it states, and make it a living instrument, we shall not abolish the right of trial by jury either by direct legislation specifically providing for abolition or by indirection, as we are now attempting to do.

Mr. Warren further stated in his book to which I referred:

> There was considerable dissatisfaction expressed later in the convention because the same guarantee was not extended to jury trials in civil cases.

Obviously at that convention the writers of the Constitution placed the right of jury trial in relation to crime in a more sacred category than the right of jury trial on issues related to material

things. Today we wish to minimize, degrade, and downgrade the importance of that principle. I wish to repeat what Mr. Warren said:

> There was considerable dissatisfaction expressed later in the Convention because the same guarantee was not extended to jury trials in civil cases.

He said further:

> The lack of such a provision became one of the chief sources of attack on the Constitution in the debates over its adoption in 1788 and, to allay this feeling, the seventh amendment was proposed in 1789 and later ratified by the States.

In the original draft of the Constitution the right to trial by jury was not provided for civil cases. But our Founding Fathers believed so strongly in the right of trial by jury that they became concerned that the Constitution provided for jury trials only in criminal cases. So they went further and proposed the seventh amendment to the Constitution, which provides jury trials in civil cases where the amount involved is more than $20, and guarantees the right to jury trial in such cases.

The Constitution expressly and specifically provides that in civil cases where more than $20 is involved, the litigants on either side of the case is entitled to a jury trial.

Madam President, who among us thinks that the personal liberty of an individual and his incarceration for 30 days or 45 days is less sacred than a $20 bill and a penny? To argue that our Founding Fathers intended that the litigants in a civil action where the amount involved was $20 and 1 cent should have the guarantee of the right to a jury trial but an accused person in a criminal contempt case should not be entitled to such a right almost reaches the point of ridiculousness. How can we reconcile the attitude of our Founding Fathers in respect to the right to trial by jury in civil cases with the creation of a device called criminal contempt under which an alleged offender could be punished by incarceration in jail for 30 days or 45 days? Is that all right? We are told that the punishment is insignificant. Not enough is involved to require a jury trial. Who believes that? Not a person within the sound of my voice believes it, and no one has the power of argument or logic to dissuade those who disbelieve it. There is no doubt about it.

In effect, we are tampering with the Constitution. Though the Court was divided 5 to 4 on the issue, I point out that very often minorities have been correct. Some claim that that is what the bill is all about. The minorities are right. In my judgment, the minority of the Supreme Court was correct and our Founding Fathers were correct when they wrote the Constitution. Not a one of them intended otherwise than that the right of a trial by jury should be afforded to a man accused before he is tried, sentenced, and incarcerated after an adjudication of guilt.

Mr. HILL. Madam President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Senator has spoken of the seventh amendment. He has said that the amendment provides for a right of trial by jury in civil cases where the amount involved is $20 or more. Is it not true that Mr. Charles Pinckney, of South Carolina, who was one of the delegates from the State of South Carolina to the Constitutional Convention, who signed the original draft of the resolution adopting the Constitution, and who was afterward a Member of the House of Representatives when the House considered the submission of the first 10 amendments, including the seventh amendment, to which the Senator has addressed himself, declared that those 10 amendments would be submitted, and that they would become a part of the Constitution? But for that assurance, and if we did not have the sixth amendment, the seventh amendment, and the other amendments which constitute the Bill of Rights, there would have been no Constitution. Is that true?

Mr. McCLELLAN. There would not have been a Constitution at that time. What would have happened afterward I do not know, but at that time there would have been no Constitution submitted for ratification.

It would not have been approved for submission for ratification.

Mr. HILL. We would not have had the Constitution we have had for 175 years, and under which this country has grown and prospered and become the mightiest nation on the face of the globe.

Mr. McCLELLAN. We would not have had it at that time. What would have happened later, if the debate had gone on, if the issue had not been resolved at that time, if there had not been approval of the Constitution at the Convention for submission and ratification, I do not know. But the fact is that it occurred. The Constitution became the greatest document ever stricken by the hand of man. We still revere it. It will still be revered so long as we keep it on the pedestal of esteem, respect, and reverence to which it is entitled. When we degrade it, when we undertake to detract from it, when we undertake to circumvent it, when we undertake to ignore or abolish it, by indirection, if not by direct repeal of its provisions, we weaken it. We do not change the virtue of it, but we weaken it in its application and in its strength to preserve that which it created.

The Constitution became the anchor on which we could build this Nation of freedom, of freemen. It became the anchor or foundation upon which our liberties rest. We dare not tear, we should not risk tearing away from those moorings and undertake now to manipulate. That is what we are doing—trying to manipulate it. We have heard of "jockeying for position." There is a little attempt to jockey here in this situation, hoping to get some advantage for this particular bill. If there is jockeying and manipulation here, it will be done again. This will not be the last time. So we shall be moving in the direction of the destruction of that which we cherish.

It is not worth it. Granted the worst that has been said or can be said about the mistreatment of any minority, about the lack of equality, if that is the term one wishes to use, of any minority—with which I do not agree at all; but acknowledge it for the sake of argument—it still does not justify destroying the Constitution that has made us the greatest nation on earth.

Some remedies may be needed. Assuming they are needed, why must the jury system be destroyed? Why must one freedom be destroyed in order to grant another? I do not believe it has to be done. I do not believe it is right to do it.

If the sentiment is as strong as some say it is for this character of legislation, and if it is as just as its proponents proclaim it to be, I have faith in the American people in the North, South, East, and West, and I have faith that juries will uphold the law. We do not have to resort to this kind of manipulation and tactics and erosion of the processes of the Constitution to insure that justice will be done in the land.

Mr. HILL. Madam President, will the Senator yield for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Constitution provides lawful, legal, constitutional means to change the Constitution. If in the wisdom of the people they think the Constitution should be changed, does the Senator think for 1 minute that the people of the United States would ratify an amendment denying the right of trial by jury?

Mr. McCLELLAN. I cannot conceive that they would. I do not believe the standard of citizenship in the United States has so deteriorated or that the character of the American people has so deteriorated up to now that the people would be willing to vote for a constitutional amendment to abolish the jury system in either criminal or civil cases. I do not believe they would do it. If they would, then, in my judgment, they have ceased to understand, appreciate, cherish, and be willing to sacrifice to the extent that it is necessary to protect and preserve freedom.

Mr. HILL. Will the Senator yield further for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. The Senator speaks of freedom. Does the Senator agree with the great statesman, Winston Churchill, when, in writing his "A History of the English-Speaking Peoples" he declares:

> Trial by jury of equals for offenses known to the law, if maintained, makes the difference between bond and free.

Mr. McCLELLAN. That was the concept of our Founding Fathers. If a man is charged with criminal contempt and a jury of his peers convicts him, who will gainsay the justice and the righteousness of that decision? It is hardly subject to challenge. I do not say justice will not sometimes miscarry in jury trials. It will, so long as jurors are human beings, with all the frailties inherent in human beings. The judgment of all human beings may err. The judgment of a jury collectively may err. That of an individual juror may err.

On rare occasions a juror might be influenced by improper considerations. But that would also hold true of a one-judge court. He is no different. He is human, too.

So what is the safe thing to do? One of the gospel hymns that has the strongest appeal to me of any I recall is one entitled "I Will Cling to the Old Rugged Cross." I will cling to the Constitution of the Founding Fathers. That is the safest thing to do.

I do not mean to be sacrilegious when I make that reference:

> I will cling to the old rugged cross
> Till my trophies at last I lay down.

I will cling to the Constitution of my fathers, of the Founding Fathers of this Nation, so long as I have a public duty to perform. Who wants to abandon it? I do not.

Mr. President (Mr. KENNEDY in the chair), in discussing trial by jury in relation to the national judiciary, Alexander Hamilton, in Federalist No. 83, states:

> The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government. For my own part, the more the operation of the institution has fallen under my observation, the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to as a defense against the oppressions of an hereditary monarch than as a barrier to the tyranny of popular magistrates in a popular government—

I do not know how Alexander Hamilton could have given us a more penetrating warning than when he makes a comparison of his observation—

> the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to as a defense against the oppressions of an hereditary monarch than as a barrier to the tyranny of popular magistrates in a popular government.

That is what we are proposing to do here, to substitute the popular magistrates in a popular government for a jury trial.

He goes on further and states:

> Discussions of this kind would be more curious than beneficial, as all—

Not just a few, Mr. President, but all—

> are satisfed of the utility of the institution and of its friendly aspect to liberty.

Mr. President, the question of trial by jury was very much in the minds of the Founding Fathers of this Nation, and many questions were raised concerning it during the debates on ratification in the States. It appears that there were many who were not satisfied with the language of the Constitution and who feared that the right to a jury trial would be denied them.

That is a strange thing. There was that constant apprehension among the men who wrote the Constitution that they might somehow fail, in the language of this great document, to make secure the right of trial by jury. That is what they were trying to do. As they deliberated about it and as they discussed it and as they drafted it and redrafted it and weighed it, and as they considered what the consequences would be, what it would do, how it would work how it could be applied, they had the constant apprehension among them that perhaps they had not made sure that a citizen would have the right of trial by jury. When they had finished, there was not any shadow of doubt about what they intended the Constitution to mean if it were properly construed and applied.

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

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Alabama for a question.

Mr. HILL. Cannot the Senator imagine that the Founding Fathers had in mind the thoughts so well expressed by the eminent French philosopher de Tocqueville when he declared:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. McCLELLAN. That is true. Here is the wholesome thing about a jury trial, especially when one is accused of an offense against society. That is what a criminal charge is. It is an offense against society, when one is so accused. The bill is supposed to have its impact on the social intercourse between citizens of the country—minority groups, majority groups, groups of different color, groups of different religious faith. That is what the bill is undertaking to do.

When a person violates a court order, he is charged with an offense. The offense is criminal contempt. It is an offense against society. The bill undertakes to regulate the social and economic action of citizens.

The person is charged with an offense against society. The purpose of a jury trial is to have society, through members of it—not officers, not continuing officers, not those vested with official powers—people who are selected to serve only for the purpose of adjudicating the issues, and determining the innocence of a person, or determining, as the case may be, the failure of the government of the State to produce evidence which convinces a jury of that person's peers that he is guilty beyond a reasonable doubt.

That is where society comes in, where it is drawn into the issue. It is not the judge who has been placed in a position of power by appointment. Judges are appointed; they are not elected by the people. They are appointed. I am not complaining about that process. After all, a man who is being charged and is being tried has no direct way of participating in the appointment of the judge. Of course he votes for his Senators. He helps elect two Senators to the Senate. The Senate confirms the appointment of the judge by the President. However, that is certainly a very remote contact with the judge who may try him.

When he is given the opportunity of a trial by jury, he participates in the naming of those who will judge him. He participates by ascertaining, through interrogation of the prospective jurors, a juror's state of mind, his background, his prejudices, his bias, if any, his inclination, which may appear from his characteristics or mannerism in answering questions, and from the evasion or lack of clarity or frankness as he answers questions. The person accused is given an opportunity to exercise a certain number of preemptory challenges. He participates in the selection of the tribunal that will pass judgment upon his guilt or innocence. Society is brought into play. Citizens are brought in for a day, so to speak, to be the judge of whether the Government has produced proof sufficient to convince them beyond a reasonable doubt of the defendant's guilt.

Do we wish to abandon that course of action? It is said that the bill contains a great many good things. We had better look beyond that expression.

Mr. HILL. Mr. President, will the Senator yield.

Mr. McCLELLAN. I yield.

Mr. HILL. Under the jury system, the jury has no personal interest in a case; in other words, when the judge is passing on a case of this kind, he may have taken some offense.

Mr. McCLELLAN. The Senator means in a case that would grow out of the pending bill, if enacted?

Mr. HILL. Yes.

Mr. McCLELLAN. The Senator is correct. The judge has an interest and an official responsibility. He may very well have a personal interest.

Mr. HILL. Is it not true that under the pending bill he sits as the accuser, as the prosecutor, and as the judge, and then fixes the punishment?

Mr. McCLELLAN. That is correct. That is not the process of justice in a democracy where men are free.

Mr. HILL. That is why we have the institution of trial by jury, is it not?

Mr. McCLELLAN. The Senator is correct. That is why some of us are standing here today fighting with all the force we can command against this intrusion upon individual liberties.

Albert Beveridge, the biographer of John Marshall, in his four-volume work on that great Chief Justice, tells us that George Mason, one of the leading delegates to the Constitutional Convention from the great State of Virginia, and author of the Virginia Bill of Rights, during the Virginia debate on ratification, asked the question, "Is not a jury excluded absolutely?"—by the Constitution. Continuing, he asked whether even if a jury were possible in national courts, where is there any right, under the Constitution, to challenge jurors? "If I be tried in the Federal court for a crime

which may affect my life, have I a right of challenging or excepting to the jury?"

Beveridge then goes on to describe the oratory of the great Patrick Henry who rose to new heights, as follows:

As he closed, the daring of the Patrick Henry of 1765 and 1775 displayed itself. "Shall Americans give up that (jury trial) which nothing could induce the English people to relinquish," he exclaimed. "The idea is abhorrent to my mind. There was a time when we should have spurned at it. Old as I am, it is probable I may yet have the appellation of rebel. As this government (Constitution) stands, I despise and abhor it," cried the unrivaled orator of the people.

Mr. President, that is how the great men who founded this Republic felt about trial by jury.

It was because of the strong, unwavering, and uncompromising position of those same men, the fathers of our Republic, that we were given in the Constitution the guarantee of the right of trial by jury. They were not even satisfied by the provisions of article III of the Constitution, and they were not afraid to express their doubts over whether or not their right to trial by jury was guaranteed. They were apprehensive, and their great goal was to make secure the right to trial by jury. They did not hesitate, in those days, to express their views. They were laying the foundation for a structure of liberty that had never been equaled up to that time and has never been equaled or surpassed since.

We have much to cherish and much for which to be thankful. The basic premises upon which our Republic was founded have been the bulwarks of strength that have made the Republic secure and have preserved it up until now. If we begin to knock them down one at a time, it will be like removing the supports from a great structure. Remove one from the foundation, then another, and still another, and ultimately the edifice, no matter how beautiful, no matter how imposing it may be, will collapse, crash, crumble, fall. We cannot trifle with such a structure.

It is said that we can get by with the proposed change. Yes, we may get by with it temporarily. But the structure of the Constitution is not prepared to withstand the storms of strife and contention that may prevail against it, as it would be if we did not take this prop out from under it. If we take out one and then take out another, ultimately the structure will be unable to withstand the torrents of prejudice, the torrential usurpation of power, and the withdrawal of the abolition of liberties that it grants and makes secure.

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

Mr. McCLELLAN. I yield.

Mr. HILL. Does not the Good Book tell us and admonish us:

Remove not the ancient landmark, which thy fathers have set.

Mr. McCLELLAN. That is true. I spoke of removing stones as an illustration or a parable, in the sense of removing the stones of the foundation upon which the structure rests. The Senator from Alabama has given a Biblical presentation of the same idea. It is far more beautiful and far more eloquent than anything I have said.

But as we undertake to relate matters to potential happenings and consequences of our human experience, about the knowledge that we have gained in the course of the progress of civilization, we hardly reach the heights of eloquence and profoundness that we find in Biblical illustrations. Ours are more thoughtful; that is true; but they are compelling from the standpoint of being logical and the truth being established by the occurrence of events within our own knowledge, in our own lifetime, and of our understanding of how they operate and what their impact may be.

Mr. President, obviously I shall not be able to finish my address today, but at this time I shall return to a discussion of the views and observations of distinguished jurists, scholars, and practitioners on trial by jury and the jury system. I have diverted briefly because I felt that we should not permit ourselves to forget how highly our Founding Fathers valued this great bulwark against tyranny and injustice.

Again, I wish to quote from a current publication by Dean Charles W. Joiner, of the University of Michigan Law School. He refers to the jury system as one of the checks and balances and points out that:

The division of function between judge and jury creates a system of checks and balances built into the typical jury trial and unique in our system of judicial administration.

Jury decisions on facts and the application of law to facts seem to be an ameliorating influence on the trial process. The harshness of legal doctrine is often softened by the jury. I do not think we should consider this idea as a strong reason for sustaining the jury, but if it is impossible to make the law less harsh—and I think it is impossible at times to soften a law simply by writing it more accurately and with more definition—we ought to have a system for trying lawsuits that will tend to mitigate the harshness that we otherwise are unable to eliminate.

He says further:

We have seen in Michigan how over a period of 10 years the jury of the community tended to apply the indefinite standards of the law along the line of community desires. Some years ago, but within this 10-year period, the Supreme Court of Michigan was constantly reversing trial judges for failure to direct verdicts in cases involving contributory negligence. This meant that in cases in which the Supreme Court said that there ought to be a directed verdict as a matter of law on the ground of contributory negligence, the trial juries were bringing in verdicts in favor of the plaintiff, even though they were properly instructed on contributory negligence.

I point out that in a trial by jury in criminal cases, if in the opinion of the court a crime has not been proven, if the evidence has been insufficient to sustain a conviction of the defendant, or identify him with the crime, or if under the law the facts are undisputed, or the acts of the defendant do not constitute a crime, it is the duty of the judge to instruct the jury to return a verdict of acquittal. So, it is a check-and-balance system.

Dean Joiner, in his comment in the book, says:

In the first instance we found juries wanting to apply a community standard. They had a tendency not to hold a plaintiff 100 percent responsible when there was only contributory negligence.

While this deals with civil cases, it points out how the thing balances out, how the judge and the jury, each performing their separate function, and functioning as directed by law under our judicial system, work as a check and balance, and thus further serve the cause of justice, rather than detract from it.

He stated:

They had a tendency not to hold a plaintiff 100 percent responsible when there was only contributory negligence.

Under some State laws, we have the statute of comparative negilgence, where the amount of recovery is diminished in proportion to the contributory negligence of the plaintiff.

He goes on to say:

In later instances we have found that the juries return a number of verdicts for the defendant when the court is not directing them. The latest study in Detroit showed that there was a substantially higher number of defendants' verdicts after this change. So the jury can work to relieve the harshness at both ends. Although the new view may seem harsh, the jury tends to ameliorate this by taking the middle ground. This was true in earlier cases as well, for the jury then tended to take the middle ground also.

Another title in the book is, "The American Citizen and the Jury." Dean Joiner says:

The jury is a vestige of nonprofessional government, an institution in which nongovernmental people play a significant part in the governmental process. Here private citizens on an ad hoc basis exercise part of the dispute resolution responsibility of government, thus minimizing any biases of governmental bureacracy. It is popular because it gives private citizens a broad participation in government. A significant job is performed without hiring new governmental employees or creating a new hierarchy. The jury provides for citizen participation in government unequaled elsewhere. If democracy is really to work—and it has worked pretty well for 170 years—our citizens must not only be informed at election time but must know the meaning of making responsible decisions. Through the jury more private citizens participate in responsible decisionmaking than in all government put together. Certainly the decision of a juror is a responsible one, and he realizes it; and when he has seen the difficulty in making it, he cannot help but understand some of the problems that others, such as government officials, face when they have to make even more significant decisions than his. However, responsible decisionmaking by jurors is possible only when they have the qualifications for decisionmaking.

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

Mr. McCLELLAN. I yield.

Mr. HILL. Does the Senator agree with the statement of Mr. Goldfarb, of the Department of Justice, in his book published recently by the Columbia University Press entitled "The Contempt

Power," in which book Mr. Goldfarb makes the following declaration:

It could well be suggested that, most peculiarly, in contempt cases the jury has a valuable role. First, it brings the public's attention and interest to a dispute which is usually an official, governmental one. Public enlightenment, even if only through jury representation, has been characterized as an "indispensable element in the popular vindication of the criminal law." This participation hopefully encourages popular understanding and acceptance of the administration of justice. Second, the jury may serve as an insulation between the alleged offender and the offended party, who is sometimes the judge and sentencer.

Mr. McCLELLAN. That is correct.

Dean Joiner has one section of his book which deals with the subject "The Jury as the Conscience of the Community."

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. HILL. Will the Senator agree with Mr. Goldfarb on this statement:

This conservative deliberation in an otherwise unlimited, uncontrolled situation allows the jury to function as a wall against possible abuses by governmental powerholders upon individuals. The general public may look with skepticism upon a judicial process which allows one man to be judge, prosecutor, victim, and jury, but as Justice Black aptly pointed out, there is inclined to be less false martyrdom where a jury convicts.

Mr. McCLELLAN. I agree with the comment. The more we think about this issue and contemplate the consequences of what is proposed to be done here, the more we need to go back and reevaluate, reappraise, and reassess our own thinking and our own consideration of what our duty is, and the value that has been placed on the right of trial by jury throughout the whole history of this country. Dean Joiner has a title in his book, "The Jury as the Conscience of the Community." In this respect, he said:

In this section I will try to show that the jury has a second significant function that can be served in no other way than by drawing a number of persons from the community at large. This is the function of acting as the conscience of the community in dispute resolution.

A judge might well exercise the function acting as the conscience of the community. I do not say that he would not or could not. But I do say that it is more likely that 12 good men, tried and true, duly selected by the jury processes to serve in a given case, will more often reflect the conscience of the community than would a single judge.

Mr. Joiner states:

"Conscience of the community" involves bringing a cross section of the community into the process of dispute resolution. An understanding of the ideas involved in this section necessitates an acceptance of four major premises. When these are accepted, I think the conclusion is inevitable:

1. The jury as we know it is drawn from the community at large.

2. The judge is also selected from the community.

3. Most laws are written in very general terms.

4. The law requires communitywide acceptance.

Mr. President, I have not elaborated under each one of those four reasons that the author has assigned. He has provided a very able comment in support of each one. He closes by saying:

These four premises, that the jury comes from the community and is a reasonably fair cross section of that community, that the judge is an expert coming from the elite of the community, that the law is often very general in its terms, needing precise interpretation and application in individual cases, and that it needs to have strong popular support in the community itself, lead inevitably to the conclusion that the litigious process must somehow involve the community and that the jury is probably the best device possible to bring out this community spirit, this community consciousness of the law. Imperfect as the jury system may be, it is far better than having harsh, rigid standards that are not perfectly applicable to a case before the court, or having an unsympathetic member of an elite interpret the laws. It is the jury that helps resolve disputes in accordance with the law which it has interpreted in a way that will maintain popular support for it and the legal system, thus helping to build and shape the application of general laws in a way that will be widely accepted.

Almost 100 years ago, Mr. Justice Hunt, speaking in support of a unanimous Supreme Court of the United States, expressed this thought:

"Twelve men of the average of the community, comprising men of education and men of little education, men of learning and men whose learning consists only in what they have themselves seen and heard, the merchant, the mechanic, the farmer, the laborer; these sit together, consult, apply their separate experience of the affairs of life to the facts proven, and draw a unanimous conclusion. This average judgment thus given it is the great effort of the law to obtain. It is assumed that 12 men know more of the common affairs of life than does one man, that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge."

Mr. President, I assume that there will be further opportunity to speak, and if anyone is still in doubt, surely there is further necessity for discussing the issue. I hope that there will be further discussion of it before a vote is taken on the pending amendment or on any other amendment involving the issue, because the subject is too important for us to make any mistake about it. I believe the more some of us discuss it and the more those others who do not discuss it reflect upon it, the more likely we will come to a correct decision.

Mr. President, there seem to be other Senators who want to speak this evening. I dislike to impose upon their rights, and thus I feel I should bring my address today to a conclusion, so as to give them an opportunity to participate in the debate on the vital issue now before the Senate.

So much has been said that I think there is more heat than hate existing. A few days ago I made reference to some of the editorials appearing in one of the great newspapers of my State, the Arkansas Democrat. I commented on one of them in particular. I find there is another that I think has a proper place in the RECORD of this debate. It appeared in the Arkansas Democrat of last Tuesday, May 12, 1964. It reads:

[From the Arkansas Democrat, May 12, 1964]

SUGGESTION FOR PRESIDENTIAL LECTURE

Next time President Johnson feels the urge coming on him to lecture the public on its duties, we wish he'd turn his attention to the U.S. Supreme Court—then to the Senate for its perfunctory approval of Presidential nominees to the Court.

The President delivered what the AP called a "scorching blast" at hate in a speech in New York City last weekend. He said hate is a national menace.

What the President loosely calls hate is the feeling roused by the results of the Supreme Court's racial rulings in the past 10 years. The Senate bears responsibility for this because it has failed to use its coequal power with the President to name the Court Justices.

But there's very little real hate among Americans toward people. They are too innately kind and generous. They may hate things—like communism and crime, as they should.

People often say they hate someone when what they actually feel is dislike, anger, indignation, scorn or repulsion. Hate, says Webster's Dictionary of Synonyms, "implies extreme aversion, especially as coupled with malice" and includes such other feelings as rancor, vindictiveness or fear.

A great many Americans resent the Supreme Court's upheaving racial decisions. They are angry, indignant, sometimes bitter about them.

And they feel the same way about racial agitators who defy local authority, often break down peace and order and cause rioting and violence. But very few Americans feel the blind wrath of hate.

If President Johnson wants to call this hate, let him take much of the blame home to himself. For he is aggravating it with his civil rights bill, which would impair all rights to force the demands of willful peacebreaking and lawbreaking agitators on the nation.

If he wants to remove this "hate," let him take his pressure from behind the civil rights bill and speak out for Court and senatorial and House respect of the Constitution.

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. 238 Leg.]

Aiken	Hartke	McGee
Allott	Hayden	McNamara
Bartlett	Hickenlooper	Metcalf
Bayh	Hill	Miller
Bible	Holland	Monroney
Boggs	Hruska	Neuberger
Burdick	Humphrey	Prouty
Cannon	Inouye	Proxmire
Case	Jackson	Randolph
Clark	Johnston	Ribicoff
Cooper	Jordan, Idaho	Saltonstall
Cotton	Keating	Scott
Dodd	Kennedy	Simpson
Douglas	Lausche	Smith
Ervin	Long, Mo.	Sparkman
Fong	Long, La.	Symington
Gore	Mansfield	Walters
Gruening	McCarthy	Williams, N.J.
Hart	McClellan	Williams, Del.

The PRESIDING OFFICER. A quorum is present.

PROPOSED FEDERAL PAY INCREASE

Mr. LAUSCHE. Mr. President, I wish to express opposition to the bill which

proposes a pay increase for Federal employees, judges, Cabinet members, Members of Congress, and others. I do so on the basis that one of the principal concerns of all responsible officials is the need of holding the line against price increases which may be precipitated by the improper judgment of vendors or by unjustified wage increases as they are related to the recommendations made by the President and the Council of Economic Advisers. Whatever I have heard spoken on this subject has been directed primarily against the need to avoid inflation. All persons occupying responsible positions, excluding those concerned with the international threat, have rather uniformly stated that our primary problem in this period is to stop the pent-up powers that are ready to explode and cause inordinate increases in the prices of goods which the public buys.

Because we are concerned about private employment for the unemployed, it occurs to me that one of the best methods of providing work for the unemployed would be to guarantee an expanded market in which our people would be able to buy, and in which producers throughout the world would be desirous of buying our goods because of their favorable price. With that premise, I suggest that that is no justification for Members of Congress to ask for a 33⅓-percent pay increase, for Congress to set an example that would induce labor leaders and manufacturers to disregard the plea that has been made about fixing prices and wages at a point where the increased cost shall not be beyond the productivity of the labor placed into the goods

I shall read excerpts from the economic report transmitted by the President to Congress in January 1964. In that report, President Johnson said:

A series of specific price increases in recent months—especially in manufactured goods—gives me some cause for concern.

I do not anticipate a renewal of the price-wage spiral—a spiral that would weaken our expansion and worsen our balance-of-payments position.

The President further said:

I count on the sense of responsibility of the Nation's industrialists and labor leaders (1) to extend the excellent price and cost records of recent years and (2) to maintain price and wage policies that accord with the non-inflationary guideposts that I have asked the Council of Economic Advisors to reaffirm in its attached report.

The President further said:

On the heels of solid increases in real wages, plus the rise in take-home pay under the tax cut, I see no warrant for inflationary wage increases. Accordingly, I shall keep a close watch on price and wage developments with the aid of an early warning system which is being set up in the appropriate agencies.

I shall not hestitate to draw public attention to major actions by either business or labor that flout the public interest in noninflationary price and wage standards.

On March 23, in Atlantic City, the President said:

Broader public interest today, more than ever, requires that the stability of our costs and our prices be protected. The international position of the dollar, which means our ability to do what we need to do beyond our borders, demands that our prices and our costs not rise. We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business, and it is also the responsibility of labor.

The President further said:

I speak as President of the United States, with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility, the sense of responsibility of organized labor and management, is the foundation upon which our hopes rest in the coming great years.

I take these words of the President at their full value. I take it for granted that, except for the threats to our international security at the present time, there is no problem of greater vitality than to stop any forces that might lead to inflation.

I wish to quote one of the high authorities of our Government, who is supposed to be an expert on this subject. He is Mr. Heller, the President's adviser on economics. In Detroit, Mich., on March 23, 1964, Mr. Heller spoke about the great growth in our economy, and then warned about the dangers that will come unless we guard against inflationary forces.

He said:

Three years have added $100 billion and then some to our annual rate of output. Full shares have been dealt to both business and labor—more than $16 billion of added profits and some $55 billion of added labor income, at annual rates. At the same time, the consumer was benefiting from a more stable price level in the United States than in any other advanced country in the world.

Mr. Heller further said:

It is hard, then, to dim the luster of the current profits performance. What makes the rise in profits—and cash flow—particularly gratifying is that it is being achieved in a setting of essential price stability; wage-rate increases that are roughly keeping pace with productivity advances; and briskly rising total labor earnings.

No better setting has existed in the entire postwar period for a price-wage-dividend policy which will achieve fair shares, simultaneously, for the consumer, the wage-earner, and the stockholder.

It will be noted in the statements which I have quoted, that the consumer is mentioned intermittently. That is a very significant aspect of these statements. We have more than the interest of the manufacturer, the industrialist, and the worker. We have the interest of the large number of consumers in our country who form an important segment of our society and economy. Unless they are protected, we may find ourselves in a position where the labor leaders will be demanding inordinate wage increases. The manufacturer has received his profit, but all at the expense of the consumer. In my judgment, this is contrary to the interest and the security of our Nation.

Mr. Heller then continues:

What could destroy this balance? Either the resumption of inflation or the ballooning of costs, or the interlocking of the two in a renewed price-wage spiral. Whether the economic promise of the mid-1960's is endangered by these forces is my final point of inquiry today.

Mr. Heller states:

In today's vigorously expanding economy, it would be less than prudent not to keep an eye cocked on the price-wage front. Past prosperities have often generated upward pressures on the price level—and our responses to the "problem of inflation" tend to be governed, not surprisingly, by past experience.

We face 1964–65 against a background of several years of stability in prices and unit-labor costs.

Two other important factors enter to satisfy the continuing desire for higher incomes and profits without excessive wage increases and without higher price levels:

First, the good productivity growth record of recent years—3.2 percent currently, compared with 2.8 percent during the 1955–57 period.

Second, the tax cut, which provides a significant continuing bonus in take-home pay and net profits. Its addition of 5 to 10 cents in workers' hourly take-home pay in 1964 compares with a 1963 median wage increase of 9 cents an hour (in "major collective bargaining situations"). And its sizable boost to profits has already been noted.

But responsible public policy must also recognize the possibility that stronger markets will whet the appetite for higher prices—and higher profits will whet the appetites for higher wages—in a strongly advancing economy. Even in the face of greatly improved public understanding of the relation between wages and costs, between costs and prices, between prices and the balance of payments, the temptations of the market will not disappear.

It is against this background that the administration has underscored the importance of the price-wage guideposts—the standards for noninflationary wage and price behavior which expresses the public interest—in wage settlements that stay within the bounds of productivity advances; in price decisions that are consistent with overall stability of the price level.

It is on this premise that I rise today to make an appeal that Congress not pass the Federal pay raise bill. It is our responsibility to set the example for the Nation in the fight to stop inflation. If we pass an extravagant wage increase, nothing but chaos and havoc can be the consequence.

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

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. It has been suggested that we will also be asked to reduce taxes further. Is that correct?

Mr. LAUSCHE. It is my understanding that some statement has been made that we will reduce taxes further. Frankly, I cannot understand how these things can be done without ultimately endangering the very existence of our economic structure and our system of government.

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

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. The newspaper reports are to the effect that the House Ways and Means Committee plans to start immediately to study the problem of doing away with excise taxes. I agree with the Senator. I do not see how we can continue to reduce our revenues and increase the cost of Government, and maintain any fiscal stability. I agree with the Senator that if we get a big raise in salary at this time, it will be rather difficult to tell the labor unions

not to insist on an increase in wages, and it will be rather difficult to ask management not to grant it. We set the example, as the Senator said.

Mr. LAUSCHE. I concur entirely with what the Senator from Arkansas said, that we cannot continually spend more than we take in without going into bankruptcy. The management of government is no different than the management of a home. The home that spends each year more than they take in is destined for an accounting and for an atonement. And it is usually a very painful one.

There was once the philosophy that we ought to tax in an amount equal to the amount necessary to run government. That philosophy was thrown overboard. A new one was adopted that provided: "Tax and tax, and spend and spend."

We now have the philosophy: "Spend more; tax less; and everyone will be in better shape."

We may be in better shape for a brief period, perhaps for a year. But the time to answer for those misdeeds is sure to arrive.

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

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. There are those with tremendous influence in government today, who advocate what they call active deficits as a way of life for government. In other words, they advocate that we should continually spend more and more, and thus keep a stimulated economy.

Mr. LAUSCHE. The economic adviser whose name I mentioned, Mr. Heller, somewhere made the statement that the bureaucratic hue on public spending must be dismissed and abandoned.

Mr. McCLELLAN. By that Mr. Heller means keeping a balanced budget and living within our income. That is what he means by "puritanical view."

Mr. LAUSCHE. Yes. He sort of condemned what is known as the "puritanical" approach to the operation of Government. Whether he meant what he said, I do not know. He said that morality in the management of the fiscal affairs of the Government is an antiquated concept and should be discarded. I cannot agree with that statement.

Mr. McCLELLAN. He implied that it is an obsolete standard of ethics and morality.

Mr. LAUSCHE. Yes. That is what he advocated.

Mr. President, today's issue of the Washington Post reports that the guidelines which were set down by the President and the Economic Advisory Committee, advocated by Mr. Heller, are being abandoned in the wage negotiations in Detroit. Those guidelines will not be maintained. Instead, they will be violated.

