By Mr. MONAGAN:
H.R. 7718. A bill to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by the acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. TUNNEY:
H.R. 7719. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in years 1966 and 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. DENT:
H.R. 7720. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit the participation of retired employees of employers, employees of certain labor organizations, and employees of certain trust funds, as well as certain self-employed persons to participate as beneficiaries of welfare and pension trust funds; to the Committee on Education and Labor.

By Mr. DERWINSKI:
H.R. 7721. A bill to provide for the issuance of a special postage stamp to commemorate the 25th anniversary of the Katyn Forest massacre; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:
H.R. 7722. A bill to promote the public interest, improve aviation safety, and develop greater efficiency in Federal civilian air traffic control activities by providing certain employment benefits for Federal civilian employees engaged in such activities who are found no longer qualified to perform the duties thereof, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING of California:
H.R. 7723. A bill to amend the tariff schedules of the United States to suspend the duty on certain tropical hardwoods; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):
H.R. 7724. A bill to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947; to the Committee on the District of Columbia.

By Mr. McVICKER:
H.R. 7725. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:
H.R. 7726. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

H.R. 7727. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request):
H.R. 7728. A bill to assure adequate and complete medical care for veterans by providing for participation by the Veterans' Administration in medical community planning and for the sharing of advanced medical technology and equipment between the Veterans' Administration and other public and private hospitals; to the Committee on Veterans' Affairs.

By Mr. DIGGS:
H.J. Res. 432. Joint resolution proposing an amendment to the Constitution of the United States relating to the right of citizens of the United States 18 years of age or older to vote; to the Committee on the Judiciary.

By Mr. GRAY:
H.J. Res. 433. Joint resolution to establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER:
H.J. Res. 434. Joint resolution to provide for the honorary designation of St. Ann's churchyard in the city of New York as a national historic site; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCKI:
H.J. Res. 435. Joint resolution to establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:
H. Con. Res. 401. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. JOELSON:
H. Res. 351. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. ST GERMAIN:
H. Res. 352. Resolution to disapprove Reorganization Plan No. 1; to the Committee on Government Operations.

By Mr. CLEVELAND:
H. Res. 353. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. FASCELL:
H. Res. 354. Resolution authorizing the printing of additional copies of the report of the Committee on Foreign Affairs entitled "Oversea Programs of Private Nonprofit American Organizations"; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

225. By Mr. TUPPER: Joint resolution to extend the northern terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent; to the Committee on Public Works.

226. Also, joint resolution of the 102d Maine Legislature to promote the protection of our gold reserves; to the Committee on Ways and Means.

227. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to making daylight saving time uniform throughout all of the States; to the Committee on Interstate and Foreign Commerce.

228. Also, memorial of the Legislature of the State of North Dakota, urging the Congress to propose an amendment to the Constitution of the United States, relating to apportionment; to the Committee on the Judiciary.

229. Also, memorial of the Legislature of the State of Rhode Island, relative to urging immediate action to abolish the quota restriction on the import of residual oil; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:
H.R. 7729. A bill for the relief of Horace W. Sessing; to the Committee on the Judiciary.

By Mr. BARRETT:
H.R. 7730. A bill for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Philadelphia Naval Shipyard, Philadelphia, Pa.; to the Committee on the Judiciary.

By Mr. BINGHAM:
H.R. 7731. A bill for the relief of Ivor Orlando Dwyer; to the Committee on the Judiciary.

By Mr. DONOHUE:
H.R. 7732. A bill for the relief of Francis X. Tuson; to the Committee on the Judiciary.

By Mr. GALLAGHER:
H.R. 7733. A bill for the relief of Antonio Crincoli; to the Committee on the Judiciary.

By Mr. MURPHY of New York:
H.R. 7734. A bill for the relief of Robert Conkling, John Fox, Theodore Kachelriess, Joseph Logomarsino, William McCormick, Henry McDermott, Sabato Messina, Edward J. Miller, Henry J. Miller, Joseph Ostrowski, Albert Thorsen, Salvatore Vernaci, William Wein, and Preston York; to the Committee on the Judiciary.

By Mr. PATTEN:
H.R. 7735. A bill for the relief of Vincent Esposito; to the Committee on the Judiciary.

By Mr. POFF:
H.R. 7736. A bill for the relief of Jay H. Seay; to the Committee on the Judiciary.

By Mr. RONAN:
H.R. 7737. A bill for the relief of Spyros Kallapodis; to the Committee on the Judiciary.

By Mr. RYAN:
H.R. 7738. A bill for the relief of Mrs. Sadie Brimberg; to the Committee on the Judiciary.

By Mr. YATES:
H.R. 7739. A bill for the relief of Bing Yee Wu; 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:

189. By Mr. BARING: Resolution of board of commissioners, city of Las Vegas, Nev., memorializing Congress to provide for Federal participation funds in order to facilitate an adequate supply of water into the Las Vegas Valley; to the Committee on Interior and Insular Affairs.

190. By the SPEAKER: Petition of the Legion of Estonian Liberation, Inc., New York, N.Y., supporting the military and political actions taken by the President of the United States to prevent South Vietnam from falling to the aggressive forces of communism and supporting any future measures for that purpose; to the Committee on Foreign Affairs.

191. Also, petition of assistant mayor of Nishihara-son, Okinawa, requesting early passage of the prepeace treaty claims bill; to the Committee on Foreign Affairs.

192. Also, petition of Council of the City of Alexandria, Va., endorsing House Joint Resolution 350 which authorizes and requests the President to proclaim the week beginning the first Sunday in August of each year as "National Volunteer Fireman's Week"; to the Committee on the Judiciary.

193. Also, petition of Council of City of North Olmstead, Ohio, relative to supporting the past efforts of the House Un-American Activities Committee and urging the continuation of the duties and responsibilities being performed so ably by this valuable congressional committee and declaring an emergency; to the Committee on Un-American Activities.

# SENATE

## WEDNESDAY, APRIL 28, 1965

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

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

O Thou God and Father of all mankind: Under the gleaming white dome of this legislative shrine of our free land, we bow this day with gratitude—that a thousand tongues could not exhaust—for all America means to us and to all the world.

In these days, as dangerous as any the Republic has ever known, subdue, we pray, all selfish clamor, so that amid our national confusion the voice of Thy guidance may be heard and heeded.

Thou, who art the author of liberty, hast taught us that the essence of our freedom is not in having rights, but in fulfilling them; and not in privileges, but in responsibilities. In Thy light, may there be revealed to this bewildered generation, with all its moral failures, that to insist on grasping or asking for that which may be justly claimed, and then to use such blessings for self-gratification and indulgence, is to prove that those thus oblivious to responsibility are unworthy of such inheritance.

Teach us to value beauty of heart or strength of brain in any strand of our common humanity, that we may become workers together with Thee in binding the races of mankind into the perfect unity that will belt the earth with good will when Thy radiant Kingdom comes.

In the name of Christ Jesus, our Lord, we ask it. Amen.

### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 27, 1965, was dispensed with.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 26, 1965, the President had approved and signed the act (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, in which it requested the concurrence of the Senate.

### HOUSE BILL REFERRED

The bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, was read twice by its title and referred to the Committee on Foreign Relations.

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

### COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on the District of Columbia and the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs were authorized to meet during the session of the Senate today.

On request of Mr. INOUYE, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

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

The PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

### DEPARTMENT OF THE TREASURY

The Chief Clerk proceeded to read sundry nominations in the Department of the Treasury.

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

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

### CIVIL AERONAUTICS BOARD

The Chief Clerk read the nomination of John G. Adams, of South Dakota, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1970.

Mr. McGOVERN. Mr. President, I am pleased that the President has sent to the Senate for confirmation as a member of the Civil Aeronautics Board, the name of Mr. John Adams. I know that the Senate will unanimously confirm Mr. Adams for this high post. His superb qualifications have been recognized by the President and are well known by Members of the Senate.

Mr. Adams and members of his family are constituents of mine at Sioux Falls, S. Dak. The Adams family is a highly regarded, able family and John Adams is one of their most distinguished members. He will be a credit in the future as he has been in the past to his family, his State, and the Nation that he has served so effectively for many years.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

### FEDERAL COMMUNICATIONS COMMISSION

The Chief Clerk read the nomination of James J. Wadsworth, of New York, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

Mr. COOPER. Mr. President, I am glad that today the Senate is confirming the nomination of James J. Wadsworth to be a member of the Federal Communications Commission.

Jimmy Wadsworth is a remarkable public servant in every capacity he has served, whether as a member of the State Legislature of New York or as the Ambassador and permanent representative to the United Nations, with strong intellect, good judgment, accompanied by good humor—he has served our country with distinction. Worthy son of a great father, former Senator and Representative James Wadsworth—Jimmy Wadsworth will render valuable service as a member of the Federal Communications Commission.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

### FEDERAL POWER COMMISSION

The Chief Clerk read the nomination of Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission for the term expiring June 22, 1969.

Mr. MANSFIELD. Mr. President, I ask that the nomination be passed over temporarily for the reason that the distinguished junior Senator from Vermont [Mr. PROUTY] wishes to be present and say some words in behalf of the nominee at the time the nomination is considered.

The PRESIDENT pro tempore. Without objection the nomination will be passed over temporarily

## DEPARTMENT OF COMMERCE

The Chief Clerk read the nomination of Alexander B. Trowbridge, of New York, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

## COMMUNICATIONS SATELLITE CORP.

The Chief Clerk read the nomination of Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp., until the date of the annual meeting of the corporation in 1968.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

## COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard, placed on the Secretary's desk.

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

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. JAVITS. Mr. President, the fact that the names of three New Yorkers are on the list of nominations presented today, and the fact that the President should have chosen them for such critically important positions, are a matter of great pride to my State, for each one is a man of great distinction and undoubted talent.

Personally, I take great pride in the appointment of Jim Wadsworth, of New York, especially because of the fact that I served with his father in the House of Representatives. His father was a Senator from the State of New York from 1915 to 1927. It is a most distinguished family. James J. Wadsworth is upholding its traditions magnificently. The appointment was made on the basis of great merit. The President chose from a considerable list including some excellent candidates. It should be most gratifying to all of us that he chose so well and in such a fine tradition.

Mr. President, Frederic Donner is the chairman of the board of the General Motors Corp. and exemplifies the businessman in Government service and business in the public interest in its best expression.

We are very proud of Alexander B. Trowbridge. He is a very distinguished New Yorker. I am confident that he will acquit himself most creditably in the highly important post to which he has been appointed.

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

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

## LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

## JOINT RESOLUTION OF WISCONSIN LEGISLATURE

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Interior and Insular Affairs, as follows:

HOUSE JOINT RESOLUTION 34

Joint resolution memorializing the Congress of the United States to enact legislation which would provide a centrally located veterans' cemetery in the State

Whereas the demands of patriotism required Americans to come forth and give their youth and lives in every armed conflict in which this country has been forced to engage; and

Whereas these veterans return from the world's conflicts maimed, mentally disturbed, or many years older; and

Whereas Wisconsin is proud of its young men who have sacrificed their youth, health, and lives for the perpetuation of our way of life; and

Whereas the dread consequences of their sacrifice is now manifested by rows of crosses over bodies that are venerated for their unselfish sacrifice; and

Whereas Wisconsin does not have a proper resting place as a tribute to these fine Americans that have died or who may die from service-connected disabilities; and

Whereas this State needs a centrally located national cemetery to enshrine these noble men: Now, therefore, be it

*Resolved by the assembly (the senate concurring)*, That the Legislature of Wisconsin urge the Congress of the United States to establish a national cemetery for the repose of the remains of Wisconsin veterans; and be it further

*Resolved*, That properly attested copies of this resolution be sent to the President of the United States, to the Secretary of the U.S. Senate and the Chief Clerk of the House of Representatives and to each Member of the Wisconsin delegation in Congress.

PATRICK GLUY,
*President of the Senate.*
WILLIAM P. NUGENT,
*Chief Clerk of the Senate.*
ROBERT T. HUBER,
*Speaker of the Assembly.*
JAMES P. BUCKLEY,
*Chief Clerk of the Assembly.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 627. A bill to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes (Rept. No. 168).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 1623. A bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource (Rept. No. 169).

## FURTHER AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 170)

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably an original bill to amend the Foreign Assistance Act of 1961, as amended, and for other purposes. I ask unanimous consent that the report thereon be printed, together with the minority views of the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

The bill (S. 1837) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, was placed on the calendar.

## BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. SCOTT:

S. 1832. A bill for the relief of Virginia Clemente Coelho; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1833. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Labor and Public Welfare.

S. 1834. A bill authorizing a survey of the Kaneohe-Kailua Area, Oahu, Hawaii, in the interest of flood control and allied purposes; to the Committee on Public Works.

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

By Mr. TOWER:

S. 1835. A bill to provide for the transfer of the Division of Predator and Rodent Control from the Department of Interior to the Department of Agriculture; to the Committee on Commerce.

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

By Mr. CHURCH:

S. 1836. A bill for the relief of Capt. E. L. Gunnell, U.S. Air Force; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 1837. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; placed on the calendar.

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

By Mr. McGOVERN:

S. 1838. A bill to make dairy products available for domestic and foreign programs; to the Committee on Agriculture and Forestry.

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

By Mr. HARTKE (for himself, Mr. SCOTT, Mr. CLARK, Mr. BOGGS, Mr. KENNEDY of Massachusetts, Mr. DIRKSEN, Mr. FANNIN, Mr. McCARTHY, Mr. MURPHY, Mr. WILLIAMS of New Jersey, Mr. MONDALE, Mr. HOLLAND, Mr. PROUTY, Mr. WILLIAMS of Delaware, Mr. RANDOLPH, and Mr. JAVITS):

S. 1839. A bill to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Public Welfare.

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

By Mr. HARTKE:

S. 1840. A bill to provide for the establishment and administration of the Ohio River National Parkway in the State of Indiana;

to the Committee on Interior and Insular Affairs.

S. 1841. A bill to amend title 23 of the United States Code in order to authorize costs of installing certain display boards providing historical and other information as part of the costs of construction under the Federal-aid highway program; to the Committee on Public Works.

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

By Mr. LONG of Louisiana:

S. 1842. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors;

S. 1843. A bill to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, and for other purposes; and

S. 1844. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices; to the Committee on the Judiciary.

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

By Mrs. NEUBERGER:

S. 1845. A bill to amend section 8 of Public Law 87–657, 87th Congress; to the Committee on Interior and Insular Affairs.

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

By Mr. FULBRIGHT (by request):

S.J. Res. 71. Joint resolution to amend the joint resolution of January 28, 1949, providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Relations.

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

## ESTABLISHMENT OF PACIFIC MEDICAL CENTER IN HAWAII

Mr. INOUYE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

Mr. INOUYE. Mr. President, President Lyndon Johnson, in his speech delivered at the Johns Hopkins University on April 7, stated:

> This war, like most wars, is filled with terrible irony. For what do the people of North Vietnam want? They want what their neighbors also desire: food for their hunger, health for their bodies and a chance to learn, progress for their country, and an end to the bondage of material misery. And they would find all these things far more readily in peaceful association with others than in the endless course of battle.
>
> These countries of Southeast Asia are homes for millions of impoverished people. Each day these people rise at dawn and struggle until the night to wrestle existence from the soil. They are often wracked by disease, plagued by hunger, and death comes at the early age of 40.
>
> The American people have helped generously in times past in these works.
>
> Now there must be a much more massive effort to improve the life of man in the conflict-torn corner of our world.

The President went on to say:

> The wonders of modern medicine can be spread through villages where thousands die every year from lack of care. Schools can be established to train people in the skills that are needed to manage the process of development.
>
> And these objectives, and more, are within the reach of a cooperative and determined effort.

Mr. President, I envision such a cooperative and determined effort under provisions of a bill which I have introduced today. The bill seeks to authorize the establishment in Hawaii of a Pacific Medical Center. I earnestly solicit your support.

The bill would authorize the establishment of a medical center which would provide suitable administrative and physical facilities in order to enable teaching and research of the medical arts so badly needed throughout southeast Asia, the trust territories, Okinawa, and the numerous island archipelagoes of the Pacific.

Having pioneered in the field in cultural and technical interchange between East and West through the East-West Center and having witnessed the most favorable and tangible returns to the peoples of Asia and America through the various programs so successfully carried out in the relatively few years of its existence, I deeply feel that the multiracial community of our island State is the most suitable fulcrum from which to launch this cooperative and determined effort.

Moreover, it has recently been announced that Hawaii will be the site of the first meeting of Japanese and American scientists who will commence in October to recommend ways in which their respective governments can aid in the fight against such diseases as cholera, tuberculosis, and leprosy in Asia. Hawaii, Mr. President, has the experience, the vision, and a strong desire to undertake this determined effort.

Through scholarships and research grants, we can attract those with the best potential to the Center or direct them to more specialized institutions in the continental United States, in order to train Asians to help their fellow men.

We can hope to attract the very best medical minds of the more developed countries of Asia and the Pacific, as well as the United States, to impart their skills and knowledge to their counterparts from the less developed countries. Trained physicians and researchers from the technologically advanced countries of Japan, the Philippines, and Hong Kong will be invited to offer their services under auspices of the United States in order to further develop the medical resources of their fellow Asian countries.

Universities and hospitals both in Hawaii and in the continental United States will be called upon to provide appropriate educational services through a program of fellowships, grants, and research stipends to be administered by the Center.

Advanced medical scholars and researchers from the United States will not only be asked to offer their knowledge and skills but also to learn from Asians and Pacific islanders who have long specialized in certain areas, such as tropical medicine and pathology.

To me, such a center and such a program will be immediately embraced by the countries of Asia and the Pacific as a concrete and graphic reminder that America intends to pay more than lip-service to the concept of humanitarian aid so generously offered.

To me, the costs involved in establishing and maintaining the Center and its programs will be far less annually than the expenses incurred in building a squadron of F–105's, only one of which costs the United States upward of $2½ million. It would be less than the total costs involved in training the pilots manning those planes, a training program estimated to be a minimum of $100,000 per pilot even before more expensive specialized combat training. The annual costs should be much less than the expense for 1 month's battle in Vietnam.

But the returns, Mr. President, would be immense. Knowing Asia and the Asians, and being fully acquainted with the ways of the Pacific islanders, I would venture to say that a Pacific Medical Center will be greeted with an enthusiasm seldom matched in the history of America's relations with these areas.

I have requested the support of the President of the United States, as I believe the program is nothing more, nothing less, than a logical corollary of the great speech he delivered at the Johns Hopkins University recently. I have also requested the Secretary of Health, Education, and Welfare, and the Secretary of State for their support.

Now, I should like to make a similar request of the Senate. I invite all Senators to join with me in this most worthwhile, most constructive, and most humane endeavor.

Mr. President, I introduce the bill, for appropriate reference. I ask unanimous consent that it may lie at the desk for 10 days to permit other Senators to join as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie at the desk for 10 days, as requested.

The bill (S. 1833) to provide for a Pacific Medical Center in Hawaii, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

## TRANSFER OF DIVISION OF PREDATOR AND RODENT CONTROL FROM DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF AGRICULTURE

Mr. TOWER. Mr. President, in order to clarify administration of Federal regulations dealing with predatory animals, the Texas Sheep & Goat Raisers' Association feels that a transfer of administrative duties would be beneficial.

The transfer would give the Department of Agriculture control and supervision, rather than the Branch of Predator and Rodent Control of the Department of the Interior.

I share the view that such a transfer would be useful, and I introduce for appropriate reference a bill designed to accomplish the transfer.

I ask, Mr. President, that a resolution of the Texas Sheep & Goat Raisers' Association about this matter be printed at this point in the RECORD along with the text of the bill.

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

The bill (S. 1835) to provide for the transfer of the Division of Predator and Rodent Control from the Department of the Interior to the Department of Agriculture, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Division of Predator and Rodent Control which is presently administered under the Bureau of Sport Fisheries and Wildlife, Department of the Interior, is hereby transferred to the Department of Agriculture, and all functions and duties of the Secretary of the Interior which are carried out through the Division of Predator and Rodent Control shall be assumed by and become the sole responsibility of the Secretary of Agriculture.

SEC. 2. (a) All assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Department of the Interior which the Director of the Bureau of the Budget determines relates primarily to the Division of Predator and Rodent Control shall be transferred from the Department of the Interior to the Department of Agriculture at such time or times as the Director shall prescribe.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this Act shall be carried out in such manner as the Director shall prescribe.

SEC. 3. The transfer of the functions and duties provided for in the first section of this Act shall be completed not later than ninety days after the date of enactment of this Act.

The resolution presented by Mr. TOWER is as follows:

RESOLUTION OF THE TEXAS SHEEP & GOAT RAISERS ASSOCIATION

Whereas the mission of the Bureau of Sport Fisheries and Wildlife no longer is concerned with management of predatory animals on private property; and

Whereas the U.S. Department of Agriculture is dedicated the management of the Nation's agricultural resources on both public and private lands: Now, therefore, be it

*Resolved,* That the board of directors of the Texas Sheep & Goat Raisers' Association request their delegates to Congress to introduce legislation transferring all of the facilities and personnel of the Branch of Predator and Rodent Control from the U.S. Department of the Interior to the U.S. Department of Agriculture during the current session of the U.S. Congress.

GAYLORD HANKINS,
*President.*

## AN ASSURED MILK SUPPLY FOR ASSISTANCE PROGRAMS

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to make dairy products available for domestic and foreign programs.

The farm program which the President recently sent to the Congress did not contain provisions for a new dairy program. Our present program is carried on under the Agricultural Act of 1949. Products acquired by the Government under this price support program have served as a basis for improving the health and well-being of children and of undernourished segments of the population, both in the United States and abroad. It is the lack of sufficient supplies for these purposes that prompts introduction of my bill.

The Secretary of Agriculture has been hard pressed many times recently to meet requirements of school, welfare and foreign assistance programs while relying solely on accumulated government stocks of commodities. He is often required to shortchange children and the undernourished both at home and abroad, simply because he does not have food enough to satisfy their hunger.

He is now unable to develop reliable programs which will allow him to fully utilize this ability of American farmers to efficiently produce food in abundant amounts.

Secretary of State Dean Rusk recently reminded us of this fact:

The miracle of American agriculture has not merely produced more and more food for a still-hungry world—

Mr. Rusk said—

it has turned men's hopes toward science and technology and their appetites away from plunder and conquest. It has opened the historical possibility of meeting by peaceful means the elementary daily needs of the whole human race.

It is indeed unfortunate that the hopes of a hungry world and our ability to satisfy hunger must depend entirely upon uncommitted stocks of the Commodity Credit Corporation. My bill would allow for successful planning in the wise use of our abundance. Moreover, this legislation will serve to allow price support programs to work more effectively in the interests of our own dairy farmers. With this legislation we can use supplies of dairy products and, at the same time, keep the market for farmers firm enough so that they can begin to enjoy the fruits of the efficiencies which they have introduced into dairying. We can, through the application of this legislation, assure ourselves that we are instituting a program that will, at one and the same time, provide dairy farmers with the opportunity to utilize their productive capacity without depressing their own prices, and make certain that milk is used to best advantage both domestically and abroad.

Mr. President, I ask unanimous consent that the bill which I now introduce be printed in the RECORD.

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

The bill (S. 1838) to make dairy products available for domestic and foreign programs, introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is hereby authorized and directed to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools, domestic relief distribution, community action, foreign distribution, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes.

## AMENDING THE PURE FOOD AND DRUG ACT

Mr. HARTKE. Mr. President, I offer today on behalf of myself and the junior Senator from Pennsylvania [Mr. SCOTT] and 14 other Senators a bill to correct an inequity in the Food, Drug, and Cosmetic Act by amending that law.

The bill which we offer will allow the use of nonnutritive substances in the manufacture of candy, substances which are allowed to be used in all other foods, contingent only on the establishment of their safety for human consumption. At present, canned foods, frozen foods, baked goods, preserves, and even baby foods may contain a wide variety of emulsifiers, stabilizers, preservatives, and other additives which enhance the texture, flavor, and other desirable attributes of the product. But candy alone may not contain these substances.

There may have been a historical reason for the discriminatory situation which candy manufacturers face, but it no longer exists. In fact, the Food and Drug Act of 1906 was in part brought into being by the adulteration which all too often existed near the turn of the century in the production of candy. Unscrupulous makers, in a quest for greater profits, added nonnutritive substances such as terra alba and talc to increase bulk and weight. The ethical portion of the industry supported Federal legislation to cure this evil, and the 1906 act specified that all additives used in confectionery must be nutritive. The language used there was in substance carried forward in succeeding laws and is now contained in section 402(d) of the Food, Drug, and Cosmetic Act.

But as the years have gone forward, so has scientific development. Food additives were developed which, while nonnutritive, were nevertheless helpful to the industry and which imparted useful qualities to the products. As a result, in order to assure the safety of all such additives, the Food Additives Amendment of 1958 required the pretesting of all such materials before they could be used in any food. But, although nonnutritive additives are thus a common, safe, and accepted part of the content of a wide variety of foods, the old language forbidding nonnutritive additives to candy is still there. This bill would correct that discrimination, based on a definition which has long since outlived its purpose in view of present legislation which accomplishes the end result fully as well.

Legislation to this end was passed by the House of Representatives in the last Congress on August 12, 1964, but no action was taken by the Senate. H.R. 6328, containing the same provisions, is presently again before the House, introduced by Congressman LEO W. O'BRIEN, of New York, a member of the House Interstate and Foreign Commerce Committee and ranking majority member of the Subcommittee on Public Health and Welfare. Representative TORBERT MACDONALD, of Massachusetts, a member of the same committee, has also presented a companion bill, H.R. 7042.

The Food and Drug Administration has told the industry that it would support an amendment permitting confectionery to use the same, safe, non-nutritive substances already available to the rest of the food industry—provided that the Food and Drug Administration would approve by individual regulations in each case. Rather than taking such an individualistic and cumbersome approach, the bill offered today would remove the present discrimination and place the confectionery industry on the same basis as the other segments of the food industry.

Mr. President, in further clarification of this proposal, I ask unanimous consent that there may be printed at the end of these remarks a portion of the text of House Report No. 1550, 88th Congress, 2d session, setting forth the opinions and recommendations of the House Committee on Interstate and Foreign Commerce.

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

The bill (S. 1839) to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The portion of the report presented by Mr. HARTKE is as follows:

PURPOSE OF THE BILL

This bill would permit manufacturers of candy to use, in the manufacture of candy, substances which are cleared for safety as food additives by the Food and Drug Administration, without regard to whether these additives are nutritive or not.

BACKGROUND

When the Pure Food and Drug Act was enacted in 1906, it contained a provision deeming confectionery to be adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In 1938, this prohibition was expanded so that under section 402(d) of the act confectionery bearing or containing any nonnutritive substance or article, with certain specified exceptions is automatically deemed adulterated.

In 1958, section 409 was added to the Federal Food, Drug, and Cosmetic Act, providing authority for the Food and Drug Administration to regulate food additives. Under this amendment, any substance whose intended use results in its becoming a component or otherwise affecting the characteristics of any food (including confectionery) may not be used except (1) for investigational use, or (2) unless "there is in effect, and its use or intended use are in conformity with" a regulation issued by the Food and Drug Administration under section 409.

Notwithstanding the enactment of the Food Additives Amendments of 1958, no change was made at that time in section 402(d) of the Federal Food, Drug, and Cosmetic Act, the provision relating to confectionery.