In Cleveland there is a strike of building-trades men. A concession of a 75-cent-an-hour increase in wages was made to 11 unions, I believe. They accepted the increase. The 75-cent-an-hour increase is an amount in excess of what the guidelines of the President and the Advisory Committee reported. Six or seven other trade unions refused to accept that 75-cent package and are asking for something more than a dollar. That action is in violation of the guidelines set down.

I now come to the principal aspect of my discussion. Is it proper and advisable for the Congress to pass a pay bill which would grant to Congressmen a pay raise of $7,500 a year, raising the salary from $22,500 to $30,000?

Other high public officials would be granted similar increases. The pay raise contemplated for Congressmen would be a 33⅓ percent increase. In 1955 the salary of Congressmen was raised from $12,500 a year to $22,500. That increase was practically a 100-percent pay raise.

The salary of the Chief Justice of the U.S. Supreme Court was raised from $25,500 to $35,500 in 1955. The salaries of the Associate Justices were increased from $25,000 to $35,000 a year. The salaries of Cabinet officers were raised from $22,500 to $25,000 in 1956.

I shall not attempt to state the proposed salary increases for all public officials, but the bill would give a liberal and, in my opinion, an unjustified salary increase to members of boards, members of commissions, Members of Congress, members of the courts and others whom I cannot immediately identify.

As a Congressman, if I should now retire while my salary is $22,500 a year, I would be entitled to a pension of 2½ percent for each year of service. I have been in the Senate for 8 years, so I would be entitled to 20 percent of $22,500 as a pension.

If the proposed pay raise is granted, and I should continue to serve another 5 years in the Senate, my pension would be calculated at the $30,000 level, which is proposed, instead of the $22,500 present level. If I remained in the Senate an additional 5 years, my total service would be 13 years, and I would receive a pension calculated at 13 times 2½ percent—which would be 32½ percent—of $30,000, instead of $22,500.

As Senators know, we are granted a $3,000 expemption on our income taxes. In other words, $3,000 of our income is not taxed.

We are granted a stationery allowance of $1,800, and whatever portion of that amount we do not spend, we are allowed to retain.

During each session of Congress we are granted two trips to and from our homes with reimbursement. We are allowed $100 a month to maintain an office at home, even though that office may be connected with the law office that a Congressman may be running.

We are allowed to practice law or to engage in business. I concede that there is not much time to do so, but the privilege exists.

Finally, I pose the question as to how many Congressmen would quit if we failed to raise their salaries to $30,000. As I said once before, they could not be driven out with a shotgun.

Yet the argument is made that unless salaries are raised, good men will not run for the office. The raising of salaries will have no impact whatsoever on the quality of men who are willing to serve. The same caliber of men will be running. For every position that is available there will be 100 candidates.

I should like to refer again to the salaries of Federal judges. As I have said, the salary of a Justice of the Supreme Court is $35,500. The salary of a district court judge is $22,500. But what about their pensions? They pay nothing into the pension fund. We pay 6½ percent of our salary. A Federal judge at the age of 70 years, with 10 years of service, can retire and receive full pay for the rest of his life. A Federal judge at the age of 65 with 15 years of service, without having paid anything into the pension fund, can go on the inactive list, as they call it, and receive full pay each year.

The U.S. Supreme Court Judges receive $35,000 a year. The U.S. district judges receive $22,500 a year.

Can someone argue that judges cannot be obtained to go on the Federal bench? I ask Senate colleagues, How many applicants do they receive for each Federal judgeship that is vacant? Have you ever heard of a lawyer that would decline to accept a judgeship? I have not. I have had 20 years of experience in high office, and I know that the applicants have been innumerable and endless in asking my intervention to receive appointments to Federal judgeships.

Are we going to be able to turn down inordinate demands of others when we become most liberal in granting to ourselves the taxpayers' money? I think the administration and the Congress will be absolutely defenseless.

When I argue in favor of stability in prices and wages, how will I be able to do so in the future, if I vote for the 33⅓-percent increase, when the guidelines of the President call for no further increase than 3.2 percent? I simply will not be able to do so if I render myself defenseless by this act.

I want to direct my attention now for a moment to the situation that prevails in the State governments. It is argued that we must raise the salaries of Federal employees. I ask my colleagues to listen particularly to some information which, in my opinion, will be startling to them.

On the basis of reports made in October 1962, the average weekly earnings of full-time State employees, except those in education, was $91 a week. For the same period in 1962, the average Federal employee's wage was $113.

Throughout the country the average weekly compensation of State employees is $91, and the average weekly compensation for Federal employees is $113.

In Ohio, the average State employee's salary is $86. Ohio must compete with salaries and wages paid Federal employees, who in Ohio are now earning $117 a week. In Ohio the average pay of the Federal employee is $117 a week, as against $86 a week for the Ohio State employees.

This is true not only of Ohio but of practically all the States in the Nation.

I observe present on the floor the Senator from Arkansas [Mr. McCLELLAN]. I am looking to see if I can find the situation which prevails in his State.

The average weekly earnings in Arkansas are $65.62——

Mr. McCLELLAN. Is that for the State government?

Mr. LAUSCHE. The State government. The average weekly earnings of Federal employees in Arkansas is $97.58 a week. So there is a difference of $32 a week.

What is the problem that arises? The Federal Government is pirating from the State of Arkansas its employees. It is also being done in Ohio.

I see also present on the floor the Senator from Indiana [Mr. BAYH]. I am taking a look to see what the situation is that prevails in his State with respect to wages paid by the Federal Government and by the State government.

In Indiana the average State employee's wage is $79.94. The average Federal employee working in Indiana receives $105.02 a week.

If one examines the salaries of judges in the States, of prosecuting attorneys, of cabinet members, of Governors, he finds practically the same disparity to prevail. Yet this liberal Congress—and it is most liberal in taking the taxpayer's money and giving it away—instead of solving the problem is going to make it more difficult all the time.

No, I will not support the pay raise bill that is before Congress. I will not do so because I feel the Congress of the United States should set the example for States, industry, and labor leaders to guard against the menace of inflation. If the menace materializes, Mr. President, there will be agonizing cries throughout the country. People with annuities, with pensions, with Government bonds, with fixed income, with deposits in the bank placed there as nest eggs for old age, will find themselves robbed of their thrift and savings through a lifetime.

Inflation will eat away their money, and eat it away rapidly. These are not my words. They are deducible from what the President of the United States has said, what the Economic Advisory Committee has said, what Mr. Heller has said about the need of guarding against pentup inflationary forces.

Why did I run for the office of mayor, Governor, and Senator? Was it because of the pay, or was it because I wanted the dignity, the honor, and the ability to serve my fellow men? I would venture to say that, so far as the $22,500 salary is concerned, if we made a tabulation of the 535 Members of the House and of the Senate, it would be found that $22,500 exceeded the income most of them had in private practice or whatever occupations they were in.

If we have reached the stage that people will not serve their Government except through the inducement of extravagant pay, our country is in trouble. That was not the psychology which dominated the founders of our country. Public service was considered an honor. They wished to give it for the purpose of establishing our system of government and serving their fellow men.

I wish we could make a test of it and say to Members of Congress, "Those of you who do not feel you are being paid enough, quit." How many would quit?

Finally, Mr. President, I campaigned for reelection in 1962. Did I say to the people of Ohio at that time, "I am not being paid enough. My salary should be increased to $32,500 or at least to $30,000"? I did not say it and I am sure that if I had I would not now be in the Senate.

I wonder whether there is any one of the 535 Members of the Senate and House who, when he was begging for reelection from the people of his State, said to them, "If you will elect me I shall go to Congress and while there will vote myself this pay increase."

No one said it and I am sure that if he did he likewise would now be without a post in this Congress.

The object was to get elected.

The bill may be enacted, but it will not be enacted as a result of my vote.

Mr. President, I ask unanimous consent to have printed at the end of my remarks certain tables from which I gave statistical information.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

Average weekly earnings of full-time State employees, except in education, October 1962

Rank and State	Full-time State employees	Average weekly earning
All States	1,068,715	$91.42
1. Alaska	3,129	147.38
2. California	93,619	124.69
3. Hawaii	5,924	114.38
4. Nevada	2,705	111.60
5. Michigan	34,315	109.71
6. New York	109,104	104.94
7. Washington	20,468	101.68
8. Wisconsin	16,972	101.48
9. Oregon	15,863	99.54
10. Illinois	44,654	98.85
11. Colorado	11,741	98.36
12. Utah	5,803	97.16
13. Connecticut	20,352	96.07
14. Arizona	8,313	96.03
15. Vermont	3,917	95.79
16. Montana	5,925	95.72
17. Minnesota	19,075	94.67
18. Wyoming	3,355	94.15
19. Massachusetts	37,710	93.13
20. New Jersey	28,670	92.99
21. Idaho	5,392	91.50
22. New Hampshire	5,191	89.46
23. New Mexico	6,799	88.61
24. Iowa	16,532	88.13
25. Pennsylvania	77,405	87.63
26. Rhode Island	7,399	86.68
27. Ohio	46,838	86.56
28. Maryland	20,100	86.30
29. North Dakota	4,511	85.55
30. North Carolina	28,555	85.36
31. Kansas	14,223	84.90
32. South Dakota	4,986	84.90
33. Maine	8,997	82.69
34. Kentucky	19,385	80.91
35. Indiana	23,126	79.74
36. Georgia	20,435	79.44
37. Missouri	23,757	79.06
38. Virginia	30,470	77.71
39. Nebraska	9,717	76.59
40. Texas	46,862	76.50
41. Florida	30,989	75.19
42. Alabama	17,229	75.16
43. Louisiana	31,197	74.59
44. Delaware	4,886	73.96
45. South Carolina	15,003	73.00
46. Oklahoma	16,520	72.72
47. West Virginia	15,598	68.64
48. Mississippi	12,638	67.99
49. Arkansas	11,767	65.42
50. Tennessee	20,605	65.08

Source: Bureau of the Census, "State Distribution of Public Employment in 1962," April 1963; Washington, D.C. Computed from October 1962 full-time equivalent employment and total payroll, for functions other than education.

Average weekly earnings of Federal employees covered by unemployment compensation, 1962

Rank and State	Average Federal employees	Average weekly earnings
All States	2,504,131	$113.29
1. District of Columbia	212,830	136.32
2. Alaska	14,796	135.22
3. Alabama	67,684	121.11
4. California	266,249	118.57
5. Maryland	77,436	117.97
6. Ohio	95,740	117.12
7. Hawaii	27,771	116.36
8. Oregon	22,724	116.04
9. New Jersey	59,783	115.99
10. New Hampshire	13,934	115.80
11. Pennsylvania	136,036	114.93
12. Utah	30,237	113.87
13. Tennessee	39,533	113.35
14. New York	185,735	113.07
15. Florida	55,880	112.83
16. Washington	52,416	112.82
17. Massachusetts	68,196	112.72
18. Colorado	39,097	112.37
19. Virginia	87,809	112.05
20. New Mexico	26,044	111.98
21. Michigan	48,105	110.72
22. Connecticut	16,113	110.58
23. Nevada	7,216	109.82
24. Arizona	22,806	109.47
25. Rhode Island	13,695	109.21
26. Oklahoma	47,220	108.69
27. Missouri	56,048	108.62
28. Wyoming	6,023	108.49
29. Delaware	4,204	108.11
30. Illinois	106,954	107.92
31. Montana	11,528	107.31
32. Louisiana	26,249	107.05
33. Texas	129,770	106.15
34. Georgia	65,545	105.79
35. Indiana	35,776	105.02
36. Vermont	3,522	104.84
37. Minnesota	28,015	104.33
38. Idaho	9,053	103.80
39. Kentucky	32,884	103.65
40. Wisconsin	23,092	102.65
41. South Carolina	28,141	102.37
42. West Virginia	11,699	102.18
43. Mississippi	19,465	101.82
44. Nebraska	19,402	99.41
45. Kansas	25,091	98.66
46. Arkansas	16,630	97.58
47. Maine	9,243	97.34
48. Iowa	20,325	97.15
49. North Dakota	8,504	96.38
50. South Dakota	11,364	95.83
51. North Carolina	37,007	93.17
52. Virgin Islands	14,210	91.19
53. Puerto Rico	9,302	87.62

Source: U.S. Bureau of Employment Security, from tabulations of State agencies.

Mr. LAUSCHE. Mr. President, I yield the floor.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I wish to reply to President Johnson's message to Congress on South Vietnam.

I wish to reply, first, by stating that I completely disagree with his proposal, and to say most respectfully that the President should be seeking to send to the Congress, instead, a proposal for declaration of war. The President of the United States should not be sending to the Congress a subterfuge proposal, a policy of intention, a policy of carrying on a war by Executive action rather than congressional action.

That is my major reason for my complete opposition to the proposal of the administration to continue the conduct of an unconstitutional war in South Vietnam, and to the proposal of the administration to continue to kill American boys unjustifiably in an unauthorized war in South Vietnam.

For what purpose, Mr. President?

I repeat, for what purpose?

The need for additional funds to prop up the Khanh government in South Vietnam is only one of many such requests that will be made so long as we continue our fruitless and fatal policy in that country. It is as fruitless and fatal as were the French wars in Indochina and Algeria, and will come to the same end.

We are already financing the Khanh government at the rate of some $550 million a year. This additional money would raise the figure to $675 million. That is more than $49 a year for every person in South Vietnam, and it is exclusive of the cost of our own large military force there.

The effort to keep a "front" government in power is costing the American people well over a billion dollars a year.

Mr. President, we have already poured into that sink-hole over $5½ billion, including $1¼ billion to $1½ billion that we gave to France before its defeat at Dien Bien Phu. All we are doing is picking up the great mistakes of France, Great Britain, the Dutch, and the Belgians in Asia.

It is colonial, no matter what it may be called. Colonialism in the world is as dead as a dodo. American colonialism has no possible chance to succeed, either. This is American colonial policy, and I do not care what semantics the President of the United States uses to describe it.

Despite that huge expenditure, the policy that requires it has not been either explained or justified to the American people.

The President's message stating that more money is needed should be read alongside the report of Robert Moore in the current issue of U.S. News & World Report, in which he said:

> Never before have so many Vietnamese officers and public officials lived so well in such a booming economy, injected as it is with a daily dose of almost $2 million of American money. It is obvious to the Vietnamese who are benefiting from this dole that when the war is over this massive aid will cease, or at least be drastically modified.

The request for more money should be read in light of Moore's additional report that the war effort of South Vietnam is characterized by a lack of will to endure privation on the part of its officers, the selection of officers and commanders for political reasons, the expenditure of U.S. money on luxury living, and by graft and corruption from the huge American aid program.

It is corruption, tyranny, and a willingness to live off the American taxpayer that are defeating the Khanh government as much as anything.

If the administration expects anyone to believe we are supporting freedom in South Vietnam, it should be doing something to bring about the free elections throughout all of Vietnam that were supposed to be held 8 years ago.

I am greatly disappointed that my President in his message to Congress seeks to rationalize and to justify his request for this additional support to Vietnam in the name of freedom.

What freedom exists in South Vietnam?

Where is the freedom in South Vietnam?

We are supporting a totalitarian, military, tyrannical, puppet government in South Vietnam. If anyone believes that the South Vietnam people are free, they could not be more wrong.

I should be glad to support the exportation to South Vietnam and elsewhere in the world of the sinews of economic freedom, but I am not going to support tyranny. I am not going to vote in the Senate to kill American boys to support tyranny in South Vietnam—or anywhere else in the world.

I regret that the administration is not urging free elections in South Vietnam.

Oh, there was some nonsense published in the papers the other day about how there will be an election in South Vietnam.

On the floor of the Senate, I state, "Tell the American people what kind of election it would be."

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

Mr. MORSE. It will be a Russian type election. That is the kind of election they will have. It will be the kind of election Diem had, giving the people a list of candidates on which there is only one way to vote, and saying to them, "You vote for them."

Free elections in South Vietnam? They do not have the slightest comprehension of what political freedom means.

I disagree with the President's message. It seeks to leave the impression with the American people that we are supporting freedom in South Vietnam. We are supporting tyranny. We are supporting a military tyrant.

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

Mr. MORSE. I stated on the floor of the Senate a while ago when he branded me a traitor that this little tinhorn military tyrant in South Vietnam—this General Khanh—is a despot. The United States is strengthening the arm of a tyrant in South Vietnam. Before I go any further, I wish to warn the American people from the floor of the Senate this afternoon, that I am satisfied the plan is on the way eventually to escalate this war into North Vietnam. Of course, we have the clear obligation under the United Nations treaty to take it to the United Nations and not to commit an act of aggression. We have already been caught committing an act of aggression against Cambodia, and the Prince of Cambodia kicked us out. That ended for all time the fallacious domino theory of John Foster Dulles. Cambodia and Burma have left us, and we all know that, except for South Vietnam and Thailand, there is nothing left to the domino theory of John Foster Dulles.

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

Mr. MORSE. I am glad to yield to the Senator from Arkansas.

Mr. McCLELLAN. When was that promise or suggestion of free elections made? Was it about the time that we were told we would have all of our troops home next year?

Mr. MORSE. This was in the last 3 weeks. But they will not be free elections. Those are interesting semantics being used. They said there were going to be elections. From that terminology, the American people would believe that those would be free elections of course. But they are not free elections, they are not free elections over there. It is the Russian type of election which one gets in that part of the world.

No, the sad thing is that my Government should be taking this issue to the United Nations now, and not be talking about a President's message which seeks to beef up the unilateral, military American action in South Vietnam and lead to the probability of escalating the war into North Vietnam.

I hate the Government of North Vietnam. I hate all Communist governments. But, Madam President, I recognize the unanswerable truth in international law that Communist governments have the same right of international sovereignty that a free government has. North Vietnam has the same right of sovereignty which the United States has, and if the United States becomes a party to escalating the war into North Vietnam, then the United States stands convicted of aggression. On the other hand, if we believe North Vietnam has committed aggression, the only legal recourse of the United States is to go to the United Nations with our complaint.

Until we do, we are violating our signature to the United Nations Charter. Before I complete these remarks I shall read the letter I sent to Adlai Stevenson, and the letter I sent to Mr. U Thant, asking when action will be taken within the United Nations in connection with the United States unilateral military action in South Vietnam, which I consider to be completely and totally illegal and without the slightest justification in international law. Senators will note that there is not a word in the President's message which justifies our course of action in South Vietnam on the basis of any international right. We have done it unilaterally; that is all. We are proceeding on our own. Yet we profess that we seek to preserve peace in the world. The sad fact is that in Southeast Asia the United States is a threat to the peace of the world.

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

Mr. MORSE. I yield.

Mr. GRUENING. Does not the Senator from Oregon fear that we will also be involved in Laos, which now seems to be in the throes of a political upheaval?

Mr. MORSE. There is that great danger. As I said in my letter to Mr. U Thant, I believe there is the great danger of our starting another Korea. If that is so, Senators know what the casualties will be. If we start a war against North Vietnam—and I must repeat this on the floor several times, as I have in the last several weeks repeated it several times—the great danger is that the United States will use nuclear weapons, to the everlasting shame of the United States.

If we start to use nuclear weapons in South Vietnam, we shall increase the

probabilities of starting a nuclear holocaust. I am greatly concerned about this. Let us look at the position in which we are putting Mr. Khrushchev. I believe he has designs to follow courses of action which amount also to forms of aggression.

The Senator from Alaska made a very brilliant speech last week on the floor of the Senate, on which I have already commented, in regard to the alinement which is being developed between Khrushchev and Nasser. The clear implication is that we may be confronted with a threat to the peace of the world, first in the Middle East, and then in the other part of the world.

When that develops, shall we go to the United Nations and say, "Mr. U Thant, you must do something about Khrushchev in the Middle East." Can we not hear Mr. Khrushchev say, "Look at who is talking. It is the United States. What about your action in South Vietnam?"

This is a two-way street in international law, Madam President.

I wish my Government to return to its pledge under the United Nations Charter. I want my Government to make perfectly clear that we want peace in South Vietnam. There is all the difference in the world between a peacekeeping corps through the United Nations in South Vietnam and making war. Pursuing peace is one thing. Prosecuting a war is another.

The sad fact is that the United States is aiding in the prosecution of war in South Vietnam. American boys are dying. It is uncalled for. There is bound to be, in the weeks ahead, a great debate across this Republic, because the American people, in my judgment, must exercise the final say as to whether the United States is to make war in South Vietnam. We have a glorious opportunity to put into application our pledge to the United Nations and, incidentally, to put Russia on the spot.

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

Mr. MORSE. I yield.

Mr. GRUENING. If our justification for beefing up our war in South Vietnam is that there is a danger of a Communist takeover, will we not be told that we must do the same thing in neighboring Laos?

Mr. MORSE. Certainly.

Mr. GRUENING. Then we will be taking on all of southeast Asia.

Mr. MORSE. We will be at war on a full scale.

Mr. GRUENING. We are at war there now, though undeclared.

Mr. MORSE. Yes; if we get into North Vietnam and into Laos, does anyone think Red China will send us bouquets?

Mr. GRUENING. Of course not.

Mr. MORSE. Let us be realistic. We are at a great crossroads in Asia. The great danger is that the United States will go down in history condemned for starting a major conflict in Asia, when what we ought to do is say to the United Nations that we will help the peacekeeping corps.

Before I have concluded my speech I shall point out again—it is necessary to repeat this over and over again—that our alleged allies have walked out on us in southeast Asia. Australia, New Zealand, Pakistan, Thailand, Great Britain, France, and the Philippines, all signatories to SEATO, have no boys fighting in South Vietnam. The foreign minister of Pakistan said in Washington not so long ago, before the Press Club, that Pakistan has no intention of going into South Vietnam. He did not say he would turn down hundreds of millions of dollars in American mlitary aid and economic aid, so that Pakistan can keep itself in a position of making war, not against Red China, with which Communist country Pakistan has entered into agreements, but against India.

Mr. GRUENING. Which we are also supplying with military aid.

Mr. MORSE. Of course I am opposed to military aid for India. I am opposed to building up two powers in that area of the world who will use military aid to make war against each other over Kashmir.

I say most respectfully that the Pentagon is running the foreign policy of our country more than the State Department is running it.

I do not intend to substitute military policy for foreign policy as the posture that the United States will take before the world in the field of foreign policy.

It is not pleasant to stand on the floor of the Senate in such complete disagreement with the policy of my Government. However, that happens to be my trust. I intend to live up to my trust. As one who swore to uphold the Constitution of the United States, I do not intend to support my Government in a policy which I consider to be unconstitutional. Until the President of the United States gets a declaration of war passed by Congress, in my judgment he is acting outside the framework of the Constitution in asking for this escalation of the war in South Vietnam.

I very much regret that the administration has fallen prey to what the late Senator McMahon used to call the "checkbook reflex" in foreign affairs. It holds that money will buy anything. In this case it assumes that any policy can be made to succeed if only enough money is spent on it. But I predict that three times more than $675 million a year will not keep an American puppet in power in South Vietnam. What the Congress and the American people desperately need is not a request for more money, and not an inquiry into the American military equipment being used. What is needed is a thorough inquiry into the objectives of this money and military expedition, and an inquiry into the policy that necessitates them, for the present policy in South Vietnam will always necessitate more American money and more American military forces.

If we were to go through with this program, we would bog ourselves down in Southeast Asia for a minimum of the next 25 years. In fact, Great Britain, France, and the Dutch know what it means to be bogged down in Asia. But their people, at long last, made it clear to their governments that they should get out. I say to my Government: Once the American people understand the unreasonableness and the unsoundness of this policy—it will take time—their final verdict will be: "Get out. Stop killing American boys. Take this problem to the United Nations in keeping with what we profess to be the basis of American foreign policy; namely, that we believe that disputes that threaten the peace of the world should be settled by resort to the rule of law, not to the jungle law of military force and might."

That is the great challenge that faces the United States. Instead of marching forward to that great day when the rule of law will prevail in the settlement of disputes among nations, the United States today, in the form of a Presidential message, is in full retreat from the rule of law, and in support, once again, of the jungle law of force. It is regrettable; it is sad; but it is the fact.

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

Mr. MORSE. I yield to the Senator from Alaska.

Mr. GRUENING. Is it not true that before the French finally decided that the war in Indo-China was a lost cause, they had lost 125,000 of the flower of their youth?

Mr. MORSE. They lost more than that, when you consider that in killed, wounded, and missing their casualties were around 240,000.

Mr. GRUENING. Thousands upon thousands of the young men of France were wantonly sacrificed, were they not?

Mr. MORSE. Yes.

Mr. GRUENING. Are we not about to do the same thing?

Mr. MORSE. We shall lose thousands if we follow the course of action that is proposed. The life of even one American boy is too precious to lose.

Mr. GRUENING. I could not agree more with the Senator from Oregon. I have said, I shall repeat now, and I shall continue to repeat that South Vietnam is not worth the loss of the life of one American boy.

Mr. MORSE. I join the Senator from Alaska in that statement.

Mr. GRUENING. I cannot understand why the administration does not understand that it is embarking on a course that will be highly dangerous to this country.

Mr. MORSE. We have a clear duty to American boys to resolve this difference short of war. That is why I am asking the Secretary General of the United Nations to tell us where he stands because, as I commented last week in a speech on the floor of the Senate, he issued a statement from the United Nations that the problems in South Vietnam called for a political solution, not a military one. I could not agree with him more, if I understand what he means. I want to be certain that I understand what he means.

The problems in South Vietnam call for a political solution, not a military

solution. Do we think we shall have an acceptable political solution after the passage of an undetermined period of time and the killing of thousands more people in South Vietnam, plus whatever number of American boys are killed? We shall have the same problem to resolve then. Why not do it now?

It is an old story. As a former arbitrator, I have always been at a loss to understand why both sides to great industrial disputes, when they know that eventually they will have to sit down and settle a dispute by applying the rules of reason, feel that they must engage in the jungle law of industrial strife, with all the loss that it incurs, and then eventually and exactly where they could have been in the first place had they been willing to use the principles of voluntarism for the settlement of their disputes.

Mr. President, before any administration asks Congress to finance a war, it must first ask for a declaration of war, setting forth the causes that require it. Until the administration is willing to present such a declaration to Congress, the request for additional funds should be rejected.

It is said that North Vietnam is sending cadres into South Vietnam, and that South Vietnam is training cadres—although the United States is doing the same thing. It is also said that Cambodia likewise is violating the Geneva accords of 1954, which is the allegation of the United States.

So is Cambodia, and I think Red China is, too. We should not forget that the commission created by the Geneva accords has already found that North Vietnam and South Vietnam are violating those accords, and in so doing it points out that the American military aid to South Vietnam is in violation of the Geneva accords.

What we ought to do is to complain before the United Nations that the Geneva accords are being violated. We did not sign the Geneva accords. Dulles was powerful enough to persuade South Vietnam not to sign them, so South Vietnam is not a party to the Geneva accords, either. But if we believe that a violation of the Geneva accords is threatening the peace in southeast Asia, the United States ought to appear before the United Nations with a bill of particulars and a complaint, asking the United Nations to take jurisdiction.

Of course, such a complaint would be considered first by the Security Council. Officials of the State Department have said that Soviet Russia would veto such a request. But let us put Russia on the spot. I think Russia would veto the request.

But that would not be the end of United Nations jurisdiction. If Russia refused to let the Security Council function under the charter, there would still remain the General Assembly. At that point, the United States should call for an extraordinary meeting of the General Assembly and lay the issue of South Vietnam and southeast Asia before the General Assembly. We should let the countries of the world, through the General Assembly, take such action as they deem appropriate in the premises. That would be following the rule of law. That would make all the difference.

As I have said so many times in the last few weeks while I have been discussing this subject on the floor of the Senate, I am not an "overnighter." I believe that the SEATO nations—those I have already named in this speech—ought to join the United States in helping to maintain a peacekeeping corps in South Vietnam until the United Nations can move in. We could then support the United Nations peacekeeping corps as we do in the Congo, as we do in the Middle East, as we do in Cyprus; although in this instance I would go even further and be perfectly willing to make American boys available for that corps. But that would be an entirely different corps. It would not be a warmaking corps; it would be a peacekeeping corps. It would establish a demarcation between the warring factions. It would say to both sides, "You will have to fight through us if you fight at all." That would make all the difference. Such a corps would fall within the authority and the power of the United Nations.

Do not give me the argument that this could not be done until after the elections; that it would be necessary to wait until after the elections; that it would not be good politics until after the elections, because someone would try to make something out of it if the United States came out clearly for peace. No election is worth winning if it is necessary to win it by coming out for war.

Those who argue thus have little faith in the American people. I have abounding faith in the American people. Get the facts to the American people, and the American people will support peace; enforcible peace; peace through the application of the rule of law, not the military might of the United States or of Russia.

That is why I say we are at a crossroads. I am one Senator who does not think American history would be well served by any such argument of political expediency as: Wait until the election is over.

The American people are entitled to have a government 365 days of the year, including the 365 days of an election year, which will keep faith with our treaty obligations, which will keep faith with our commitments, which will keep faith with our ideals.

The talk to the effect that we cannot follow the program that I am outlining in South Vietnam until after the election, is cheap politics. It has no place in a consideration of what we ought to do in South Vietnam.

Mr. President, in the absence of a declaration of war that would show why we are pursuing a war in South Vietnam, the United States should accept its responsibilities under the United Nations Charter and ask for a United Nations peacekeeping force to be sent to Vietnam.

I have written to our United Nations Ambassador, Adlai Stevenson, and asked him whether he believes that our present course of action in South Vietnam is consistent with our obligations to the United Nations.

The letter is under date of May 14, 1964, and reads as follows:

DEAR MR. AMBASSADOR: I am enclosing tear sheets from the CONGRESSIONAL RECORD for the dates of May 6 and May 13, in which I raise questions concerning your position on the U.S. war in South Vietnam.

As you know, I consider the unilateral military action the United States is conducting in South Vietnam to be completely unjustified under international law and incompatible with our obligations under the United Nations Charter.

I realize that your position as U.S. Ambassador to the United Nations is a delicate one. Nevertheless, I think the American people are entitled to know whether or not you agree with the policy of our Government in sending American boys to their death in South Vietnam in absence of a declaration of war. If you do, I think you should say so publicly so that those of us who disagree with such a policy can take your position into account in the oncoming nationwide debate on United States-South Vietnam policy.

Yours respectfully,

WAYNE MORSE.

I also sent a letter to the Secretary General of the United Nations under the same date, May 14, 1964. The letter reads as follows:

MAY 14, 1964.

His Excellency U THANT,
Secretary General of the United Nations,
United Nations, N.Y.

DEAR MR. SECRETARY GENERAL: I am enclosing tear sheets from the CONGRESSIONAL RECORD for the dates of May 6 and May 13, in which I make reference to you in connection with the U.S. military policy in South Vietnam.

The oncoming nationwide debate in the United States on U.S. policy in South Vietnam is bound to raise many questions as to the obligations, if any, of the United Nations to intervene in the South Vietnam crisis.

Some of us in the Congress are of the opinion that the United States cannot reconcile United States unilateral military action in South Vietnam with our country's treaty obligations under the United Nations Charter. We think that such a course of military action on the part of the United States is a threat to the peace in Asia and may run the risk of enlarging the war into another Korea. We also think that if such military action is permitted to continue without any attempt on the part of the United Nations to intervene to stop the war, there is bound to develop a growing lack of confidence in the effectiveness of the United Nations as an international law instrumentality for maintaining peace in the world.

I realize full well that your position as Secretary General of the United Nations is not only a difficult one but is also a restrictive one. Nevertheless, I think it is important to the future of the United Nations that the prerogatives of your office be exercised to their maximum degree in seeking diplomatic understandings through the intervention of the United Nations aimed at bringing to an end the war in South Vietnam.

Yours respectfully,

WAYNE MORSE.

On March 27, 1964, the distinguished Senator from Virginia [Mr. ROBERTSON] wrote a letter to the Special Assistant to the President, the Honorable Lawrence F. O'Brien. Senator ROBERTSON has given me permission to make use of his letter publicly, which I shall do this afternoon.

The Senator tells me that he has yet to receive an answer to the substance of the letter. All he has received from the White House is an acknowledgement of the receipt of the letter. Senator ROBERTSON's letter of March 27, 1964, reads as follows:

DEAR LARRY: The proposal last night of the Secretary of Defense that we be committed to an all-out war in Vietnam disturbs me very much. In the first place, regardless of how quickly and how easily we may win such a war, I am far from being convinced that the permanent gain would be worth the price of the life of one Virginia boy. My limited contacts with the people of southeast Asia lead me to believe that they lack our capacity for self-government and most of them look upon public office as an opportunity for self-enrichment.

In the second place, I am far from being concinved that the winning of an all-out war in Vietnam would be either easy or cheap. With far more men than I hope that we would ever commit to such an effort, and with the expenditure of vast sums of money, including more than a billion dollars of our aid, France lost the war against the Communists in Vietnam and those Communists were far weaker then than they are today. The primary reason that the French failed was that they could not cut the supply lines of the Communists. And, there was a vital political reason that France lost. She consistently refused to give the people of Vietnam any voice in their own government, although we begged France time after time to do so. The same political mistake is now being repeated in South Vietnam. We begged that government to put into effect land, and other reforms, but to no avail. We do know that those previously in charge of the government lined their pockets with our gold, but the extent to which they did so, we probably never will know.

In light of the foregoing views, I would respectfully hope that the President, before making the McNamara war plans official, will take two preliminary steps:

1. Assure himself that McNamara, who recently has assumed the additional duty of chief of all military experts on all technical problems, has a definite blueprint for cutting the supply lines of the Communists in Vietnam, and

2. That he will ask Congress to approve the Vietnam war.

The excuse that Congress was bypassed when we started the Korean war because we were ordered into action by United Nations was a little thin, and the secret decision that we would fight that war with conventional weapons only, was very disastrous. Because of it, for the first time in our history, we spent thousands of lives and billions of dollars on a war that we did not win. And, what do we have in South Korea today to show for that effort? A people without capacity for self-government and very hostile to us.

With best wishes, I am,

Sincerely yours,

A. WILLIS ROBERTSON.

The Communist-led rebels there seem to be obtaining most of their equipment and supplies by capturing American stores from Government forces, and through desertions from Government forces. I am sure this is why the Secretary of Defense has said the war must be won in South Vietnam itself, rather than by expanding it. Yet he, and the Secretary of State—and now I believe the President—are holding in abeyance the possibility of expanding the war into North Vietnam. The moment they do this, they commit an act of aggression, and subject themselves to the jurisdiction of the United Nations.

Mr. President, nothing can be said to justify the President's failure to date to send to Congress a resolution asking for a declaration of war, for under the Constitution he has no right to seek to carry on an Executive war in South Vietnam. He has no right to conduct a unilateral war in South Vietnam that kills American boys in the absence of a declaration of war.

I am sure that the Secretary of Defense would like to hold the war to South Vietnam. But the signs are clear and the probabilities are great that it will not be confined to South Vietnam. In fact, we already know of the forays that we have conducted outside of South Vietnam.

I am a little weary of the alibis about poor navigation. When American planes carrying firebombs burn a Cambodian village and kill 16 people and then a plane is shot down killing an Amercian pilot, I do not buy the argument that it was all a mistake.

Let us be realistic about this subject. Making war is an ugly thing. I wish to remove my country from making war. I wish to see my country make peace. I want to see my country use the United Nations Charter as it was envisioned by such great men who have previously served in this body—such men as Arthur Vandenburg, Alben Barkley, and a long list of others who brought forth the San Francisco Charter, supposedly—and I still pray that they were right—the greatest instrumentality for promoting the ending of disputes that threaten the peace by the application of the rule of law.

Such a war as is being conducted in South Vietnam requires political steps, not military ones, and more American money and supplies will more likely accentuate the problems than relieve them.

There is plenty of money in the foreign aid pipeline, if we wish to look at the available money, but another objection I have to the President's message today is that it is another attempt to escalate not only the war in South Vietnam, but also foreign aid. I disagree completely, as I said at the beginning, with every premise that the President lays down in an attempt to justify his request for additional millions to be spent for escalating a war in South Vietnam. I recognize also that his proposal is a proposal to escalate foreign aid. I do not accept his argument that he has cut the program to the bone at $3.4 billion, plus the millions that he has asked for in his special message. There are hundreds of millions of dollars that can be cut from the foreign aid bill, and should be cut. However, if the President wanted to propose more increases in economic projects that would export abroad economic freedom instead of bullets, the senior Senator from Oregon would vote for more money than the President is requesting. I would vote for more than $3.4 billion in the right kind of economic aid to the underdeveloped areas of the world, including South Vietnam.

But it would be money that would be invested by way of repayable loans in sound economic projects which would help to raise the standard of living of the ignorant, the illiterate, the diseased, and the hungry in the underdeveloped areas of the world who must enjoy economic freedom before they will even have any understanding of our talk about political freedom. We are only kidding ourselves if we think we can export political freedom. It cannot be done. But we can export economic freedom out of which, as I have said so many times and will keep on saying during the debate, grows political freedom.

The President does not need the money requested even to carry out a design that I think is unjustified—a unilateral military action in South Vietnam. Why, they have so many hundreds of millions of dollars in the pipeline for foreign aid that they have not yet been able to find ways of spending it.

May I say to the President, "Cut down the military aid to Pakistan, the military aid to India, the military aid to Turkey, the military aid around the world to country after country, and we can save the American taxpayers hundreds of millions of dollars."

When the foreign aid debate gets underway, I shall propose amendments that will seek to accomplish that very end.

I repeat today that I disagree with everything that the President has said in his message that seeks to leave the impression that he is offering a foreign aid bill at the lowest possible figure. I consider him to be completely wrong in that position. The American taxpayers are entitled to have foreign aid cut down to at least the figure of $2.5 billion. If he would go along with eliminating unnecessary military aid in various parts of the world, he could cut it even further than that.

In closing, I wish to comment briefly on two interesting articles, one of which was published in the New York Times on Sunday, May 17, entitled "How To Avoid Disaster in an Election Year" by James Reston. I have already said that I do not agree with the argument; that the fact that there is a campaign this year for the Presidency of the United States has any bearing whatsoever on what American foreign policy should be, because that argument is really based upon a motivation of expediency. So I offer a caveat to that part of Mr. Reston's argument in which he said:

The facts are that we are now committed; we are not winning; we are not thinking

about southeast Asia as a whole but about Vietnam, Laos, and Cambodia separately (though all of them are under pressure from the same source in Communist North Vietnam and Communist China), and we are neither prepared to accept defeat nor to extend the war to North Vietnam.

In short, we are trapped in the midst of incompatible forces, none of which is likely in the foreseeable future, either to vanish or prevail.

Neither President Johnson nor Ambassador Lodge, both involved against all expectations in the presidential campaign of 1964, is likely to risk at this time a policy of attack on the Communist north or retreat in the non-Communist south.

Nor are they willing, even if it were possible, to consider negotiating the neutrality of the whole area. They are trapped by the good intentions but presumptions of the past and the foreign and domestic politics of the present into trying to avoid aggression or defeat. No wonder, then, the conversations at the White House this week were solemn.

I reject all those premises. Those premises have absolutely no basis for consideration as to what American foreign policy in South Vietnam should be. They are proposals of cheap politics, politics of expediency, politics of compromise of principle, politics irreconcilable, with the ideals of this Republic and the professing of this Republic that we believe in facing issues that threaten the peace of the world by the application of the rule of the international law.

But we have walked out on that ideal in South Vietnam. We are repudiating that ideal today, and the President's message of today is the last repudiation of that ideal. I regret it. That is why I said at the beginning that I disagree with every premise of the President's message with regard to his position on South Vietnam.

Mr. President, I ask unanimous consent that the entire Reston article be inserted at this point in the RECORD because, except for the political-end-justifies-the-means argument at the end, Mr. Reston has set forth a factual account of the sad and shocking situation in South Vietnam—an account which I think eloquently supports my position that this country ought to change its course of action, and not follow the course recommended by the President of the United States today, but a course of action that is required of us by the United Nations Charter.

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

HOW TO AVOID DISASTER IN AN ELECTION YEAR

(By James Reston)

WASHINGTON, May 16.—There have been some solemn meetings at the White House this week about Vietnam. Secretary of Defense McNamara went to Vietnam from Germany last week because the reports on the war there were disturbing, and he did not come back reassured.

A number of things have contributed to the anxiety. The Communist Vietcong troops have recently increased the tempo of the fighting around the South Vietnamese capital of Saigon.

The movement of Communist troops from the north along the Ho Chi Minh trail through Laos to the south has increased and they are getting bolder. The most recent example was the sinking of a well-guarded aircraft carrier at the dock close to the center of Saigon.

THE PROBLEM OF DEFEATISM

More serious, the desertion rate among the South Vietnamese has recently gone up, indicating a rising spirit of defeatism and, of course, taking American arms to the enemy.

Coincidentally, religious friction has broken out again in South Vietnam between the Buddhists and the Roman Catholics. One Buddhist leader named Tri Quang is now a center of political opposition to the new head of the South Vietnamese Government, Gen. Nguyen Khanh, on whom the United States is now counting, and the Papal Nuncio in Saigon, Monsignor Asta, who has been a stabilizing influence, is being transferred out of the country.

Meanwhile, this unsatisfactory situation in South Vietnam seems to be affecting adversely the western position in both Laos and Cambodia. Recently, Cambodian jet planes have been penetrating into South Vietnam, and there are other indications that the Cambodians feel that the balance of power in the whole of southeast Asia now favors the Communists.

The situation in Laos, according to official reports reaching here, is even worse. Instead of the moderates gaining in that country, the pro-Communist forces could, it is conceded here, easily take over the whole country any time the Communist strategists in North Vietnam decided it was appropriate to do so.

LESSON FRANCE LEARNED

In historical terms none of this should be so surprising. Washington is slowly finding out what Paris learned in southeastern Asia long ago. After 70 years in that territory, the French came to believe three things: First, that however much the Vietnamese differed among themselves or with the Chinese, they tended to hate each other less than the white man; second, that no major source of Western power could be established in that peninsula right up against the Chinese border, without the acquiescence of the Chinese; and third, that the Vietnamese Communists were tough soldiers.

The French put 400,000 soldiers into the area in the first Indochina war, which ended just 10 years ago. They had substantial help from the United States at the end. That war cost the French twice as much money as the United States put into France during the Marshall plan days, and, what is more important, it cost them 172,000 casualties. But they still lost.

It is not, therefore, astonishing that the United States, with some 15,500 troops who are giving support to a country that has had three governments in the last 6 months and innumerable changes of military and civilian command in the provinces, should be having trouble.

Much could be said about the presumption of thinking American money and advice would win by the end of 1965 a war the French themselves, with all their men and money directly involved, could not win, but that is irrelevant to the present.

THE HARD DILEMMAS

The facts are that we are now committed; we are not winning; we are not thinking about Southeast Asia as a whole but about Vietnam, Laos, and Cambodia separately (though all of them are under pressure from the same source in Communist North Vietnam and Communist China), and we are neither prepared to accept defeat nor to extend the war to North Vietnam.

In short, we are trapped in the midst of incompatible forces, none of which is likely in the foreseeable future either to vanish or prevail.

Neither President Johnson nor Ambassador Lodge, both involved against all expectations in the Presidential campaign of 1964, is likely to risk at this time a policy of attack on the Communist north or retreat in the non-Communist south.

Nor are they willing, even if it were possible, to consider negotiating the neutrality of the whole area. They are trapped by the good intentions but presumptions of the past and the foreign and domestic politics of the present into trying to avoid aggression or defeat. No wonder, then, the conversations at the White House this week were solemn.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD another article from yesterday's New York Times, entitled "United States Stepping Up Its Efforts To Save South Vietnam—Long, Hard War Is Expected," by Hanson W. Baldwin.

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

UNITED STATES STEPPING UP ITS EFFORTS TO SAVE SOUTH VIETNAM—LONG, HARD WAR IS EXPECTED

(By Hanson W. Baldwin)

Secretary of Defense Robert S. McNamara returned from his fifth visit to South Vietnam last week singing a very different tune from the cheerful notes that followed many of his preceding visits.

It was a dour, even a mournful tune, and nearly all observers in Washington and Vietnam agreed that, if anything, it was not mournful enough.

The war in South Vietnam has been dubbed by many in Washington "McNamara's war" because of the frequency of the Secretary's visits to Saigon, and because of his identification with the policies the United States is following. More properly, it should should be known as Taylor's war, since Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, is probably even more closely identified than Mr. McNamara with the poilcies and tactics followed up until now.

Cynical observers believe that, in the midst of an election year, President Johnson is quite content to have the Vietnamese war—a hard, long drawn out struggle—so identified. Mr. McNamara thus becomes somewhat of a political lightning rod.

NATION'S RESPONSIBILITY

Nevertheless, there is little disagreement among top officials in Washington about the importance of the war and its outcome to U.S. interests in southeast Asia. It should, they think, be called America's war. South Vietnam remains, in their view, a cornerstone of the entire anti-Communist edifice we have tried to build in southeast Asia.

If the Communists triumph in South Vietnam, either by bullets or negotiation, it is probable that Laos, Cambodia, Thailand, Burma, and perhaps even Malaya and the Philippines, will swing sharply toward communism, and the position of the United States in the Far East will be materially weakened. Even more important, the United States may be dubbed a "paper tiger" a label that hurt us materially in Asia after the Korean war, unless Washington demonstrates that this country can successfully meet the Communist tactics of subversion, terrorism, infiltration, and internal revolt, the tactics of insurgency.

Thus, Mr. McNamara's somber report, which indicates a protracted war, increased U.S. military and economic aid to South

Vietnam and a probable increase (Saigon reports said a 50,000-man increase) in the size of the South Vietnamese Army, reflected, inferentially, the administration's estimate of South Vietnam's political and psychological importance.

VIETCONG GAINS

Mr. McNamara found that, in nearly everyone's opinion, the actual fighting in South Vietnam has been "hotting up," in the jargon of the Pentagon. The Vietcong have extended their control over large sections of the countryside since the overthrow of the Diem Government. In the last few months the Communists have demonstrated a capability and willingness to slug it out in daytime, with large forces against the numerically superior South Vietnamese. The ratio of weapons lost to weapons captured continues adverse to Saigon; Government defections are still significant. Large North Vietnamese troop movements into Laos, reported a month or so ago, apparently presage a reinforcement of the Vietcong and both trained men and weapons continue to flow into South Vietnam from Laos and Cambodia.

The Vietcong have stepped up terrorist tactics, particularly in the provinces, in an obvious and in many cases all too successful effort to frighten the peasants into aiding them. Mr. McNamara wore a bulletproof vest from the airport into Saigon last week, a fact the Communists are certain to try to exploit to the detriment of American prestige. At night the Communists still control large parts of the country; and the monsoon season with rains and low visibility which will hamper, though not prevent, air operations will soon start.

The Vietcong in South Vietnam today are estimated to have a trained hard core of full-time professionals, organized in battalions, numbering 22,000 (official estimate) to 40,000 (unofficial but possibly more accurate estimate). These numbers have increased, despite heavy casualties allegedly inflicted on the Communists since 1962. The Vietcong battalions are supported by 100,000 to 125,000 part-time guerrillas, or active supporters; and the Communists are helped passively by a very large part of the population and—negatively—by the apathy of the Saigon intellectuals to the war and their opposition to General Khanh's government or to any government.

The South Vietnamese have been maintaining armed forces of about 380,000 men—about 200,000 in the regular active forces, the rest in the civil guard, civil-defense corps and other paramilitary units. This force is generally judged insufficient, based on experience factors in counterguerrila wars, to unequivocally master the Vietcong.

Faced with these and other grim facts, Washington and Saigon nevertheless have reasonable confidence that the United States, with increased and improved effort, could ultimately reduce the Communist menace in South Vietnam and make it possible for a Saigon Government actually to govern most of a fairly stabilized country.

The doubts expressed did not question the U.S. capability of achieving this limited victory, but they were concerned with the scope and scale of American efforts, the methods employed, and the off-again-on-again nature of public pronouncements.

Many of the military always have wanted to do more in Vietnam than they have been allowed to do; and many undoubtedly regard Mr. McNamara's proposals for increased aid as inadequate and almost "too late with too little." They note that U.S. military police battalions, withdrawn from South Vietnam only last December in what many regarded then as a political gesture, are now about to be returned, and that talk then of withdrawing most of the U.S. advisers in another year or so has now been abandoned. Plans now contemplate increased commitment of U.S. personnel and money—not less.

What is clearly developing in Vietnam and in this country is a sense of military frustration and public confusion, reminiscent, in some ways, of the latter stages of the Korean war during the truce talks. A long drawn out counterinsurgency or counterguerilla war can only be won if military morale remains high and public support is assured.

Yet the military morale of the South Vietnamese forces, shaken by repeated shifts of their commanders, and by regrouping of their forces for political purposes, is in some units apathetic. And some American military men in this country and in Vietnam feel and express a sense of frustration.

The frustration arises from many factors: that the military are being told to fight with "one arm tied behind the back"; that Mr. McNamara's repeated visits and the close supervision of the Vietnamses situation by the Pentagon and State Department have led to overcontrol and interference from Washington; that the Communists are allowed to maintain three secure "sanctuaries" out of bounds to anti-Communist forces—North Vietnam, Laos, Cambodia; and that some of the equipment, notably some aircraft, used in Vietnam is obsolescent and dangerous. In other words, the feeling is growing in the military that the military efforts in Vietnam do not have adequate support from Washington.

In this country public and congressional support for the war appears to have been somewhat reduced by its protracted nature, the failure of Washington to "sell" the public an understandable goal, some resentment at the conditions imposed upon our military forces, and particularly the alternate optimism and pessimism of Pentagon pronouncements and the misleading and sometimes distorted picture released by Washington of conditions in South Vietnam.

NEW APPRAISAL

Faced with this somewhat gloomy military, political and psychological situation, the administration pulled in its belt a notch last week, and prepared to increase its efforts in South Vietnam.

To replace the obsolescent B-26 and T-28 aircraft used in Vietnam, the first of about 75 Navy Douglas Skyraiders were en route. Metal fatigue and old age, and tactical utilization for which the planes were never intended, apparently led to structural failures in flight.

More important than the new planes is the effort to improve and beef up the South Vietnamese Air Force, which to date has played a singularly ineffective role. A new commander has been appointed, and the U.S. Air Force is expected to broaden and increase its training role of South Vietnamese pilots.

An intensification of the training program and an increase in South Vietnamese village defense forces to provide better protection for the peasants against Vietcong terrorism are planned. The regular Vietnamese ground forces may also be increased.

U.S. aid and advice in the nonmilitary field—with finances and economics, in psychological and political aspects, in health and agricultural activities—are also to be emphasized.

DIRECT SUPPORT

There is admiration for the energy and apparent breadth of vision of General Khanh. All current efforts are devoted to strengthening his government; no alternatives are now seen. U.S. policies appear to be based on "sink or swim with Khanh." If there should be another coup—or if General Khanh should be assassinated—there appears to be general agreement that the anti-Communist struggle in Vietnam might well be fatally undermined.

The nagging question remains—whether what we are doing, even given our newly expanded plans, is enough to bolster General Khanh against a serious internal threat heavily supported from without. Most military men probably would answer that question in the negative. Sooner or later, they feel, the United States must fish or cut bait in South Vietnam; i.e., utilize greater effort, including U.S. combat forces in South Vietnam, and/or deny to the Communists the sanctuaries outside the country they now enjoy; or cut losses and withdraw.

The beginning of strong Communist attacks in Laos last week, aided by North Vietnamese troops, and, according to some accounts, by the Chinese Communists, indicated that some additional action might not be long delayed. The dispatch of U.S. troops to Thailand to bolster that country, shaken by events in Laos and Vietnam, has long been under consideration and, if the Communists approach the Mekong, is probable.

Thus southeast Asia once again is influx and the future position of the United States in Asia is at stake.

Mr. MORSE. Mr. President, my only comment is that what this military writer points out presents an accurate picture of what is in front of us if we settle the conflict in South Vietnam by war. Note the emphasis as the article is read—"Long, Hard War Is Expected."

No one knows how long. As I said earlier in my speech this afternoon, it will probably be 25 years. But what does the phrase "long, hard war is expected" in this article mean? Thousands of dead American boys. I repeat—thousands of dead American boys.

As the Senator from Alaska said a few moments ago, and as he has said many times before, one dead American boy is one too many. I join him in the statement that South Vietnam is not worth the life of a single American boy. But we are at the crossroad. The President of the United States is asking Congress to support him in escalating the war in South Vietnam that is going to kill an increasing number of American boys. On this issue I leave him. I will be no party to his proposal.

My colleagues have heard me say before, probably ad nauseam to them, but I am going to keep right on saying it, whenever the United States follows a course of action in foreign affairs that cannot be squared with principles of morality, of moral obligations, we are then following a course of action in foreign policy which cannot be justified—and history will so record.

This country should make every attempt to seek to settle the dispute in South Vietnam by a resort to existing procedures of international law—and the United Nations Charter ought to be the starting point—by resorting to efforts to make peace rather than prosecuting a war. We ought to be the leading nation in the world in following a course of action designed to make peace, not war. That is what is wrong with the President's message. It is a message that purposes warmaking, not peacemaking. It is a message that is pregnant with danger of an expanded conflict

throughout Asia, which can lead to a great nuclear holocaust. It is a mistaken message. It is a mistaken approach.

Mr. President, what concerns me is that I fear we are undermining the United Nations. I fear we are undercutting the United Nations. I fear we are weakening the United Nations. I believe most people who think recognize it is our best hope for maintaining peace. I am at a complete loss, and have been for months here in the Senate, to understand why my government is bent on a course of action that circumvents the United Nations.

I close by saying that, although I am highly critical of the President in the matter of foreign policy, his opponents may not rejoice. They have no cause for rejoicing because the senior Senator from Oregon, a Democrat, counts himself out so far as supporting the President of the United States on South Vietnam is concerned. I shall continue to support the President on all matters in which I think he is right; and to date that has been about 97 or 98 percent of the time.

No Republican can take any comfort in what I am saying this afternoon, because all the leading Republican candidates would outdo the President in resort to military action. Most of the Republican candidates want to move into North Vietnam now. At least my President is holding that in abeyance, although he is not willing to say we will not do it. He ought to say we will not do it. In fact, he ought to say we are going to change our course of action; we are going to lay this issue before the United Nations; we are going to stay in there while the United Nations has it under consideration, to see to it that the Vietcong do not take over South Vietnam in the meantime.

I have laid out these premises this afternoon, delicate as I know they are, but I close by saying I have done it because I consider it my trust. Whenever I lack the willingness to stand up on the floor of the Senate and disagree with my President when I think he is wrong, I shall be performing a disservice to the President at that time. The President is entitled to receive from U.S. Senators an expression of their honest judgment on each major issue that comes before them.

My honest judgment is that the President's message is a great mistake and is a message which I hope the Congress will not implement.

As a member of the Committee on Foreign Relations, I shall do all that I can to see to it that if an attempt is made to push this matter through the committee, we have a thorough consideration of it. There are some great leaders in the country, in the churches, in the universities and in the body politic who should be brought in to testify as to what they think of McNamara's war in South Vietnam which the President has supported by this unfortunate message today.

Mr. President, I yield the floor.

THE AIR FORCE AND THE CITY OF GLASGOW, MONT., SPONSOR LAW DAY

Mr. MANSFIELD. Mr. President, the city of Glasgow, Mont., has undertaken a unique relationship with the personnel of the Glasgow Air Force Base located within 16 miles of the city.

On May 6, 1964, the USO, with the cooperation of the U.S. Air Force and the city of Glasgow, sponsored Law Day whereby nine airmen from Glasgow Air Force Base took over the reins of the city government.

For that day, these nine designated airmen assumed the positions of mayor, police judge, treasurer, council president, and members of the council.

This is an extraordinary way to effectuate better relations between the military and civilians, between the base and the town, so to speak, by means of which a better understanding can be acquired on the part of both.

I was very much interested in the last paragraph of a letter written to Col. Edward D. Gross, the base commander of the Glasgow Air Force Base in Montana, by one of the outstanding mayors of any Montana city, Dr. R. J. Rasmussen.

That paragraph reads as follows:

> We all enjoyed the day to the fullest and it would be most difficult for me to express my personal gratitude for the opportunity to know and work with these fine gentlemen. Their appearance, interest, and conduct was beyond reproach. As I told them at the conclusion of the day, if they are representative of the men and women of the Air Force, our pride and praise should know no bounds.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter written by Dr. Rasmussen to Colonel Gross, together with a list of those in the Air Force who participated for a day in the city government of Glasgow, Mont.

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

CITY OF GLASGOW, MONT.,
May 12, 1694.

Col. EDWARD D. GROSS,
Base Commander,
Glasgow Air Force Base, Mont.

DEAR SIR: On May 6, 1964, the USO with the cooperation of the Air Force and the city of Glasgow sponsored Law Day whereby nine airmen took over the reins of city government.

The men were given an orientation on the structure and functions of the Glasgow city government followed by a tour of as many of the facilities in our physical plant as time would allow. The Military Affairs Committee of the chamber joined with the city officials in sponsoring an excellent steak dinner in honor of the airmen just prior to a city council meeting conducted by the airmen "city officials for a day."

I am attaching a list of the airmen and the offices to which they elected members of their group. Additionally there will be attached a summarized form of the minutes of their meeting.

We all enjoyed the day to the fullest and it would be most difficult for me to express my personal gratitude for the opportunity to know and work with these fine gentlemen. Their appearance, interest and conduct was beyond reproach. As I told them at the conclusion of the day, if they are representative of the men and women of the Air Force, our pride and praise should know no bounds.

Very truly yours,
R. J. RASMUSSEN,
Mayor.

AIRMEN REPRESENTATIVES FOR LAW DAY, WEDNESDAY, MAY 6, 1964

A2c. Andrew Tate, 91st Food Service Squadron, mayor.

A1c. Richard G. Heeringa, 91st Combat Support Group, treasurer.

A1c. Henry R. Webber, 91st Combat Defense Squadron, police judge.

S. Sgt. Eugene Leborne, 91st Transportation Squadron, council president.

A2c. James P. Thornsberry, 91st Supply Squadron, councilman.

A2c. Robert D. Allbright, 91st Weather Squadron, councilman.

A1c. William E. Davis, 91st Bomb Wing, councilman.

A1c. Richard McCastland, 91st Civil Engineering Squadron, councilman.

EARLE H. HARBISON, JR.

Mr. SYMINGTON. Mr. President, a number of former residents of Missouri are rendering a high degree of service to their country through their employment with the Federal Government.

As an example, we have been notified that Mr. Earle H. Harbison, Jr., of the Central Intelligence Agency, a native son of Missouri, has been selected to receive the William A. Jump Memorial Foundation award for 1964 in recognition of outstanding service in the field of public administration, and for notable contributions in this field to the efficiency and quality of the public service.

I congratulate Mr. Harbison for this notable achievement; and also his parents, Mr. and Mrs. Earl H. Harbison, Sr., long-time residents of Clayton, Mo.

I ask unanimous consent to have printed in the RECORD a summary of Mr. Haribson's accomplishments.

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

DISTINGUISHED CAREER SERVICE IN FEDERAL PUBLIC ADMINISTRATION

Mr. Earle H. Harbison, Jr., Assistant for Administration, Intelligence Directorate, Central Intelligence Agency, has been named the 1964 top career Federal employee under 36 years of age in the field of public administration.

On May 19 he will receive a Distinguished Career Service Award in Public Administration given by the William A. Jump Memorial Foundation, Washington, D.C., to recognize and encourage interest, growth, and high level performance by young administrators and potential future executives in the public service. The award has been given each year beginning in 1950 in honor of the late William A. Jump, budget and finance officer of the U.S. Department of Agriculture, recognized throughout the Federal Government, and nationally, for his outstanding leadership and distinguished contributions to effective public administration.

Mr. Harbison's outstanding services contributed directly to his organization receiving a Presidential commendation last year. He has been an employee of CIA since 1949

and has served in successively more responsible intelligence and administrative positions. In recognition of his executive potential he was selected in 1960 to attend the Harvard University Graduate School of Business Administration's Program for Management Development. Mr. Harbison was singled out as one of the outstanding young officials whose qualities of leadership and imagination made him a prime prospect for future executive assignments. This evaluation has been proved in the past 2 years in his demonstrated outstanding contributions and key role in the new and rapidly expanding activities of the most critical importance to the Nation.

Mr. Harbison is president of the Washington University Alumni Chapter in Washington, D.C., and is active in church and community affairs. He is a graduate in political science of Washington, University, St. Louis, Mo., and earned an LL.B. degree at George Washington University, Washington, D.C.

Mr. and Mrs. Harbison reside in Alexandria, Va., with their two sons, Douglas, 10, and Keith, 7. Mr. Harbison's parents, Mr. and Mrs. Earle H. Harbison, Sr., are longtime residents of Clayton, Mo.

ARMED FORCES DAY—ADDRESS BY SENATOR RUSSELL, CHAIRMAN OF THE ARMED SERVICES COMMITTEE, TO A JOINT MEETING OF THE SAVANNAH CIVIC CLUBS, MAY 15, 1964

Mr. JACKSON. Mr. President, in recognition of Armed Forces Day, the senior Senator from Georgia [Mr. RUSSELL], chairman of the Armed Services Committee, addressed a joint meeting of Savannah Civic Clubs on May 15.

In his speech, Senator RUSSELL expressed concern over signs of growing opposition to the maintenance of an adequate defense program for the Nation.

I invite the attention of Senators to his warning, and I ask unanimous consent that excerpts from the remarks of the Senator from Georgia may be printed in the RECORD.

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

EXCERPTS FROM SPEECH BY SENATOR RICHARD B. RUSSELL, CHAIRMAN OF THE ARMED SERVICES COMMITTEE, TO A JOINT MEETING OF SAVANNAH CIVIC CLUBS, FRIDAY, MAY 15, 1964

"Over the last 15 years Congress has approved strong defense programs because the people recognized the very clear danger to our safety and survival that the expansionist methods of the Communists presented. It is somewhat alarming to me to note signs that the maintenance of an adequate defense may be difficult in the days and years ahead.

"One manifestation of this is an argument styled 'overkill' that is being articulated by some of the intellectuals in this country and which has been embraced by some Members of Congress. This argument is that the atomic weapons in our stockpile and the systems we have to deliver them are adequate to kill every person on earth and that consequently the United States should make drastic reductions in its defense budget and in its Armed Forces. A full analysis of this argument and the fallacies on which it is based require more time than I shall take now. For the present it is sufficient to say that this line of reasoning is based on some oversimplifications and some assumptions that could be highly dangerous to our future security.

"Another symptom that in the decade ahead there will be more opposition to our defense program is a campaign of criticism against those most directly associated with strong military programs. A spate of books, movies, and newspaper and magazine articles has attempted to portray senior military officers as being indifferent to the financial consequences of their recommendations and requirements, and as aspiring to power exercised under our system of government by civilians. Those of us in Congress who have vigorously supported powerful Armed Forces have been accused of having sinister motives, of being captives of defense industries in our States, or of being obsequiously compliant with the wishes of military leaders in the hope of securing additional military installations for our States.

"For myself, I have no apology for espousing a strong national defense. I shall continue to do so. Moreover, more than 30 years of experience with military personnel causes me to reject and to resent the unfair charges against them. I have a profound sense of appreciation for the leadership and the talented services of the persons who man our Armed Forces, many of whom could earn a great deal more in private life than they earn in the discharge of their military duties.

"I am convinced that a strong defense has brought us to a point where there are signs of trouble in the Communist field. It would be foolhardy for us to assume that the danger has passed and that henceforth all will be sweetness and light. The surest way to have war is for us to relax, to become complacent, to dissipate the strength of our Armed Forces."

Referring to the Cuban crisis of the fall of 1962, RUSSELL said: "I fully supported the U.S. action at that time, but I thought then, and I am convinced now, that we could and should have gone further. That particular episode is history now, but I hope we remember the lesson of being resolute when the security of the United States is threatened in such a clear and direct way."

RUSSELL expressed the hope that the study recently ordered by President Johnson looking to the eventual elimination of the draft would result in a more effective and fairer system for meeting military manpower needs.

"If such a system can be developed I will enthusiastically support it," RUSSELL declared, "but I fear there is no simple solution and I think it would be highly unrealistic to assume that the draft can be abolished in the foreseeable future.

"In fact, there is no painless way to national security. If our young people become inculcated with the idea that somebody else should serve for them and that sacrifices are for other people the results could undermine the national will to defend ourselves. All of us should do everything within our power to encourage the thought that military service is an obligation to be cheerfully discharged instead of a burden to be grudgingly borne," he said.

Senator RUSSELL said that the pace of technological development and scientific progress has become so rapid that military equipment almost becomes obsolescent in the time between the decision to buy it and placing it in the hands of the troops. He warned that a Nation that stops modernizing its military establishment "may be disarmed, not deliberately, but in fact because the progress of our adversaries in developing new weapons has been unchecked.

"In terms of dollars spent, the research and development programs of the Department of Defense are substantial. More than $6 billion of the approximately $51 billion to be expended in the next fiscal year is intended for research and development. If one could single out any one system that we most need to perfect today I think my choice would be an effective antiballistic missile system. This task is almost unbelievably difficult. To be effective such a system must have almost a hundred percent kill capability—if three or four missiles are directed toward a city and the system permits one of them to penetrate, the damage this one missile can do is so extensive as to be hard to comprehend."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 980. An act to provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury;

S. 1584. An act to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes;

S. 1687. An act to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District; and

S. 2772. An act to amend the Alaska Omnibus Act.

JAMES DALEO RECEIVES HONORARY DEGREE OF DOCTOR OF LAWS

Mr. SYMINGTON. Mr. President, recently Salem College, Salem, W. Va., in tribute to the 15th anniversary of the American Humanics Foundation, designated an academic convocation to honor the program and its leaders.

One of those honored was a distinguished citizen of Kansas City, Mo., Mr. James Daleo. I want to join in saluting this outstanding humanitarian and wish him many more years of service to his country, profession, and fellow man.

I ask unanimous consent that the remarks in connection with the conferring of the honorary degree of doctor of laws on Mr. Daleo be printed in the RECORD, and also a short statement on the American Humanics Foundation.

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

REMARKS OF DR. K. DUANE HURLEY, PRESIDENT OF SALEM COLLEGE, CONFERRING OF HONORARY DEGREE OF DOCTOR OF LAWS, JAMES DALEO

"His word is as good as his bond."

All too few are the men of which this can be said in modern times. But this honoree today is one who can be characterized in this way.

A man of intense loyalties, devoted to his family and close friends, with a stalwart reputation for absolute honesty and integrity, James Daleo has labored faithfully for the welfare of the oncoming generations, not seeking the spotlight, personal praise, or plaudits.

Because of his sincerity of purpose and performance, we single him out for special recognition.

With respect and pride, following the enthusiastic recommendation of the American

Humanics Foundation and the directive of the Salem College Board of Directors, I confer upon you—James Daleo—the time-honored degree of doctor of laws. The hood which is now placed upon you, is the appropriate symbol of that degree, and this diploma gives you permanent record of the action here taken.

CITATION FOR JAMES DALEO, ATTORNEY AT LAW, AS PRESENTED BY ZENON C. R. HANSEN, EXECUTIVE VICE PRESIDENT OF THE WHITE MOTOR CO., LANSING DIVISION

I count it a privilege and an honor to present to you a candidate who in every way exemplifies the spirit we are saluting here today, and one who merits our finest recognition.

James Daleo, of Kansas City, Mo., is an outstanding lawyer, having a reputation among the bench and bar of being not only one of the most competent criminal trial lawyers in America but one whose integrity has never been defiled.

From the outset he has applied himself with diligence and intensity to every task which he deemed worthy. He not only received his LL.B. at the age of 19, but was the youngest person to receive a masters from Georgetown University, at the time of his graduation, and was admitted to the bar before age 21, one of the youngest men in America ever to be so admitted.

It is significant that apart from his legal affiliations, all other programs to which he has given his time and talents are related to the welfare of his fellow man.

He is a member of the local, State, and American Bar Associations, the American Judicature Society, the Association of Immigration and Nationality Lawyers, the National Association of Claimants Compensation Attorneys, and is Missouri State chairman of the criminal law section of the American Bar Association, denoting his stature in his profession.

The roster of his personal affiliations is revealing because of its impact in service to mankind. He is a member of the board of directors of the Kansas City Area Council of the Boy Scouts of America and has served as its legal counsel for 27 years; is serving or has served on the boards of the Juvenile Improvement Association, the Boys Club of Kansas City, the Kansas City Safety Council, the Catholic Community Library, the Honorary Directors Association of Rockhurst College, the National Conference of Christians and Jews, the Kansas City Commission on Human Relations, and the Kansas City Commission on International Relations and Trade. He has served as a port commissioner in Kansas City. He is legal counsel for Alpha Phi Omega and the American War Dads and for the Crest Lyn Home for Exceptional Children. He is one of the stalwarts in the Youth Council of Kansas City, an unusual organization assisting young people of minority nationalistic backgrounds. He serves the American Humanics Foundation as legal counsel, trustee, and a member of the executive committee.