The bill herewith reported would amend section 402(d) so as to eliminate those provisions in that section which deem confectionery to be adulterated if it bears or contains any nonnutritive article or substance except authorized coloring, harmless flavoring, or certain harmless resinous glazes. This will place the confectionery industry on the same basis as other segments of the food industry and will permit that industry to use in the manufacture of candy, food additives cleared for safety under the food additives amendment.

Existing law in this area presents somewhat of an anomaly. Certain additives may be used by the canning, frozen food, baking, bottling, and preserving segments of the food industry—even the baby foods industry—but these substances may not be used in the manufacture of candy.

The committee feels that this discriminatory and anomalous treatment of the confectionery industry is not warranted.

FOOD AND DRUG ADMINISTRATION POSITION

The Food and Drug Administration opposed the bill in the form in which it is reported, but recommended that existing law be amended to permit the Food and Drug Administration to permit proposed uses of nonnutritive additives in the manufacture of candy if the Secretary finds "that such use has technological value" and "is in accordance with good manufacturing practice." The committee sees no reason why a special rule should apply to the confectionery industry that does not apply to all other segments of industry, and points out that the provisions of section 409 of the Federal Food, Drug, and Cosmetic Act fully cover safety of additives, and provides protection against deceptions of the consumer, and prohibits use of any additive which would result in adulteration or in misbranding of food.

Prior to the enactment of the food additive amendment, undoubtedly there was some protection afforded to the public by section 402(d) although the law presented disadvantages which have become more serious as technological developments have occurred. Since the enactment of the food additives amendment, any benefits which the public derived from section 402(d) no longer continue but the disadvantages do continue. The safety of all additives used in all foods is assured by the food additives amendment, but nonnutritive additives which are safe and so recognized by the Food and Drug Administration and which are used by other segments of the food industry may not be used by the confectionery industry.

The facts which may have justified the existence of section 402(d) until a more adequate law was enacted assuring the safety of all additives used in all foods, which now has been accomplished by enactment of the food additives amendment, make the nonnutritive provision of section 402(d), which is applicable only to the confectionery industry, not only no longer necessary, but also not desirable.

The Food and Drug Administration also recommended that the legislation be amended so as to prohibit the intermingling of trinkets or other articles with candy, unless the trinket or article was "not physically integrated with or attached to it" and unless the trinket or article was separated and distinctly wrapped.

This amendment was designed to overrule the effect of a court of appeals decision in *U.S.* v. *Cavalier Co.* (190 F. 2d 386 (1951)) holding that the intermingling of trinkets with candy or gum in a vending machine did not result in adulteration of the candy within the meaning of the Food and Drug Act. It was pointed out to the committee that the effect of this amendment would be to seriously jeopardize the business of many persons in the vending machine industry.

The product liability insurance rate of that industry is among the lowest in the food industry. Under the circumstances, the committee felt that there is no threat to the public health sufficient to warrant the adoption of an amendment which would have such serious consequences for a segment of our domestic industry.

SUMMARY

This bill would amend 402(d) of the Federal Food, Drug, and Cosmetic Act so as to permit the candy manufacturing industry to use food additives which are cleared for safety by the Food and Drug Administration for use in the manufacture of food by all other segments of the food industry in the United States, and would eliminate the present anomalous situation under which a substance can be used in the manufacture of food by all other segments of the food industry—including the baby food manufacturing industry—but may not today be used in the manufacture of candy.

Mr. SCOTT. Mr. President, I am joining today as principal cosponsor with Senator HARTKE, of Indiana, and 15 other Senators in the introduction of legislation to eliminate a discriminatory situation which has faced our candy manufacturers for many years.

Under the present Food, Drug, and Cosmetic Act, canned foods, frozen foods, baked goods, preserves, and even baby foods may contain a wide variety of emulsifiers, stabilizers, preservatives, and other additives which enhance the texture, flavor, and other desirable attributes of the product. Our confectionery industry alone is not allowed the use of these nonnutritive substances.

The legislation which we are proposing today would remove this discrimination by amending the Food, Drug, and Cosmetic Act to permit the confectionery industry to use the same safe, nonnutritive substances already available to baby food manufacturers and other food industries.

## OHIO RIVER NATIONAL PARKWAY

Mr. HARTKE. Mr. President, in this session of the Congress I have presented several bills for the benefit of the traveling public, including a proposal for spot highway improvements, to provide greater road safety; a bill to provide for the Lincoln Trail Memorial Parkway to run from Hodgenville, Ky., through the Indiana site of Lincoln's boyhood home and on to Springfield, Ill.; and one which calls for an extension of the Interstate Highway System from 41,000 to 60,000 miles. Today I am introducing two more bills which will further round out the better highways program I hope we may see developed. One, on which my comments appear under a separate heading, will provide for enhancement of the traveler's knowledge of the area he is in through historical display boards to be

erected at rest stops on the Interstate Highway System. The other, of which I wish to speak now, provides for the establishment and administration of the Ohio River National Parkway.

The purpose of the bill is well stated in the opening sentence of the bill, which authorizes establishment of the Ohio River National Parkway "in order to enhance the public enjoyment and accessibility of certain areas in the State of Indiana having a scenic and historical value, including the Ohio River, vast and dense forests, historical sites, caverns, large rolling hills, and spectacular scenery." The parkway would begin near Aurora, Ind., where U.S. 52 turns away from the Ohio River to cross the State of Indiana. From that point through Ohio, Jefferson, and Switzerland Counties to Madison, State roads exist along the river, but much of that portion is listed on State highway maps as "dustless" rather than "paved." Other such existing roads follow the river from New Albany to New Boston and from Derby to Tell City. The intervening portions, despite the scenic nature of the southern Indiana countryside, do not presently carry roads following the river.

The terminus of such a parkway would be near Troy, Ind., where it would link up with the proposed Lincoln Trail Memorial Parkway, with a total distance of somewhat under 200 miles involved. It would afford a genuine addition to those places in the Nation which make so attractive the recently developed slogan, "See America First"—the promotion of which has been entrusted by President Johnson to our presiding officer, Vice President HUMPHREY.

This region of Indiana, as I have indicated, has scenic attractions as the Ohio River rolls on down toward my own home town of Evansville. I know this country, and I know its beauty. But its present state of relative inaccessibility does not permit many who might otherwise be attracted to it to share that knowledge with me. This land of ours is indeed "America the beautiful." The Ohio River National Parkway can help bring more of that beauty to visibility as our Hoosier attractions for tourists become increasingly known. Indiana's great potential in that direction has been thoroughly pointed out in a recent ARA-sponsored study of the 42 southern Indiana counties prepared by Indiana University. This project will benefit both those who live there and those who come to visit. I hope that it will find a favorable reception in the Congress.

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

The bill (S. 1840) to provide for the establishment and administration of the Ohio River National Parkway in the State of Indiana, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

## HISTORICAL DISPLAY BOARDS FOR INTERSTATE HIGHWAYS

Mr. HARTKE. Mr. President, the Interstate Highway System is one of the greatest programs of progress ever launched by any nation. It provides us with safe, economical, and convenient travel. It saves us lives and money and it increases the ties—both commercial and cultural—which bind us together as a nation.

The Interstate System, however, has by no means reached perfection. Improvements can always be made. I have suggested these in the past and I offer today a further refinement.

Although we enjoy the speed with which the Interstate System permits us to move, a common question at the end of an excursion is: "Where have we been?" On the Interstate System we speed almost nonstop through the countryside with little or no idea of what is around us. While the superhighway brings us to our destination more quickly, we often find the trip has been quite monotonous and boring.

I propose, in a bill which I offer today, that display boards listing nearby historical and scenic attractions be erected at each rest stop on the Interstate System. The cost for this project would be low in comparison to the large benefits, benefits not alone for the traveler but for residents of the area as well.

Such a display board would present historical highlights of the area and list noncommercial points of interest, together with road directions to them. The boards would be prepared by State universities, State or local historical societies, or others, using uniform standards set by the Bureau of Public Roads.

The family which has a limited time to travel would find display boards such as these a rapid and reliable source for orienting themselves to the area through which they are driving. For those with more leisure time, information on the display boards would encourage side trips from the interstate highway, to both the enlightenment and the enjoyment of the traveler.

This proposal, of course, is not unprecedented. Many States have for years provided varying types of historical markers along main highways. Such signs remind us of our heritage and enrich our travel experience. We need such an enriching program throughout the Interstate System.

I urge support of each of my colleagues on this bill. I therefore ask, Mr. President, that it may be held at the desk for cosponsors until the close of business on Friday next, April 30, and that the text of this short bill may appear at the close of these remarks.

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

The bill (S. 1841) to amend title 23 of the United States Code in order to authorize costs of installing certain display boards providing historical and other information as part of the costs of construction under the Federal-aid highway program, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second paragraph of section 101 (a) of title 23 of the United States Code, relating to the definition of the term "construction" for the purpose of the Federal-aid highway program, is amended by inserting before the period at the end thereof a comma and the following: "and also including costs of display boards placed at noncommercial rest areas on such highway to provide information with respect to the history of the area and noncommercial points of interest".

## FUNDS FOR POINT REYES NATIONAL SEASHORE

Mrs. NEUBERGER. Mr. President, I am introducing, for appropriate reference, legislation to amend the public law which established Point Reyes National Seashore in California in 1962. Subsequent events have proved that the sum originally fixed in the law for acquisition of property within the new National Park unit is insufficient. The bill placed a limitation of $14 million on the amount to be appropriated for the valuable property in this area.

Point Reyes National Seashore will be the property of all the people of the United States. We have a valuable natural resource heritage involved here; and it is my strong belief that all of the people of the United States should help pay the cost of acquiring the needed land by direct purchase.

An increase in the appropriation ceiling for acquisition of Point Reyes Seashore land would be a constructive step. The bill I am introducing today will give the Senate Interior and Insular Affairs Committee a basis on which to determine the amount needed to complete the program for purchase of land. This is the procedure which should be followed in acquiring new seashore land, in my opinion.

Mr. President, I ask consent to have the text of the bill printed in the RECORD with my remarks.

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

The bill (S. 1845) to amend section 8 of Public Law 87–657, 87th Congress, introduced by Mrs. NEUBERGER, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, 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 (a) section 8 of Public Law 87–657 of the Eighty-seventh Congress is repealed and (b) that there is enacted in lieu thereof the following:

"SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

## MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN THE SOUTH PACIFIC COMMISSION

Mr. FULBRIGHT. Mr. President, by request I introduce, for appropriate ref-

erence, a joint resolution to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

This legislation has been requested by the Acting Secretary of State, and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution may be printed at this point in the RECORD, together with a memorandum of justification and the letter from the Acting Secretary of State to the Vice President with regard to it.

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

The joint resolution (S.J. Res. 71) to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* that Section 3(a) of the joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor", as amended (22 U.S.C. 280b) is hereby amended to read as follows:

"(a) such sums as may be required annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, as set forth in Article XIV of the Agreement establishing the South Pacific Commission."

The memorandum and letter presented by Mr. FULBRIGHT are as follows:

MEMORANDUM OF JUSTIFICATION OF PROPOSED AMENDMENT TO REMOVE STATUTORY RESTRICTIONS ON U.S. CONTRIBUTIONS TO THE SOUTH PACIFIC COMMISSION

Current legislation providing for U.S. participation in the South Pacific Commission restricts the authority to make appropriations to fiscal years 1965 and 1966 in amounts not to exceed $150,000.

The proposed draft of an amendment to Public Law 403, 80th Congress, would replace these restrictions by a continuing authorization without limitation as to amount.

The membership of the Commission consists of the state of Western Samoa, which became a member in 1964, and 5 Governments—Australia, France, New Zealand, the United Kingdom, and the United States—which together administer some 15 territories in the Pacific Ocean. These territories are scattered over an ocean area approximating one-fifth of the world's surface, about a third being in the U.S. sphere of responsibility. The U.S. territories covered by the Commission's activities include American Samoa and Guam as well as the Trust Territory of the Pacific Islands. The entire complex of islands in the Commission's geographical bounds is of strategic importance to the United States.

As a regional organization with the only permanent reservoir of expertise in the South Pacific area, the Commission is uniquely qualified to assist in the economic and social development of the South Pacific people. It supplements and complements the individual territorial efforts of the administering governments and has proved an effective method of mobilizing the resources of these governments in a common effort. At the same time, it provides a forum for the indigenous people to voice their views on the development of the region.

Concentrating in the fields of health, and economic and social development, the Commission carries out its work largely through a program of research, technical assistance, and the collection, publication, and distribution of scientific and technical information.

In the health field, attention centers on organizing research into unsolved health problems, health education, and maternal and child care. In the area of economic development, the Commission is currently concerned with improvement of basic crops, fisheries, and boatbuilding, and eradication of plant disease and pests. The social development program deals with community education, language training, cooperatives, library development, and reading aids.

In order to respond more effectively to the regional needs of the area, the Commission considers desirable a significant strengthening of all these activities over the next few years. Among the projects of high priority are the following:

1. A broad program of improving village sanitation. Emphasis would be placed on the control of insects and rats, the latter being a serious economic as well as health problem in the South Pacific.

2. Expansion of the maternal and child health program. This would include adding a public health nurse to the staff to assist in conducting courses for auxiliary staff in territories, refresher courses for midwives, and seminars on social pediatrics.

3. Strengthening of the Community Education Training Center in the Fiji Islands.

4. Establishment of a regional language-teaching institute for the Pacific region where teachers and administrators could be trained in new methods of teaching English.

5. Intensification of plant production improvement. As part of a program to introduce commercial crops, the Commission hopes to expand the service of supplying new, disease-resistant species of the breadfruit, cacao, and taro. If the basic research on insect control results in increased coconut production, a regional research and training center for coconut products and byproducts is considered a logical followup.

The budget for calendar year 1965, approved at an assessment level of $747,799, provides for a start on this work program. Since the United States is assessed at 20 percent of the Commission's budget, our share of 1965 expenditures is $149,559. This amount, to be funded from U.S. fiscal year 1966 appropriations, is just under the statutory limitation of $150,000 on our contribution. This ceiling, however, will be inadequate to cover our obligations under subsequent budgets which must increase over the 1965 level if the important projects outlined above are to be carried out.

As between the raising of the annual ceiling on the amounts authorized to be appropriated and eliminating the ceiling entirely, the Department recommends the latter.

A ceiling could prevent the United States from living up to the terms of the agreement establishing the South Pacific Commission which calls for contribution of a fixed percentage of the budget rather than a fixed amount. The other member countries, preferring to relate their financial support of the Commission to the intrinsic value of proposed programs and the overall effectiveness of the Commission, have not enacted such legislation. If they did so, it would result in financial chaos for the Commission since the size of the budget would be determined by a series of unilateral actions and not by multilateral negotiations.

We believe that the absence of a statutory limitation on the U.S. contribution would not result in sharp increases in the Commission budget, since the other contributors would have to pay their share of any expenses. Except for Western Samoa, their share is not much lower than that of the United States and in one case is significantly higher. Current assessments percentages are: Australia, 32; France, 14; New Zealand, 16; United Kingdom, 17; United States, 20; Western Samoa, 1. The relative size of their contributions constrains the other members to approach budget expansion with caution. Moreover, these are responsible governments which, while responsive to the Organization's real needs, have demonstrated a serious interest in the economical operation of the Commission.

The Department also sees advantage in having Congress authorize contributions to the Commission on the basis of a continuing authority. Prior to the adoption of an amendment in 1964 which restricted the authorization for appropriation to fiscal years 1965 and 1966, the Congress had provided a continuing authorization. A return to this arrangement seems appropriate because both the terms of the agreement establishing the Commission set no terminal date to the Commission's life, and the language of the joint resolution authorizing U.S. membership in the Commission places no limits on the duration of that membership. Reestablishment of the continuing authority would, therefore, serve to underline our positive interest in the future development of the Commission. This would in no way affect the availability of officials of the executive branch to testify before appropriate committees of the Congress upon request, in addition to the regular annual review by the Committees on Appropriations.

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DEPARTMENT OF STATE,
*Washington, April 8, 1965.*

HUBERT H. HUMPHREY,
*President of the Senate.*

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft of an amendment to Public Law 403, 80th Congress, which provides for membership and participation by the United States in the South Pacific Commission.

By replacing the present authorization for appropriations in fiscal years 1965 and 1966 in amounts not exceeding $150,000 by a continuing authorization without limitation as to amount, the amendment would permit the United States to play its proper role in the expanded work of this important Commission.

I do not believe the elimination of the statutory limitation on our contribution would lead to a sharp increase in the U.S. contribution. A detailed description of the Commission's work and our reasons for proposing the amendment is enclosed.

I hope the Congress can give favorable consideration to the amendment during the present session so that the U.S. representative will be able to participate in the fall in the discussion and approval of the program to be included in the Commission's budget for calendar year 1966.

A similar communication is being sent to the Speaker of the House.

The Department of State has been advised by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

GEORGE W. BALL,
*Acting Secretary.*

## PRINTING OF REVIEW OF REPORT ON CENTRAL AND SOUTHERN FLORIDA, SOUTHWEST DADE COUNTY, FLA. (S. DOC. NO. 20)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report, dated September 15, 1964, from the Acting Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on central and southern Florida, Southwest Dade County, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, June 6, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

## PRINTING OF REVIEW OF REPORT ON CHETCO RIVER, OREG. (S. DOC. NO. 21)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report, dated March 4, 1965, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on Chetco River, Oreg., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 28, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

## WATERSHED PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA. Mr. President, in order that the Senate and other interested parties may be advised of the various projects approved by the Committee on Public Works, I submit for inclusion in the CONGRESSIONAL RECORD, information on this matter:

*Projects approved by the Committee on Public Works on Apr. 13, 1965, under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended*

| | *Federal cost* |
|---|---|
| Ketchepedrakee Creek, Ala | $882,740 |
| Twin-Rush Creek, Ind | 1,234,620 |
| Badger Creek (supplemental), Iowa | 212,965 |
| Walters Creek, Iowa | 1,074,920 |
| Total | 3,405,245 |

## AMENDMENT OF HOUSING AND URBAN DEVELOPMENT ACT OF 1965—AMENDMENT (AMENDMENT NO. 101)

Mr. HART. Mr. President, I send to the desk an amendment to S. 1354—the Housing and Urban Development Act of 1965—and ask that it be printed, and appropriately referred. The purpose of this amendment is to provide grants to cities with workable programs to carry out programs of demolition of dilapidated structures in residential neighborhoods.

For many years cities across the Nation have been waging a battle against decay in residential neighborhoods, with Federal assistance. Thousands of acres of slums have been cleared for public and private redevelopment. Other vast areas have been designated as conservation neighborhoods. In these a vital instrument to achieve neighborhood betterment has been the removal of building which are too deteriorated to be rehabilitated.

Had these structures been permitted to remain, conservation efforts would have been severely hindered and sometimes completely blocked. While extensive efforts, involving substantial expenditures are being made to clear areas already blighted and to conserve neighborhoods which have moved significantly along toward becoming totally blighted, more preventative measures are needed.

Many neighborhoods in our cities are in generally excellent condition. In a substantial number of these, however, an occasional building has been abandoned by its owner. This has resulted in a creation of a condition hazardous to the health and welfare of the surrounding area.

These dilapidated buildings serve as an attractive nuisance to children and as a fire hazard. Their existance produces a negative effect on adjoining property owners in terms of their desire to maintain their own property. It is readily seen that one such building can be the seed of a new blighted neighborhood. The removal of these buildings, where it can be done under local law, becomes an extremely burdensome expense to the community and in almost every case more burdensome than the community can bear alone. Therefore in view of the deep involvement of the Federal Government in programs aimed at the elimination of slums, it seems essential that the elimination of the first sign of blight, that is, a single decaying structure, will in many instances be the key action in keeping a neighborhood as a desirable place in which to live.

The more that can be done to keep a neighborhood from becoming blighted, the less we will have to spend on future clearance of large areas. Commonsense seems to require that the removal of scattered, dilapidated buildings will provide a relatively inexpensive way of saving vast parts of our cities from becoming urban renewal projects through their fall into decay.

We have already made significant changes in Federal law in terms of strengthening local code enforcement activities. This will be another major step in that direction.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. The bill to which my amendment is offered is presently before the Senate Committee on Banking and Currency. My purpose is to have the amendment referred to that committee.

The PRESIDING OFFICER. It will be referred to the Committee on Banking and Currency.

The amendment (No. 101) was referred to the Committee on Banking and Currency.

## VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 102

Mr. TOWER submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to lie on the table and to be printed.

(See the remarks of Mr. TOWER when he submitted the above amendment, which appear under a separate heading.)

AMENDMENTS NO. 103 THROUGH 114

Mr. EASTLAND submitted amendments, intended to be proposed by him, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed

AMENDMENT NO. 115

Mr. FULBRIGHT (for himself and Mr. MCCLELLAN) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 1564, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NO. 116 THROUGH 119

Mr. ERVIN submitted four amendments, intended to be proposed by him, to Senate bill 1564, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 121

Mr. SPARKMAN. Mr. President, on a number of occasions, I have made my views known on the so-called voting rights bill, S. 1564. I have appeared before the Senate Judiciary Committee, and I have spoken here on the floor of my opposition to the bill.

On each occasion, I have explained that my opposition is not to the right of any qualified person to vote, but rather to the concept embodied in the bill which takes away from the States the right to set voter qualifications.

This bill repeats an old post-Civil War procedure which saw Federal officials entering the South for the purpose of usurping State powers. The bill seeks to send Federal voting examiners into suspected States to examine State voting procedures.

I have prepared an amendment to deal with this situation.

This amendment would compel Federal examiners to apply State laws and not their own self-made procedures concerning voter qualifications. Since the Constitution gives the States the right to establish qualifications and since the major complaint currently is the alleged discriminatory use of State laws, there should be no major objection to this amendment unless the sponsors of the bill intend to substitute Federal, agency, or self-made examiners' procedures on registration and qualification, for State laws.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

## THE HIGHER EDUCATION ACT—AMENDMENT (AMENDMENT NO. 120)

Mr. FULBRIGHT submitted an amendment, intended to be proposed by him, to the bill (S. 600) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education, which was referred to the Committte on Labor and Public Welfare and ordered to be printed.

## VOTING RIGHTS ACT OF 1965—AMENDMENT (AMENDMENT NO. 102)

Mr. TOWER. Mr. President, I send to the desk an amendment to the voting rights bill, in the nature of a substitute—S. 1564.

The pending bill is seriously deficient at best, unconstitutional at worst. Its defects, though not seen in the earlier haste of presentation, have now come to light. I say let us correct such defects, not ignore them, in what should be a somewhat more calm period of reflection.

In essence my proposal would, first, insure the uniform application of all State voting requirements; second, prohibit fraudulent voting in Federal elections, prescribing penalties for those involved in such fraudulent actions; and third, provide for a detailed study by the Attorney General and Secretary of Defense to determine whether under State laws there are preconditions to voting or registering to vote, which tend to result in discrimination against Armed Forces personnel.

I believe my bill in its provisions prohibiting discrimination would accomplish the following:

First. Eliminate, effectively and expeditiously, voting discrimination wherever it exists.

Second. Bring an end to any and all unreasonable standards for registration and voting, without ending constitutional, State established requirements.

Third. End all vestiges of discriminatory application of voting and registration requirements.

Fourth. Responsibly refrain from penalizing States and subdivisions which are not guilty of discrimination.

My proposal would accomplish these objectives; the pending bill will not.

Mr. President, there is an absence of complicated and arbitrary percentage formulas in my proposal. It is simply stated, simply understood, and simply applied. My amendment prohibits discriminatory voting practices wherever they exist, not in just a few States and counties.

Whenever the Attorney General receives complaints from 25 or more residents of a county or similar political subdivision, alleging discrimination and denial of voting rights on the basis of race or color, a Federal examiner is appointed by the Civil Service Commission. The examiner immediately determines whether or not those alleging such discrimination possess the requisite voting qualifications. Any challenge by the State may be made within 10 days before a Federal hearing officer appointed by the Civil Service Commission. The hearing officer is required to render his decision within 7 days.

A pattern or practice of discrimination is established upon a determination by the hearing officer that the right of suffrage has been denied to 25 or more persons because of race or color. Immediately, upon this determination, the Civil Service Commission is required to appoint additional Federal examiners to register others within the county or political subdivision, who may be subject to discrimination.

My amendment provides for an appeal of the decision by the hearing officer within 15 days. However, during this period all persons found to possess voting qualifications shall be entitled to vote; those challenged may vote provisionally pending the appeal by the hearing officer and the court. The primary purpose of allowing provisional voting is to preclude delay of the appeal and thus to encourage its expeditious consideration.

Under my amendment, Federal examiners are required to accept a sixth-grade education as a presumption of literacy. The Federal examiners are likewise required to insure fair and nondiscriminatory application of existing literacy tests.

Mr. President, my amendment is aimed not only directly towards discriminatory practices in registration and voting, but deals also with the broader problem, where it exists, of physical or economic coercion and intimidation. The amendment I propose provides for both civil and criminal penalties for officials engaging in any such coercion or intimidation.

My amendment does not presume guilt, in lieu of our basic right of presumption of innocence. States and political subdivisions are not guilty under my proposal, until it has been proven that they discriminate.

Mr. President, my proposal also covers fraudulent counting and voting. I believe of equal importance to the right to vote is the right to have such vote properly counted, and thus not diminished in the overall returns.

Wherever a person alleges to an examiner within 24 hours that he was not permitted to vote or that his vote was not properly counted, the examiner notifies the Federal district attorney who may then apply to the Federal court for an order of contempt. Whoever under color of law fails to permit one to vote, or fails to count the vote properly, or intimidates or threatens or coerces the voter, is subject to a maximum penalty of $5,000 fine or 5 years imprisonment.

Also, under my proposal, whoever casts a ballot illegally, or casts more than one ballot, or attempts to, or alters ballots cast in a Federal election is subject to a like penalty.

My amendment also calls for a joint study by the Attorney General and Department of Defense to determine if, under the laws or practices of any State or States, there are preconditions to voting, or registering to vote, which might tend to result in discrimination against citizens serving in the armed services.

Mr. President, I believe this amendment I introduce today offers to the Senate an effective and expeditious, and constitutional alternative which would bring to an end the disenfranchisement, because of race or color, of any of our citizenry, and will insure to all such citizens the proper counting of their votes.

I ask unanimous consent that a section-by-section analysis of my amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the desk; and, without objection, the analysis will be printed in the RECORD.

The amendment (No. 102) was received, ordered to be printed, and to lie on the table.

The section-by-section analysis presented by Mr. TOWER is as follows:

BRIEF SECTION-BY-SECTION ANALYSIS, TOWER VOTING RIGHTS SUBSTITUTE

Literacy test definition—any requirement regarding ability to read, write, demonstrate educational achievement or knowledge of any particular subject (sec. 2a, p. 1).

Provides that one acting under color of law shall provide applicant opportunity to register or to qualify to vote within 2 weekdays after applicant makes good faith attempt to do so. Applicant must be notified of results within 7 days (sec. 26, p. 2).

Election definition—any general, special, primary in any voting district for selection of candidate or deciding proposition or issue of public law (sec. 2b, p. 2).

Congressional determination that large numbers of citizens have been and are being denied voting or registration on account of race or color in violation of the 15th amendment (sec. 3a, p. 2).

Congressional determination that literacy tests have been and are being used in some States and subdivisions as a means of discrimination on account of race or color (sec. 3b, p. 3).