Because of his devotion to the betterment of life for young people everywhere;

Because of his stature as a God-fearing and community-serving citizen;

Because of his successful exemplification of high principles in the practice of his profession;

Because of his discipline in diligence;

Because of his outstanding reputation for integrity;

Because of his modesty in high office;

And because of his tireless service to the American Humanics Foundation and to the schools and young people that it serves, we recommend him as worthy of recognition, and I am privileged to present him to you as a candidate for the degree of doctor of laws.

STATEMENT BY THE AMERICAN HUMANICS FOUNDATION

The American Humanics Foundation came into being to provide effective college preparation for young people willing to enter youth-serving careers but unable to find colleges offering a needed curriculum. It was incorporated in November of 1948 and began operation as a college department in 1949. Its sole purpose is providing desirable education in the field of youth leadership training at the professional level.

Its graduates serve on staffs of youth agencies in 34 of our 50 States, including Hawaii and Alaska; and three serve overseas. About 65 percent have entered professional scouting and serve as Boy Scout staff members in councils of all sizes. Others are serving through the YMCA, YWCA, YMHA, Girl Scouts, Camp Fire Girls, Boys Clubs, Catholic Youth Organizations, Jewish Centers, Junior Achievement, juvenile court and probation, neighborhood centers, recreation, hospitals, reform schools—almost all the sound youth programs of our Nation.

This foundation has not resulted from a single major philanthropy but is made possible by the annual gifts of those who have great concern for quality youth leadership and have joined together to do a needed job which they could not do alone.

This is its 15th year, its pilot college program being launched at Missouri Valley College, Marshall, Mo., in 1949, at Salem College, in Salem, W. Va., in 1953, and at Oglethorpe University in Atlanta in 1955.

Its program is twofold: providing desirable college preparation for young men and women entering areas of youth service; and giving personal help on a loan fund basis to those who find it necessary in order to complete college training. The foundation has accomplished its objectives by affiliating with three colleges and endowing each such college with a complete department, providing the faculty to teach the major subjects, supplying the related library resources, and underwriting the cost of the field trips and workshops which are used to equate theory with reality. Currently there are 158 students enrolled as humanics majors in the three colleges in which the foundation now operates.

In tribute to the 15th anniversary of the foundation's work, Salem College designated an academic convocation to honor the program and its leaders, conferring honorary degrees on three who have been outstanding in their interest and concern. Citations setting forth the worthiness of the candidates reveal them to be outstanding citizens of America likewise, meriting tribute from a grateful nation.

GEORGETOWN UNIVERSITY'S 175TH ANNIVERSARY BALL

Mr. BOGGS. Mr. President, Georgetown University and its alumni association on Saturday presented the 175th Anniversary Ball in joint celebration of the founding of the university and the adoption of the Constitution of the United States.

This ball was the social highlight of the anniversary year, a 15-month celebration which will officially end on December 3 when President Johnson is scheduled to make the closing address.

As an alumnus of Georgetown Law School, I am naturally very much interested in the various events which make up the anniversary year.

And since my State, Delaware, was the first to ratify the Constitution, the joint celebration has special significance for me plus 23 students and 78 other alumni from Delaware who call Georgetown alma mater. One of these distinguished alumni, Judge Daniel L. Herrmann, of Wilmington, is marking the 25th anniversary of his law school graduation this year, and he and Mrs. Herrmann were at the Delaware table Saturday night.

The great age of the university was effectively underscored at the ball by a pageant of American history enacted by the Old Guard Fife and Drum Corps, 1st Battalion, 3d Infantry, U.S. Army.

The 175th anniversary observance is being carried out under the theme "Wisdom and Discovery for a Dynamic World." Georgetown already has a proud history of contributing both wisdom and discovery to its home city of Washington and the Nation, and I have confidence it will strengthen and expand its role in the years to come. I salute the president of the university, the Very Reverend Edward B. Bunn, S.J., for his inspired leadership of the university and its 7,100-member student body, and I also congratulate the Reverend George H. Dunne, S.J., for his outstanding work as director of the 175th anniversary program.

Mr. President, a news story appearing in today's issue of the Washington Post gives the highlights of Saturday's ball, and I ask unanimous consent that it be printed at this point in the RECORD.

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

YEAR 1789 WAS THE YEAR THAT WAS HISTORICAL

(By Louise Durbin)

Georgetown University has a birthday party Saturday night, when some 3,000 alumni, students and friends turned out to celebrate the university's 175th anniversary at the Sheraton-Park Hotel.

Since 1789, the mutual anniversary of Georgetown University's founding, the ratification of the Constitution, and the inauguration of the First President of the United States, "the history of Georgetown University has been inseparably entwined with that of the United States," master of ceremonies, Paul Hume, reminded the audience.

Thirteen princesses, students of Georgetown representing the Original Thirteen States, were presented to the university president, the Very Reverend Edward B. Bunn, and the guests.

The princesses, who, with their escorts, then led the dancers onto the ballroom floor, were: Jane Staudt, of Delaware; Barbara Bitzer, of Pennsylvania; Mary O'Brien, of New Jersey; Ann McCarthy, of Georgia; Marina Forstmann, of Connecticut; Marlene Stacy, of Massachusetts; Anne Donnelly, of Maryland; Margaret Dennis, of South Carolina; Kathleen Roseborough, of New Hampshire; Dona O'Bannon, of Virginia; Motria Voyevidka, of New York; Elizabeth Sparrow, of North Carolina; and Natalie Hindle, of Rhode Island.

Guests entering the Sheraton Hall walked through replicas of Georgetown gates to the grand ballroom, where a copy of the campus

statue of founding father John Carroll oversaw the evening's events.

In the grand ballroom, an enormous photograph of the Healy Building served as a backdrop for Lester Lanin's orchestra which played for dancing.

The stage in the Cotillion Room of the Sheraton-Park had been converted into the familiar Old North Porch of the campus.

Honored guests of the evening, who represented the States which were the Original Thirteen Colonies, included Mr. and Mrs. A. J. Donahue, Jr., Connecticut; Mr. and Mrs. James Flood, Delaware; Mr. and Mrs. Thomas B. Finan, Maryland; Representative Joseph Martin, Massachusetts; Mr. and Mrs. Robert J. Funesti and Mr. and Mrs. Donald F. O'Donnell, New Hampshire; Senator and Mrs. Clifford P. Case, New Jersey; William Creech, North Carolina; Colonel and Mrs. H. G. Thomas, Pennsylvania; Mr. and Mrs. J. A. McKenna, Rhode Island; Senator and Mrs. Strom Thurmond, South Carolina, and General and Mrs. Philip C. Wehle, Virginia.

Cochairmen for the ball were the Reverend John F. Devine and the Reverend Anthony J. Zeits.

WHO IS MAKING MONEY ON THE CATTLE CRISIS?

Mr. HRUSKA. Mr. President, since the beginning of the cattle crisis several months ago, there have been suggestions of profiteering at various stages of the marketing of beef. Today we have approved an investigation of certain marketing practices in an effort to gather more information on this important subject.

The highly regarded agricultural magazine, Farm Journal, decided last month that "because the Government probe will drag on for months or years," it would conduct its own investigation.

Accordingly, Writer Ovid Bay followed a fed steer from a Dodge County, Nebr., farm and an Omaha packing-plant to a supermarket in Cincinnati, keeping careful track what happened to the animal and the price every time he changed hands along the way.

The Farm Journal's conclusion: While many beef feeders are losing money on cattle, it could find nobody making a financial killing on the situation. The chief beneficiary, said Writer Bay "is the consumer—at the farmer's expense."

Because of the careful detail with which the article, "Who's Making Money on Your Beef?" has been prepared, I ask unanimous consent, Mr. President, that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

One of the concluding observations of the author is "To say the least, the business of processing and selling beef is a complicated one." This Senator agrees. He, as well as most Americans, will look forward to the National Commission on Food Marketing to shed official light on this business at an early date.

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

[From Farm Journal, June 1964]

WHO'S MAKING THE MONEY ON YOUR BEEF?

(By Ovid Bay)

We've just had a big hassle on beef imports; now Congress is about to investigate how the food industry buys and prices food. Farm Journal decided to do some investigating of its own right now, because the Government probe will drag on for months or years. These were the instructions I got: Follow a steer from a feedlot through a packinghouse and into a chainstore right to the meat counter. Tell what happens to the animal and the price every time he changes hands along the way. Find out why steaks from a Choice 1,050- to 1,100-pound steer, which brings 19 cents to 21 cents per pound at the farm, often sell for over a $1 per pound at the meat counter. * * * See if you can find out how the packer and the chainstore decide what the price of dressed beef will be today and tomorrow. And get going—this is Friday and we go to press in 12 days.

AT TED PANNING FARM—$215.31

I started on the 240-acre farm of Mr. and Mrs. Ted Panning in Dodge County, Nebr. They grow corn, alfalfa, and soybeans, and raise about 300 hogs a year in addition to feeding cattle.

As we sorted out the top end of 42 Montana yearlings that he bought late last October, Ted explained that he had paid an average of $24.05 for them at an average weight of 616 pounds—$148.15 a head. "I don't have accurate feed records," he said. "But, I figure the gain cost me about 22 cents per pound, not counting all the overhead."

When Ted's cattle and I hit the Omaha Stock Yards, it was a rainy, dreary Monday morning with an estimated 14,000 cattle on hand and a slow market.

After the usual bickering and dickering, Willard Howl, head cattle buyer for Armour & Co., Omaha, bought 17 of the Panning steers at $20.50 per hundredweight, with 3 others out at $19.50. Salesman was Bill Yancey, Bowles Commission Co., Omaha.

The steer I'd picked to follow weighed 1,073 pounds, so at $20.50 he brought $219.96. Less marketing costs of $4.65 he netted Ted $215.31 at the market. Add the average feeder cost of $148.15 and cost of gain per steer of $102.08 and each steer cost Ted $250.23. So, he lost $34.92 per head on the average.

AT THE PACKINGHOUSE—$242.50

Next, we moved into the Armour packing plant at Omaha. The 17 steers averaged 664 pounds cooler weight for a 61.45 dressing percent.

Nine out of the seventeen carcasses met the specifications of the Kroger Co. in Cincinnati, Ohio. Three were too heavy (over 700 pounds), 1 graded "Good," and 4 had bruises which discounted the 17 for an average loss of 98 cents per steer to Armour.

The steer I had selected yielded a high-quality, 660-pound carcass. It had about 0.7 inch of fat over the ribeye and graded about "Middle Choice."

The records in Armour's accounting office at Omaha show that it costs them a total of $18.46 to process one steer. Labor and fringe benefits account for $9.50 of this, and the remaining $8.96 goes for overhead such as buildings, equipment, administration and sales, taxes, etc.

"That $9.50 per steer looks like too much labor costs," I commented to Ed Clarke, beef plant department manager, as we watched 120 people move about 170 cattle an hour through the killing and dressing line. But Hubert Lockard, who has been working for Armour since 1925 and is president of local 8 of the Packinghouse Workers Union, had a different view of it. We found him splitting steer carcasses with an electric saw. He makes $3.54 an hour at this, and after 39 years is one of the highest paid men in the plant.

We figured that Lockard is making $141.60 per week, or $7,363 a year without any overtime. He admitted that this is more than double what he was getting 10 or 15 years ago, but points out that the 6 men in the line splitting cattle are handling as many cattle as 13 men used to and at a faster clip. That's primarily due to the electric saws and better equipment provided by management and Armour stockholders.

Here's what's happened to Armour's labor costs since 1947:

Wage rates and fringe benefits are up sharply. In 1947, the average common laborer at Armour's plant in Omaha was making $1.02 an hour. By 1953, the rate for all workers under contracts was up to $1.63, plus fringe benefits averaging 35 cents an hour, to total $1.98. By 1963, these figures had climbed to $2.72 for wages and $1.12 for fringes to total $3.84 per hour—an increase of 276 percent in 15 years.

I moved on to the sales department where I found that carcasses like the one I had just left were being sold by the packer at 34 cents a pound.

"How do you really arrive at the price of beef? I asked Dick Shay, Armour Beef Co., as he and other beef salesmen stayed on the phones haggling with one buyer after another all day long. "It is sometimes charged that chainstore meat buyers set the price every Tuesday, and you just record the orders as they come in."

This brought him off his chair.

"Chainstore buyers don't call us up and set the price on anything," Shay exclaimed. "You see us here on the phones talking to meat buyers all over the country—big ones and little ones—us trying to get the last fraction of a cent and them trying to pay the least possible."

I watched and listened as Shay called prospective customers, and it was a two-way street so far as I could tell. He was initiating most of the calls, but there was a lot of beef to sell that day. When a store is short of its needs, Shay gets some calls from meat buyers. Even so, it's a matter of dickering, not dictation, Shay says. For instance, here's how we got 34 cents for these carcasses today.

"On checking around, we found that the dressed beef market was sluggish on the east coast and we still have to keep on selling; the run of fat cattle continues to include large numbers too heavy for most of the store buyers; and the dressed beef market on choice 600- to 700-pound carcasses closed at 34 to 34½ cents in Chicago yesterday," he said. "In Omaha, we average about one-half cent below Chicago (freight differential) so I figure 34 cents is all I can get for these carcasses today. I hope tomorrow will be higher."

AT THE CHAINSTORE, $301.11

We moved on 931 miles to Kroger's meat warehouse in Cincinnati. It supplies 73 stores in the area with carcass beef. Here the carcass went into Kroger's tenderay process which tenderizes the meat through controlled temperature and humidity over about 44 hours. The shrink in transit and in tenderizing brought the weight down to 656 pounds.

Then I followed the carcass out to Kroger's Hyde Park Plaza retail store. Kroger cuts their beef at the stores.

"It's the waste fat and bone, and the processing cost of beef that kills us," said Joel Greenisen, as we started cutting up the carcass. "Beef takes more labor per pound than any other meat to prepare for the meat counter. Poultry ranks second and pork, third."

I saw what he meant about waste fat and bone, as I watched them separate and weigh 124 pounds of fat, 57 pounds of bone, and 4 pounds of waste. Add 4 pounds of "cutting

shrink," and you get 189 pounds—with a total value of only $3.06—off our 656-pound carcass. You have to see it to believe it.

This left 467 pounds to sell—only 43.5 percent of the 1,073-pound steer ended up as beef over the counter. (Just 16.6 percent of the 656 pounds was steak.)

The meat department in the Hyde Park Plaza store is staffed by seven people and can process about 20 sides of beef in 8 hours, along with pork and broilers.

I pointed out to Dick Federle, head of the department, that his meatcutters were getting a wage increase of $4 a week effective May 5—at the very time cattle feeders were taking heavy losses.

"Yes, and that will bring them up to $3 an hour, $120.60 a week, or $6,271 a year," he replied. "Is that too much for a man with a family and city living expenses, trying to own a home and send his children to college? No one suggested an increase for meatcutters when cattle went to 30 cents a pound."

On checking, I found this history on wages of meatcutters.

In 1949, $1.27 per hour for a 48-hour week, fringes worth 13 cents an hour; in 1959, $2.39 per hour, 40-hour week, fringes worth 67 cents; in 1964, $3 per hour, 40-hour week, fringes worth exactly $1 per hour. And Kroger has a profit-sharing plan that can sometimes amount to as much as 5 percent of an employee's salary.

Kroger records show that it costs them a total of $10.44 per hundredweight to process and sell beef, or $68.48 for this carcass. Add the $224.40 Kroger paid Armour, and the $18.56 for moving the carcass to the warehouse and the store, and the $68.48 for all processing and overhead and we get $311.44 total cost.

So, taking the Kroger list for "regular" prices, our 467 pounds of meat plus the fat (2 cents) and bone (1 cent a pound) would have a total return of $375.54. Their price list for "sales" reduces the total return to $269.22. If they sell 70 percent of our carcass on "sale" and 30 percent at "regular" prices, total return is $301.11. With total costs of $311.44, that means a loss of $10.33.

They'd make a profit of $10.94 if they sold 50 percent on "sale" and 50 percent at "regular" prices but wouldn't move as much volume.

"We're now selling about 70 percent of our beef tonnage at special sale prices which run 3 or 4 days a week instead of just weekends," stresses Robert Braunschweig, who is in charge of all meat merchandising for Kroger. "Only 30 percent goes at regular prices now, but it used to be about 50 percent."

Why sell so much beef on "sales," I asked. "In response to the heavy oversupply of beef, we moved 27.3 percent more beef through all our stores in 1963 than we did in 1962," stressed Braunschweig. "The only way we've found to get people to pick up that much beef is to feature beef more often—in big ads and at lower prices."

Price, of course, is a big factor. And it's been dropping steadily. Kroger averaged 55.99 cents for every pound of beef it sold in 1962, 52.04 cents in 1963 and 48.55 for the first 4 months of this year.

At Chicago, Choice steers on the hoof have dropped from an average $27.67 in 1962 to $23.96 in 1963 and off to $21.63 to May 1 this year.

Over this 28-month period, the average Choice steer has dropped about $6 per hundredweight. On the hoof; the carcass, at retail, about $7.50.

To say the least, the business of processing and selling beef is a complicated one. In reporting the various steps along the way, I tried to make an honest appraisal for you after looking at all their records.

At any rate, looking back over the whole journey from Ted Panning's place in Nebraska to the retail meat counter in Cincinnati, it seemed to me that everybody is making a little money or losing less than Ted. And that the chief beneficiary, at Ted's expense, is the consumer.

Box score on this steer

FEEDER

Ted Panning sold 1,073 pounds at 20½ cents	$219.96
Less trucking, marketing costs	4.65
Total	215.31
Cost as feeder $148.15 plus feed cost of $102.08	250.23
Loss	34.92

PACKER

Cost to Armour & Co., Omaha	$219.96
Total labor and overhead in Omaha plant	18.46
Total cost	238.42
Sale of 660-pound carcass at 34 cents to Kroger	224.40
Value of byproducts and hide	16.10
Total return	240.50
Net return	2.08

FOOD CHAIN

Cost of carcass to Kroger, Cincinnati	$224.40
Freight to Cincinnati and branch store	18.56
All costs of processing at $10.44 per hundredweight	68.48
Total cost	311.44
Sale value, 70 percent at "sale," 30 percent "regular"	301.11
Loss	10.33

If 50 percent of carcass moved at "sale" price, 50 percent "regular," return would be $322.38, or a profit of $10.94.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of 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.

AMENDMENTS NOS. 603 AND 604

Mr. COOPER. Mr. President, I send to the desk two amendments to H.R. 7152.

I submit today an amendment to title VI of H.R. 7152. Section 601 of title VI declares that no person shall be subjected to discrimination on the ground of race, color, or national origin, under any program or activity receiving Federal financial assistance.

Section 602 directs each department and agency, empowered to extend Federal assistance to any program or activity, to effectuate section 601 by refusing to grant or continue assistance, or by terminating assistance, if discrimination is practiced in a program or activity receiving Federal financial assistance.

The reasoning supporting title VI is clear—it is that public programs and activities, supported by taxes levied against all, must be available to all people, whatever their race, color, or national origin.

I believe the principle is correct. But as I have said on the Senate floor on several occasions, title VI raises a number of questions. It must be admitted that it would employ an unusual sanction—one that has not been employed in our system of law. It would undoubtedly affect in some cases those who were innocent of discrimination. If the title is maintained in the bill, it would seem to me that criteria should be provided to assure that action taken by any Federal department or agency shall be fair, and that it shall be directed to the actual program or activity, and that one alone, in which the discrimination occurs, and to the smallest political subdivision in which it occurs. Furthermore, if the assistance is not granted through a State or political subdivision of a State, the action taken should be directed to the particular enterprise or establishment to which assistance is provided. These are the criteria and limitations which my amendment would provide.

I understand that title VI has been discussed in the conferences which have been held by Senator DIRKSEN, Senator MANSFIELD, and others, and that they may recommend amendments to title VI. Nevertheless, I submit my amendment because I stated on the Senate floor on April 27 in a colloquy with the senior Senator from Rhode Island [Mr. PASTORE], the senior Senator from Vermont, [Mr. AIKEN], and others, that I believed that title VI should be amended to provide criteria. I suggested on that day the very criteria which are now incorporated in the amendment that I now offer. On April 21, I had written the Attorney General directing to him a number of questions regarding title VI, and I received an answer from the Attorney General on April 29 which was very informative and which may be found in the CONGRESSIONAL RECORD of May 5.

It has also occurred to me that title VI might be used as an additional means of enforcing title VII. As title VII prescribes the procedures for preventing discrimination in employment, I think it should be made clear that title VI should not apply to employment practices, and this my second amendment would prohibit.

I ask unanimous consent that the amendment may be printed and lie on the table.

I also ask unanimous consent that the amendments be considered as read for the purpose of compliance with the cloture rule.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be considered as having been read.

The amendments are as follows:

AMENDMENT No. 603

On page 26, line 6, immediately after "activity.", insert the following: "No such action shall be taken unless and until the department or agency concerned makes a finding that the failure to comply with the provisions of section 601, or with a requirement adopted pursuant to this section, is pursuant to an established pattern or practice. Such action shall be limited to the particular program or activity is which a failure to comply with the provisions of section 601, or with a requirement adopted pursuant to this section, is found to be occurring.".

On page 27, line 1, immediately after the comma, insert the following: "(1) such action shall be limited to the particular institution, enterprise, or establishment, or to the county or other political subdivision of a State, whichever is the smallest entity involved, in which such a failure to comply is found to be occurring, and (2)".

AMENDMENT No. 604

On page 27, between lines 20 and 21, insert the following new section:

"SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization covered by title VII of this Act if such employment practice may be the subject of a complaint filed under such title."

THE DANGER OF TRADING WITH COMMUNISM

Mr. HRUSKA. Mr. President, since last summer the United States has been drifting into a dangerous direction of increasing trade with the Soviet Union and its satellites without sufficient regard for the consequences.

Additional evidence of this came to light recently when it was announced that this country and Rumania will begin a round of appropriately described "ground breaking" talks this week. According to administration officials "These talks will deal primarily with economic subjects, especially trade, but will also cover other matters which affect relations between the two countries."

This is not to be a minor conference. High-level representatives from both sides will be in attendance. In the opinion of some, it may become the most important development in our relations with Eastern Europe since World War II. The significance of these talks is readily acknowledged. Of particular note is the possibility that they may provide the precedent and form the basic pattern for foreseeable future U.S. relations with East European satellites.

Regardless of what they signify for the future, one thing is certain. These conversations carry with them a powerful, if not conclusive, inference that the administration is ready to ditch all efforts aimed at choking Communist economic and political expansion through economic embargo. The growing speculation that this Nation is on the verge of abandoning its present policy on East-West trade in favor of a new and profoundly more dangerous one has been nearly confirmed. Indeed, with each passing day, our actions give credence to the impression that we are not just willing but eager to invade Communist markets.

The administration's maneuvering over the past few months leaves little doubt that we are about to see a most neatly executed flanking movement of the Congress. While the Congress sketches our trade policy with its legislative brush, the executive branch is busily painting a whole new foreign trade picture. Because of this, we, as legislators, must come to grips with two problems, one small and one large.

The smaller one is that the Congress is not moving forward briskly with a meaningful review of the issues involved in trade between East and West. Considering the complexity of the problems involved and the need for moving cautiously and judiciously, this is not a critical issue. The concern here is that the due deliberation does not succumb to unwarranted deadlock and delay.

The larger and intolerable problem is the undermining by the administration of the work already done by Congress in this area. This reckless disregard of the expressed will of the Congress has left our trade policy in a state of confusion.

Historically, the Congress has favored strict controls on trade with the Communists and has supported efforts to persuade our allies to adopt similar controls. There was a time when the administration leaders shared this view. When the Trade Expansion Act was before the Congress, they claimed that one of its principal aims was to wage economic war against the Communists. One of the three purposes actually listed in the act is "to prevent Communist economic penetration." Apparently, at least one of the trade goals of the administration is to sell Congress a bill of goods from time to time. Now, it is obvious that the administration has moved away from this position, but where it has gone no one can tell. All we have heard to date is an accumulation of confusing and conflicting reports. All we have to guide us is a trail of ambiguities and contradictions.

If the policy of the administration still is aimed at containment, then let that policy be clearly established by deed as well as by word. If the President still embraces the philosophy that Communist economic and political expansion must be choked off whenever and wherever it appears, then he must destroy the illusion that has been created by the announcement of the United States-Rumanian parley and similar gestures. If such clarification is not forthcoming, the few feeble attempts we have made to bring our allies' trade policies more in line with our own will be words thrown aimlessly at the wind. If the record is not set straight, our friends will be at liberty and indeed will be encouraged to accelerate their dealings and negotiations with the Communist bloc. Unless there is a prompt declaration that we aim to throttle all Communist economic penetration, matters soon will drift beyond our power to restore solidarity so that a united front can be presented.

If, on the other hand, the President envisions a new approach to the problem, let him lay it before the Congress and the people openly and directly. The present indecisiveness can only immobilize us with the result that the conflict with the Communists ultimately will be lost by default.

To allay any doubts he may have as to the mood of Congress on this issue, I commend to the President the analysis of congressional opinion on trade with the Communist bloc just completed by the Georgetown University's Center for Strategic Studies.

Drawing on reports from both Houses and comments from congressional leaders, the analysis concludes:

> The prevailing opinion in Congress, to the extent that it can thoroughly be gaged at this period, has been consistently in favor of strict controls and an effort to persuade our allies to adopt similar controls.

Congress, the study found, also appears to be in general agreement that the West has not and is not now using effectively its preponderant economic strength; that the growing disparity between trade policies of the United States and its leading Atlantic allies should be resolved; and that the United States should take the lead in coordinating free world trade policies.

EXECUTIVE SHARED CONGRESS VIEW

Until the last year, it should be noted, congressional views on the wisdom of restricting trade to the Soviet bloc have been shared, generally, in the executive branch. As the Georgetown study by Samuel F. Clabaugh and Richard V. Allen points out:

> With few exceptions, the United States has followed these (Export Control Act of 1949 and Battle Act of 1951) policies in the control of its own exports. The complete failure to secure comparable controls from other countries receiving U.S. aid is reflected in the statistics. In 1961 U.S. exports to the Sino-Soviet bloc amounted to only $125 million, while total free world exports to bloc countries amounted to $4.99 billion, or 40 times as much; and during the Korean war the exports of free world countries to the Sino-Soviet bloc amounted to 800 times that of the United States. If this were to be shown graphically, it would be the height of a single brick in proportion to the Washington Monument.

Clabaugh and Allen suggested these possible reasons for the current disparity between U.S. and Allied policy:

> The failure of the United States to press its Allies, individually or collectively, to apply similar controls, or to use what leverage it had to that end; the differences between Congress and the executive; and the conflict within the executive department among the various agencies.

The Johnson administration seems to have forgotten the reasons for imposing trade restrictions on the Soviet bloc. These were instituted as countermeasures against Soviet economic, political, and military moves. As Clabaugh-Allen recall, "it was the severe penalty of the British and American counterblockade

of East Germany in February 1949 that led the Soviet Union to lift its blockade of West Berlin."

The West could hope for political concessions in return for increased trade, of course, only if the trade restrictions were severely pinching the Soviet Union. The pinch was on only a short time, since our allies did not maintain our strict trade restrictions.

Canada and Australia, for instance, cannot continue to supply large quantities of wheat to the Soviet Union if the West is to attempt to extract political concessions for lifting trade restrictions.

TIME FOR REEXAMINATION

The time has come to reexamine the notion that trade, by definition, promotes friendly relations. It may be true that trade promotes friendly relations with some peoples. This is not necessarily true in the case of the Soviet Union or the East European Communist nations.

For one thing, trading between European nations has historically been the cause of many wars, rather than any kind of insurance against them. For another, lend-lease trade to the Soviet Union during World War II did not promote friendly relations. For still another, free societies are much more accessible to traders than closed societies. In the case of the Soviet bloc, Western traders deal exclusively with government businesses and officials, not with the general populace. Promoting friendly relations is not easy.

The Soviet Union, for example, explained to its people that its purchases of wheat from the United States were the result of bad weather only. The wheat purchase was characterized as an evidence of strength of the Soviet economy, not weakness. The United States, on the other hand, according to the Soviet version, had to sell the wheat to strengthen its own economy. It is difficult for the American people to make friends on this basis.

Unfortunately the guidance coming from the executive branch now is so contradictory that it is producing more confusion than illumination. How, for instance, can we persuade our allies not to trade with the Communists, when we ourselves sell wheat to Russia?

Sino-Soviet trade with our allies has increased alarmingly in recent years. Most of the free world trade comes from European nations.

In one decade, the free world exported some $32 billion worth of critical materials, machine tools, electronic equipment, large diameter pipe and transport equipment to Russia. This played a significant part in the Soviet Union's dramatic industrial expansion and its so-called sputnik offensive against the West. Mig's and missiles, tanks, Sputniks, Luniks, all these Soviet advancements, owe at least part of their success to the increasing Soviet trade with the West.

RUSSIA STILL HAS HEADACHES

Despite these successes, however, the Soviet Union still has big headaches. Its agricultural production is low; its gold supply reportedly has dwindled; there are shortages of synthetic fiber, abrasive materials, sulphuric acid, and chemicals generally.

These shortages perhaps have been a principal factor in the Soviet decision to seek expanded trade with the West. Premier Khrushchev has set a goal of 200 new chemical plants in the next 7 years and modernization of another 500 in the same period. If he succeeds, chemical fertilizers may ease Khrushchev's agricultural headaches. The total cost of this program would be $3 billion per year, 40 percent of which Khrushchev hopes to get from the West in long-term credits.

As we all have read, Great Britain and other European allies are eager to meet his requirements, even to the point of providing long-term loans.

What does this picture add up to? It would appear that the Soviet Union has launched one spectacular industrial offensive against the West with the West's own help—and failed. Having failed in the first round, it is now seeking more Western aid for an even greater effort at industrial expansion. The optimists tell us that this time the Soviet leadership will not combine any new industrial spurt with an offensive against the West. Where they get their optimism is beyond me. Certainly they cannot draw it from the lessons of history.

The Johnson administration apparently has decided to go along with the Western European plan to increase its trade with the Soviet bloc. Secretary of State Rusk, in a statement on March 13 before the Senate Committee on Foreign Relations, described a policy of selective expansion of trade with the Soviet bloc.

FLEXIBILITY IN LOGIC

That statement is remarkable for its own flexibility in logic. Mr. Rusk tells us that the Soviet Union is so close to self-sufficiency that it does not need American or Western trade. Yet, "in time of crisis, we should be ready to reduce or even to embargo trade, as one form of response to Soviet pressure." If the Soviet Union is so close to self-sufficiency, what would be the use?

Secretary Rusk says that "even the full 2½ million tons—of wheat—the Soviet Union at first considered buying from us for its own use would have amounted to no more than 3½ percent of normal Soviet bread grain production." Buying wheat from the United States was "convenient" for the Soviet Union, he said, "but not vital."

In the case of the East European Communist countries, however, Mr. Rusk finds a rise of only 2 percent in Western imports to the satellites to have been of "considerable qualitative importance to their industrialization programs."

The United States, in other words, trades with one Communist power, the Soviet Union, because the Soviet Union really does not need it and trades with a group of other Communist powers in Eastern Europe because Eastern Europe does. And it is inconsistently urged that while a 3½-percent increase in the Soviet wheat supply means nothing in building up the Soviet economy, a 2-percent increase in trade with Eastern Europe turns out to be "of considerable qualitative importance" in its industrialization.

The administration justifies its interest in trade with Eastern Europe on the premise that the Communist regimes there are trying to reduce their economic dependence on the U.S.S.R. Presumably increasing the East European dictatorships' independence from the Soviet Union makes them somehow more respectable and somehow agents of the free world in the cold war against the Soviet Union. If the Soviet Union is self-sufficient economically and much stronger militarily, what is the value of splitting East Europe away?

WHAT BENEFITS TO THE UNITED STATES?

In the past decade and a half, it is hard to put one's finger on the specific benefits the West has gained from increasing East European independence. Moreover, I find no assurance that any of the East European dictatorships would be less inclined to support the Soviet Union in a significant showdown with the West, simply because of the trade relationships developed with us.

Recent refugees from Eastern Europe, the best available authorities on problems there, have repeatedly cautioned us that increasing trade with the East European dictatorships merely strengthens the dictators and tightens their grip on the people. As spokesmen for the people, the refugees have demanded that we stop all trade and aid with the Communist dictatorships. The people of Eastern Europe, they say, are ready to make whatever sacrifices are necessary to rid themselves of the dictatorships whose weaknesses are merely masked by the trade with the West.

There is something to be said for the theory that a total interruption of trade is the only effective method of dealing with a war-oriented, dictatorial enemy. Anything a totalitarian government permits to be imported might well be considered, by definition, essential and strategic.

As for the age-old debate about using food embargoes as a weapon, we have recent precedents in both directions. In the early 1920's, the United States helped to feed millions of Russians while the Soviet dictatorship was killing other millions of Russians. During World War II, Prime Minister Winston Churchill blocked U.S. moves to send food through the British blockade to French, Belgians, and Dutch:

> Let Hitler bear his responsibility to the full and let people of Europe who have grown beneath his yoke aid in every way the day when that yoke will be broken—

Churchill said.

On trade with Communist China, Secretary Rusk uses the same fact he used to justify increasing trade with the Soviet Union to justify the exact opposite.

Communist China is not "highly vulnerable to a policy of total denial of U.S. trade," he said. So the United States should not trade with Communist China.

Here the total trade embargo is imposed, however, for political reasons, Mr. Rusk says. Communist China, North Vietnam, and North Korea, all victims of the U.S. embargo, are "actively engaged in aggressive activity," Secretary Rusk says.

When regimes are engaging in aggressive activities of such character and intensity, we must design our trade policies accordingly. Our complete trade embargo is a reflection of these relationships—

the Secretary said.

Since both the Soviet Union and Communist China are the only nations significantly dependent on U.S. trade, it would appear that the administration has decided to reward the Soviet Union for its assumed lack of aggressiveness and to punish Red China for its aggressiveness.

NEW CUBAN CRISIS

But has the Soviet Union renounced its aggressiveness? The Cuban missile crisis is not 2 years behind us. And now Khrushchev snarls he will support Castro if we clash with Cuba over the antiaircraft missiles left behind by the Soviet Union.

As for trade with Cuba, Secretary Rusk tells us that the U.S. restrictions are intended "to reduce Castro's will and ability to export subversion and violence to the other American States." If trade restrictions can have this effect on Cuba, why can they not have the same effect on the Soviet Union and the East European satellites? Or does the administration believe that the Soviet Union and the satellites have abandoned their intentions to export subversion and violence? The point is that mere trade restrictions cannot hope to halt Castro's export of subversion and violence to the rest of the Western Hemisphere.