Congressional determination of sixth grade presumption of literacy (sec. 3b, p. 3).

Eliminates requirement of good moral character, and so forth (with exception of felons) (sec. 3c, p. 3).

Establishes a pattern or practice of discrimination where 25 or more persons claim discriminatory denial of right to vote (sec. 3d, p. 3).

Federal examiner is appointed by Civil Service Commission upon certification by Attorney General that he has received in writing 25 or more complaints from residents of a voting district that they have been denied right to register, or to vote, and that he

[Attorney General] believes claims are meritorious (sec. 4a, pp. 3–4).

Certification by the Attorney General is final and effective upon publication in Federal Register (sec. 4b, p. 4).

Examiner shall examine complainants. Their statement under oath is prima facie evidence of age, residence, prior efforts to register or vote (sec. 4c, p. 4).

Upon examiner finding that 25 or more persons within the district have been denied the right to register or to vote, their names shall be placed on list of eligible voters—list goes to appropriate election officials, Attorney General, State attorney general, with report of findings (sec. 4d, p. 5).

Examiner shall administer literacy test where applicable (sec. 4d, p. 5).

Where a practice or pattern of discrimination is established, the Civil Service Commission shall appoint additional examiners within the voting district (sec. 4e, pp. 5–6).

Where examiner listing is challenged, persons listed can vote provisionally, pending hearing officer or court determination (sec. 4b, p. 5).

Provides that no person can vote unless his name has been certified and transmitted to appropriate election officials at least 45 days prior to such election (sec. 4g, p. 5).

A challenge to examiners' findings may be filed within 10 days of examiners' listing, by the State attorney general or appropriate election officials, to a hearing officer appointed by the Civil Service Commission. Challenge must be accompanied by affidavit of at least two persons; 7 days for challenge determination (sec. 5a, p. 6).

Appeal from hearing officer decision may be filed in U.S. Circuit Court of Appeals within 15 days of decision, but no decision of a hearing officer shall be overturned unless clearly erroneous (sec. 5b, p. 7).

Establishment of pattern or practice of discrimination shall not be stayed pending court determination of challenge (sec. 6, p. 7).

Where pattern or practice of discrimination is established the Civil Service Commission shall appoint necessary additional examiners within the district who shall determine whether persons within the voting district are qualified to register and to vote. Under this provision, persons appearing before examiners need not have first attempted to apply to a State or local registration official if he states under oath that in his belief to do so would have been futile or would have jeopardized his or family's personal well-being or property, or economic standing (sec. 7a, p. 7).

When a person alleges to examiners within 24 hours after closing of the polls that in spite of his listing under this act, he has not been permitted to vote or that his vote was not properly counted, the examiner notifies the U.S. district attorney who, if he determines claim is well founded, may apply to the district court for an order of contempt. Whoever under color of law prohibits proper counting or voting through intimidation, coercion, and so forth, shall be fined not more than $5,000 or imprisoned not more than 5 years or both. Same penalties where, under color of law and in districts where examiners have been appointed, for those who destroy or alter proper ballots or other voting machine records (sec. 8a, b, pp. 9–10).

District courts have jurisdiction of above without regard to whether an applicant has exhausted any administrative or other remedies (sec. 8c, p. 10).

Civil Service Commission prescribes forms for applicants. Examiner shall make themselves available every weekday in order to determine voter qualifications, regardless of State time limitations (sec. 9, pp. 10–11).

Successful applicant stays on the voting list until (1) he has been successfully challenged, or (2) he has been determined by an examiner not to have voted or attempted to vote at least once during 4 consecutive years while listed (or during such larger period as is allowed by State law with requiring registration, or (3) to have otherwise lost eligibility to vote. However, where a State requires registration within a period of time shorter than 4 years, the person must reregister with an examiner (sec. 10, p. 11).

Examiners shall be existing Federal officers and employees, who are residents of the State in which the Attorney General has issued certification (sec. 11, p. 11).

Provision of this act shall be applied in a voting district until, within any 12-month period, less than 25 persons within the voting district have been placed on lists of eligible voters by examiners (sec. 12, p. 12).

Cases of civil and criminal contempt shall be governed by contempt provisions of 1957 Civil Rights Act (sec. 13, p. 12).

Attorney General and Secretary of Defense shall make study of prerequisites to voting by servicemen, which might tend to result in discrimination against their right to vote. Report of study, with recommendations, shall be made by January 1, 1966 (sec. 15).

Whoever casts ballot in any Federal election knowing that he is ineligible, or casts more than one ballot, or steals or destroys or mutilates, and so forth, shall be fined not more than $5,000 or imprisoned not more than 5 years or both (sec. 16a, pp. 13–14).

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

Mr. TOWER. I yield.

Mr. JAVITS. I may not agree with any one of the Senator's proposals, but I certainly think it is fine when Senators who oppose seek creatively to find alternatives and propose them. I am glad to see this constructively critical approach by the Senator from Texas. I have also noted his feeling about the poll tax and that of the Senator from Mississippi, which I can understand, and I will speak on that matter later. It is most helpful when Senators dissent in a certain matter, when there is a great national problem involved, put forward their own ideas as to how they think those problems should be corrected.

Mr. TOWER. I thank the Senator. My principal objection is to abolishing the poll tax by statutory means. This proposal is largely the work of Representative McCULLOCH, of Ohio, one of the principal architects of the Civil Rights Act of 1964.

## EXTENDING DAVIS-BACON ACT TO MAINTENANCE CONTRACTS—EXTENSION OF TIME FOR BILL TO LIE ON THE DESK

Mr. KUCHEL. Mr. President, I wish to discuss briefly S. 1797, to extend the Davis-Bacon Act to include contracts for maintenance work performed on Federal public works and buildings.

I ask unanimous consent that the bill (S. 1797) remain at the desk for, hopefully, additional cosponsors, until next Monday.

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

Mr. KUCHEL. Mr. President, in the last Congress, the distinguished Vice President, then the majority whip, Mr. HUMPHREY, and I offered two bills to amend the Davis-Bacon Act. One of the proposals, providing for the inclusion of fringe benefits, such as those for hospital care, pensions, and retirement, in the prevailing wage provisions of the Davis-Bacon Act was enacted by the 88th Congress. The other is the measure which I have reintroduced as S. 1797 on April 22. This legislation is needed if we are to keep pace with the changes taking place in the work practices of a highly technical American industrial establishment.

Mr. President, in 1931, a historic act authorized by a Republican Senator from Pennsylvania, James Davis, and a Republican Representative from New York, Robert Bacon, was adopted by Congress and signed into law by President Hoover. In passing the Davis-Bacon Act, Congress wisely determined that when Federal tax dollars were being used for construction, the wages paid for a particular type of labor must be those prevailing in the locality for work on projects of a similar character. The purpose in passing this law was to prevent cheap labor from being imported into an area and thus undercutting the going wages in the local labor market. Effective administration of this act has meant more job opportunities for both local workers and local contractors.

I have long worked for the extension and improvement of the Davis-Bacon Act. In 1956, as a member of the Senate Committee on Public Works, I helped attain the adoption of an amendment which applied the Davis-Bacon principle to the construction authorized under the multibillion-dollar 41,000-mile interstate highway program. In urging that amendment almost 9 years ago, I noted what the application of the prevailing wage law would mean to the people of California and all other States, as follows:

> Our local working people will be given the statutory assurance by the Congress that, in working on a public construction job, they would have the same level of income or salary which they would have if they are working in similar enterprises in that locality. It also means that the local contractor who had local people working for him would not be subject to the hazard that some contractor from another part of the country might underbid him on the basis that he could import cheap labor into that area and could underbid the local contractor, and depress the local economy.

In the 87th Congress I coauthored an amendment to the administration's Urban Mass Transportation Act which applied the Davis-Bacon principle to that program. The Senate Committee on Banking and Currency agreed to the amendment which then became part of the Mass Transportation Act enacted in mid-1964. In 1964, the 88th Congress also accepted revision of the Davis-Bacon Act, which I also coauthored, to include the fringe benefits previously mentioned.

The fact that the Congress has steadily extended and improved the original Davis-Bacon concept is gratifying. However, additional revision is needed. The legislation which I have offered would fill an acute gap in the present law.

The Davis-Bacon concept should be extended to the maintenance contracts—such as those dealing with the replacement, modification, reconstruction, and demolition of a structure or project—which are made after the original con-

struction has been completed. At this time, on military and other Federal installations in my own State and throughout America, we have the strange zigzag pattern where prevailing wages—and thus protection for local contractors and local workers—are honored during the construction phase but ignored when maintenance work—including replacement, modification, reconstruction, or demolition—occurs. Whole crews of out-of-State workers are brought in to perform such work below prevailing local wages while our local contractors and workers are literally standing outside the fence looking in. This condition is neither logical nor consistent. It certainly is not fair. The Federal Government should not condone unfair practices after construction while preventing them during construction. It should not, through inaction, encourage substandard working conditions. Interestingly enough, on State public works projects in California, alteration, demolition, or repair work, as well as construction, have been covered since the "little" Davis-Bacon Act, adopted by the California Legislature in 1937. The State act has worked successfully and has the support of contractors and workers in the areas involved.

Mr. President, revision of the Federal law is long overdue. I hope that the Congress will choose to amend the Davis-Bacon Act along the lines suggested in S. 1797.

Mr. President, I ask unanimous consent that the text of S. 1797 be printed at this point in the RECORD.

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

S. 1797

A bill to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1961, as amended (40 U.S.C. 276a–6), is amended to read as follows:

"SEC. 7. A contract for maintenance work on a public building or public work, including the replacement, modification, reconstruction, and demolition thereof, shall, for the purposes of this Act, be deemed to be a contract for the construction, alteration, and/or repair thereof."

## ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. MILLER. Mr. President, the distinguished junior Senator from Oklahoma [Mr. HARRIS] has asked to be listed as a cosponsor of S. 1675, creating a commission to be known as the Presidential Commission on Simplification of the Income Tax Laws, a bill introduced by me. I ask unanimous consent that he may be included as a cosponsor and that his name be added at the next printing of the bill.

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

Mr. HARRIS subsequently said: Mr. President, in my opinion, nothing has greater influence and impact on our business lives and actions than the income tax laws. Therefore, those laws should be so simple that all of us can know in advance the consequences of our acts and business dealings. It is imperative that the income tax laws and returns be simplified.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 1670, a bill to provide pollution control tax incentives, the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor.

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

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of Senate Resolution 102, the name of the senior Senator from Alaska [Mr. BARTLETT] be added as a cosponsor.

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

## NOTICE OF HEARINGS ON REAPPORTIONMENT OF STATE LEGISLATURES

Mr. BAYH. Mr. President, as chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, I wish to announce further hearings on the matter of reapportionment of State legislatures. These hearings will be held on May 5, 6, and 7, 1965, in room 1318 of the New Senate Office Building beginning at 10 a.m.

## RESUMPTION OF PUBLIC HEARINGS ON S. 1599, AND RELATED BILLS, TO ESTABLISH A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations will resume public hearings on S. 1599, and related bills, to establish a Department of Housing and Urban Development, on May 19 and 20, 1965, at 10 a.m. in room 3302, New Senate Office Building. Individuals and groups interested in testifying should contact Mr. Jerome Sonosky in room 162, Old Senate Office Building, extension 2308.

## NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Charles W. Adair, of Virginia, to be Ambassador to Panama; William R. Tyler, of the District of Columbia, to be Ambassador to the Kingdom of the Netherlands; Nathaniel Davis, of New Jersey, to be Minister to Bulgaria; Henry J. Tasca, of the District of Columbia, to be Ambassador to Morocco; and Henry A. Hoyt, of Pennsylvania, to be Ambassador to Uruguay.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

## NOTICE OF HEARING ON NOMINATION OF FRED MOORE VINSON, JR., TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Fred Moore Vinson, Jr., of Maryland, to be an Assistant Attorney General.

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

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Maryland [Mr. TYDINGS], and the Senator from Nebraska [Mr. HRUSKA].

## NOTICE OF HEARING ON NOMINATION OF EDWIN L. WEISL, JR., TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Edwin L. Weisl, Jr., of New York, to be an Assistant Attorney General.

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

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from New York [Mr. JAVITS].

## NOTICE OF HEARING ON NOMINATION OF DON J. YOUNG, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination: Don J. Young, of Ohio, to be U.S. district judge for the northern district of Ohio, vice Frank L. Kloeb, retired.

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

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Nebraska [Mr. HRUSKA].

## NOTICE CONCERNING NOMINATIONS BEFORE THE 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:

Ernest W. Rivers, of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years, vice William E. Scent, resigned.

Joseph P. Hoey, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Raymond J. Pettine, of Rhode Island, to be U.S. attorney for the District of Rhode Island for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Olin N. Bell, of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

George A. Bayer, of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Francis M. Wilson, of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

E. Herman Burrows, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

Paul D. Sossamon, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

John Terrill, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

F. Russell Millin, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired March 28, 1965.

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 Wednesday, May 5, 1965, 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 hearings which may be scheduled.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. THOMAS, Mr. KIRWAN, Mr. WHITTEN, Mr. ROONEY of New York, Mr. FOGARTY, Mr. DENTON, Mr. BOW, Mr. JONAS, Mr. LAIRD, and Mr. MICHEL were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. ROGERS of Colorado, Mr. CORMAN, Mr. MCCULLOCH, and Mr. POFF were appointed managers on the part of the House at the conference.

## JOE THORNE AND THE VIETNAM WAR

Mr. McGOVERN. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes beyond the regular 3-minute limitation.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota is recognized for 8 minutes.

Mr. McGOVERN. Mr. President, on Easter Sunday, one of South Dakota's most outstanding young men, 1st Lt. Josef L. Thorne, of Brookings, was killed when the helicopter he was piloting was shot down in Vietnam. Joe Thorne, one of the alltime great football stars in South Dakota's history, was known and respected across our State. He was a hero to thousands of South Dakota schoolboys. His death brings the war in Vietnam closer to the heart of every South Dakota citizen.