A second reason for restricting trade with Cuba, Mr. Rusk tells us, is "to make plain to the people of Cuba that Castro's regime cannot serve their interests." Would not restrictions on trade with the Soviet bloc accomplish the same purpose with the people of the Soviet Union and with the people of East European states?

It would seem to be a fair conclusion that the administration is less interested in using all the pressures at hand to help the captive peoples of Eastern Europe and the Soviet Union than it is in helping the captive peoples of Cuba.

To summarize, the Secretary of State is using the same instrument to get diametrically opposite results in various Communist countries—thereby defying all logic and sowing confusion in Congress, among our exporters, and among the public. We can only hope he is confusing the Communist world as well.

At another point in his presentation, Secretary Rusk noted that the U.S. imports account for only 3 percent of our gross national product. The United States, therefore, would appear to be as self-sufficient as the Soviet Union if one is to use this generalized criterion.

STATISTICS MISLEADING

Therefore, it would seem that from our standpoint there is no economic justification for increasing American trade with the Soviet bloc. The point, of course, is that trade is much more valuable to the United States than the cold statistic "3 percent of gross national product" indicates. By the same token, Soviet trade with the West is much more important to communism than is indicated by the cold statistic that Soviet imports from all free world industrial countries are running at the rate of only one-half of 1 percent of Soviet gross national product.

What is needed is a qualitative judgment of the goods going into the Soviet Union. One-half of 1 percent of the gross national product, if it is in technologically advanced items vital to the Soviet economy, like chemical plants, could be an important prize.

It is time, Mr. President, for the Congress to assert its will and arrest the dangerous trend of trading with an enemy sworn to bury us.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional rights 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. LONG of Louisiana. Mr. President, I shall discuss further the civil rights bill, particularly as it pertains to the jury trial amendment.

I shall begin my remarks today by commenting on a very interesting situation which has arisen in the Maryland Eastern Shore town of Cambridge.

Senators know that on Monday evening of last week, Governor Wallace held a political meeting in Cambridge. A large group of mobsters also, on the same evening, held a gathering in that town, as a protest against Governor Wallace's presence in the State of Maryland. About an hour after Governor Wallace's departure from Cambridge, the Negro gathering became rather emotionally stirred up; and many of its members, in violation of a court injunction against demonstrations, proceeded to march on the area of town in which Governor Wallace had delivered his speech. The demonstrators were met by a detachment of National Guardsmen; and, in the brief encounter which ensued, several of the mobsters were arrested. It might be worth mentioning that 9 of the 14 arrested were not even from the State of Maryland. They were what is known as outside agitators.

At any rate, these people were arrested and jailed on charges of disorderly conduct. And here is where the interesting part begins.

Mr. President, I hold in my hand a picture of several of the Negroes arrested in Cambridge, among them Mrs. Gloria Richardson, a leader of the militant integrationist group in that town. In order to introduce the point I wish to make, let me quote for Senators the caption which appears below the picture, as it appeared in this morning's Washington Post. It reads as follows:

Cambridge Negro leader Gloria Richardson stands in courtroom talking to Lawrence Cundiff, of the Cambridge Student Nonviolent Coordinating Committee. Mrs. Richardson was charged with disorderly conduct for her part in Monday night's demonstration. She was released on $100 bond when she asked for a jury trial.

Mr. President, the interesting part of this caption appears in the last sentence, which says that "she was released on $100 bond when she asked for a jury trial."

Is it not a remarkable coincidence that this woman should be looking to the institution of jury trial for the protection of what she feels to be her constitutional rights, at precisely the same time when we in the Senate are waging a desperate battle to save the very same institution for all our people?

Mrs. Richardson was acting in violation of a court order forbidding demonstrations in Cambridge. So far as this Senator knows, she has not been charged with criminal contempt of court, but merely was charged with disorderly conduct. However, she might just as well have been charged with criminal contempt of court, and may yet be so charged. In such a case, she would have assumed a position almost identical to the one with which defendants under this bill would be faced.

The first thing that came to her mind was the right of trial by jury. But if she were to fall in the category which she and her kind wish to create for defendants under this bill, she would have no real right to trial by jury. The judge could call her in, charge her with contempt of court, and sentence her to 30 days in jail, without ever coming within a mile of a jury.

I am happy that Mrs. Richardson has this right to a trial by jury. She should have it, because—after all—it belongs to her under the Constitution of the United States. The thing I am not happy about is that some Senators are bent on taking that right away from her. They would do so by taking it away first from one group of citizens, so that at some future date another Congress would find it just that much easier to take it away from still other groups of citizens, for still other reasons.

It seems to me that, under the precedent which would be created by this bill, we could also pass a law making participation in violent street demonstrations a Federal crime subject to the same sort of injunctive powers as those proposed by the leadership. We could pro-

vide in such a law that the judge could cite for criminal contempt any demonstrator who was arrested for disturbing the peace, in violation of his injunction. Then the judge could punish the violator to the extent of 30 days and $300 without recourse to a jury trial. After all, what is good for the discriminator should also be good for the demonstrator.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield for a question, with the understanding that it will not affect my right to the floor, and will be without prejudice to the Senator from Alabama.

Mr. HILL. Is it not true that the bill as it passed the House of Representatives, as it is now before the Senate, and as it is advocated by certain groups, and by certain leaders among those groups, such as Mrs. Richardson, provides no limitation at all upon the penalty that a judge could impose?

Mr. LONG of Louisiana. There would be absolutely no limit. In this grave situation, Mrs. Richardson, under the provisions of the bill, could have been arrested and charged by the judge with violating his order against demonstrations. He could have tried her himself, without benefit of jury; he could simply have said, "I have seen you here before. You are well known to me. I have told you to stop this kind of activity. I will try you, and I will sentence you to jail for a year." Nothing could have been done about it. Mrs. Richardson might have appealed, on the ground that the judge had sentenced her to cruel and unusual punishment; but I should say that a sentence of up to a year would probably be upheld.

Mr. HILL. She could not have asked for the right of trial by jury, could she?

Mr. LONG of Louisiana. No. As it is, Mrs. Richardson has a right to be tried by a jury of 12 persons. She has a right to have and consult with counsel. She has a right to pass on who shall serve as jurors in her case. If a prospective juror might be inclined to be prejudiced or to give her an unfair trial, she would have a right to challenge him. In fact, she would have the right to challenge any of the prospective jurors, even without cause, by saying, "I do not want you to serve on this jury."

This case would be a good example of one in which the judge who issued the order would be the one most inclined to find her guilty. That very judge would perhaps be the person who, if he were brought into court as a prospective juror, would be challenged for cause, on the basis that he knew something about the case, and that he had an opinion on the matter. That being the case, this woman could very well lose her rights and be placed in jail. On the other hand, she might very well be acquitted if she had the benefit of a jury trial.

Mr. President, one of the elements which will be decided by our votes on the various amendments which have been and will be introduced on the subject of the right to trial by jury in criminal contempt cases is whether we feel as a practical matter, irrespective of divergencies of opinion on the constitutional question, that such actions should be thought of as criminal prosecutions under article VI of the Bill of Rights. What the courts may or may not have said on this matter and what technical interpretations may or may not be made of the constitutional provisions are important factors in their own right. But there is still another vital factor that lies in our hands alone. That factor has to do with what course we think the future of jury trials in this country ought to take and what sort of precedent we believe ought to be set in this matter.

On this point, I should like to refer to an excellent statement on this subject made in the 1957 debates when this question was very much a factor. The statement from which I shall read two brief extracts was one delivered by the distinguished Senator from Idaho [Mr. CHURCH], who happened to be one of the cosponsors of the so-called O'Mahoney amendment which sought to guarantee the right to trial by jury in such cases. At the time, July 24, 1957, the Senator was engaging in colloquy with the late Senator Estes Kefauver who was also fighting for the preservation of the right of trial by jury in criminal contempt cases. He said in part:

> I agree wholeheartedly with the Senator. I should like to thank the Senator for his participation in the debate, and for the clarity of his remarks.
>
> I wish to say to the Senator from Tennessee particularly that he has very deftly and very lucidly pointed out that the essential character of a criminal contempt action is made no different by cloaking it with equity terms in an injunctive procedure, and the Congress of the United States implicitly recognized that fact when it provided that jury trials should be accorded in cases of criminal contempt, because such cases are essentially criminal in nature. The guarantee of the Constitution for jury trials in criminal cases could be circumvented entirely if we used the device of an equitable proceeding to do the same thing which is normally done by a criminal case, where a jury trial is accorded and guaranteed by the Constitution.

Mr. President, the observations of the Senator from Idaho at that time are excellent ones. They parallel exactly the views being taken on this question by the junior Senator from Louisiana in the present debates. Mr. President, I read further from the Senator's remarks:

> The debate which has thus far occurred has made it clear that this bill, in its present form, will empower the Federal Government to commence and prosecute injunctive actions in any case that may now, or hereafter, come within the scope of the rights conferred by the 14th and 15th amendments to the Constitution. I concur with those who have urged that we ought not to attempt to differentiate among the civil rights conferred by the Constitution, making one type of legal remedy available to enforce the right of vote, but denying that remedy in other civil rights cases. By the same token, I think it necessary and proper that the Federal Government be empowered to use the injunction to better prevent the denial of any civil right to any citizen.
>
> But, Mr. President, the bill before us goes much further than authorizing Government-procured injunctions to prevent the denial of any civil right. The bill before us avoids a jury trial not only in preventive civil contempt cases, but also in punitive criminal contempt cases.
>
> I can support the avoidance of a jury trial in any civil rights case, where civil contempt is involved, and the object of the action is to safeguard the civil right in question by compelling compliance with the court's decree. To be sure, such actions may result in punishment by way of fine or imprisonment, but their purpose is to secure the civil right denied. The defendant holds the key to his own cell, and can always go free by complying with the order of the court. Thus the denial of a jury trial is not only consistent with normal injunctive procedures, but works no real hardship beyond the capacity of the defendant to avoid.
>
> I cannot, however, support the denial of a jury trial in cases of criminal contempt. These cases are punitive in nature. They are not directed toward the achievement of any civil right, but rather toward the punishment of those accused of violating a court decree, for past acts that can no longer be rectified. In other fields, under our present Federal law, a man accused of criminal contempt is generally entitled to a jury trial. I see no reason why such a fundamental protection ought to be denied in like cases simply because they may happen to fall within the broad scope of title III of this bill.

The Senator from Idaho was one of the leaders and one of the cosponsors of the movement to which this Senator now subscribes. I applaud him on the excellent contribution he made to the protection of our fundamental rights to trial by jury in these sorts of cases.

Mr. President, as I mentioned above, the Senator from Idaho was engaging in a colloquy with the late beloved Senator from Tennessee, Mr. Kefauver, on that particular occasion; and I should like now to refer to an excellent letter written to Mr. Kefauver on this subject. The letter is particularly meaningful because it was written, not by a southerner, not by an opponent of the 1957 act, but by an active member of the ADA, the NAACP, and the American Civil Liberties Union. It is from a Mr. Yole B. Bernstein, a Philadelphia attorney, of whom the Senator said:

> He favors integration at all levels. Nevertheless, Mr. Bernstein commends me for my stand in favor of a proper amendment to provide jury trials in connection with the civil rights legislation, pointing out eloquently that we should not sacrifice one liberty to gain another.

Mr. President, because the letter is rather lengthy, I shall quote mostly from those parts which bear directly on the question of right to trial by jury in criminal contempt cases under the civil rights bill:

> To set the record straight let me premise this discussion with the statement that I am unalterably in favor of integration at all levels, just as soon as possible (and maybe just a little sooner than that). I have worked, as the national organizer of the student branch of the Americans for Democratic Action, to set up prointegration groups in your State and other States in the South. I am now an attorney active with the Philadelphia branches of the ADA, NAACP, and American Civil Liberties Union. However, let

me emphasize that in this letter I am speaking as an individual and not as a member of any of these groups for I find myself in disagreement with their stand with relation to the above-mentioned jury-trial provisions. I find myself in an odd position in holding these views as I am advocating a position that is held by many of those who would oppose all civil rights legislation. But I have learned that one cannot refuse to speak his convictions merely because his enemies agree with him. Just because the Communists profess a belief in civil rights, we should not be afraid to advocate civil rights, and just because the KKK profess the belief in jury trials in civil rights cases is not reason to oppose such jury trials.

It is not an easy decision. The right to a jury trial and the right to vote and be free from discrimination are both basic values. However, I think it is time that we learned that we cannot take away one right in order to try to secure another. I think that it was Franklin who said that he who would give up liberty for a little safety deserves neither liberty nor safety. It is time we learned that we must look at yesterday and toward tomorrow and not only at the expediency of today, and that we must not have one stand for our friends and another for our enemies. Liberty is for both friend and foe alike or it is not liberty.

The problem arises when we say that the individual accused of contempt shall not have benefit of a jury trial, and may be tried by the judge issuing the injunction (the same judge who determines whether the individual should be arrested for allegedly violating that injunction), or by another Federal judge also without a jury trial. It is true that this is not strictly a criminal trial, but, if the accused is found to be guilty, he may be sentenced to a long term in jail, so irrespective of what name you give it, the law, prior to your vote for the amendment would have provided for the placing of a man in prison without benefit of a trial by a jury.

The argument against jury trials in civil rights injunction cases is usually twofold: The first being that there is no constitutional question involved and that, if you are against trial without jury in contempt cases, you should change the whole contempt law and not merely that portion involved in the civil rights legislation. The second, which is the main thrust of the argument, is that today southern juries may or will not correct violators of Federal antidiscrimination injunctions, and that, since the factual question of guilt is rarely in dispute and that since the right to vote, etc., is so basic and cannot be safeguarded if convictions cannot be secured, the proposed civil rights legislation should not provide for trial by jury in contempt cases.

The first argument presented above is, in my opinion, without merit. The mere fact that trial by jury in contempt cases is not deemed to be required by the Constitution does not indicate the wisdom or lack of wisdom of this position. If Congress is willing to extend trial by jury (for whatever motives) beyond what is deemed to be constitutionally required, the liberals should praise the decision as a fuller measure of freedom, and not condemn it as unnecessary or unwise. And the proposition that it has generally been the law to refuse jury trials in contempt cases of this sort does not require the conclusion that we must work only to amend the whole contempt trial law. Of course, we should do this, but meanwhile, if we are opposed to convictions without jury trial, we should oppose this concept wherever we can, and not merely cry all or nothing.

The whole question, it seems to me, rests upon one point, and only one point. It is worth allowing individuals to go to jail without trial by jury in order to attempt to make more secure the right to vote and be free from some forms of discrimination, and whether trial by jury will harm the securing of these rights. As I have said before, it is a tough decision and one where liberals can honestly disagree, although to me, the answer is clear.

I think that it is incumbent upon us to look deeply into the value of convictions for civil rights violations, and their effect on guaranteeing civil rights. I believe that the mere fact that there is a Federal injunction will deter many from acting in violation of it. (Previous Federal injunctions, i.e., "white primaries," desegregation of graduate schools, etc., worked in many instances.) Irrespective of whether they agree or disagree with the injunction, the strength of the Federal mandate will deter some, and the risk of a trial, jury or otherwise, will deter others. (In this point Osmond Frankle, ACLU counsel is in agreement. He also questions the desirability of contempt convictions without jury trials.) I also believe, from some personal observations in the South, that some juries will convict, although not all will, where guilt is shown. But law that does not have the support of the community will have little positive effect and could cause harm if unintelligently enforced. Law is only part of the picture. If a man is convicted without benefit of a jury trial, and that conviction does not have the support of at least a large minority of the community, you will create a martyr and not an example. Of course, in the short run, you may make more secure the right to vote, but at what cost? I am fully in support of the civil rights legislation, as laws are needed, but not laws that take away some freedom to try to get some other.

Placing a man in jail is the absolute denial of his civil rights and liberties. This must be done to some men to protect others, but we should not abrogate any man's liberty without absolute necessity, and without as many safeguards as possible, especially if we are to take away his liberty in the name of liberty. We have fought too long and too hard for jury trials to permit them to be disregarded without serious misgivings. The fact that a jury will not convict a guilty man is no more reason to eliminate jury trials than it would be to eliminate trials themselves. The fear that the jury will not agree with the law, or is sympathetic toward the defendant should not cause us to bypass the jury.

We should, of course, attempt to get as impartial a jury as possible, and this can be done by challenges at the trial itself. If we cannot get 12 relatively impartial men in the entire community, especially if the prosecuting officers are Federal and not local, we should look toward a new solution to the problem (i.e., cutting down the representation of those areas that deny others the right to vote) but not eliminate jury trials. To bypass the jury in this situation would be unwise, for a logical extension of this argument would be that a man should never be tried by members of his own race, or nationality, or religion, or sex, or economic group, etc., since they might be sympathetic to the defendant. We all would balk at trying southern violators by northern juries, or vice versa. If we ever get to the State where we are willing to say that we should refuse jury trials because juries won't convict, we will have taken away a basic right for which we have fought for many centuries. It is my belief that civil liberties dictates, as does the spirit of the Constitution, that no man be placed in jeopardy or jail unless he has the right to a trial by a jury of his peers if he so desires.

I also believe that the argument that there is little factual disagreement in these contempt cases and that therefore juries would not be necessary is, to my way of thinking, invalid. There will be factual questions to be decided, and besides, the jury historically, serves two purposes: to determine the physical facts and to look at the entire situation and to apply the general law to the particular circumstances which only the community can know. Of course in the South this may mean a low rate of convictions, but civil liberties is not measured by the number of convictions, even when those convictions are aimed at enforcing civil rights. I have no sympathy for those who would try to deprive another of his rights, but my sympathy does go out to those rights, and it is for that reason that I believe that we cannot circumvent jury trials, no matter what the cause. Appeal provisions and safeguards are not enough. Every lawyer knows that in the main, what happens during the trial will prevail. No matter how fair the procedures, or how thorough the appeal, the very elimination of the jury, in my opinion, deprives the accused of the fair trial civil liberties demands. I have great respect for the Federal judges in the country, but I also know that history has produced a Webster Thayer, and his sort also. I do not want to allow freedom versus jail to be left up to one man.

Let us look at history for a moment. Consistency is not always wise, but in the area of personal liberty, there is no greater cornerstone than equal rights for both friend and foe. There cannot be one justice for us and one for them.

Before the Constitution was written, William Penn was indicted for speech against the crown. The jury in this case, although pressured unmercifully by the bench, refused to convict, reserving the right to interpret the law as well as the facts. This case has come down to us as a hallmark of liberty. Also, before the Bill of Rights was written, John Peter Zenger was tried for criminal libel. The attorney for the defense (Andrew Hamilton, Alexander Hamilton's brother) admitted the facts that constituted guilt under the law, but demanded that the law be changed by the jury. This acquittal is another hallmark in our fight for liberty. How many of us would have voted to convict John Brown even though he was, in fact guilty under the law? How many of us would have voted to convict the violators of the Fugitive Slave Act, or would have sat back while permitting a judge, without a jury, to decide guilt or innocence? In fact, no jury was permitted under this act, a fact which roused the Abolitionists to arms. As I have said, there is not two brands of freedom, according to who is in the driver's seat.

But let us look a little closer into the use of the injunction and contempt itself. The major case which liberals though wrongly decided was the Debs case. When the Government could not gain a conviction against Gene Debs for his participation in the Pullman strike (they first tried to convict him for conspiracy; this conviction required a jury trial), they turned around and sentenced him, without benefit of a trial by jury, for contempt, Debs having allegedly violated a Federal injunction. Governor Altgeld, of Illinois, decried this trial without jury, as did one of the greatest liberals of all times, Clarence Darrow. The liberals, like Debs, Altgeld, and Darrow, who had to fight to establish the right to trial by jury, condemned the injunction-contempt-no-jury-trial procedure one of our greatest threats to liberty. Yet, today, all seems to have been forgotten by the liberal.

Labor, historically harassed by injunction-contempt proceedings, fought hard and long and finally got through Congress the Norris-

La Guardia Act. Among its provisions are the following:

"In all cases arising under this act in which a person shall be charged with contempt of a court of the United States * * * the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed (except where the contempt was by an officer of the court or in the court's presence)."

This was considered another landmark for liberalism.

Today, it appears as if labor and the liberals have forgotten the past as well as the possible future. Let us suppose someday Congress decides to take away our rights, not by criminal statute, but by contempt action without trial by jury. A minority could be destroyed this way, as well as helped. Also, why not injunctions against all crimes? We could get convictions without worrying about juries.

This is, of course, not too likely to happen, but as I have tried to point out, we cannot have one set of rules when the Government is going our way and another set when it is going against us. Procedural consistency is too valuable to allow it to be controlled by the particular ideology in power, even if we agree with those in power and even if we unalterably oppose those against whom it is aimed. The ends, no matter how desirable, do not justify the means.

Associate Justice William O. Douglas in his book "Almanac of Liberty" wrote the following with regard to the above-mentioned William Penn case:

"Shortcuts are always tempting when one feels his cause is just. Shortcuts have always been justified on the ground that, the ends being worthy, the means of reaching it are not important. Shortcuts, however, are dangerous. If they can be taken against one person or group they can be taken against another. Our greatest struggle has been to provide procedural safeguards that will protect us against ourselves and make it certain as possible that reason and calm judgment will not be swept away by passion and hysteria. Experience shows us that it is the William Penns of the world, not the criminals, who suffer most when the procedural safeguards for fair trials are relaxed."

We cannot give up civil liberties for civil rights. It is not enough that all men are equal, unless all men are free. The liberal must, and I congratulate you, Senator Kefauver, for realizing this, work for a society where all men are equal and all men are free. It took us too long to build the strong road of jury trials to now cut into the wilds of contempt trials.

The right to vote will come, as will the end of discrimination, irrespective of the jury-trial provisions. Perhaps it will take a little longer by taking the main road (although we can never know unless we try). If we don't guarantee jury trials, we may find ourselves in the position that Justice Black spoke of when he dissented against the Illinois race libel law. There he said that if any minority group rejoices at that method of trying to provide civil rights they should remember the old adage: "Another such victory and we are undone."

By voting for jury trials, you have been consistent with your high principles. It is true that politics makes strange bedfellows but so does courage, and by voting for the civil rights legislation with jury trials you will have declared the principle that there shall be no denial of civil liberties, either on the grounds of race, religion, sex, creed, or national origin, or on the grounds that someone is your enemy.

Sincerely,

YALE B. BERNSTEIN.

In this Senator's opinion, Mr. President (Mr. BAYH in the chair), if the proponents of this bill displayed some of the good sense exhibited by Mr. Bernstein, we would probably have completed the debate weeks ago. This is the sort of attitude which could produce real compromises and allow the Senate to produce a bill which would be both workable and safe. But, unfortunately, the political pressures—both real and imagined—have closed many minds to the type of levelheaded thinking that is so very sorely needed at this time.

Mr. President, the political pressures behind this bill have become so intense, and have produced such a closed-mindedness among some of the proponents, that they are willing to sacrifice many of our fundamental freedoms in deference to it. To win support from various minority groups in this fall's elections, many are acting as though they would risk losing one of our most sacred traditions, benefits and rights—namely, trial by jury.

The Senator from South Dakota [Mr. MUNDT] invited attention to this danger, in a speech on the jury trial provisions in the 1957 act; and the same situation occurs at this time—just as it did 7 years ago. The Senator's brief comment hit the nail so squarely on the head, that I should like to quote it to the Senate:

Opponents of the jury-trial amendment soberly claim that its addition would emasculate the civil rights bill, that southern jurors might be reluctant to convict. This argument is as old as it is shortsighted. It is the same justification that was given for the establishment of the star chamber, for the ruthless acts of Parliament depriving colonists of jury trial, for the opposition to jury trial for workers involved in labor disputes. Historically viewed, it stands as the favorite argument of the absolutist, an indispensable tenet of tyranny or mobocracy.

I trust that the Senator from South Dakota will take no offense at my having quoted him in this regard. His remarks were part of an article written by Columnist George Sokolsky, dated July 23, 1957.

In fact, Mr. President, there is another brief statement made by one of our most distinguished colleagues in 1957 which I should like to quote. It is a statement on the subject of trial by jury in criminal contempt cases; it was made by the junior Senator from Arkansas [Mr. FULBRIGHT]. At the time of his statement, on July 23, 1957, the Senator from Arkansas was making reference to part III of the 1957 civil rights proposal, which had to do with the same jury trial issues we face today. He said:

The only real parallel to the situation sought to be created by part III of this bill is the labor situation which prevailed at the time of the passage of the Norris-La Guardia Act. Then there was no specific Federal labor legislation. Our Federal courts established Federal labor law by injunction of U.S. attorneys.

Partially to correct the abuses of this unusual enforcement procedure, Congress enacted the Norris-La Guardia Act in 1932. In 1935, the further corrective step was taken of legislating a very specific Federal statute in the field of labor relations. The Wagner Act spelled out in great detail the specific rights, conduct, and procedures which Congress intended to be followed in the settling of labor disputes. In addition, it created an administrative agency to determine labor disputes before the courts could exercise the injunctive powers conferred by the act.

Only after the administrative agency had exercised its full jurisdiction, held hearings, and issued orders was a court empowered to issue an injunction to enforce the agency orders.

We should not now—25 years after George Norris and Robert Wagner focused the attention of Congress upon the evils of government by injunction—return to that practice in a field as complex and delicate as civil rights.

This would scarcely be progress. It would surely create a precedent for some future Congress in some other field, to seek legislative shortcuts which disregard basic individual rights and liberties.

I find no support for what part III would have us do in the field of civil rights in any of the Federal statutes which have been referred to in our debates. I do find, and with alarm, a very close parallel to the situation which existed in the field of labor disputes before passage of the Norris-La Guardia and the Wagner Acts.

I am sure no Member of this body will want to trade, in the name of expediency, the right of all individuals to be free from government by injunction—in its most vicious, abbreviated form—for what is claimed to be a more effective method of protecting civil rights. I, for one, consider the legislative scheme contrived in part III of this bill to be a distinct step backward in the vital relations of man and his government.

Indeed, Mr. President, we would be reverting to the status of the law before the right of jury trial was accorded to freemen—in fact, it was before men became freemen. By crippling our system of justice in this way, we would be quite likely to take away from our citizens even their status as freemen, for truly this plan is one which can very easily lead us down the road to tyranny. I know that the jury system is not popular with some lawyers. My observation is that most of such lawyers have never gone down the courtroom and tried a lawsuit. They are book lawyers, or they are teaching lawyers—and I say that with all respect to them. The lawyers who go down to the courtroom and try the lawsuits, and fight there the battles of the people, especially after they have done so for several years, are the lawyers who have a fine appreciation of just what the jury system means as an institution, and not merely as it relates to the guilt or innocence of a particular individual. As history has proved, when we make inroads on the jury system, we take something away from the American way of life.

This is but another way of saying that when we sacrifice our existing rights, for the sake of speeding up the wheels of justice, we are actually spending away many of our fundamental protections and safeguards against tyranny.

The general concept or theory of spending this freedom in order to buy that one is discussed very expertly in an excellent article I read last summer in the publication New Republic, with which

I am sure that my colleagues are quite familiar. The article is by Mr. Robert Bork, and it questions the wisdom of abandoning long-established freedoms, such as the right to private property, the right to privacy, the rights of free enterprise, and the right to trial by jury, in order to create new pseudorights and conveniences for the militant minority groups. Mr. Bork admonishes us to proceed most carefully in this direction, lest we shake and destroy the very foundations on which all our rights and freedoms rest. The author, Mr. Bork, is a man who personally favors integration of the races and condemns racial discrimination. Yet, in a most forceful manner, he points out the extreme dangers we would create for ourselves and for our constitutional system of government, if, in the effort to attain social justice, we succeed also in unbalancing and subverting the delicate constitutional system of order by which we have become a great and enduring Nation. These are his expert comments on this vital subject. I shall now quote his comments; and I ask my colleagues to note how similar Mr. Bork's approach to the bill as a whole is to Mr. Bernstein's approach to the particular subject of trial by jury:

Passions are running so high over racial discrimination that the various proposals to legislate its manifestations out of existence seem likely to become textbook examples of the maxim that great and urgent issues are rarely discussed in terms of the principles they necessarily involve. In this case, the danger is that justifiable abhorrence of racial discrimination will result in legislation by which the morals of the majority are self-righteously imposed upon a minority. That has happened before in the United States—prohibition being the most notorious instance—but whenever it happens, it is likely to be subversive of free institutions.

Instead of a discussion of the merits of the legislation, of which the proposed Interstate Public Accommodations Act outlawing discrimination in business facilities serving the public may be taken as the prototype, we are treated to debate whether it is more or less cynical to pass the law under the commerce power or the 14th amendment, and whether the Supreme Court is more likely to hold it constitutional one way or the other. Heretical though it may sound to the constitutional sages, neither the Constitution nor the Supreme Court qualifies as a first principal. The discussion we ought to hear is of the cost in freedom that must be paid for such legislation, the morality of enforcing morals through law, and the likely consequences for law enforcement of trying to do so.

Few proponents of legislation such as the Interstate Public Accommodations Act seem willing to discuss either the cost in freedom which must accompany it or why this particular departure from freedom of the individual to choose with whom he will deal is justified. Attorney General Kennedy appears to recognize this but to wish to avoid these questions, for, in speaking on behalf of the bill before a congressional committee, he went so far as to state that the law would create no precedent. That of course is nothing less than an admission that he does not care to defend the bill on general principles.

There seems to be a strong disposition on the part of proponents of the legislation simply to ignore the fact that it means a loss in a vital area of personal liberty. That it does is apparent. The legislature would inform a substantial body of the citizenry that in order to continue to carry on the trades in which they are established they must deal with and serve persons with whom they do not wish to associate. In part the willingness to overlook that loss of freedom arises from the feeling that it is irrational to choose associates on the basis of racial characteristics. Behind that judgment, however, lies an unexpressed natural-law view that some personal preferences are rational, that others are irrational, and that a majority may impose upon a minority its scale of preferences. The fact that the coerced scale of preferences is said to be rooted in a moral order does not alter the impact upon freedom. In a society that purports to value freedom as an end in itself, the simple argument from morality to law can be a dangerous non sequitur.

Prof. Mark DeWolf Howe, in supporting the proposed legislation, describes southern opposition to "the Nation's objectives" as an effort "to preserve ugly customs of a stubborn people." So it is. Of the ugliness of racial discrimination there need be no argument (though there may be some presumption in identifying one's own hotly controverted aims with the objective of the Nation). But it is one thing when stubborn people express their racial antipathies in laws which prevent individuals, whether white or Negro, from dealing with those who are willing to deal with them, and quite another to tell them that even as individuals they may not act on their racial preferences in particular areas of life. The principle of such legislation is that if I find your behavior ugly by my standards, moral or esthetic, and if you prove stubborn about adopting my views of the situation, I am justified in having the state coerce you into more righteous paths. That is itself a principle of unsurpassed ugliness.

Freedom is a value of very high priority and the occasions upon which it is sacrificed ought to be kept to a minimum. It is necessary that the police protect a man from assault or theft but it is a long leap from that to protection from the insult implied by the refusal of another individual to associate or deal with him. The latter involves a principle whose logical reach is difficult to limit. If it is permissible to tell a barber or a rooming house owner that he must deal with all who come to him regardless of race or religion, then it is impossible to see why a doctor, lawyer, accountant, or any other professional or business man should have the right to discriminate. Indeed, it would be unfair discrimination to leave anybody engaged in any commercial activity with that right. Nor does it seem fair or rational, given the basic premise, to confine the principle to equal treatment of Negroes as customers. Why should the law not require not merely fair hiring of Negroes in subordinate positions but the choice of partners or associates in a variety of business and professional endeavors without regard to race or creed? Though such a law might presently be unenforcible, there is no distinction in principle between it and what is proposed. It is difficult to see an end to the principle of enforcing fair treatment by private individuals. It certainly need not be confined to racial or commercial matters. The best way to demonstrate the expansiveness of the principle behind the proposed legislation is to examine the arguments which are used to justify it.

Perhaps the most common popular justification of such a law is based on a crude notion of waivers: Insistence that barbers, lunch counter operators, and similar businessmen serve all comers does not infringe their freedom because they "hold themselves out to serve the public." The statement is so obviously a fiction that it scarcely survives articulation. The very reason for the proposed legislation is precisely that some individuals have made it as clear as they can that they do not hold themselves out to serve the public.

A second popular argument, usually heard in connection with laws proposed to be laid under the 14th amendment is that the rationale which required the voiding of laws enforcing segregation also requires the prohibition of racial discrimination by business licensed by a governmental unit because State action is involved. The only legitimate thrust of the State action characterization, however, is to enable courts to see through governmental use of private organizations to enforce an official policy of segregation. There is a fundamental difference between saying that the State cannot turn over its primary election process, which is actually the only election that matters, to the private and all-white Democratic Party and saying that a chiropodist cannot refuse a Negro patient because a State board has examined him and certified his competence. The State action concept must be confined to discerning State enforcement of policy through a nominally private agency or else it becomes possible to discern the hand of the State in every private action.

One of the shabbiest forms of argument is that endorsed by James Reston when he described the contest over the public accommodations bill as one between human rights and property rights. Presumably no one of liberal views has any difficulty deciding the question when so concisely put. One wishes nonetheless that Mr. Reston would explain just who has rights with respect to property other than humans. If A demands to deal with B and B insists that for reasons sufficient to himself he wants nothing to do with A, I suppose even Reston would agree that both are claiming human rights and that this is in no way changed if one of the humans is colored and the other is white. How does the situation change if we stipulate that they are standing on opposite sides of a barber chair and that B owns it?

A number of people seem to draw a distinction between commercial relationships and all others. They feel justified, somehow, in compelling a rooming house owner or the proprietor of a lunch counter to deal with all comers without regard to race but would not legislate acceptance of Negroes into private clubs or homes. The rationale appears to be that one relationship is highly personal and the other is just business. Under any system which allows the individual to determine his own values that distinction is unsound. It is, moreover, patently fallacious as a description of reality. The very bitterness of the resistance to the demand for enforced integration arises because owners of many places of business do in fact care a great deal about whom they serve. The real meaning of the distinction is simply that some people do not think that others ought to care that much about that particular aspect of their freedom.