The son of Mr. and Mrs. M. L. Thorne, of Brookings, Joe was married to the former Diane Hover, daughter of Dr. and Mrs. Glen Hover, of Clear Lake, S. Dak. His wife and his 3-year-old son, Travis, have been residing in Clear Lake during his absence. Three brothers, Roy, of Sioux Falls, Tim and Tracy, both at home, and two sisters, Mrs. Dennis Weiland, of New Orleans, and Julie, at home, also survive him.

Mr. President, Joe Thorne was an unusual man. He was described by his coach at South Dakota State University, Ralph Ginn, as "one of the greatest young men I have ever worked with. His football record speaks for itself, but as a man, he was first team all the way."

Coach Ginn continued:

> He made a terrific impact on our football. I have never known of a player in our conference that opponents respected more than they did Joe Thorne. We never had a football player at South Dakota State that commanded as great respect of his teammates and coaches as Joe did.

To illustrate Thorne's humility, Coach Ginn told how he would frequently pass up sitting with stars on the football team bus to join some third or fourth stringer who barely got to make the trip.

Mr. President, one of the saddest aspects of Joe Thorne's death is that those closest to him feel that it was a needless sacrifice. His father and mother told me in broken tones over the telephone that they hoped I would do everything in my power as a Member of the Senate to end this "foolish war in Vietnam." These grieving parents expressed the hope that their son's death would dramatize the futility of trying to impose a solution by arms in an area of political chaos and economic misery. Said Mr. Thorne:

> It is too late to save Joe, but do everything you can to get those other boys out of there before it is too late. Let's work out a settlement of this war, save our own boys, and stop shooting up that little country.

In a letter which Mr. Thorne sent me following his son's death he referred to photos and movies which his son sent home that "depict much of the life of the Vietnamese and the need they have for almost anything other than arms and military." Then he wrote:

> Surely, GEORGE, I will do everything within my power to assist you, in bringing to the minds of our people the real need in Vietnam.

Joe's lovely widow, Diane, also told me in a telephone conversation that the only consolation she could draw from his death is the hope that it might somehow hasten a settlement of the war.

Lieutenant Thorne's father sent me a copy of a letter from his son dated February 19, with permission to quote portions of it into the CONGRESSIONAL RECORD. The letter reads as follows:

> Today the Vietnamese are having another coup (anyway a shakeup in the government). The Army and Air Force (Vietnamese) are fighting among themselves. I still don't know what's going on.
>
> I'm doing fine and don't worry about a big war breaking out over this thing here in Vietnam. To be honest the cause is lost. We can't possibly win (at least as long as the Vietnamese do things the way they do). Don't get me wrong, when I say we can't win, doesn't mean—the United States is getting beat. Lately we have lost some people in hotel bombings, etc., but if the Vietnamese people could be depended on, it wouldn't happen. I don't think the Vietnamese people care one way or another. They are the ones who are getting beat, not us.
>
> You can't win when you can't drive over any road in the whole country. The people can but the soldiers can't.
>
> We could come over here and clean this up, but it wouldn't do any good, cause the same thing would happen when we pulled out.

Mr. President, I believe that there is no American vital interest in the outcome of the Vietnamese turmoil which justifies the death of men like Joe Thorne. There are predictions in the Washington press, more specifically in a recent column by the noted Columnists Rowland Evans and Robert Novak, that our Government is preparing to send upwards of 100,000 American boys to Vietnam. Does this mean that we are prepared to sacrifice a hundred thousand Joe Thornes in this highly questionable venture in the southeast Asia jungle? If we take that course we will have ignored the warnings of such respected generals as Dwight Eisenhower and Douglas MacArthur, who have both said that it would be disastrous for America to get sucked into

another major land war on the Asian mainland.

I believe that President Johnson is trying to avoid that course. I applaud his repeated offers to enter into negotiations. I only hope that he will marshal all of his great skill and wisdom to seek out every possible way of reaching a peaceful settlement of this war before it claims many more Joe Thornes.

It is encouraging that the President has named Averell Harriman to represent our country in the proposed conference to insure the neutrality of Cambodia. That conference could open a window to discussions of the Vietnamese war. Mr. Harriman was a key figure in negotiating a settlement in Laos in 1962. He has the experience and the wisdom needed to undertake additional steps toward peace in southeast Asia.

Mr. President, I ask unanimous consent that news accounts of Lieutenant Thorne's death, published in the Brookings Register of April 21; a feature article published in the Sioux Falls Argus-Leader of April 23; and a stirring report on April 20 by KELO-TV sportscaster, Jim Burt, be printed at this point in the RECORD.

Mr. President, I also ask unanimous consent that two thoughtful editorials, one entitled "Time To Review Our Vietnam Policy," signed by Mr. Fred C. Christopherson and published in the Sioux Falls Argus-Leader of April 25, and the other, entitled "Sincere Dissenter," published in the Watertown Public Opinion of April 19, be printed at this point in the RECORD.

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

[From the Brookings (S. Dak.) Register, Apr. 21, 1965]

HELICOPTER SHOT DOWN: LT. JOE THORNE VIETNAM CASUALTY

First Lt. Josef L. "Joe" Thorne, 24, son of Mr. and Mrs. M. L. Thorne, of 2028 Elmwood Drive, Brookings, and one of the alltime great football stars at South Dakota State University, was killed Easter Sunday when his helicopter was shot down in Vietnam, his parents were notified by the Department of the Army.

Lieutenant Thorne, a 1963 graduate of State, was assigned to the 145th Aviation Airlift Platoon with the American advisory forces in South Vietnam.

According to the initial telegram received Monday morning by the Thornes, he was aircraft commander of a UH-1B helicopter which was on a combat assault mission Sunday night when his aircraft was hit by hostile small arms ground fire. The craft crashed and exploded on impact.

A second telegram, received Tuesday, verified that Lieutenant Thorne had been identified as one of the casualties.

Mr. Thorne said the body of his son will be brought to Brookings for burial. However, no arrangements had been made at press time today, awaiting further information from the Department of the Army.

A native of International Falls, Minn., where he was born November 17, 1940, Lieutenant Thorne had spent most of his boyhood days at Gettysburg, S. Dak. The family moved to Beresford when he was a junior in high school and he graduated from that school in 1958. He enrolled in the fall of 1958 at South Dakota State University in Brookings, where he starred on the Jackrabbit football teams of 1959, 1960, and 1961, and spent another year at State, receiving a degree in civil engineering in August of 1963.

It was also in August 1963 that he was commissioned a second lieutenant in the Army Reserve Officers Training Corps at State. Assigned to active duty status on September 18, 1963, he attended school at Fort Sill, Okla., then took flight training at Fort Wolters, Tex. and later at Fort Rucker, Ala.

He was assigned to Vietnam the first part of November last year for a 12-month tour of duty, and was nearing the halfway mark in his oversea tour at the time of his death.

Lieutenant Thorne was married to the former Diane Hover, daughter of Dr. and Mrs. Glen Hover, of Clear Lake, and was the father of a 3-year-old son, Travis. Mrs. Thorne and their young son had been making their home in Clear Lake while he was in Vietnam, and she was enrolled as a student at State.

In addition to his wife and son, Lieutenant Thorne is survived by his parents; three brothers, Roy, of Sioux Falls, Tim and Tracy, both at home; and two sisters, Mrs. Dennis Weiland, of New Orleans, La., and Julie, at home.

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[From the Brookings (S. Dak.) Register, Apr. 21, 1965]

THORNE ONE OF ALLTIME GRID GREATS AT STATE

A name that will not soon be forgotten in the annals of South Dakota State grid greats, Joe Thorne appears destined to go down in history as one of the finest athletes to ever wear the blue and gold of the football jackrabbits.

A two-time all-North Central Conference selection, Thorne was killed Sunday night when his assault helicopter was shot down by hostile gunfire over Vietnam.

Thorne, named by the Associated Press as a second team Little All-American selection in 1961, holds three school records. It was in that same year that he scored 50 points in NCC play and tied with Dan Boals, of State College of Iowa, for "most valuable back" honors in the conference.

Said Ralph Ginn, head football coach at State upon learning of the death of Thorne, "This certainly brings the war close to home when we lose a young man such as Joe. His loss is a terrific loss to our society."

Ginn often referred to his 191-pound back as "the best fullback I've ever had." His blocking ability and his prowess on defense earned him the respect of his coach as much as his running talents did.

Thorne's 3 school records, all set in 1961, include most times carried in 1 game, 30 against SCI; most carries in 1 season, 174, and most net yards in 1 game, 200 against Morningside.

But it wasn't on the grid turf alone that Thorne stood out. Said Ginn, "As far as the boy is concerned, he was one of the greatest young men I've ever worked with. His football record speaks for itself, but as a man he was first team all the way."

Ginn continued, "In your years of coaching you work with a lot of boys. It seems like some become a part of you. That's the way it was with Joe."

"He made a terrific impact on our football. I've never known of a player in our conference that opponents respected more than they did Joe Thorne. It was the same every place."

Ginn commented that it was too bad opponents didn't have the opportunity to know him other than in football.

"We've never had a football player at South Dakota State that commanded as great respect of his teammates and coaches as Joe did." Coach Ginn labeled Thorne "a great captain." He was cocaptain with Mike Sterner of the 1961 team when the Jackrabbits shared the league title with State College of Iowa.

Thorne was named "most valuable" member of the Jackrabbit football team, both in 1960 and 1961, by the Brookings Rotary Club and the Collegian, campus newspaper at State.

In 3 years (1959–61) as a member of Jackrabbit football teams, he gained a total of 2,156 net yards rushing in 426 carries, for a healthy 5-yard-per-carry average. He scored 140 points during his 3-year career, including 12 touchdowns and 2 points after touchdown—74 points—in 1961; 7 touchdowns and 3 points after touchdown for 48 points in 1960; and 3 touchdowns for 18 points in 1959.

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[From the Sioux Falls (S. Dak.) Argus-Leader, Apr. 25, 1965]

LETTERS AND GIFTS ARRIVE AFTER WORD OF THORNE'S DEATH

(By Bob Renshaw)

CLEAR LAKE, S. DAK.—Too young to comprehend that his daddy will not be coming home, 3-year-old Travis Thorne played with candy eggs the Easter bunny brought to the home of his grandparents, Dr. and Mrs. G. F. Hover.

He has been living here with his mother while his father, Lt. Joe Thorne has been oversea. In the last letter to his wife Thorne, who was one of the alltime great football stars at South Dakota State University, told of plans to attend an Easter service on the beach in Vietnam where he was serving as a helicopter pilot.

That letter, along with two others, arrived after she had been notified that her husband had been killed when his helicopter was shot down Easter Sunday night. Easter gifts—a Vietnamese robe for his wife and suit for his son—as well as gifts for his younger brother in Brookings and for a neighbor girl with whom Travis plays have also come since his death.

REQUESTS DUTY

When he first arrived in Vietnam, according to Mrs. Thorne, he flew VIP's and mail for a couple of weeks and then started flying troops into battle. He requested duty as pilot of an armed ship. His wife said he explained that he would be flying in the same combat areas and it would be no more dangerous flying an armed helicopter than an unarmed troop carrier.

Mrs. Thorne said he had told her father that he wasn't afraid of dying, but that he hated to leave Diane and Travis for so long. Some of his loneliness for his family was expressed in his last letter when he said, "* * * You know, Diane, all the things I've done over here. Well, all I have to do now is repeat everything and it will be time to come back. Hope God stays with us and sees fit for me to return. No sense worrying about it."

SENSES TENSION

His last letter was written at the forward base of Nah Trang on the back of his orders because he had left his stationery at the home base in Phan Thiet. Mrs. Thorne said that in his letters starting with March 30 she seemed to detect a feeling of growing tension.

April 5 for the first time he told of enemy fire coming close, with tracer bullets striking within a half mile of the hotel where he was staying. Lack of good housing had never been a problem because troops are billeted in old resort hotels built by the French during the time they were in Vietnam.

Mrs. Thorne said his letters told how sorry he felt for the children in Vietnam, how they would gather around in swarms when the helicopter landed and how they loved to have their pictures taken.

Funeral services for Lieutenant Thorne will be held at South Dakota State University, Brookings, when the body has been returned. Mrs. Thorne requested that all memorials be sent to the Joe Thorne Memorial Fund,

South Dakota State University. It will be used to establish an athletic scholarship at the university.

She said her husband didn't care for a lot of publicity. "Joe really didn't like big splashes. He would be saying 'no' to all this," she continued. "He was very sincere about everything and hated a big show. He wanted people to like him for what he was."

ECHOES SENTIMENTS

Ralph Ginn, who coached Thorne at South Dakota State University, echoed Mrs. Thorne's sentiments. "Joe wanted to be good and was willing to pay for it. But he got a real thrill from achieving and not from the glory that went with it," said Ginn.

To illustrate Thorne's humility, Ginn told how he would pass up sitting with stars on the bus to join some third or fourth stringer who barely got to make the trip. "He was very appreciative of what coaches and others did for him," said Ginn. "I never heard him criticize a teammate and he never alibied to me. I never had a player who held so much respect of teammates, coaches and opponents."

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JIM BURT'S SPORTS SCOREBOARD, APRIL 20, 1965

BURT. The war in Vietnam came closer to home today. Especially to those who knew Joe Thorne. The former South Dakota State football star's body was recovered today after the helicopter he was piloting was shot down yesterday. When such a tragedy occurs, it gives cause for reviving exploits of an individual—and with Joe Thorne, this is not difficult. (Pix.)

PIX No. 1. We can easily recall watching and describing Thorne's explosive running—his devastating blocking. He was one of the most brilliant grid performers we have seen. Thorne's name still is attached to three South Dakota State school football records. Most times carried in one game—30—most times carried in one season—174 and most net yards gained in one game, 200.

BURT. He was cocaptain of the Jackrabbit football team in 1961. All North Central Conference fullback in 1960 and 1961. He tied with Dan Boals of SCI in 1961 for Most Valuable Back Award. He won the Collegian's Most Valuable Player Award both in 1960 and 1961. In 1961 he was second in the North Central Conference scoring with 50 points. In his 3-year varsity career he carried 426 times—gained 2,178 yards, lost only 22, for a net of 2,156. In his senior year his average per carry was 5.5 yards. He scored 22 touchdowns, ran for 4 extra points, for a scoring total of 140 points. He was named second team fullback on the 1961 AP Little All-American team. Thorne was drafted by the Green Bay Packers but never played pro ball. His football record is there to be admired—and challenged. But, Joe Thorne as an individual went deeper than that. As Head Football Coach Ralph Ginn said "As a man he was first team all the way." (Pix.)

PIX No. 2 (super name).

BURT. Those comments are typical of those who were closely associated with the former star athlete. Joe's wife Diane lives at Clear Lake with her parents and 3-year-old son Travis. She said, "Joe loved what he was doing. He was fighting for a cause and never once did he complain or regret what he was doing. I'm sure Joe had no regrets, he could never sit on the sidelines." Coach Ginn said he has never known a player in the North Central Conference which commanded more respect from opponents. Joe probably flew his copter like he played football. An intense, determined, bulldozing runner who saw no barriers. Joe Thorne joins a list of valiant Americans who have fought—and died—heroically for their country. Joe Thorne—the athlete—and the man—will long be remembered.

[From the Sioux Falls (S. Dak.) Argus-Leader, Apr. 25, 1965]

CHRISTOPHERSON'S NOTEBOOK: TIME TO REVIEW OUR VIETNAM POLICY

The expanding military activity in Vietnam is disconcerting, and more and more people are beginning to wonder just how and where it will end.

About the developments in Vietnam today is a scene of frustration and uncertainty comparable to that which prevailed while the Korean struggle was underway several years ago.

In respect to Korea, there was confusion about our objectives and our methods. The same attitude exists now.

The conflict in Korea was terminated, happily, before it broadened into a major war. Many like to believe that the Vietnam episode will end similarly. But there's doubt, plus bewilderment, accentuated by the realization the problem seems to become more perplexing week after week.

KEEN PUBLIC INTEREST

This deep concern about Vietnam was very likely the reason why an overflow crowd assembled at luncheon in Nettleton Manor Thursday to hear Senator GEORGE MCGOVERN, of South Dakota, discuss the matter. The luncheon was first scheduled to be a small one with members of the Public Affairs Committee and the directors of the Chamber of Commerce. But so many were eager to be present that the public generally was invited.

Perhaps the interest was intensified by the fact that MCGOVERN previously had indicated a difference with the administration on Vietnam policy, suggesting that we should explore the possibilities of negotiating a settlement.

In his Thursday speech here, he explained why he considered negotiation both desirable and feasible. And, judging from the reception he received and the close attention paid to his remarks, there were many in the audience who shared his opinion.

THE ALTERNATIVES

The question about alternatives naturally arises. If we don't negotiate, what do we do?

One answer is to say we should either go into Vietnam with great enough strength to smash the opposition. Another is that we should withdraw.

Flaws can be found, however, with both of these suggestions.

If we go into the conflict with a full determination to smash the opposition, we invite sharp retaliation from both Red China and Russia. And that means moving right to the brink of major war and perhaps over it. We faced the same problem in Korea and our leaders wisely refrained from taking that gamble.

The other prospect—that of withdrawal—is also inadequate. If we do so, it may be maintained through the Asiatic southeast that we are, as the Red Chinese insist, just "a paper tiger." Withdrawal would be heralded widely as an American defeat and a Red Chinese triumph and it could be charged that we had deserted those who had depended on us.

WE DO HAVE STRENGTH

Between the two alternatives—an all-out smash or withdrawal—is the possibility of negotiation.

There are those who say that this isn't the time for a discussion of that and we should wait until we are ready to negotiate from strength. This means, of course, after we have beaten North Vietnam into a state of at least partial submission.

One may be sure, though, that the Red Chinese also may be reluctant to allow us to acquire this so-called position of strength. There will be growing resistance.

But what seems to be overlooked by many is that we are right now, as Senator MCGOVERN pointed out Thursday, in a position to negotiate from strength.

We have the power in the Pacific and Asiatic waters to smash Red China to bits. The Red Chinese know this. And when you have that kind of strength behind you, you aren't negotiating from a position of weakness. We could approach the conference table with some mighty powerful cards on our side and those negotiating with us would be well aware of this.

WHAT WE DID IN KOREA

Every major step taken in this extraordinary day and age involves, of course, a calculated risk.

That was the case when President Eisenhower aided in the negotiation of the settlement in Korea. But the fighting was stopped and our prestige was unharmed.

It is entirely possible that the same step can be taken in respect to Vietnam. With proper negotiation, very likely something can be done to maintain a degree of prestige on both sides.

Just what can be done in respect to the self-government of Vietnam is, I grant, a disturbing problem. The government has changed freely there even under our supervision and may shift just as readily in the future.

OPEN MINDS NEEDED

What may be said in general is that the whole situation is so confusing that it is well that our minds be kept open. Negotiation may or may not be the answer but surely we should explore its possibilities in complete detail.

We are heading directly, as someone said the other day, along a collision course with Red China. Let's utilize the power of our strength to try to make a change before it is too late.

F. C. CHRISTOPHERSON.

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[From the Watertown (S. Dak.) Public Opinion, Apr. 19, 1965]

SINCERE DISSENTER

There are many degrees of political courage but South Dakota Senator GEORGE MCGOVERN is exhibiting one of the greatest—espousal of the unpopular side of a great national issue, even as his political peers try to shut him up.

The issue: Should the United States become increasingly involved in South Vietnam as the dangers of an escalated war loom greater?

MCGOVERN's stand: No.

He stands fast on this line and hasn't been chary about saying so, even when such personal friends and influential big names as HUBERT HUMPHREY and McGeorge Bundy have urged him to keep silent on behalf of national unity. MCGOVERN keeps right on opposing the U.S. role in Vietnam and doing so out where lots of people see and hear him.

Chicken? Appeaser malcontent? By no means. MCGOVERN points out that he is neither a pacifist nor an isolationist but simply, "I don't believe military aid can be used effectively in southeast Asia. The problems there are ones of internal political revolution."

In other words, in the McGovern book, America is charging along a jungle path in Vietnam that is not only militarily futile but very costly and extremely dangerous. He recently told Bucknell University students, "It seems clear that we are now on a spiral of blows and counterblows which could lead to a major war under the worst possible conditions for the United States."

He has recalled his food-for-peace days and reflected: "The extensive traveling I did in Asia and Latin America convinced me that the basic problems in these areas are ones

of hunger, illiteracy, and bad government. These are the problems we should attack. In South Vietnam, we inherited the hostility and mess that came from 50 years of French misrule and exploitation."

McGOVERN obviously is under no illusions as to the political hazard of his own position. For the junior Senator from a prairie State to so adamantly oppose a major policy and commitment of his own party and administration, and to do it repeatedly while spurning big brother attempts to shush him, takes a brand of nerve one doesn't see very often these days, particularly not in politics. And to compound it, McGOVERN displayed something of the same independent attitude when he openly expressed his disappointment over some facets of the administration's new farm program * * * and vowed to work to correct them.

McGOVERN's views have not prevailed and it is unlikely that they will. But whether they do or not, the man who endorses them, and does so most effectively, has increased his stature among many people for his sincerity, his steadfastness, and his willingness to "go for broke" in behalf of an ideal he honestly believes is right.

## VOTING RIGHTS ACT OF 1965

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Oregon for 2 minutes.

Mr. MORSE. I shall defer to the Senator from Mississippi.

Mr. STENNIS. Mr. President, as the debate on the voting rights bill has continued, I have become more and more amazed that the Senate would even seriously consider passing the section of the bill that would abolish poll taxes in State and local elections. I shall not speak on this subject now, except to sound a grave warning that to pass a bill to abolish the poll tax by statute would actually leave our Constitution in shambles and would make a mockery of the Senate's responsibility. The real question before the Senate is not the approval or disapproval of the payment of a poll tax as a prerequisite for voting.

The real and only question is the constitutional question as to whether the Senate has the power and authority to pass such a measure by means of a statute. No less a person than the President of the United States, yesterday in a press conference, said that to abolish the poll tax requirement by statute would raise a constitutional problem. He said he believed that if the poll tax were to be abolished, it must be abolished by an amendment to the Constitution of the United States. That statement comes from the highest source of responsibility under our Federal Government. Certainly those are not idle words and this statement by the President is consistent with what he said as a Senator on March 9, 1949—CONGRESSIONAL RECORD, page 2047. The President—then a Senator from Texas—said:

> The framers of the Constitution of the United States were plain, specific, and unambiguous in providing that each State should have the right to prescribe the qualifications of its electorate and that the qualifications of electors voting for Members of Congress should be the same as the qualifications of electors voting for members of the most numerous branch of the State legislatures. For that reason, and that reason alone, I believe that the proposed anti-poll-tax measures introduced in previous sessions of this body and advocated in the President's civil-rights program is wholly unconstitutional and violates the rights of the States guaranteed by section 2 of article I of the Constitution.

Not only has the President recently spoken on this subject, but also the Attorney General of the United States, Mr. Katzenbach, has stated most recently that the provision of the bill that would abolish the poll tax in the election of State officers is invalid. The Attorney General made that statement in his testimony before our subcommittee. He also made the statement to a national television audience recently on "Meet the Press."

Not only have those two high officials spoken out on this issue, but also the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD] and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] are opposed to that part of the bill which attempts to abolish the poll tax by statute. They know that it would be unconstitutional to do so.

That the poll tax cannot be repealed without constitutional amendment is so well settled and firmly established that further discussion of the question would seem unnecessary. In 1960, by a vote of 50 to 37, the Senate clearly established the precedent that a constitutional amendment was necessary to abolish the poll tax in Federal elections. In 1962, the Senate reaffirmed that position when it adopted a resolution proposing a constitutional amendment applicable to Federal elections. That amendment is now part of the Constitution. In the course of debate on that resolution the Senate rejected by a vote of 59 to 34 the contention that the poll tax could be abolished by mere statute.

The Attorney General of the United States has said that the provision with regard to abolishing the poll tax in the election of State officers is invalid. He made that statement in his own testimony before our subcommittee, and he also made it to a national television audience on "Meet the Press."

The distinguished majority leader is opposed to that part of the bill which attempts to abolish poll taxes by statute because it would be unconstitutional to do so. The distinguished minority leader has stated his opposition to this section of the bill on the grounds that it is unconstitutional.

The law on this is as clear as a bell.

In 1951 the Supreme Court affirmed *Butler* v. *Thompson*, 97 F. Supp. 17, (D.C.E.D. Va., 1951), wherein the district court cited the case of *Breedlove* v. *Suttles*, 302 U.S. 277 (1937), and held:

> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of th Federal Constitution, the State may condition suffrage as it deems appropriate.

That decision of the U.S. Supreme Court now stands as the law of the land. It is there for all to see. It is absolutely clear.

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

Mr. STENNIS. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

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

Mr. STENNIS. Mr. President, every Member of Congress is under duty to support the Constitution of the United States. This is a constitutional matter that must be acknowledged. Every Senator must be governed by it, whether or not he agrees with its holding.

I do not impugn the integrity or sincerity of anyone. I point out that the decision should be made by each individual Senator. It cannot be avoided or delegated to another party by merely shrugging the shoulders and saying, "We elect to let the courts pass on it." That procedure would not follow the letter or spirit of the Constitution of the United States.

Every Senator must be governed by the constitutional conclusion that he may have on this question, regardless of how he may feel with reference to the poll tax itself.

The proposed bill was drafted in the atmosphere of massive public demonstrations, introduced in the Senate, and referred to the Committee on the Judiciary; under such limitations it was necessary that the committee hold only a few days of hearings and then frantically meet in executive session to report a bill. On several occasions reports reached the public that a revised or substitute version had been agreed upon by a majority of the committee; then, before that substitute could hardly be printed, numerous amendments would be offered thereto. Finally, upon the last day in which the committee had to consider this measure, what may well be called a conglomerate bill was put together and reported to the Senate.

I commend the majority and minority leaders, the Attorney General of the United States, and the President for coming out positively and definitely with a firm and correct statement on this matter. It seems to me, with all due deference to every Member of this great body, that merely to let the court decide such a measure would be a dereliction of our duty.

How derelict of our strict duty can we become? How much can we abdicate our responsibilities as members of the legislative branch of the Government just because the marchers march in Washington and at the White House? I cannot believe that a majority will succumb to this emotional appeal to set aside the Constitution. I know that we should promptly vote this provision down.

I hope that we may have an early vote upon this far-reaching act.

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

Mr. STENNIS. I yield.

Mr. HILL. I commend the Senator from Mississippi for his very fine statement. I wish to a associate myself with his statement.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. TOWER. Mr. President, I associate myself with the remarks of the junior Senator from Mississippi.

## THE PRESIDENT'S NEWS CONFERENCE OF YESTERDAY ON VIETNAM

Mr. MORSE. Mr. President, the President's news conference of yesterday marked another effort on the part of his administration to cloak a policy of war in the mantle of peace.

But all the while the President speaks of our desire for peace, he ignores all the efforts the United States has led in the last 20 years to devise means of keeping peace. I refer to our participation in and support of the United Nations and of the Southeast Asia Treaty Organization.

The President speaks eloquently about the lessons of history. But he has missed the greatest lesson of all, which is that no one nation can determine where and how the peace shall be kept without fighting eternal wars.