One of the Kennedy administration's arguments for the bill is that it is necessary to provide legal redress in order to get the demonstrators out of the streets. That cannot be taken seriously as an independent argument. If southern white racists—or northern ones, for that matter—were thronging the streets, demanding complete segregation of commercial facilities, it is to be hoped that no responsible politican would suggest passing a law to enable them to enforce their demands in court. In this connection, it is possible to be somewhat less than enthusiastic about the part played by moral lead-

ers in participating in demonstrations against private persons who discriminate in choice of their patrons. It feeds the danger of the violence which they are the first to deplore. That might nevertheless be tolerable if they were demonstrating against a law that coerced discrimination. They are actually part of a mob coercing and disturbing other private individuals in the exercise of their freedom. Their moral position is about the same as Carrie Nation's when she and her followers invaded saloons.

Though the basic objection is to the law's impact upon individual liberty, it is also appropriate to question the practicality of enforcing a law which runs contrary to the customs, indeed the moral beliefs, of a large portion of the country. Of what value is a law which compels service to Negroes without close surveillance to make sure the service is on the same terms given to whites? It is not difficult to imagine many ways in which barbers, landlords, lunch counter operators, and the like can nominally comply with the law but effectively discourage Negro patrons. Must Federal law enforcement agencies become in effect public utility commissions with the supervision of the Nation's business establishments or will the law become an unenforcible symbol of hypocritical righteousness?

It is sad to have to defend the principle of freedom in this context, but the task ought not to be left to those southern politicians who only a short while ago were defending laws that enforced racial segregation. There seem to be few who favor racial equality who also perceive or are willing to give primacy to the value of freedom in this struggle. A short while back the majority of the Nation's moral and intellectual leaders opposed all the manifestations of McCarthyism and quite correctly assured the Nation that the issue was not whether communism was good or evil but whether men ought to be free to think and talk as they pleased. Those same leaders seem to be running with the other pack this time. Yet the issue is the same. It is not whether racial prejudice or preference is a good thing but whether individual men ought to be free to deal and associate with whom they please for whatever reasons appeal to them. This time "stubborn people" with "ugly customs" are under attack rather than intellectuals and academicians; but that sort of personal comparison surely ought not to make the difference.

The trouble with freedom is that it will be used in ways we abhor. It then takes great self-restraint to avoid sacrificing it, just this once, to another end. One may agree that it is immoral to treat a man according to his race or religion and yet question whether that moral preference deserves elevation to the level of the principle of individual freedom and self-determination. If, every time an intensely felt moral principle is involved, we spend freedom, we will run short of it.

Mr. President, despite the fact that Mr. Bork's frame of reference for his excellent remarks is the public accommodations section of the bill, his logic and reasoning apply as well to any other section of this proposed legislation. In fact, it seems to this Senator that they apply particularly well to the question of the right of trial by jury, which runs through not only one title, but five of the titles, of H.R. 7152.

Mr. President, it seems to this Senator that every one of his colleagues, particularly those who are proponents of this measure, should make a careful study of these remarks by Mr. Bork. His argument that this sort of bill would put this Nation in a position of spending away and wasting its limited supply of freedoms is a compelling one. It reaches beyond the emotion of the moment, and takes a sober look at the consequences and overtones of this proposed legislation, and offers a profound argument against its passage.

Yet, Mr. President, the Senate is faced with an atmosphere of pressure from street demonstrators, mobs, and radical integrationist groups whose activities defey the law, and make objective thinking on this matter doubly difficult. If, by any stretch of the imagination, these professional integrationists and agitators were pressuring for something that the average Negro really wanted, the pandemonium they are creating might make more sense. But the fact is that they are no more representative of the Negroes' desires than the ADA is representative of the desires of most northern whites or than the Ku Klux Klan is representative of the desires of most southern whites.

What a startling contrast we find between persons such as Messrs. Bork and Bernstein and the rabid, professional integrationists who, in the form of mobs, roam our streets.

It is high time, Mr. President, that this administration and this Congress and this Nation take a good hard look at the rabble-rousers, to see what is their true character and what is their true set of values. Only then can we judge the total nature of their actions and of their demands. In brief, what they now want is a government by mob—their mob. It is tragic how very little thought is being devoted to the consequences, the bitterness, and the hatreds which follow in the wake of such mobs.

The Negro columnist Davis Lee described the beginnings of this tragic development more than 4 years ago, in an editorial which I shall read to my colleagues at this time. Remember, Mr. President, that the words I shall now read are those of a Negro—not a white man. It seems to me that if the proponents of this bill were to listen more to the words of people like Mr. Lee, and less to those of the radical, extremist groups, we might not today have a situation in which good, conscientious Senators are in favor of proposed legislation that could destroy many of our fundamental rights.

Mr. Lee has this to say, Mr. President:

Racial prejudice, bigotry, and intolerance is on the increase in this great country of ours. Rape, murder, floggings, denial of elementary rights, and a rising tide of hatred is sweeping our land.

The black man and the white man have squared off at each other. The smiles and the friendly feelings that once existed between the two races have disappeared. The lines of communications, that once was a great help to both groups, have been broken off.

It appears on the surface that our highly developed educational system, and our religious institutions, have all failed in doing the job of disseminating knowledge and the true spirit of brotherhood that they were established to do. There seems to be no educational, religious, moral, or economic force in existence in this Nation to restore the reason, sanity, and balance that both races need so badly at this time.

One begins to wonder just what has happened to our people. No one has more to lose than us, and we have everything to gain by being sensible, intelligent, and reasonable.

Let me state here that I am not an Uncle Tom, and I feel that I am a full-fledged, true-blooded American, who is entitled to enjoy every right, every privilege, and opportunity that is enjoyed by any other American. But I don't believe that we will ever achieve our full potentiality by pressure, agitation, and force. I am opposed to forced integration, and I am opposed to forced segregation. You don't enjoy the friendship, help, counsel, and good will of those that you make mad.

This race issue has gotten out of hand to the extent that our race has been set back from 15 to 25 years, and the only ones who have benefited are the pressure groups and a few unscrupulous politicians. Those of us who have gone abroad with these agitators have become willing tools of the Communists. They have set out to divide us, and then conquer us.

Practically everyone knows how some Negro newspapers and the NAACP have tried, and are still trying, to destroy me because of my views. They have, by pressure, forced many people to shun me, and have caused me to lose thousands of dollars worth of business.

Recently Mr. Constantine Brown, famous columnist for the Washington Evening Star, quoted an editorial of mine. He wrote me that the NAACP hit the ceiling, and that a Negro paper in Baltimore told him to stay clear of me, that I am not the owner of Lee Publications. However, it doesn't matter to me who hits the ceiling, I am going to lay it on the line in this editorial.

The white man has done more for the Negro than the Negro would have done for him had their positions been reversed. The southern white man has done more for the Negro than the Negro was able to do for himself, and there are thousands of southern white people who are still doing for the Negro more than he can do for himself.

When we were first brought to this country we could not speak the English language, but the southern white man through patience and understanding taught us the grand Anglo-Saxon language. When we were first brought to this country we were worshipping the cow, the sun, and the moon—everything was God to us but the true and living God.

The southern white man taught us to believe in the real God, and in Christ, the Saviour of all men, black and white. This one revelation changed us from a savage into the likeness of God with a soul to save.

One we embraced Christianity we became a different people, and through our simple religious concept, thousands became our friends and benefactors. We had God on our side and in our corner. White people began to cultivate us as friends, as trusted and loyal people. The slaveowners had so much faith in us, that when they went off to the War Between the States over us, they left black men behind to care for their wives and children.

They could not have paid us a finer tribute than this. No slaveowner was afraid that we would force our attention upon his wife. We were people of character; we had demonstrated that we could be trusted.

The southern white man, after emancipation, did not inaugurate this system of segregation that we have now. The separate church was started by Richard Allen, founder of the great African Methodist Episcopal Church. In fact, by his doctrine in which he urged Negroes to establish their own churches, schools, and businesses, he may rightfully be regarded as the father of Negro progress in this Nation.

Following his teachings and examples, Negroes everywhere began to establish their own churches. One hundred years ago there were more Negro members at the First Baptist Church in Newnan, Ga., than there were white members, but the Negro members wanted their own church, and they asked their white pastor for letters to join a Negro church.

Right after emancipation Negro and white kids attended the same schools in many southern communities. It was the Negro leaders of that day who felt that our kids would do better in our own schools.

No fairminded person, black or white, will deny that the Negro has made his greatest strides in the South, and the only Negroes who are leaving the South today for other sections of this Nation, are the misfits, the square pegs in round holes. The educated, intelligent Negroes realize that the South offers our race its greatest opportunity, and that our best friends are here.

The Negro enjoys the kind of individual respect in the South that he does not enjoy in any other section of this Nation. There are a very few banks in the South that Negroes do not carry the keys to. In many towns and cities, the leading white businessmen never go into a barbershop operated by whites. They go to the barbershop operated for them by Negroes.

Recently I interviewed a Negro in Lawrenceville, Ga., who graduated from the University of Georgia at Athens, Ga., 40 years ago. No one objected to him attending the university because everyone knew that he was seeking an education, and not forced integration.

Because of the interest that southern white people have in us, the southern Negro owns more businesses, more homes, has finer schools, and controls more wealth than do the Negroes anywhere else in the world.

In our city we have a total population of 42,000. About 9,000 of these are Negroes. We employ more Negroes than any other Negro business. And all of the Negro businesses combined in our city do not employ 100 Negroes. This means that our people are dependent upon the white people for their livelihood and survival. This is true throughout the South, and throughout this Nation.

One begins to feel that the southern Negro has not only been misled, but he is a tool. He has been poisoned against true, tried, and trusted friends and benefactors. He has been made to feel and to believe that white people are his enemies, that they are against his best interest. These pressure groups have sowed well the seeds of suspicion. Their mass appeals have created in our people the kind of bitterness and resentment never seen before in this Nation. They have done such an effective job that many Negroes who knew better won't listen to a Negro leader now unless he carries two guns and curses white people out.

Many Negro preachers are preaching integration and race hate instead of preaching Jesus Christ and true brotherhood. A large number of our teachers are for forced integration even though it may result in them losing their jobs. Yet no sensible person is going to take biscuits off his own table.

Unemployment among Negroes has reached an alarming stage, and is still mounting because of pressure, agitation, and because of the changed attitude of our people.

We can enjoy the dignity of man, and receive all of the courtesies, respect to which we are entitled, if we will just use a little commonsense. Be tactful, diplomatic, courteous and act intelligent. You can still catch more flies with molasses than you can with vinegar.

There is one thing that should keep us on an even keel during this crisis. If you need several hundred dollars, need your home financed, need a car financed, or need any real help, to whom will you have to go to get it?

The Negro who has money, property, and security is not going to help the less fortunate members of his race. Eighty percent of the Negroes in the South are wholly dependent upon the white people for survival, and this is true throughout the Nation. When you are the other fellow's equal then you don't have to go to him for help. So be sure that you don't need him before you start popping off. You don't have to be an "Uncle Tom," be a man, but be a sensible man.

Pressure and agitation are not going to solve our problem.

Mr. President, I ask this question: Where could a more sensible and a more moderate statement be found—anywhere? Here is the very key to the Negro's quest for a better life. His answer is not agitation. His answer is not the destruction of our property rights. His answer is not the watering down of our free enterprise system or the abandonment of our system of trial by jury. These are the very institutions which Negroes have been struggling for the past hundred years to win for themselves and their children. But if in the process the Negro succeeds in bringing about the destruction or the emasculation of these institutions, then, in the final analysis, his efforts will have obtained him nothing. If, in the process of obtaining for himself the equal protection of the laws, he brings about a society whose nature is one of lawlessness and disrespect for the law, then he will be far worse off than he ever has been in the past.

As Mr. Lee pointed out so very convincingly, the Negro's best bet—and, indeed, his only hope—is to work toward a basic status of acceptability. If, by his extremist actions, he makes himself personally unacceptable, then his race as a whole will be shunned and excluded by the white majority.

It is just such an issue as the one before us today—the issue of the fundamental right of jury trial—which could and probably will trigger enough resentment in the white race to outweigh 10 times over whatever small advantage might come to the Negro through a limitation on the right to trial by jury in contempt cases under this bill. Consider what is to be gained—a few more convictions, perhaps, of defendants who are alleged to have "discriminated." Then consider what might be lost—the good will, the friendship, the sympathy, and the empathy of tens of millions of Americans who one day in the near future will wake up and will find that their constitutional rights to trial by jury have been tampered with. The consequences are not likely to be pleasant for the Negro in this country.

This same result will occur in connection with provisions throughout the bill, when people begin to wake up and to realize what title II has done to their rights of private property, what title VII has done to their system of free enterprise, and so forth, through the 11 sundry titles of the bill. As Mr. Lee wrote, the Negro will find himself face to face with an angry, resentful, and perhaps vindictive white population. In such a case he will have lost not merely 10 or 15 years of progress and good will; he will have been set back several generations.

Already we have seen strong evidence of this result in the so-called "white backlash"—this despite the fact that the people have yet to come under the impact of any of the radical proposals of H.R. 7152. Should this bill be enacted in anything similar to its present form, this Nation will really see a backlash; and it is this Senator's prediction that the impact of the giant counter-reaction to forced integration would be felt not only by the Negroes themselves, but most certainly by those proponents whose extremist actions in support of this bill have been the cause of the dilemma.

It is wholly obvious that in the past 4 years since the publication of Mr. Lee's wise words, pressure and agitation have not solved the Negro's problems. The main thing they have done is to undermine and to weaken this Nation's concept of law and order. Columnist David Lawrence studied this question some months ago; and in one of his editorials he came to the conclusion, as does this Senator, that "constitutional guarantees become worthless if the process of law and order is forsaken, and we substitute the pressures of the mob in the precincts of government itself."

He came to this conclusion in the following way; he wrote:

We pride ourselves on being a Nation governed by law. We boast of a society based on order—preserved by the volition of the citizenry or, if necessary, by force of law.

Yet we see minority groups today pretending that they cannot express their will effectively except through marches in the streets or "lie-down" and "sit-in" demonstrations which interfere with motor traffic or the carrying on of private business.

What has become of our famed system of communication for the expression of ideas on controversial questions—through the press, through television, through radio, in meeting halls and auditoriums, and even in the pulpits? Have all these facilities been unavailable to minority groups?

Why have so many clergymen, Negro and white, forsaken the pulpit and the spiritual way of inculcating ideas of justice and morality? One minister, a white man of prominence, who was himself arrested as a participant in a demonstration, told a congressional committee the other day that everything was peaceful until the counter demonstrators arrived on the scene.

But isn't it natural that counter demonstrators should want to express themselves, too?

Church organizations have passed resolutions and individual ministers have preached sermons on civil rights. The Negro has not

been without champions in every walk of life. Why, therefore, have so many Negro ministers become the active leaders and managers of street demonstrations that have resulted in disturbance of the peace, arrests, bloodshed, and death?

Do the Negro ministers—those who on Sundays encourage the members of their congregations to participate in the marches—really feel that people of other races cannot be impressed with the merits of their cause except through so-called "nonviolent demonstrations" which so often lead to violence?

The dangers of the course which certain Negro leaders have adopted must in due time become apparent. If the only way to get attention for any cause is to organize provocation demonstrations, what lesson does this teach to a Nation which believes in a government of "law and order"? Will not other groups of citizens, intent on attaining their objectives, be encouraged to adopt similar tactics?

The coming demonstration on the streets of Washington itself, it is estimated, will consist of at least 100,000 Negroes. Whether the Capitol grounds themselves are invaded is irrelevant. If the President continues to acquiesce in such stunt tactics, the time will come when the mob spirit will replace orderly assembly and discourage reliance on our system of free communication—the media of printed and spoken words.

Why can't the demonstrators gather in big stadiums and listen to an exposition of views by their leaders? Are we approaching the day when in democratic America the slogan "law and order" is to be shunted aside with a dishonest rationalization that to disturb the peace is the only way to secure redress of grievances?

We hear the cry: "But we've waited a hundred years, we can't wait any longer."

Yet what happened in those hundred years? Was there no Congress or Supreme Court in session to proclaim the law of the land in the usual manner? Was anyone prevented from challenging the laws or the court decisions in a formal way through the judicial or legislative processes established by our Constitution? Was there in those decades no discussion in the press and no public debate on the principles involved in the racial controversy? Would the ruling in the 1954 desegregation decision of the Supreme Court have been achieved earlier if Negro demonstrations had been organized and many participants had been arrested for disturbing the peace?

Government is, in fact, a system developed by evolution. We believe in rule by the majority. The minds and hearts of a majority, however, cannot be won by disregarding the fundamental precepts of government itself—that law and order must be preserved while the facilities of debate and lawful communication are made available to all citizens, no matter how unpopular their causes may be.

But constitutional guarantees become worthless if the process of law and order is forsaken and we substitute the pressures of the mob in the precincts of government itself.

Already, because of the pressures and the threats of the mob, we are hard pressed to maintain one of our most basic constitutional guarantees—that of trial by jury for all crimes and in all criminal prosecutions.

So let us refer once again to some of the specific factors involved in the protection of this particular guarantee for all generations to come—both white and Negro.

One of the specifics which ought to be cleared up immediately is the fact that we are discussing the right to jury trial only as it relates to Federal law. Proponents have taken much pleasure and satisfaction in quoting the rules of the various States on this subject. But this is only intended to confuse the matter, for these State rules and regulations have nothing at all to do with the subject of this debate.

The thing with which we are concerned, Mr. President, is the structure of the Federal law under the Federal Constitution. Our concern is with the sort of precedent we set under the provisions of article III and amendment VI of the U.S. Constitution. Reference to State regulations concerning the procedure for trial and punishments involving violations of State law has no real place here, except to help confuse the public.

Mr. President, in spite of the occasional unpredictability of jury verdicts, we are truly fortunate in having a jury trial system which seeks to preserve rule by law, rather than rule by men. No better or safer or more acceptable system has yet been devised to determine the facts of a case. No system of verdicts has been more generally acceptable to the people themselves, for in it the people find security from courtroom tyranny.

Whatever faults the system may have, they have proven to be endurable. The institution is so imbedded in our society and in our concepts of justice that no other system would be endurable. Few persons who really took time to study the matter in all its aspects would even care to predict that our society would remain either peaceable or democratic if the right to trial by jury were taken away from us.

As I have stated previously, I do not believe that the jury system is above reproach or above criticism. One criticism is that juries are drawn from the middle class in our society, and therefore are not truly representative of the lower classes and the upper classes. Another criticism is that jury trials are too time consuming. Another is that sometimes juries will not convict a guilty man, and so forth. The criticisms are many, Mr. President, but, as we all know, the alternatives are few. In fact, there is no really safe or satisfactory alternative to the system of trial by jury.

Blackstone, who must be given much of the credit for influencing the American colonists in their high regard for the jury system, wrote:

But in settling and adjusting a question of fact, when entrusted to any single magistrate, partiality and injustice have an ample field to range in—either by asserting that to be proved which is not so, or by more artfully suppressing some circumstances, stretching and varying others, and distinguishing away the remainder. Here, therefore, a competent member of sensible and upright jurymen, chosen by a lot from among those of the middle rank, will be found to be the best investigators of the truth and the surest guardians of the public justice. For the most powerful individuals in the State will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression will be examined and decided by 12 indifferent, not appointed until the hour of the trial; and that once the fact is ascertained the law must of course redress it.

This, therefore, preserves in the hands of the people that share which they ought to have in the administration of public justice, and prevents the encroachments of the more powerful and wealthy citizens.

Mr. President, let me add that it also prevents encroachments by the Government, as well. But to give away part of our right to trial by a jury of our peers is to give away part of our freedom from tyranny. This becomes particularly dangerous when we note that all through history, tyranny has proven again and again that it is capable of entering through even the smallest crack in the door.

Even now, Mr. President, the Justice Department is asking to be granted tyrannical powers. The real question is whether we in the Congress will be foolish enough and shortsighted enough to open the door to their demands. All we need do, to recognize the danger facing us, is study the position taken in the Barnett case by the Government attorneys, a position unfortunately endorsed by five of the Court's nine members, but strongly criticized by the Court's foremost liberals.

On this subject of the constant efforts being made by the Justice Department to subvert the right of trial by jury, I should like to quote briefly from an excellent editorial written after the case was in the courts, but before the decision had been rendered.

Mr. HILL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I am glad to yield to the Senator from Louisiana, under the usual stipulations.

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

Mr. HILL. The Senator from Louisiana has just quoted from Blackstone. I wonder whether he would also agree that the following quotation from Blackstone might also go along with the one he has just given us:

The trial by jury ever has been, and I think ever will be looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.

It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Is not that interesting? The Senator has made a most absorbing speech in the Senate, tonight. He has brought out many interesting, compelling and challenging facts, but nothing more interesting than the statement made by Mrs. Glorida Richardson when she was arrested, very recently, in Cambridge, Md. What did she say? She did not say, "I am going in now before the judge, as I would be forced to do, were I a defendant under this civil rights legislation."

Instead, she said, in effect: "Oh, no. I do not wish to be treated in the way a defendant would be treated under the civil rights legislation which I am trying to get Congress to pass. No, No. I do not want that kind of treatment. That is not the kind of treatment I want. I want the American citizen's right to a trial by jury, and I demand that right to a trial by jury."

The Senator from Louisiana and the Senator from Alabama will be the last two persons in this country to deny her that right; is not that correct?

Mr. LONG of Louisiana. Yes; the Senator is absolutely correct. I agree with him.

Mr. HILL. We not only want her to have the right to a trial by jury, but we want those who would be accused under this proposed statute to have their right to a trial by jury, as well, just as the Founding Fathers thought they had guaranteed that right, under the Constitution, to every American citizen. Is not that correct?

Mr. LONG of Louisiana. The Senator is 100 percent correct; and I thank him very much for his contribution.

Mr. HILL. Would not the Senator also agree with Lord Camden, one of the great jurists of all time, when he said:

> Trial by jury is the foundation of the British Constitution; take that away and the whole fabric will soon molder into dust.

Mr. LONG of Louisiana. I agree.

Mr. HILL. The Senator is familiar—because I have quoted it before—with Sir Winston Churchill's immortal statement, as a leader of the free world, as recorded in his book "English Speaking Peoples," when he declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

In other words, the question of trial by jury not only goes to the subject of giving the accused a fair, impartial, and just trial, but also goes to the very foundations of our free system of government; is not that correct?

Mr. LONG of Louisiana. The Senator is correct. I thank him very much for interjecting these questions at this point. They certainly support the argument I have been trying to make this evening.

Mr. HILL. Will the Senator yield for one other quotation?

Mr. LONG of Louisiana. I am glad to yield.

Mr. HILL. The Senator knows of the eminent French philosopher De Tocqueville, who came to America and studied our institutions. He was greatly challenged by them, because he wished to know just what the effect of these free institutions would be in America. When he returned to France, he wrote the treatise, "Democracy in America," in which he declared:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. LONG of Louisiana. The Senator from Alabama is absolutely right. The power to punish remains with the people. When that right is taken away from the people, and is given to the government, the government is then in a position to be as tyrannical as it cares to be with the people. As the Senator has indicated in his statement, other constitutions in the world sound as good as ours. If one reads the Russian Constitution and the constitutions of the fundamental law in many Iron Curtain nations and various totalitarian states, they sound as good as ours, on their face—and perhaps better; but under them the power does not reside in the people; therefore, the people of those countries cannot be protected in the way that the people of this country are.

The beautiful words the Senator from Alabama has quoted mean little when one man who is in a position to be arbitrary, or even tyrannical, has the power to brush aside those protections and to punish people for what he imagines to be offenses against his orders.

Mr. HILL. Under H.R. 7152, the so-called civil rights bill, the Government would be this judge; am I not correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HILL. The Government's judge would be the accuser, the prosecutor, the judge; and he would also fix the penalty. It would be his order that he would decree had been violated; and therefore—being a human being and having more or less a personal interest in the matter—he would very likely feel resentment—or something of that kind, because his order had been violated and was not fully and wholeheartedly carried out; is that not correct?

Mr. LONG of Louisiana. The Senator is correct. Undoubtedly, there are many Government attorneys who feel that this would be a very difficult law to enforce. Many people who regard it as being morally wrong would differ with it, or disagree with it, and would regard it as being tyrannical, and would feel that the law would be hated and despised in many quarters. Therefore, feeling that they had a difficult job to do in attempting to enforce this law they would feel that they must find a way to bypass all the traditional constitutional guarantees that have stood the Nation in good stead since it became an independent nation—188 years ago.

Mr. HILL. Every tyrant has always sought to justify the means by the end. Of course, he has considered the end to be great and purposeful; and therefore, he has decided to use tyrannical means to attain that end; is not that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HILL. As Madam Roland said, "Oh, liberty. How many crimes are committed in thy name." That tells this story, does it not?

Mr. LONG of Louisiana. The Senator is entirely correct; and I thank him.

Mr. President, I should like to quote now from the editorial comment, as follows:

> The American people might well have been shocked by the position which the Department of Justice took in the criminal attempt case against Mississippi's Governor Barnett. Evidently they were not shocked. But this at best is a tribute to the inuring effect of an age in which shock is relentlessly piled on top of shock.
>
> The essential question is whether the Governor is entitled to a jury trial for violating a Federal court order opening the University of Mississippi to James Meredith, or whether he can be summarily tried by the judges. In a summary trial there is no indictment and no jury.
>
> Solicitor General Cox, representing the Government in the Supreme Court earlier this month, argued against a jury trial. The thrust of his argument was that juries, at least southern juries, cannot be trusted in racial cases, and that therefore they should be dispensed with. Contempt trials without juries, he contended, "are indispensable to upholding the rule of law" and to the safeguarding of minority rights.

I pause for a moment, to interject this question. What would the attitude of the Attorney General have been if, instead of that situation, in which the Attorney General prosecuted Governor Barnett in the Federal court, the State of Mississippi had prosecuted Robert Kennedy in a State court? How would Robert Kennedy have looked on the right of trial by jury in the State court, if someone had suggested that a tyrannical judge, appointed for life, should have had the right to try him and incarcerate him without the right of a trial by jury?

I suspect that the Attorney General of the United States would have been very much upset by the prospect of being treated unfairly and unjustly by a biased and prejudiced local official, whether a judge or any other official of the State of Mississippi, who might have presumed to pass on the question of the freedom of the Attorney General.

When the shoe is on the other foot, and when one views the possibility of having the same methods used against him, then one tends to look at the situation from an entirely different point of view.

I continue to read from the editorial:

> This is a fallacious argument. Criminal contempt prosecutions are not designed to obtain compliance with a valid court order. That can be done in a civil contempt proceeding by putting a man in jail and keeping him there until he obeys the order. No one disputes this. The significant point is that he can obtain his freedom simply by obeying the order.
>
> Criminal contempt is a different kettle of fish. Its purpose is to punish a man for past disobedience, much as he might be punished for committing any other crime. The difference is that in the latter situation no one would suggest that he should be denied a jury trial—even though a Mississippi jury in a racial issue might refuse to convict him.
>
> On March 31, 1958, the Supreme Court in a 5-to-4 ruling upheld the summary trial and conviction of two Communists for criminal contempt. Justice Black was joined by the Chief Justice and by Justice Douglas in

a powerful dissent. (Justice Brennan dissented in a separate opinion.) After pointing out the difference between civil contempt, designed to obtain compliance, and criminal contempt, designed to punish, Justice Black observed:

"Summary trial of criminal contempt, as now practiced, allows a single functionary of the state, a judge, to lay down the law, to prosecute those whom he believes have violated his command (as interpreted by him), to sit in 'judgment' on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the state. No official regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution."

To the argument that courts surely have this summary power because they have always been thought to have it, Justice Black retorted: "There is no valid reason why they [the courts] should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth."

But back to Governor Barnett. Once again this issue of the right to a jury trial is before the High Court and the public should not be unaware or indifferent.

For our part, we would like to suggest two things. If the Department of Justice is right in its contention that juries are not to be trusted in criminal contempt cases in Mississippi, it follows as a matter of law that they are not to be trusted in any other State. Second, it is wrong to think that minority rights are served by denying jury trials in summary proceedings. The real effect is to threaten, if not to subvert, the rights of all of us.

It seems to this Senator that too many officials in high places of responsibility are far more concerned with expediency than with constitutionality. They are more dedicated to swift justice than they are to the preservation of our tried and true legal institutions. They are interested in an expedient, a system of law enforcement which for the most part is taken out of the hands of the people.

Mr. President, such an expedient would be a poor substitute for the tried and tested traditional system of jurisprudence in this country, under which our Constitution guarantees a man who is accused of a crime the right to a trial by jury. Such an expedient would be a poor and a dangerous substitute for the trust and confidence which any democratic government should place in its people. Furthermore, by logical extension, if it were adopted at any point in this field, there is no reason why it should not be adopted in the whole field of criminal law. In fact, there is very serious danger that if we were to adopt this expedient in any area, we might find it impossible to stop until it had been extended to virtually all crimes in the book. If there could be a Federal court injunction against the commission of the crime of illegally interfering with the right of a citizen to vote, there could also be, with equal propriety, a Federal court injunction against the commission of murder within a particular district; or there could be a Federal court injunction against armed robbery, or against rape, or against reckless driving.

Or why not pass a law which would allow for a general injunction against income tax evasion, and would provide that any defendant could be tried and sentenced by a judge without a jury? This is the sort of thing that government by injunction would mean. It has always seemed to this Senator that any form of government by injunction is bad. Federal Government by injunction, usurping State jurisdiction, is particularly bad, because any infringement of the basic principle of States rights, as embodied in our traditional form of government, and as expressed in the 10th amendment to the Constitution, is a step toward totalitarianism, toward the establishment of a central, monolithic state and the withering away of the Federal principle embodied in the Constitution of the United States.

It is too bad that the ardent advocates of this great revolutionary measure choose to attempt to impose upon an unsuspecting public the right of the use of injunctions by which citizens of the Nation could virtually be shorn of the great protections otherwise thrown around them by our Constitution. There is a basic preference, among people in a democratic society, to control their own affairs as much as possible. In the field of criminal prosecutions, as Ronald L. Goldfarb suggests in his book "The Contempt Power"—

Such a preference is, to a great degree, based upon a faith in the unprovable value of procedural due process. One can only guess whether convictions would decrease or sentences be less severe, when the decision-making process was circumscribed by our constitutional safeguards of criminal procedure. However, a comparison with experiences in totalitarian states makes such a guess an educated and a pointed one. Moreover, a spreading of responsibility into more popular channels is consistent with the ideal of a government which is as much of and by the people as for them. The cliche which enjoins that justice must include the appearance of justice is more than the hollow hypocrisy it may resemble.

In fact, in many circumstances the appearance of justice, combined with a reasonable amount of the commodity itself, may be even more vital than the actual dispensation of total justice, handed out in an obnoxious manner. In other words, the people have a basic need to participate in their own system of justice. If they are denied this privilege, they have good cause to feel that the "justice" to which they are subject is foreign in nature, and therefore not really acceptable. This is what Mr. Goldfarb means when he says democratic government must be not only for the people; it must also be of and by the people, if it is to remain workable as a democratic institution.

But this bill proposes a system in which—in theory, at least—government would still be for the people, but would become less and less "of and by" the people. Of course, this is not what our public wants. This is becoming more and more evident every day in the developments of the national trend on the question of the forced integration bill now before us. If the people even remotely understood the consequences and the overtones of the bill concerning the power of injunction and the contempt power, the trend of opposition would certainly be spurred on to even greater heights.

Mr. President, I am not suggesting that the contempt power be done away with. Within its proper bounds, it is a useful—and perhaps a necessary—instrument of justice. But in criminal prosecutions, the constitutional provisions of article III and amendment VI demand that it be buttressed by a jury.

Whatever the need for the contempt power, it must be channeled into the constitutional standards by which all of us are bound.

Mr. President, I state quite frankly that if this bill or any other measure that we could consider would give or would better secure to the American people any civil right they do not already possess, while not destroying any that now exist, I would support it wholeheartedly and without reservation. But, unfortunately, that is not the case with the proposals we find in this bill.

Mr. President, I submit that if the sponsors of this proposed legislation really sought an effective means to protect and preserve civil rights, they would—rather—be urging the enactment of the Smathers and Talmadge amendments now before us, to guarantee a jury trial to all persons accused of contempt of court for alleged acts committed outside the presence of the court.

Even when we consider the lofty motives which its sponsors say move them to urge the enactment of H.R. 7152, it cannot be shown that it would do one thing to better guarantee the fundamental rights of the American people. To the contrary, it is totally negative, and it fails to offer any concrete program of tangible benefit designed to solve our problems.

One must look beyond the facade of idealism, to see the ultimate potential of the powers contained in this bill.

To illustrate, I suggest a comparison between the noble language which created the infamous Spanish Inquisition and the sordid history of its methods of actual operation. I suggest a similar comparison with respect to Hitler's gestapo and Stalin's secret police. Just as those tyrannical organizations ignored the basic human rights of the German people and the Russian people, so does this bill ignore the basic procedural rights and the basic substantive freedoms of the American people. To compound the injury, it also ignores the basic constitutional principle of the preservation of States rights, the preservation of the

power of a State over matters such as public order within its own borders. That is another of the major evils of the proposed legislation.

To overthrow the rights of the States, in any area, is a step—and a long step, Mr. President—toward complete federalization, toward statism, toward totalitarianism.

Mr. President, in America there are some people who do not really care what means they employ to gain their particular objective in the enactment of this proposed legislation. But there are in America today those who do care—who still care—about the basic, fundamental, constitutional rights guaranteed to us by our Founding Fathers.

It is for these people that I and my colleagues wage our continuing battle, so that in the final analysis this Nation may rededicate itself to the broad, constitutional guarantee of trial by jury.

Mr. President, it seems to this Senator that, under the enforcement provisions of the so-called "compromise," we would witness a shocking result, in which the burden of proof would necessarily fall on the accused. We would see a reversal of the age-old maxim that man is presumed innocent until proven guilty. At the accuser's complaint of "suspected" discrimination, a politically appointed Attorney General would "in his judgment" determine whether there was a cause of action; and he then would be empowered to initiate action against the accused if he so decided. At no stage of the inquisition would the accused be allowed the right to have the charges brought against him determined by a jury of his peers. I contend that to substitute any such rules of procedure for the established maxims and precepts of law necessary to a democratic government and system of justice—and fundamental to all free people—would be nothing short of a return to the English courts of star chamber proceedings. To do so would be not only to turn back the hands of justice many centuries, but to completely stop them for many centuries and generations to come.

The transposition of the burden of proof from plaintiff to defendant is not mere idle speculation on the part of this Senator. This result has already been achieved in at least one decision rendered by the Supreme Court. Mr. Ronald Goldfarb in his book, "The Contempt Power," explains the matter as follows:

In a recent case, the Supreme Court dealt with this problem. In the McPhaul case, the Court was called upon to review a conviction for contempt of a congressional committee. The defendant's claim was that there was insufficient proof that subpenaed records of the Civil Rights Congress (an organization alleged to be subversive) were: relevant to the committee's inquiry; in existence; or in his possession and control. The trial court refused to instruct the jury that they must find these three facts to be proved beyond a reasonable doubt. Instead, the court instructed the jury to ignore these facts "because if the defendant had legitimate reason for failing to produce the said records he should have stated the reason for noncompliance with the subpena." In other words, the Court gave defendant the responsibility of coming forward with exculpatory evidence. On certiorari, the majority of the Supreme Court, following certain past decisions, upheld the contempt conviction. Relying on analogous precedent that records kept in a representative rather than a personal capacity are not subject to the personal privilege of the self-incrimination clause, as well as the primacy of the House of Representatives' committee work, Justice Whittaker, for the majority, agreed that the defendant should have, in effect, proved part of the Government's case against himself by cooperating in the gathering of evidence for his own future conviction. The Chief Justice and Justices Black, Douglas, and Brennan dissented on the ground that the majority's decision "marks such a departure from the accepted procedure designed to protect accused people from public passion and overbearing officials." The presumption of innocence is shifted by giving defendants the burden of proof on the issue of the willfulness of his refusal.

This point was recognized in an earlier Federal case. Dealing with exactly similar facts, the Court there overruled a contempt conviction, pointing out: "The defendant can here legally be jailed only for a contempt in failing to produce the sought-after books when they are fairly shown to be presently within his power and controls. He cannot legally be jailed for contempt for invoking his constitutionally protected privilege not to be a witness against himself." Admonishing that this case was a step backward, the minority in the McPhaul case warned: "when it comes to criminal prosecutions, the Government must turn square corners. If Congress desires to have the judiciary adjudge a man guilty for failure to produce documents, the prosecution should be required to prove that the man * * * had the power to produce them."

The case, though turning on what appears to be a narrow question of statutory interpretation, really underscores the very basic implication of the contempt power—that is, the constant tug between governmental power and individual freedom, a philosophical and political problem recurring again and again in the garb of legal decisions about the contempt power.

The case above deviates from past Federal court treatment of this problem. As far back as 1894 one Federal judge wrote: "Accusations for contempt must be supported by evidence sufficient to convince the mind of the trior, beyond a reasonable doubt, of the actual guilt of the accused, and every element of the offense."

Mr. President, under the order previously entered, and after consulting with the acting majority leader, I yield the floor.

RECESS UNTIL TOMORROW, AT NOON

Mr. INOUYE. Mr. President, under the previous order of the Senate, I now move that the Senate stand in recess, until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 8 o'clock and 3 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, May 19, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 18 (legislative day of March 30), 1964:

TO BE COMPTROLLER OF CUSTOMS

Stanley E. Rutkowski, of New Jersey, to be Comptroller of Customs at Philadelphia, Pa.

EXTENSIONS OF REMARKS

Tribute to the National District Attorneys' Association and Garrett H. Byrne

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. BURKE. Mr. Speaker, it gives me a great deal of pleasure to have the opportunity at this time to pay tribute to the National District Attorneys' Association and to Garrett H. Byrne, recently elected president of the association. The work of this association and of this group of dedicated and able public servants is something that should give us all a great deal of pleasure, for it is such men as these who are doing perhaps more than any others to give life and meaning to the great ideals by which we live in this country.

The motto of the district attorneys' association says it well: "Organized Law Enforcement Versus Organized Crime." I think it is very important for us, in this time of increased technology and complexity in everyday life, to realize that it is not enough to simply declare our belief in the great ideals of democracy, equal justice under law, opportunity for all, and the rule of law; such ideals are only as good as they work out in practice. And, to very great extent, the way they do work out depends on those who enforce our laws. An ideal or a particular law may be wise, salutary, and even noble, but it may be something else again when it is applied. The law enforcement officials of our country have the difficult and important responsibility of applying the laws that we have enacted, and they have done an extraordinary job of it. One of the reasons the record has been so good is just such organizations as the National District Attorneys' Association.

This association, made up of over 1,700 law enforcement officials in every State, was formed in 1950 in New Orleans to provide a means for coordinating the

activities of prosecuting attorneys all over the Nation, for exchanging vital information in the fight against crime and corruption, for the fostering of uniform laws on important aspects of civil and criminal law, and for bringing together, in close personal contact, various law enforcement officials around the country. I think it would not be unfair to say that, prior to the formation of the district attorneys' association, there was not very much cooperation between the various district and county attorneys; they simply did not know each other very well, or at all, not even in the larger jurisdictions. They were frequently unaware of the particular problems in other areas, and of the methods used elsewhere to combat problems they themselves might be facing. What a waste of effort and lost opportunities in the fight against crime.

But a great deal has changed since the formation of the district attorneys' association: 16 county and proscuting attorneys from 12 States attended the organization meeting in New Orleans in November 1950. There are over 1,700 members now from every State in the Union and membership is growing constantly as its activities expand. In the years since the founding in 1950 we have seen constantly increasing efforts to effect genuine cooperation and coordination among the prosecuting attorneys across the Nation; uniform laws, such as the Uniform Support of Dependents Statute and the Uniform Rendition of Witnesses Act, have been sponsored successfully by the association; old-fashioned barriers that used to separate prosecutors have been broken down in the meetings and conferences sponsored by the association. How valuable these personal meetings have been. Through the association, prosecutors are personally acquainted with their counterparts in sometimes distant counties and cities, and take advantage of this friendship to consult with these others in the solution of their daily problems. The beneficial results in the fight against crime and corruption are incalculable.

It is heartening to realize that the association has proven so beneficial that its meetings have been expanded to include midyear conferences as well as the annual meetings, and that the bulk of the discussions and reports at these meetings comes from the members themselves, and not outside speakers, as once was the case. Monthly publications now flow from the association and it cooperates actively with other professional groups, such as the American Bar Association and outstanding law reviews, in the furtherance of the general goal of law enforcement. It is also heartening to note the interest taken by the Department of Justice in this group from the very start. The Attorney General attended the first annual meeting of the association in 1951 and the Federal Bureau of Investigation regularly sends representatives to its meetings.

I also wish to pay particular tribute to Mr. Garrett H. Byrne, the distinguished district attorney for the county of Suffolk in Massachusetts.

Mr. Byrne was born November 27, 1897, in Boston, Mass., is married and has one son, Garrett M., who is a practicing attorney in Washington, D.C.

His career as a member of a prosecuting agency started in 1933 when he was appointed an assistant district attorney by the late William J. Foley. After many years of experience as first assistant district attorney under Mr. Foley, he was appointed district attorney in 1952 by the late Governor of the Commonwealth, Paul A. Dever. Garrett Byrne was elected district attorney for his first 4-year term in 1954, reelected in 1958, and again in 1962 without opposition. The most outstanding case handled by his office, which includes Suffolk County, the city of Boston, the city of Chelsea, the city of Revere and the town of Winthrop, was the prosecution involved in the Brink's robbery.

Mr. Byrne was elected president of the National District Attorneys' Association in 1963, after achieving a laudable record as the association's executive vice president for 1962. It indeed speaks well of the association that it has chosen such an able, dedicated, and experienced man as Mr. Byrne to guide it during this year, because it is due to just such men as he that the association owes its splendid record and its future hopes.

It has been my privilege to count Garrett Byrne as a close personal friend for many years. I have thus been able to personally observe his primary devotion and dedication to his wonderful family, the extension of his deep understanding and wise counsel whenever friends have called upon him, his heartfelt sympathy and compassion to all he has encountered in the full discharge of his duties and his unswerving compliance with the highest standards of his most challenging office. The development and application of these attributes in the daily pursuits of his private and professional life have indelibly marked Garrett Byrne as one of the most esteemed and efficient district attorneys in the history of the great Commonwealth of Massachusetts.

The 35th Anniversary of the Jewish Ledger

EXTENSION OF REMARKS

OF

HON. ABNER W. SIBAL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. SIBAL. Mr. Speaker, this year marks the 35th anniversary of the Jewish Ledger, the remarkable newspaper which serves the Jewish community in the State of Connecticut.

The paper is remarkable for a number of reasons, but most particularly because of its editor, Rabbi Abraham J. Feldman of West Hartford. Rabbi Feldman has been the Ledger's editor and guiding light since it was founded. Regular readers find in its columns stimulating articles, thoughtful comments, and a flow of varied reports on the contributions individuals and the Jewish community in general are making to the growth, prosperity, and cultural improvement of Connecticut.

I am proud to bring the Ledger's achievements to the notice of the Congress and to salute this newspaper and its outstanding editor on this happy occasion.

A Tribute to the Science Fair

EXTENSION OF REMARKS

OF

HON. WALTER ROGERS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. ROGERS of Texas. Mr. Speaker, it was my great pleasure recently to visit here in the Capitol with two young ladies from Pampa High School in Pampa, Tex., who had been chosen to represent our Texas Panhandle region at the National Science Fair held May 6–9 in Baltimore.

No one could help but be impressed by the scholarly attainments of these young ladies, by the obvious high quality of instruction in science which had enabled them to attain such distinction, and by their enthusiastic interest in pursuing future careers in science.

The two girls are Miss Cynthia Ann Plaster, 17-year-old daughter of Mr. and Mrs. John N. Plaster, and Miss Avril Doucette, 16-year-old daughter of Mr. and Mrs. A. P. Doucette, of Pampa. It was a special treat for me to be able to visit with these young ladies because they are both from my hometown.

Cynthia Ann and Avril won trips to the National Science Fair by having been named winners in the seventh Texas Panhandle Science Fair held earlier this year in Amarillo. For Cynthia Ann, this year's trip to Baltimore was her second in 2 years to the National Science Fair, she having again won one of the two top places in the regional fair. Avril's trip to the national event was her first, and she was honored by being awarded a fourth prize in the botanical sciences section.

On their brief trip to Washington, the two girls were accompanied by Mr. C. C. Dugger of the faculty of Amarillo College, which conducts the regional science fair in Amarillo; by Mr. Wendell Watson, a teacher at Pampa High School; and by Air Force Sgt. Leo Warden, a photographer now assigned to duty in Washington and formerly assigned to Amarillo Air Force Base. Sergeant Warden, a most thoughtful young man, had met the Panhandle group in Baltimore and made arrangements for them to visit Washington during a lull in proceedings at the Science Fair. Thanks to his interest, I was able to meet the group.

Because of meetings in Baltimore, Mrs. Elaine Ledbetter, of Skellytown, Tex., also a teacher at Pampa High School, was not able to come with the others to Washington. She is nationally recognized for her energetic work as a member of the Science Fair Council, the 21-member panel which has given direction to the development of science fair activity in the United States.

The complexity of the projects submitted by high school students who compete in the science fairs would do credit to students on a much higher scholastic level. Only a person himself skilled in scientific matters would be capable of understanding and evaluating the worth of many of the ambitious projects undertaken by the high school sophomores, juniors, and seniors who participate in science fairs. For example, Avril Doucette's project was titled, "Texas Panhandle Soil Algae as Antibiotics." Cynthia Ann Plaster called her project, "Inhibition by Antihistamines and Analgesics of E. Coli."

The science fairs in this country are coordinated by Science Service, a nonprofit institution for the popularization of science, which has a most important objective the furtherance of scientific interest among the Nation's young people. At the first National Science Fair in 1950, 30 young people participated from 13 areas. At Baltimore this month, 420 high school students from 222 areas took part—including the winners from national fairs held in Japan and Sweden.

Mr. Joseph H. Kraus of Washington, coordinator for Science Service of the National Science Fairs since they were first begun, said that one followup study made of science fair finalists indicated that more than 90 percent continued their educations at the university level and that more than half had gone on to obtain doctorates in science. A new study is being made.

Having been able to observe personally the great worth of the science fair program, I wish to congratulate all of those who have had a part in this most worthwhile activity—the Science Service, the sponsors of the regional and national science fairs, the schoolteachers who have taken such an important direct interest in the program, and the high school students themselves.

Report to the People of the 12th Congressional District of New York

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mrs. KELLY. Mr. Speaker, periodically, during each session of Congress, I report to the people of my district on the progress of legislation in the U.S. House of Representatives, and on the way in which I have discharged my duties as their Representative in Congress. This is my report on the current status of the 2d session of the 88th Congress.

THE YEAR OF CHANGE: 1964

The year 1964—and the second session of the 88th Congress—opened under the dark cloud of tragedy which scarcely a month earlier had befallen our Nation. The brutal murder of President Kennedy, that monstrous deed, had shaken the entire civilized world to its roots. In a flash, the assassin's bullet tore away from us the life which had such great promise, the hand which rested so steadily at the helm of our Nation, the heart filled with hopes of peace and seasoned with the trial of power and responsibility. Each one of us I know recoils with pain at the very remembrance of that tragic day.

It is a great tribute to the enduring qualities of our Nation, and the resiliency of our form of government, that the transition of power was accomplished so smoothly and effectively. President Johnson, a man of vast experience in government, pledged himself to carry out President Kennedy's program. The Congress, deadlocked for months on various appropriations bills, responded vigorously. Continuity of our Government's policies was thereby assured. National and world affairs moved on.

MY WORK AT THE UNITED NATIONS

I returned in January from New York, where I was serving as U.S. Delegate to the United Nations General Assembly under President Kennedy's appointment. The work at the United Nations was demanding, the pace frequently burdensome. I was delighted to learn, therefore, when I returned to Washington, that my efforts contributed something to the implementation of our Nation's foreign policy, to our quest for peace and security in the world. Because I think that you will be interested in them, I would like to share with you the letters which I received from Secretary of State Dean Rusk and Ambassador Adlai E. Stevenson, U.S. delegate to the United Nations.

THE SECRETARY OF STATE,
Washington, D.C., February 2, 1964.

DEAR MRS. KELLY: May I express my deep appreciation for your contribution to the work of the U.S. delegation during the 18th session of the United Nations General Assembly. It was reassuring that our delegation could at all times turn to you for a forthright and authoritative presentation of the congressional point of view. You gave unstintingly of your time and energy, and I congratulate you on the effective manner in which you helped the delegation advance the interests of the United States. I hope that you also found your experience a rewarding one.

We appreciated your constructive participation in the Sixth Committee of the General Assembly, especially on the complex subject of principles of international law concerning friendly relations and cooperation among States in accordance with the United Nations Charter. Your work was also most valuable in connection with the expanded program of technical assistance and special fund pledging conference, the effects of atomic radiation, and the United Nations Relief and Works Agency for Palestine Refugees pledging session.

With best regards.

Sincerely,

DEAN RUSK.

The part of Ambassador Adlai Stevenson's letter which dealt with my work at the United Nations reads:

I hope you won't become a stranger to the mission now that you have returned to your familiar haunts along the Potomac. You made a real contribution during your autumn tenure with us and, selfishly, we anticipate tapping you for advice and counsel in the future.

I am very proud of these letters. For it is a singular honor to represent our Nation in the United Nations and I will always remember my appointment as a milestone in my career of public service.

RETURNED TO WASHINGTON TO VOTE ON ALL MAJOR BILLS

In spite of the fact that the pace at the United Nations was vigorous and the workday long, I returned to Washington on every possible occasion to vote on bills important to our district and the Nation, even though I was excused from this responsibility. I daily kept in touch with my office, and discharged and directed the responsibilities of my office and the problems of my constituents. Some of the bills for which I returned to the House of Representatives and cast my vote in favor of were the following, which are now law:

H.R. 8363, Revenue Act of 1963;

H. Res. 541, Civil Rights Commission extension;

H.R. 7179, Defense Department appropriations, conference report;

H.R. 6143, Higher Education Facilities Act, conference report;

H.R. 8969, public debt limit increase; and

H.R. 9499, foreign aid appropriations.

There were some bills, which are now laws, for which I was paired. I could not return to Washington for these, because I was giving the speech for the United States on that day. These speeches were the following:

October 15: Statement on behalf of the United States pledging assistance to the expanded program of technical assistance and to the Special Fund of the United Nations;

October 18: Statement on behalf of the United States in the Legal (Sixth) Committee on the question of Extended Participation in General Multilateral Treaties concluded under the auspices of the League of Nations. My constituents should know that I was the only nonlawyer appointed to the Sixth Committee, which is the International Law Committee of the United Nations.

October 31: Statement on behalf of the United States in the Special Political Committee on the Effects of Atomic Radiation;

November 19: Statement on behalf of the United States in the Legal Committee on the Peaceful Settlement of Disputes. This is a most historic document

and one which will be used for years to come. It was a 2-hour speech.

December 3: Statement on behalf of the United States in the Sixth Committee on Consideration of Principles of International Law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations.

December 7: Statement on behalf of the United States, again in the Legal Committee, on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law.

December 9: Statement on behalf of the United States on contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Anyone who is interested may obtain copies of these speeches by writing to the Department of State, which has published them in the State Department Bulletin.

PROGRESS OF THE 2D SESSION OF THE 88TH CONGRESS

The major bills considered and acted upon to date include:

The $11½ billion tax cut, approved by both Houses of Congress and signed into law by the President.

The $115 million Peace Corps authorization. This bill was handled by my committee and I received the following letter from the Director of the Peace Corps, Mr. Sargent Shriver:

PEACE CORPS,
Washington, D.C., March 9, 1964.

Hon. EDNA F. KELLY,
House of Representatives,
Washington, D.C.

DEAR MRS. KELLY: Many thanks for all your support. I especially appreciate your excellent presentation during debate on the Peace Corps authorization Wednesday afternoon.

I'm grateful.

Sincerely,

SARGENT SHRIVER,
Director.

National Security Agency Act amendments, to assist the Secretary of Defense in discharging his duties by strengthening the security provisions of the original law.

The $16.9 billion authorization for procurement and construction of planes, missiles, ships, and for research, development, tests, and evaluation in fiscal 1965.

The $71.8 million authorization for strengthening the U.S. Coast Guard.

Increased U.S. participation in the Inter-American Development Bank.

Increased U.S. contributions to operations of the South Pacific Commission, whose jurisdiction includes American Samoa, Guam, and trust territories.

Broadened the Small Business Administration's disaster loan authority.

Extended the Federal Airport Act for 3 years.

Renamed the National Cultural Center as the John Fitzgerald Kennedy Center for the Performing Arts.

Authorized the General Services Administration to provide funds and facilities for the orderly transition of Executive power between election and inauguration of a new President.

Established a commission to recommend procedures for settlement of the political status of Puerto Rico.

Suspended the equal time requirement of the Federal Communications Act to nominees for President and Vice President in 1964.

Extended Federal Assistance to urban areas under the Library Services Act.

Replenished the President's disaster relief fund.

Extended assistance to veterans in the form of educational assistance to children of veterans with total and permanent service-connected disability and allowed conversion or exchange of national life insurance policies to new plans.

Continued present cotton price-support and subsidy for exporters.

Authorized a new wheat marketing certificate program.

Approved the American-Mexican Chamizal Convention Act of 1964.

Some of the most important bills have been passed by the House of Representatives and are awaiting action in the Senate. These House-passed bills are:

The Civil Rights Act of 1963, which I supported, and as a result of which I received the following letter from Mr. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People:

APRIL 7, 1964.

Hon. EDNA F. KELLY,
House Office Building,
Washington, D.C.

DEAR MRS. KELLY: On March 30 the Senate began formal consideration of H.R. 7152, the civil rights bill passed by the House February 10, 1964, by a vote of 290 to 130.

The National Association for the Advancement of Colored People thanks you for your aid and for your vote in passing the most comprehensive civil rights bill in our history in a forthright effort to meet the greatest human rights crisis to face our Nation since the Civil War. We are advising our members in your district of your valued support for human rights.

We have also advised them and the general public that Congressmen of both parties who voted for the civil rights bill consistently in the Committee of the Whole where amendments were considered, as well as on final passage, deserve the support of voters at the polls next November.

We are working hard to persuade the Senate to follow your example and to enact H.R. 7152 substantially as it came from the House.

Very sincerely yours,

ROY WILKINS,
Executive Secretary.

The $46.7 billion defense appropriation bill.

A $15.6 million authorization for civil defense fallout shelters.

A $5.2 billion authorization for the National Aeronautics and Space Administration.

A $1.59 billion authorization for construction projects at Armed Forces bases.

Davis-Bacon Act amendments.

Revised the rules and limited the use of Government funds allowed Members of Congress for travel abroad.

Authorized a 5-year, $500,000 program of grants for collection, reproduction and publication of original documents significant to U.S. history.

Approved appropriations for the Departments of Labor and Health, Education, and Welfare and a portion of the funds will be used to implement the many education bills approved by the 1st session of the 88th Congress.

Authorized a 5-year, $5-million-a-year program of aid to the States for nursing home facilities in State veterans' homes.

Extended disability income provisions of national service life insurance policies.

Broadened and made permanent the food stamp program.

Extended the Renegotiation Act for 2 years.

Though Congress, and particularly the House of Representatives, can be proud of its record of accomplishment thus far in this session, many major bills are still awaiting action. These include:

The President's war on poverty program, on which hearings are currently being held in the House Committee on Education and Labor; Federal pay raise legislation, on which a new bill has been reported by the House Committee on Post Office and Civil Service; medical care for the aged; National Service Corps; area redevelopment; youth employment; foreign aid, and housing.

I will report to you on the status of these bills in my annual report at the close of this session of Congress.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of May 16, 1964:

WASHINGTON REPORT, MAY 16, 1964

(By Congressman BRUCE ALGER, Fifth District, Texas)

HOW DO WE EXPLAIN TO THOSE LEFT BEHIND?

How can we answer the mothers, wives and children of those who are dying in South Vietnam when they ask, Why? The shocking facts which are only now being brought to light are finally arousing the American people to what a lack of firm and decisive policy by the administration is costing. I have received a letter from a mother in Dallas, pleading for help so that her son will have at least a fighting chance to survive. What can I tell her when we learn that our boys have been sent to fight a war that is not a war, under a plan that is not designed to win, and in outworn and inferior equipment?

The mess in South Vietnam was described this week by Jim Lucas, Scripps Howard reporter who is covering the story first hand. Following the Lucas story of how Capt. Jerry Shank and Capt. Robert Brumett were killed in old and decrepit planes, Congressman STEVEN B. DEROUNIAN, of New York, told the

House, "This is murder, Mr. McNamara." Congressman DEROUNIAN said:

"According to Jim Lucas, the Communist Vietcong did not kill either Jerry Shank or Bob Brumett, but our own obsolete American planes did and this is what he said:

"On April 9, Capt. Robert Brumett, 36, put his craft into a dive and it didn't come out. His buddies, flying nearby saw the wings fall off and watched in horror as the plane plowed into the paddies.

"And again: 'On March 24, Jerry Shank put his ship into a dive between Soc Trang and Back Lieu and its wing separated from the fuselage.'

"Secretary McNamara is making another one of his trips to Vietnam, which will be followed by more press conferences, but he will not report the facts about the outmoded planes he sends our men over there. So far he has done nothing to improve the deplorable situation in Vietnam. I call upon him and upon our President to give our fighting men a fighting chance."

Congressman DEROUNIAN was joined by me, ED FOREMAN, and others who urged Congress to demand of the President an answer to why we sent American men into war with inadequate equipment. We believe we should either fight the war to win or get out.

BARRY GOLDWATER, in his New York City address and again on his nationwide television report, reminded the American people of the Republican position that peace can be secured through strength. There would be no American boys dying in Vietnam if we had a clear, unmistakable foreign policy such as set forth in the Republican Declaration of Principles of 1962:

"In foreign policy, the overriding national goal must be victory over communism, through the establishment of a world in which men can live in freedom, security, and national independence."

MORE TRUTH THAN HUMOR

Don MacLean, a Washington columnist: "Maybe I can sort out the South Vietnam situation for you. It's simple; we've gone from Ngo Dinh Nhu to 'No Khan Du'."

PRAYER AMENDMENT CONFUSION

The first amendment to the Constitution reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Supreme Court, in its hotly contested decision, nullified the second part of that amendment by, in effect, prohibiting the free exercise of religion. It is to clarify the intent of the first amendment that Congressman BECKER of New York, joined by me and other Members who believe that our national life is founded upon a firm belief in God, introduced what has become known as the Becker amendment.

The Becker amendment simply proposes:

"An amendment to the Constitution of the United States permitting the offering, reading from, or listening to prayers or Biblical Scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place, and making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States."

The proposal does not "establish a religion." I would be the first to oppose the forced reading of a prayer or Biblical passages dictated by an governmental body—Federal, State, local, or school board. The Becker amendment is not in conflict with the first part of the first amendment. It corrects the situation created by the Supreme Court and reestablishes the second part, "the free exercise" of religion. It changes nothing from the practice and custom which has been a part of our national life since the beginning of this Nation. Our religious practices and customs are being challenged by atheists and the Becker amendment merely reemphasizes the right of the majority of our people to exercise, as they have always done, their belief in God.

President Johnson Proclaims National Observance of National Small Business Week

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. EVINS. Mr. Speaker, President Johnson, by proclamation has recently designated the week of May 24 to 30, next, as Small Business Week, and called for national observance of the contributions which small business makes to our Nation's progress and well-being.

In this connection, under unanimous consent, I include my weekly newsletter, Capitol Comments, which concerns the important role of small business in the development of America, in the RECORD.

The newsletter follows:

CAPITOL COMMENTS

(By JOE L. EVINS, Member of Congress, Fourth District, Tennessee)

SMALL BUSINESS WEEK

President Johnson, by proclamation, has designated next week as Small Business Week.

Nine out of every 10 businesses that supply the needs and wants of the American people are small and independently owned and operated.

Our country's 4.6 million small businesses provide about one-third of the Nation's goods and services.

Small business creates a broad source of diversified employment, continuously broadens the tax base of local communities, States and the Nation, and provides consumers with a wide choice of products.

Small business preserves economic freedom through competition, stimulates the growth of individual initiative, generates new ideas, develops new methods and new products.

In short, small business is the vital center of our free enterprise system.

PARTNERS IN AMERICAN FREE ENTERPRISE

Congress repeatedly has declared that it is the policy of the Federal Government to encourage, assist, and promote small business.

As chairman of the House Small Business Committee, your Representative is increasingly convinced that the preservation and strengthening of our private enterprise system requires fresh thinking about the relationship between public and private business.

The momentous changes in our economy, both at home and abroad, make it abundantly clear that there must be a constantly more effective private-public partnership.

Our small business committee membership has always sought to serve, encourage, and assist American small business in the hope that in due course it will become big business. The concept of our committee is that what is good for small business, generally, is good for all business, and good for the public at large. Our committee is not against big business as such; it is rather pro small business.

Congress and the executive branch can be—and have been—helpful to business. And conversely, business can be helpful to the Congress and to the departments and agencies of the Federal Government by coming forward with their particular ideas and suggestions for solving various problems that face industries and Government.

The Department of Commerce and the Small Business Administration are great and increasingly useful arms of the Federal Government, created and supported by Congress to serve, promote, and encourage all segments of the business community.

A feature of Small Business Week will be the annual meeting in Washington of the National Advisory Council of the SBA. This Council is composed of leading businessmen and women in all parts of the country who are familiar with the problems of small firms in their localities. The regional directors and branch managers of the SBA will participate in this meeting with the Advisory Council members—a meeting which symbolizes, and serves to advance our growing American partnership in free enterprise.

Immigration Proposals Outlined to Intergovernmental Committee for European Migration

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to submit an address by me before the Council of the Intergovernmental Committee for European Migration at its 21st session in Geneva, Switzerland, on May 12, 1964.

My statement follows:

Your Excellency, Mr. Chairman and officers, members of this very distinguished body, reference has been made to the fact that I am dean of the congressional delegation. The assumption is that I am old. I may be chronologically old, but I can assure you that I am young in spirit. And you know what is said that "old trees bear fruit, and while the candle burns, there is much work to be done," and I can assure you even on the subject of immigration there is a great deal of work to be done.

However, I cannot let the occasion go by without expressing a word of compliment to the very fine statement made by the Dutch Minister, Mr. Veldkamp. We heard his remarks with admiration. Now, I intend to make a declaration of immigration policy on the part of the administration in Washington, which I am sure will bring comfort to most if not all the members of the Intergovernmental Committee on European Migration. We feel in the United States that the time has come for a review and a revision of the U.S. immigration laws. They must be liberalized in the interests of smaller nations. They are presently inflexible and permit of little or no discretion on

the part of the administration in the interests of equality and in the interests of humanity. The so-called national origin theory of immigration which you have heard a great deal over the years must eventually be discarded. It is anachronistic, it is unjust; likewise, rigid inflexible quotas must be cast into limbo.

Mr. Chairman, the Director, Mr. Haveman has given us—or gave us yesterday—a truly searching analysis of the background of the Intergovernmental Committee for European Migration's work at the present juncture. It is well to know that an organization of this character—an organization dealing with, not goods, but with human beings—is continuously adjusting its functions to existing realities and while adhering to the constitutional terms of reference, the organization remains sufficiently flexible to adapt itself to ever-changing conditions in Europe, across the Mediterranean, across the Atlantic, and across the Pacific. It is this flexibility, the flexibility clearly intended by the framers of the Intergovernmental Committee for European Migration's Constitution, which makes this organization viable.

In order to enlarge upon Mr. Haveman's presentation, I believe I ought to give the Council a brief outline of the situation in the United States as it might affect this organization's future work. I have in mind the determined effort initiated by the late lamented, the late martyred President John F. Kennedy, an effort now fully and vigorously sustained by our present President, President Johnson. Namely, the effort designed to provide for a fundamental reform of our immigration fabric.

As most of you know, I had the privilege of introducing in the House of Representatives a legislative proposal recommended by the late President Kennedy. My bill, called "House Resolutions 7700" was abetted without the slightest equivocation by President Johnson. No less than 57 Members of the House of Representatives have joined in this initiative, by introducing bills identical with my own. A large number of similar bills are pending in the U.S. Senate. President Johnson vouchsafed to me prior to my coming here to Geneva his desire to have the bill passed. The power and the potency and the prestige of the President and his office are all behind this new proposed legislation.

The bill I am speaking about is more than just an amendment to the immigration law which has remained on our statute book since 1952. That law perpetuated the principle of national origins, an antiquated immigration system proven beyond peradventure of a doubt to be unworkable, and was devised in 1921—more than 40 years ago, in an atmosphere of fear bordering on hysteria—a direct result of the unsettled domestic and foreign conditions following World War I.

In one of the very first speeches that I ever made in Congress was a speech inveighing and condemning the national origins theory which was embedded in that old law and was embedded in the new law. Now conditions have drastically changed, the climate can be made favorable for decided change, namely the liberalization of our immigration fabric. The fundamental feature of my bill is the elimination from our laws of the fallacious belief that the place of birth or the racial origin of a human being determines the quality or the level of a man's intellect, or his moral character or his suitability for assimilation into our Nation and our society.

In searching for a brief and comprehensive description of the underlying principle of my bill I use these words: "We do not intend to ask any immigrant 'Where were you born?' We intend to ask him only 'Who are you and what can you do for the country in which you have chosen to live?'" There shall no longer be any preference as to race. And as to preferentials as to race and to those who say that my blood is better than your blood, to them I say: Take your blood to the marketplace and see what it will buy you. The good Lord gave us a common ancestor, Adam, so that it could never be said that one man is better than another. Do we not all come from the same stem?

Instead of apportioning our immigration quotas according to the national origins theory, national origins of an intending immigrant, under my bill our future total immigration quota will be divided, regardless of the immigrant's place of birth, into categories completely divorced from the concept of race, nationality, citizenship, or place of birth. Inclusion of an intending immigrant into one of the categories will depend (i) on his skill, or ((ii) on his relationship to a citizen in the United States or of an immigrant previously admitted to our country, but (iii) a large portion of the annual immigration quota will always remain available for refugees and displaced persons in a spirit of mercy, in a spirit of humanity. And lastly, a category will be raised for so-called new seed immigration, immigration of people who in their own mind have formulated the desire to abandon their old country and seek new opportunities for themselves and their children in the United States.

The process of elimination of the national origins principle will continue for 5 years after the enactment of the bill. The reason for this gradual approach is of a purely practical nature. It is there in my bill for administrative purposes only. Obviously the Kennedy and Johnson administrations, as well as myself, would have preferred that the old condemned anachronistic system of national origins be wiped out immediately. However, we must be practical and recognize that such a drastic change, if imposed overnight, would simply create havoc with the administrative processes of immigration and immigrant visa issuance by our consulates spread all over the world. Thus it is proposed to cut 20 percent of our quota in each of the 5 years succeeding the enactment of my bill, and place that number of visas in a pool operated under the new system. At the termination of 5 years, the new system will be in full effect, and the administrators will all have gained the necessary experience obtained through the gradual use of the new system.

It is important to keep in mind that under the new system the entire quota will be used, will actually be used, in every 12-month period. We will not have then the unfortunate situation which faces us every year at the present time. I have in mind that situation where tens of thousands of immigrant visas allocated under existing quotas are not used by certain nations, by immigrants born in those certain countries, while immigrants born in other countries with small or simply token quotas have to experience waiting time extending in the case of many countries of southern and eastern Europe as well as Asia, for 5 years to almost 25 years. That is horrendous, and has got to stop.

In all frankness I must tell you, gentlemen, that I do not want to sound here a note of undue optimism. The changes that I suggest are somewhat drastic and the climate of public opinion must be developed out of which can spring these changes. But we shall develop that climate favorable to these changes. I have served in the House of Representatives for 42 years. I believe I know its procedures as well as I know its atmosphere. It is undeniable that the reform which we propose is just as drastic as it is necessary. Old prejudices, however—old prejudices I repeat—do not just fade away—they die hard. Old formulas are difficult to change, even more difficult to eradicate.

We have a difficult task before us. We are, however, determined to tackle it with just as much determination as we decided to face the issue. And I repeat, we have the administration, headed by President Johnson, behind us in this regard. And it is significant to know that only recently the House of Representatives passed a civil rights bill which you probably have heard of in the public press. I had the honor of being the House manager of that bill, that bill bears my name. I am proud that it bears my name, but within 5 minutes after the bill was adopted by the House, I received a telephone message from the President of the United States, and he thanked me for my efforts on the civil rights bill and then he significantly added: "Now how about my immigration bill?" That shows you what an activist the President of the United States is. That is very significant, I say to the members of this Committee. He wants this immigration bill that I speak of. And I am going to do all in my power to see to it that he and the United States and the world gets that bill. We have his personal support behind us, and we do not intend to relent in our efforts until we write it into our law books, this immigration statute which will be worthy of the traditions of the United States and of our country's responsibility in the world of today. Unless we do that, we deny that famous phrase in our Declaration of Independence, which says "All men are created equal." This national origins theory says all men are not created equal, because it gives preferences to some and metes out discrimination and proscriptions to others.

The American Consumer

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD the message from the President of the United States on the American Consumer which he sent to the Congress on February 5, 1964.

As you will recall, the President's message reiterates the importance of the consumer in our economy and reaffirms the consumer's right to have his interests fully protected. Included, too, in the President's message is a list of recent advances in this field as well as one recommending further legislation. It is this last list and particularly that portion dealing with unfair trade practices and price maintenance which I believe merits particular attention; for it is here that the President states his full opposition to legislation prohibiting competition and freedom of choice. There is no doubt from the position the President takes that the enactment of the quality stabilization bill or any similar legislation is clearly threatened by Presidential veto.

In fact, no other legislation in recent years has been so persistently and continually threatened by Presidential veto. In adopting this stand, our Presidents have given true recognition to the iniquitous provisions of this proposed legislation. Consumers everywhere should follow Presidential leadership by working to defeat the present version of price fixing legislation now pending in this Congress.

The message follows:

[H. Doc. No. 220, 88th Cong., 2d sess.]

THE AMERICAN CONSUMER

(Message from the President of the United States, Feb. 5, 1964—referred to the Committee of the Whole House on the State of the Union and ordered to be printed)

To the Congress of the United States:

America's economy centers on the consumer:

The consumer buys in the marketplace nearly two-thirds of our gross national product—$380 billion out of an output of $600 billion.

To meet consumer needs with an ever-widening range and quality of products is the prime object of American producers.

To increase consumer well-being—both the quality and the comforts of life—is one of the highest purposes of private and public policy.

Yet, for far too long, the consumer has had too little voice and too little weight in government.

As a worker, as a businessman, as a farmer, as a lawyer or doctor, the citizen has been well represented. But as a consumer, he has had to take a back seat.

That situation is changing. The consumer is moving forward. We cannot rest content until he is in the front row, not displacing the interest of the producer—yet gaining equal rank and representation with that interest.

Federal action in the consumer interest is not new. To protect the consumer, we have Federal laws and regulations:

To eliminate impure and harmful food, drugs, and cosmetics.

To standardize weights and measures, and improve labeling.

To prevent fraud, deception, and false advertising.

To promote fair competition.

To assure fair rates in transportation, power, fuel, communications, and the like.

To avoid abuses in the sale of securities.

What is new is the concern for the total interest of the consumer, the recognition of certain basic consumer rights:

The right to safety.

The right to be informed.

The right to choose.

The right to be heard.

President Kennedy—in his historic consumer message of March 15, 1962—first set forth those rights.

I reaffirm those rights.

What is also new is active representation of the consumer—and a loud, clear-channel voice—at the topmost levels of government:

1. In July 1962, President Kennedy established the Consumer Advisory Council. In its landmark "First Report" of last October, the Council urged stronger and more effective representation at the Presidential level.

2. On January 3, I appointed a new Special Assistant for Consumer Affairs and established the President's Committee on Consumer Interests, composed of:

Representatives of the Federal departments and agencies most concerned with consumer affairs.

Members of the Consumer Advisory Council.

The newly appointed Presidential Assistant, as Chairman.

My special assistant and the new Consumer Committee will lead an intensified campaign:

To assure that the best practice of the great American marketplace—where free men and women buy, sell, and produce—becomes common practice.

To fight, side by side with enlightened business leadership and consumer organizations, against the selfish minority who defraud and deceive consumers, charge unfair prices, or engage in other sharp practices.

To identify the gaps in our system of consumer protection, information, and choice that still need to be filled.

RECENT ADVANCES

Since 1962, the consumer's position has been protected and strengthened in several important ways:

1. New drugs must now be approved for effectiveness as well as safety.

2. Beginning in May of this year, all television sets produced and sold in interstate commerce must be able to receive all channels, including the ultra-high-frequency ranges. This will bring to millions of American homes a wider range of noncommercial educational TV, as well as more commercial programing.

3. During the past year, the Federal Trade Commission has intensified its programs to protect consumers against:

False advertising as to the safety and efficacy of nonprescription drug products.

Misrepresentation of savings in the purchase of food-freeze plans.

Deceptive television ratings and demonstrations.

Misbranding of clothing.

Bait-and-switch tactics in the sale of consumer products.

4. Federal Power Commission orders on gas rates have channeled millions of dollars of refunds of past overcharges to American families who use gas for cooking and heating.

5. Remedies have now been provided for air travelers who are victims of overbooking.

The job ahead. But the road to consumer safety, accurate information, free choice, and an adequate hearing is never ending. In modern society, the consumer is constantly exposed to the winds of change. Countless new products—and new forms of old products—vie for his attention and his dollar. Services take a larger and larger share of the consumer dollar. Yet they are often performed without established standards of safety or values.

The American housewife—the major American consumer—cannot help but feel confused, and too often unheard, as she seeks the best value for the hard-earned dollar she spends.

This Government is pledged to come to her aid with new legislation and new administrative actions.

RECOMMENDED LEGISLATION

Food, drugs, cosmetics, and medical devices

Too often, we await the spur of tragedy before strengthening the Food, Drug, and Cosmetic Act.

Too often, we discover dangers in foods and cosmetics only through serious injury to a consumer.

Testing and inspection powers.

The Food and Drug Administration now lacks the needed authority:

To inspect fully the factories in which food is produced.

To require a showing that cosmetics are safe before they are offered to the public.

To examine, for safety and effectiveness before they are marketed, medical devices for the diagnosis of symptoms and treatment of illnesses. The improper treatment with worthless devices can be the cruelest hoax of all.

Therefore: (1) I recommend the enactment of new legislation to:

Extend and clarify inspection authority—comparable to that which now governs prescription drugs—over foods, over-the-counter drugs, cosmetics, and therapeutics, diagnostic and prosthetic devices;

Require that cosmetics be tested and proved safe before they are marketed; and

Require therapeutic, diagnostic, and prosthetic devices to be manufactured under conditions that will assure their reliability, and require proof of safety and effectiveness before they are marketed.

Warning labels

The container for the common household drug is a familiar—and often reassuring—sight in our medicine closets. Yet, unless properly marked with necessary warning against accidental injury, it can be as dangerous, and fatal, as a time bomb.

Drugs that ease the pains of adults, for example, might kill a child—yet Federal authority to require warning labels on such containers is far from clear.

A pressurized container, improperly used or handled, can also be a lethal instrument—yet, existing law does not require that users be warned against these dangers. Therefore:

(2) I recommend that existing legislation be extended and clarified to require that labels include warnings against avoidable accidental injury from drugs and cosmetics, and pressurized containers.

(3) In addition, the Department of Health, Education, and Welfare should be authorized to subpena evidence in connection with administrative hearings under the Federal Food, Drugs, and Cosmetic Act. Other regulatory agencies have this indispensable power. Without it, effective regulation is extremely difficult.

Screening of pesticides

Equally important is the growing danger from the use of pesticides which have not been properly screened. We must not recklessly interfere with the harmony of nature. Yet, today the Department of Agriculture is required to register products that it cannot certify as safe—and these may be put to use. Therefore:

(4) I recommend that the Congress enact legislation—already passed by the Senate—to end the present practice by which pesticides may be registered by manufacturers under protest before the Department of Agriculture has passed upon their safety.

Meat and poultry inspection

The inspection of meat and poultry products moving in interstate commerce effectively insures safe and wholesome supplies of these foods, but this protection does not extend to products sold within a State. Therefore:

(5) I recommend legislation to insure that all meat and poultry sold in the United States—intrastate as well as interstate—is inspected for safety and wholesomeness, either by the Department of Agriculture or in cooperation with State authorities.

Unfair trade practices and price maintenance

There are serious defects in the Federal shield against unfair practices and false advertising. Unlawful trade practices may continue during the time administrative hearings are pending. Often, the damage has been done by the time the decision is rendered. Therefore:

(6) I recommend legislation to grant the Federal Trade Commission authority to issue temporary cease-and-desist orders at the outset of a proceeding, subject to court review, when the Commission has good reason to believe that the continuation of the practice would result in irreparable injury to the public.

Freedom of choice for consumers from our storehouse of goods, at the lowest possible

prices, is the very cornerstone of American consumer policy. I believe strongly in this principle. Therefore, I oppose legislation which limits price competition, whether under the label of quality stabilization or any other name.

Truth in packaging

We all like interesting packages, and we are attracted by them. In today's markets they are the silent salesmen for their products.

But salesmen should be both helpful and truthful.

When the American housewife comes face to face with one of these silent salesmen, she wants it to report to her the nature and quantity of its contents in a manner that is simple, direct, visible, and accurate.

All too often, she cannot find such labeling today. Hearings on the Hart-Celler bill to require "Truth in Packaging" have shown us that informed judgments are often made difficult or impossible by deceptive or confusing packaging and labeling.

The shopper ought to be able to tell at a glance what is in the package, how much of it there is, and how much it costs.

We do not seek monotonous conformity.

We do seek packages that are easily understood and compared with respect to: sizes, weights, and degrees of fill.

Many of our staples, like sugar and flour, have long been packaged in standard quantities. Much more can be done along these lines.

Packagers themselves should take the initiative in this effort. It is in the best interests of the manufacturer and the retailer as well as the consumer.

The Government has had, and has exercised, a responsibility toward the consumer in this field for a long time. But the case-by-case trail to which we are limited by existing law is a long and winding one.

More clear-cut regulations are needed to deal effectively with the problem of: misleading adjectives; fractional variations in weight which are designed to confuse; illustrations which have no relationship to the contents of the package. Therefore,

(7) I recommend legislation to insure that the consumer has access to the information necessary to make a rational choice among competing packaged products.

Truth in lending

The consumer credit system has helped the American economy to grow and prosper:

Credit is used to finance the purchase of homes, cars, appliances, education and recreation.

Consumer credit and mortgage debt on urban family homes together total over $250 billion.

The cost of such credit must be made as clear and unambiguous as possible, eliminating all possibility of abuse. The antiquated legal doctrine, "Let the buyer beware," should be superseded by the doctrine, "Let the seller make full disclosure." Therefore:

(8) I recommend enactment of legislation requiring all lenders and extenders of credit to disclose to borrowers in advance the actual amount of their commitment and the annual rate of interest they will be required to pay.

Truth in securities

American consumers are also investors. Approximately 17 million persons hold stock in publicly held corporations.

Almost a generation ago, laws were passed to assure full disclosure of needed information to persons about to purchase securities listed on national securities exchanges.

But those who purchase over-the-counter securities have no similar protection. They need it.

Legislation broadening these disclosure provisions to include widely owned over-the-counter stocks has already passed the Senate and is pending before the Interstate and Foreign Commerce Committee of the House. This measure will help complement the voluntary changes in rules and practices now being made by securities dealers and stock exchanges to afford greater protection to investors. Therefore:

(9) I recommend prompt enactment of this disclosure legislation for over-the-counter securities.

Better housing

The purchase of a home is the largest investment most American families make. Housing costs, for owners and renters, take 14 percent of the average city family's dollar every year.

Good housing should be within the reach of low and moderate income families—now and in the future. We must have orderly development with look-ahead planning for our sprawling cities.

Therefore

(10) I recommend enactment of the administration's housing program (outlined in my recent Message on Housing) which is designed:

To provide more housing for low-income families by acquiring and improving existing housing as well as by constructing new public housing.

To help local governments and developers plan suburban developments which will include a proper balance of community facilities, recreation, transportation, and business centers.

ADMINISTRATIVE IMPROVEMENTS

There are in addition, many steps that can—and will—be taken immediately to strengthen our present programs of consumer protection.

First, I am directing the President's Committee on Consumer Interests to undertake the following actions:

1. Under the auspices of its Chairman, the Special Assistant for Consumer Affairs, to begin a series of regional consumer conferences:

Representatives of consumer groups, manufacturers, retailers, advertising agencies, Government agencies, and others will discuss the problems of adequate consumer information at these meetings.

The results will be reported to me, along with appropriate recommendations for action.

2. To develop as promptly as possible effective ways and means of reaching more homes and more families—particularly low-income families—with information to help them to get the most for their money:

Most of the budget management and consumer publications now available are geared to middle-income families.

They often do not penetrate to the lowest 20 percent of the Nation's income groups.

Yet it is the poor who suffer most from sharp practices.

I am asking all Federal agencies now engaged in consumer educational activities (a) to cooperate in this effort and (b) to explore fully such possibilities as the adapting of the extension service concept, so successful in rural areas, to an urban setting.

3. To examine the many programs for consumer education in our schools, to stimulate the development of curriculums and training materials, and to encourage larger numbers of our young people to seek instruction in the fundamentals of budgeting, buying, and borrowing.

4. To develop means of keeping the public continuously informed of developments of importance in the consumer field.

Second, as I have emphasized in my Economic Report, we must make sure that any upward pressures on costs and prices that may develop as the economy expands do not get out of hand:

Price stability is essential to an economic climate favorable to consumers.

Price increases, without improvements in performance or quality, would erode dollar values.

Our record of overall price stability in recent years has been excellent. But the trend of consumer spending for services has been constantly rising; and the safeguarding of the consumer's interest in the area of services is comparatively weak:

Because of their personal and informal nature, services cannot be treated in the same way as foods and drugs.

Yet, they are equally subject to the abuses of poor quality, high prices, and exaggerated claims.

I am asking the Committee to make recommendations for improvement of protection in this area; and we will also call upon the interested industries for their advice.

CONCLUSION

All these proposals for consumer protection would cost us as taxpayers only a small fraction of what they would save us as consumers. And there is no measure of what they would prevent in human suffering.

But in the last analysis, the remedy for errors of taste, poor judgment, and disorder in our economic life is not to be found in the legislatures or the courts but in the leadership of those who care.

This is an individual matter.

But it is also a matter for corporations and organizations dedicated to the public interest.

I know that the program outlined here to improve the safety and welfare of our consumers will help all Americans to pursue the excellent and reject the tawdry—in every phase and in every aspect of American life.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 5, 1964.*

China Reports Revealing

EXTENSION OF REMARKS

OF

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. BROWN of California. Mr. Speaker, this week newspaper readers have had a rare opportunity to look through a window into Communist China. A group of Western correspondents had an 8-day tour of the country and a two-part report of their visit to Shanghai, Peiping, and Hangchow by Andrew Wilson of the London Observer appeared in the Washington Post May 11 and 12.

The newsman reported, among other things, that China does not expect to be a nuclear power for a long time to come, but is industrializing rapidly. No signs of discontent or poverty endemic in other Asian countries were seen.

While British reporters are very competent, I regret that American reporters were not able to accompany their flight and make a firsthand report directly to their American readers. It is in our national interest for us to know what is going on in this country of some 700 million people. I urge our State Department to make a new, determined effort

for a travel breakthrough so that newsmen, scholars, scientists, businessmen, churchmen, and others can visit Communist China.

The sooner we establish some communication between the world's most powerful nation and the world's most populous nation, the better will be the prospects for peace in the world.

I join with Senator J. W. FULBRIGHT in his view:

The Far East is another area of the world in which American policy is handicapped by the divergence of old myths and new realities (March 25).

I also join with Senator BOB BARTLETT, of Alaska, who said, on February 19:

It is important, however, in our Asian policies, that we strive to achieve flexibility, flexibility which our policies in recent years have failed to have. We cannot allow ourselves to be frozen forever with a rigid policy hoary with age. In Asia as elsewhere we must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations.

The articles from the Washington Post are as follows:

[From the Washington Post, May 11, 1964]

WINDOW ON PEIPING I—HAPPY FACES, SHOPS FULL OF GOODS GREET WESTERN NEWSMEN IN RED CHINA

(By Andrew Wilson)

LONDON.—Communist China does not expect to be a nuclear power for a long time to come. This seems the surest conclusion to be drawn from several days of question and answer with officials in Peiping, including Foreign Minister Chen Yi.

Marshal Chen said China would be quite capable of developing nuclear fission when she had "reached the necessary industrial level," but she might not catch up with the most advanced countries for 10, 20, or 30 years.

On the other hand, Chinese industry apparently is capable of producing capital goods, weapons, and electronic equipment in much greater quantities than Western observers have yet been allowed to see.

In an 8-day tour I visited Shanghai, Peiping, and Hangchow. Nowhere was there any sign of discontent or even the poverty endemic in other Asian countries. The people I saw, even in obviously impoverished quarters, seemed happy and purposeful.

Peiping is an old city rapidly becoming modern with wide streets, an up-to-date transport system, some wedding-cake-style buildings on the Moscow scale—and dozens of parks.

Shops are full of goods, not yet of very good quality. The pavements are crowded. There is none of the deadness that characterized Eastern Europe under Stalinism.

Industrialized Shanghai, a city of 7 million people, again is full of the liveliness that makes you forget this is a Communist state.

Hangchow, 150 miles west of Shanghai, has a willow-pattern flavor, full of temples, pagodas, and dragons. It is intended to be one of the chief attractions for foreigners when tours get going as a result of the new Pakistan-China air service by which we made our visit.

There is no doubt that the unprecedented admission of a score of Western journalists was a major gesture designed to go with a new departure in Chinese policy—a suggestion that Mainland China is not inflexibly committed to world revolution by force, that she can mount a peace offensive as effectively as Russia.

We were so hospitably entertained, and our hosts were so careful to avoid the jargon of Marxism, that it was nearly possible to believe that this new peaceful, reasonable China was the only one that had ever existed.

It was only when reading through Peiping magazines like Revolution and Evergreen, with their textbook instruction in revolutionary warfare in Asia, Africa, and Latin America, that one was reminded of the reality of Communist aims.

There were the inevitable flower-waving children and a 12-course banquet given by Hangchow.

PREMIER AT BANQUET

Next day we flew to Peiping, where arrangements were more relaxed. We were able to leave the hotel and walk around the city. In the evening we attended an Eve of May Day banquet in the Hall of the People. Premier Chou En-lai turned up and dined with other leaders, as host to 2,000 guests.

When speeches had been made and official toasts drunk, Chou took his glass of wine and went clinking glasses with the guests. There were no security precautions. Photographers were practically standing on Chou's toes.

He was obviously enjoying himself and later signed autographs.

On May Day we were driven through streets packed with youth processions to the grounds of the summer palace, just outside the city, where hundreds of boats were swaying beneath balloons on the lake and a female soldier sang patriotic songs in the Hall of Great Happiness.

SUMMONED BY CHEN YI

Later there were visits to the Great Wall and a Ming tomb.

Then suddenly we were summoned to an interview with Chen Yi, Chou En-lai's deputy and reportedly Mao Tse-tung's successor, who now ranks as China's No. 2 leader. It was the first major interview given here to a group of non-Communist journalists in 15 years and plainly intended for widest publicity.

For 2 hours, puffing cigarettes beneath carved screens and flower decorations, Chen—a burly genial figure—painted a picture of the New China.

He kept returning to the theme of peaceful coexistence. China, he said, did not want satellites, nor did she want to be a satellite herself. There were broad opportunities for cultural and technical exchanges not only with France but with other Western countries.

By the end of next year China would have repaid her last debt to Russia; she could then concentrate on building up the living standards of her people, Chen added.

ALSO VISITED COMMUNE

The tour given us by the Communist Chinese Government included a visit to a commune. Apparently there have been big changes in the commune system but no relaxation in its application. I visited a commune of 6,700 families (28,000 people) near Shanghai.

Fields were thick with corn and it was not difficult to accept the official figure of a 67-percent increase in production since 1957. There was a flourishing dairy herd and a factory using homemade machinery to make simple tools.

Officials admitted, however, that the basic unit was no longer the commune itself but the smaller "production brigade," of which there were 26 in this commune. The brigade, equal in size to the old Chinese village, is responsible for organizing "production teams"—in this commune engaged in the fields, the dairy farm, the workshop, a fertilizer plant, and fishing the local river.

It was obvious that as a result of early mistakes the unwieldy organization of the communes has now been reduced and decisionmaking brought nearer to the soil.

There was a rudimentary hospital, a number of schools and a store full of dusty luxury goods—radios, toys, patterned cotton cloth and tinned delicacies. Commune members each had an individual 65-square-yard garden plot for their own needs and said all they needed to spend was about 6 yen (less than $3) on rice each month.

Everybody looked healthy and happy despite loudspeakers which 6 hours a day blared songs like "Socialism Is Good for You" "Everybody Is Praising the Peoples Communes' Vegetables."

WINDOW ON PEIPING, II—WESTERN GOODS POUR OUT OF CHINA

(By Andrew Wilson)

LONDON.—Communist China's industry has increased more than tenfold since the liberation.

On our 8-day-tour through Peiping, Shanghai, and Hangchow we saw freely on sale, to those who could afford them, Chinese imitations of Leica and Rolliflex cameras, fountain pens, transistor radios, and watches made by a transplanted Swiss factory.

Cathode ray tubes are being mass produced in Shanghai, for a Russian-type television set with a 10-inch screen, and the prototype of a new six-cylinder car, the Phoenix, is being shown at an industrial exhibition there.

An earlier car, the Red Flag, is claimed to be in production but is not much in evidence.

Toy factories pour out models of motor cars, machine guns, Jeeps and American-pattern tanks, apparently for the southeast Asia market.

Much of this production finds its exit through Hong Kong which, as an official of the Chinese Foreign Ministry laughingly admitted, practically makes mainland China a member of the British Commonwealth for trade purposes.

Production of capital goods is the great enigma. The Shanghai exhibition included heavy electrical generating equipment, tractors, a truck, and a wide range of electrical and electronic goods. All these exhibits have certainly been built in the People's Republic, but are they actually in production?

So far as motor vehicles are concerned, China still relies overwhelmingly on reconditioned Russian and American trucks. But all Peiping trolley buses are domestically produced and China's workshops allegedly built a comfortable double-decker train on which I traveled from Hangchow to Shanghai.

Before we left China, our travels had thrown light on other aspects of the "New China":

Hotels: Mostly used by visiting delegations, the hotels are large and good. Some are preliberation, taken over with all their trappings, like the Shanghai Peace Hotel, formerly the Cathay. Others have been built overnight to quaint architectural plans.

Nor has socialism dimmed the Chinese art of cooking, which is highly regional and quite unlike the debased Cantonese cooking of Chinese restaurants in Europe and America.

Every hotel has a visitors' shop full of goods beyond the pocket of ordinary citizens. Tipping is forbidden; nobody thinks of locking up valuables; and honesty is carried to extreme lengths. Our departure from Shanghai was delayed 15 minutes while a China Intourist official sought the owner of an English penny left in one of the rooms.

Shops: Foreigners can buy cheaply in the so-called friendship shops open to anybody with money. But even Chinese city workers—the best off—have an average wage of only 70 yen a month (about $31 at the official exchange rate).

Of this about 7 percent goes in rent. Sugar costs the equivalent of 28 cents a pound, pork about 42 cents, fish 21 cents,

eggs 28 cents a dozen, cigarettes 21 cents a pack. Cereals, most meats, fats, and sugar are rationed. Cakes, fruit, and vegetables are not.

The real shortage is cotton cloth—rationed to 3 yards a year for each person. Nowhere in three major cities or in the countryside did I see any sign of malnutrition.

"Luxury" goods are poor enough by Western standards but one can buy a fair pair of men's shoes for the equivalent of $8.40 or a shirt for $3.50.

Working conditions: Workers are on a 45-hour, 6-day week in most factories and a 63-hour week in the communes. There are no vacations aside from May Day, National Day, and five other "days"—though workers separated from their families may be given a fortnight's leave to visit them each year as a special concession.

Men retire from work at 60, women at 55, on a pension of up to 70 percent of their wages. A factory I visited at Hangchow gave 4 hours' "education" each week after working hours and also provided health and social services.

Women: They earn the same wages as men and participate in everything, including the armed forces. But there are signs that they are tiring of their eternal blue overalls. In Shanghai, which tries to be "with it," there's a fashion for tightly cut slacks and pointed shoes. Business women have one or two pretty dresses for official parties and those in contact with foreigners—Intourist interpreters and so on—manage to get a smart weekly hairdo.

The question now is what the newly open China will make of Western visitors, and what the Chinese will make of the West. On the aircraft returning to Karachi, my Chinese neighbor looked curiously at the cigarettes offered by the Pakistan airline, embossed with the British royal arms.

Karachi Airport, with its confusion and emaciated porters, must have fulfilled the textbook picture of a country ripe for communism. Will the new leaders of countries like Pakistan be able to match Chinese political dedication, order, and economic self-discipline?

The Urgent Need for Urban Mass Transit Legislation

EXTENSION OF REMARKS

OF

HON. ALBERT RAINS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1964

Mr. RAINS. Mr. Speaker, last week my good friend and distinguished colleague, Congressman WELTNER, of Georgia, made an excellent speech at the Institute for Rapid Transit meeting here in Washington, and I wish to insert the speech in the RECORD for the benefit of the House.

The speech makes a most compelling case for the need to pass mass transportation legislation this year. H.R. 3881, the administration's urban mass transportation bill, now pending before the Rules Committee, would provide vitally needed aid to help cities cope with their growing problems of traffic congestion. I am hopeful the bill will be scheduled for floor action soon and that we can send this legislation, so urgently needed by urban and suburban communities, to the President for signature.

The speech follows:

ADDRESS BY CHARLES LONGSTREET WELTNER, MEMBER OF CONGRESS, FIFTH DISTRICT OF GEORGIA, TO THE INSTITUTE FOR RAPID TRANSIT, WASHINGTON, D.C., MAY 14, 1964

The public, of recent years, has become increasingly reliant upon polls. Practically every day we can read a newspaper poll, telling who's slipping, or who's rising, or who's winning, or who's losing. In the Congress, as well, we take polls—called a whip check—to see what chances a bill or resolution might have. Right now, those of us interested in transportation for cities are studying the latest surveys, attempting to gage our strength, speculating on loose votes, and, generally hoping for a favorable outcome to H.R. 3881, the Urban Mass Transportation Act of 1963.

Now, I'm glad to know that we need not be concerned about a whip check at this meeting today. Each one of you is here because of your interest in, and support of, the mass transit bill. The interests represented are varied. Some of you are engineers, whose profession is vitally connected with the bill. Some of you are manufacturers, whose products will be in great demand as mass systems develop over the Nation. Some are operators of existing transit systems, whose experience and abilities will be essential to sound programs. Some are planners, who see mass transit as an integral part of the cities we are building, and will build during the remainder of this century.

These varied interests have a single goal—passage of mass transportation legislation—this year, by this Congress.

Because of the unanimity of your support, I need not dwell upon the desirability of this legislation. I am not called upon to persuade you, or entice you, or enjoin you to back this bill.

Nor would it be very profitable for me to render a section-by-section analysis of the legislation. You've seen it analyzed; you've heard it discussed. You're familiar with the grant provision, the loan provision, the labor provision, the recapture provision, and the authorization provision. Thus, it will not be my part to dissect this bill for you.

Nor, do I intend to dwell upon that old feud—between transit interests and highway interests. Roadbuilders want to build roads. They want to sell aggregate, and concrete, and asphalt, and centerline paint, and luminous signs, and curbing. That is well and good. No one will quarrel with the desire of a man to work his trade. They are not subject to criticism on that score, for each of you has comething to sell, "airbrakes, steel, professional services, engineering, and the like."

No, I do not intend to argue for this particular bill, nor to analyze any single piece of legislation, nor to enter any feud.

What I hope to do is to lay out some figures, and to review some historical facts. I believe we can establish, right here, that mass transportation is not a convenience, but a necessity; not a desirable urban program, but an absolute urban imperative.

Consider the great cities of the world—Paris, London, New York, Tokyo, Moscow, Boston, Chicago. No one will tell you, "In New York, all we need is a few more lanes of expressways." Hardly. Each of these cities has long had a highly developed system for mass transportation—and those systems are vital to their very existence.

Automobiles, despite their convenience and independence of movement, have created a host of problems. Only last year, for instance, did the Congress pass the Clean Air Act, designed to meet, among other problems, air pollution from automobile exhausts. The great cities of our Nation and of the world could hardly survive with automobile traffic alone. They function as centers of activity—commercial, financial, cultural, governmental—because their systems are capable of moving great numbers of people in and out, back and forth, to and fro. Without that ability, they would rapidly deteriorate.

Let me review quickly the beginnings of some of the world's most famous transit systems * * * the Metro, the Tube, the underground, the subway, the MTA.

The Metro was begun in 1900 when Paris had a population of 2,700,000. The Tube was opened in London in 1863 when that city had a population of 2,363,000. The underground in Moscow, and I am not speaking of the early beginnings of the Communist Party, was constructed in 1934 when the population of Moscow was 3,600,000. Boston opened the MTA in 1897 when its population was 561,000. The Chicago and New York subways were built in 1943 and 1904 respectively, when those cities had populations of 3,390,000 and 3,400,000.

Subways and elevated trains are not new. They began in another era—the railroad age. Then came the automobile, which has proliferated beyond all imagination. Yet the need for these mass systems, predating the automobile, is ever greater—because of the automobile.

Without adequate mass facilities, how would these cities fare? Have you ever been in New York during a subway strike, when commuter trains were shut down? There's the answer.

Yes, this is but one aspect of the lesson that history affords.

The fact to be recognized here is that these cities began their rapid transit systems when they were the same size as a number of American cities will be by 1975, the lead-time required to build new systems:

In 1975, Minneapolis-St. Paul will have—2,100,000 people; Denver—1,500,000; Atlanta—1,470,000; St. Louis—3 million. The nation's Capital, Washington, D.C., will have more than 3,500,000 people in its metropolitan area.

The point of the population figures is this: The early systems were built at the same population stage as these of the emerging cities of the United States today.

What happens when great cities are built without mass systems?

Los Angeles is the child of the automobile age. And what kind of a city is it? More than two-thirds of its central city, if we may speak of a central city in relation to Los Angeles, is devoted to expressways and parking lots. Some might say it is not a city at all, but a highway and parking lot, bordered by a few buildings.

There are 16 lanes of traffic. All are stalled at 6 p.m. There is a story of the Los Angeles helicopter police report: "Traffic is moving at a brisk pace this afternoon on the Hollywood Freeway, approximately 8 miles an hour. On the Santa Ana Freeway, there is a little congestion, due to an accident at the Anaheim exit (some 35 miles away)."

I have a friend in Atlanta who sells advertising specialties. True to his trade, he is given to slogans, of which his favorite is: "No one is entirely worthless. He can always be used as a horrible example."

We can thank Los Angeles for its experiment—and the horrible example it affords. Its experience proves one thing conclusively * * * we cannot build enough expressways to handle traffic in a growing city. There is a type of Parkinson's law working here. "One more lane of expressway will produce twice as many cars as it can handle."

Los Angeles has attempted the single solution approach to urban transportation * * * and it has failed. Now, when more than 66 percent of what was once living room and working room has been given over to the automobile, Los Angeles finds that it must turn to some form of rapid transit. After

being scattered all over the southern California countryside, after years of lives spent in automobiles going to and from work, they must build a mass transit system.

I am not passing judgment on Los Angeles, but simply stating a fact—we cannot maintain a growing city whose only mode of transportation is the expressway.

Many critics of mass transportation are blind to these facts.

They will tell you that the concept of mass transportation is outmoded. They will cite reams of figures on declining passenger usage, financially failing public and private transit systems. Yet, these arguments ignore some very simple statistics, some very simple facts. We have tried the freeway solution and it has failed.

In cities of more than 1 million population in the United States, more than 75 percent of the people travel to and from work by some form of mass transit. A transit strike in New York, such as the one in 1957, is a major catastrophe.

Some critics are more charitable. They will accept the argument that the systems we presently have are needed. But they immediately contend that we need no new systems. They say that people will not leave their cars and ride a new system. Yet, history proves them wrong.

Cleveland, a city of 936,000 at the time, built a new subway system which opened in 1955. The passenger load for the first full year of operation was 14.7 million trips. By 1960, the passenger trip figure had risen to 18.3 million. Automobiles were left at home; the fare box offers irrefutable proof.

Let us now turn to the emerging new cities of America. Atlanta is one of these. They are the regional capitals, with populations between 1 and 2 million. They have grown by serving as the financial, educational, transportation, warehousing, manufacturing, and communications centers for geographic regions of our country. Among them are Atlanta, Dallas-Fort Worth, Denver, Kansas City, St. Louis, Minneapolis-St. Paul.

They are vital cities, growing cities, serving as the center for the countryside and smaller cities around them.

They have all the problems of growing cities—the need for more schools, sewers, parks, the problems of air pollution, water pollution, and urban blight.

But one problem common to all is transportation. All have central cities and central business districts.

None of them have adequate mass transit systems. All are expressway cities—and all—in varying degrees—face serious problems.

Atlanta has been building an expressway system since 1946, when it was a city of 560,000. Today the metropolitan area has more than 1,100,000 people. We're still building, and the traffic situation worsens daily. By 1970, automobile traffic would require 36 expressway lanes north and south, and 22 east and west. Already, more than one-third of our central city is devoted to streets and parking lots.

The absurdity of having only street transportation in Atlanta is obvious just by stating the requirement, 58 expressway lanes by 1970, where we only have built 12 in the last 18 years.

They are growing at an average of 50 percent each decade. Atlanta is growing at the rate of 34,000 people annually. By 1980, it will be a city of 2 million people.

The facts are obvious. Great cities absolutely require multiple transportation systems. But the regional capitals of the United States are moving toward metropolis status with only expressways.

We cannot leave these new regional capitals to the fate of Los Angeles—but that is precisely what we are doing.

If we are to have mass transit systems to meet demands, we must begin now. To postpone mass transit systems is to consign regional cities to the awful and expensive fate of piecing their towns back together in the future.

For, as the Los Angeles experience proves, we will have to build them sooner or later—and the later we begin, the higher the cost.

A very modest beginning toward the development of systems for the regional capitals—and for my home—Atlanta—is embodied in H.R. 3881, the Urban Mass Transportation Act of 1963.

I say "modest," for this bill provides only $500 million in matching funds for the development of systems.

The projected Atlanta system, alone, would cost approximately $300 million. But H.R. 3881 would allow us to begin. And it would allow other cities like Atlanta to begin to develop alternatives to expressways, traffic jams, parking lots, and carbon monoxide.

History makes no mistakes. Its lesson is plain to any who will read it.

Let us take this lesson back to our cities before it is too late. Let us act before American cities become vast wastelands of concrete and stalled cars.

Let us support this bill, not because it is helpful, or progressive, or forward looking—but because it is an historic imperative.