The specter of Munich, which was raised yesterday by the President, is the favorite image of the advocates of the war in Vietnam. But which of them is willing to argue that in 1938 the United States should have sent troops to Czechoslovakia to fight Germany alone? Which of them is willing to say that the intervention by Italy, Germany, and the Soviet Union into the Spanish Civil War was a good thing because each of them thought they were stopping the other's aggression before it could get started?

The real lesson of Munich and the Spanish Civil War is that nations acting unilaterally to protect their self-interest as they see it are going to get into wars. It is especially tragic to see two great ideological contestants again fighting over the prostrated body of a third country, very much as the fascists and Communists fought over the corpse of Spain, all in the name of preventing someone else's alleged aggression.

It was because of the events that led up to World War II and because of the war itself that the United Nations was set up, and no nation desired more earnestly than the United States that it be used to save mankind from another scourge of war.

Yet when the President of the United States talks about the international history of the last 27 years and its lessons, he makes no mention at all of the United Nations and its peace-keeping function. Apparently we are well on the way to emulating the French Bourbons who forgot nothing and learned nothing.

The President is quite wrong in believing that we who oppose our policy in Vietnam have ignored the terror and the bombings committed by the Communists. No doubt his attention is drawn to our criticisms and not to our condemnations of the Communists. But one can hardly say that Americans have the right to fight a civil war in another land and still remain immune from retaliation or attack. I have roundly criticized time and time again the tactics and terrorism of the Vietcong. I have criticized the bombing of the American Embassy in Saigon, and the killing and maiming of innocent civilians, both American and South Vietnamese. Likewise I have criticized the atrocities of the South Vietnamese practiced upon the Vietcong with U.S. military standing by doing nothing to enforce the Geneva Treaty covering the treatment of war prisoners. I have criticized terrorism and atrocities committed by Vietcong.

Of course the sad part is that the United States cannot expunge the record as to our own involvement in this dirty war. We have escalated it. We have participated in it. We have walked out on our peace keeping obligations under international law.

What in the world would lead the President to think that North Vietnam would not attack, starting with our escalation at Tonkin Bay? We can start with the American course of action in Tonkin Bay. From that time on, North Vietnam has proceeded at an ever-escalating rate to make war. We asked for it. We should have taken North Vietnams violations of international law at Tonkin Bay to the United Nations instead of going beyond the point of self-defense by committing acts of aggression of our own.

We have made the Vietnam civil war our war, and no one has done more to make it our war than President Johnson. In my opinion, we have been fortunate so far that our casualties have been so light and the attacks upon American civilians as few as they have been.

I invite the President's attention to the fact that despite the barrage of statistics from the Pentagon seeking to demonstrate that the Vietcong are being killed in large numbers, and that they are killing large numbers of civilians in South Vietnam by terrorist methods, the Pentagon informs me that it has no figure of any kind on the number of Vietnamese civilians killed by the military activities of the United States and the South Vietnam Army. Yet people who have been to that sad country tell of hospitals being filled with victims of our air raids and our fire bombings, and the ground activities of the South Vietnamese Army. Also no statistics are being given the American people of the civilians the bombings in North Vietnam are killing.

It takes at least two to make a war. We are one of the parties making it in Vietnam today.

The President's press conference yesterday was a graphic demonstration of how impossible it is for contesting parties to prevent war, or to stop a war before it can get started. All the administration is able to do under its present policy is to do what nations have been doing for hundreds of years before us, and that is to try to justify its own war.

With the hope that it may in some form reach the President's eyes, I ask unanimous consent to have printed at the conclusion of my remarks a speech prepared by Benjamin V. Cohen entitled "The United Nations in Its Twentieth Year," and delivered at the Hebrew University of Jerusalem on April 27, 1965.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, Mr. Cohen outlines the obligations of the great powers to observe the United Nations Charter. I am satisfied that neither the United States nor the rest of the world will escape the scourge of war until we do, in fact, observe that charter.

Do not forget that Mr. Cohen is not only one of our greatest international lawyers but also do not forget that during his period of service to the U.S. Government, he has represented it in several international conferences.

Mr. President, I close by inviting the attention of the Senate to an announcement just received on the ticker, as follows:

SAIGON.—Air strikes against North Vietnamese roads, bridges, and railroads are not choking off aid to the Vietcong, and a land invasion of the north should begin immediately, the commander of South Vietnam's Air Force says.

"If we are just going to bomb communication lines, the Vietcong will be able to stand up for a long time, I'm afraid. So the next step must be big—either a big escalation of the war or negotiations," Brig. Gen. Nguyen Cao Ky told the Associated Press in an exclusive interview today.

While the bulk of the raids against North Vietnam have been flown by U.S. Air Force and Navy planes, Ky's propeller-driven Skyraider bombers also have been over North Vietnam nearly every day.

The 34-year-old general has flown three of the missions himself and was grazed by enemy flak on one of them. Three of his pilots have been shot down.

"The raids against communications are not really effective," he said. "The Communists can always find ways of moving through the jungle.

"But if we were to set up a kind of 'national liberation front' in the north, we could do the same things to the Communists that they've been doing to us here. We have superiority in the air over North Vietnam's central area from the 17th to the 20th parallels, and we could easily supply guerrillas of our own there.

"The people in that area are basically anti-Communist and I'm sure they would help us. Then we could really start cutting their supply lines and giving them something to worry about."

Let there be no doubt in the minds of the American people that our South Vietnamese allies are going to continue to put on the pressure that the United States escalate the war into a big front in Asia.

I repeat—what the administration does not like to hear me say—namely, a deep conviction of mine based upon my conclusions from the briefings I have received as a member of the Committee on Foreign Relations. I believe that if we follow the Johnson course of action in Asia, in not too many months from now we shall be involved in a massive war in Asia which will take hundreds of thousands of American boys to Asia.

What is the alternative that we should try? It is an alternative that the President has not attempted to try.

In my judgment, the only way the President can prove his intentions for a peaceful settlement of the war in Asia is to proceed to use the procedures of international law as they now exist. That means that the President should lay the problem before the United Na-

tions, pledging his cooperation to the United Nations to help enforce the peace in Asia. We should ask our alleged allies, who are also signers of the United Nations Charter, to assume their obligation to take United Nations action in southeast Asia.

Until the President does that, he will continue to be justifiably criticized, as I have been criticizing him.

If we wish peace, we must resort to peaceful procedures to accomplish that end, instead of making statements which seek to shroud the war in Asia with peace talk.

Once more I repeat that the United States is no longer in a position that permits it to conduct bilateral negotiations with North Vietnam, the Vietcong and Red China. Negotiations for peace must now be conducted by nonparticipants sitting at the head of the table under the auspices and procedure of the United Nations.

Mr. President, the administration is going to great lengths through its own officials and through newsmen it can influence to depict the protests on American campuses against our Vietnam war as irresponsible, "off-beat," and disreputable. Last week, on April 22 and 23, a "teach-in" on the Vietnam war was held at Rutgers University in New Brunswick, N.J.

I ask unanimous consent to have three articles from the campus paper, the Rutgers Daily Targum of April 26, printed at the close of these remarks. One is an editorial headed: "The Dawn of a New Era." The second is a letter to the editor from Hank Wallace, and the third is a report entitled: "Teach-in Triumph," written by Steve Herman.

This report on the value, the impact, and the conclusions of a teach-in on the Rutgers campus cannot be brushed off by an administration and a Secretary of State anxious to silence questions and criticisms of an anxious intellectual community. If they continue trying to do so, they are going to find themselves deserted and frankly opposed by an increasingly large body of American public opinion.

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

[From the Rutgers Daily Targum, Apr. 26, 1965]

THE DAWN OF A NEW ERA

The dawn surely rose over Warren Susman Friday morning. As daylight broke through the foggy horizon surrounding Scott Hall at 5:30 a.m., so did the dawn of a new era in the history of the university breakthrough as Susman began to talk. It was a brillant climax to what will go down as the greatest event at Rutgers in the last 25 years—it is not likely to be duplicated for another 25.

FEVER PITCH

The teach-in Thursday night to Friday morning to protest the war in Vietnam was, indeed, the faculty and student body's finest hour. The electric intensity which accompanied the magnificient and impassioned faculty oratory spread infectiously throughout the 1,000-man audience until it reached a fever pitch during the now historic Susman-Fitzpatrick exchange. Never again will this university, in all likelihood, see a similar expression of political-emotional sentiments expressed by such a percentage of the student body.

Although we have complained in the past about student nondirection and nonactivity, we were stunned by the turnout and the general seriousness of purpose which characterized Friday's rally. Although the atmosphere was one of gaiety—helped along, no doubt, by relaxation of Douglass curfew laws—there was an overriding importance to the students involved which extended far beyond the scope of socialization.

For once, the university was truly a forum of ideas. A certain portion of the faculty proved incontravertibly that they were responsible to both their profession and to the student body.

Contrary to James Reston in Wednesday's New York Times, this was not "propaganda of the most vicious nature." This was a logical, clear forward interchange of ideas—it is unfortunate, perhaps, that the "stay-in-the-war" partisans could not have found a more effective spokesman for themselves than William Fitzpatrick. He was hopelessly outclassed.

HIGH POINT IN DRAMA

The teach-in team was superb. Susman was at his bombastic, dazzling, persuasive and didactic best. His interlude with Fitzpatrick hit a high point in sheer drama never again to be equaled. The three standing ovations he received during his peroration were indicative of the heights of esteem in which the student body holds him. The cold assertive logic of Lloyd Gardner's assessment of American-Asian relations, and the southern tones of Carter Jefferson's surveyal of the French role in southeast Asia best complemented Susman's oration.

There was one extremely sour note sounded, however. Notwithstanding the apparent spuriousness of the alleged "Colonel" of the "Christian Unity Party"—a purported neo-Fascist front—we have nothing but utter contempt for the university students who went along with the hoax. We do not particularly consider the Nazi Party to be an amusing divertissement. We are also in no way amused by either the sickeningly infantile and puerile actions of the students who "sieg heiled" along with Stetler or by the students who disgraced themselves and the university with their vile banners in Scott Hall. Such apparently psychopathic minds have no place in any institution of higher learning.

Disregarding this one blemish, the teach-in was a brilliant success. The faculty has proven themselves to be responsible to the student body and the student body has proven themselves worthy of a topflight faculty. We may never see its like again.

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LETTERS: FINEST 8 HOURS

DEAR SIR: Years from now Rutgersmen will say this was their finest 8 hours.

The potential of our university was realized at the teach-in Friday morning.

Pulled together in a few days by a small group of professors, everything clicked:

Proponents on all sides of the Vietnam problem were spontaneous and outspoken, yet the exciting lecture series and the effectively distributed breaks were kept tightly on schedule but not stifled by coordinator Dr. Seymour Zenchelsky.

Happily, Rutgers College's finest hours were shared by hundreds of Douglass girls, for whom curfew was waived to further the coed-izing of the new Rutgers University.

Student response was overwhelming: Scott Hall walls were lined with standees through half the morning, and an astonishing number of students saw the adjournment at 8.

Luckily WRSU recorded the entire program on a dozen tapes. Jan Ploshnick recommended at 7:30 a.m. that an audio transcript be sent to the White House.

Perhaps a written transcript also could be produced in booklet form, available to students, faculty, and the public.

Since the time of the flood 200 years ago, Rutgers has never more nearly approached its destiny as a great university.

HANK WALLACE.

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TEACH-IN TRIUMPH

(By Steve Herman)

The clock radios went off, alarm clock bells rang, people groggily got out of bed, washed up, and then hurried to their first period class. It was the beginning of another day. For others, however, Friday morning was the end of what must be described as one of the most exciting and wonderful evenings in their lives. For at 8 a.m. "the teach-in" to expose students to the various issues in problems in connection with the Vietnam problem came to an end.

The lecture discussion marathon began at 12 midnight in Scott Hall 123 before approximately 1,000 students—most of whom were either concerned and worried about U.S. policy in Vietnam or were just curious to see what the whole thing was about.

The audience was not made up of "kooks," but consisted of a cross section of the Rutgers community. And, as a matter of fact, the only "kooks" who were present were some very unsophisticated and crude representatives of the campus radical rightwing fringe. They carried signs with such slogans as "Better Dead than Red," "Blast the Chinks," and "——— Communism." These "kooks" also tried to rattle and heckle some of the professors, but they were all skillfully "put down." (After observing the performance of some of these characters, one student commented "the lack of political acumen of the rightwingers is exceeded only by their stupidity.")

At 12 when Professor Zenchelsky started the program, Scott 123 had a standing-room-only crowd, with people sitting on the stage, in the aisles, and in the lobby outside the room. The crowd surpassed any expectations that anyone may have had and it was a credit to most of the people there that they remained courteous and attentive for 8 hours.

Even more credit, however, has to go to the dozen professors who participated in this demonstration. They were all magnificant (Warren Susman was "super")—they had to be to keep the attention of such a large crowd. There was no repetition from one professor to another, each was an expert on his subject, and each one added something which was very constructive. They all spoke from the heart as well as the mind and their sentiments were felt by the entire audience.

Sitting in Scott Hall—a little dizzy at times because of the smoke and lack of sleep—one got the impression that "this is college." There was a free and unobstructed exchange of some very controversial ideas on a most important and meaningful topic. And the message that the scholars were so eloquently sending was being received by a large and very enthusiastic audience.

It seemed that in the middle of the night on last Friday—an apathetic, disinterested, and bored student body had come to life—it was serving a purpose—it was accomplishing something. After leaving the teach-in—whether one agreed with the views or not—you had the feeling that something extraordinary had taken place. Something constructive was done—time was spent with professors who spoke on a topic on which there would be no test, no grade, no quiz.

Once again thank you profs—you were all great—it was an evening which will never be forgotten and an experience that unfortunately will probably not be repeated.

EXHIBIT 1

THE UNITED NATIONS IN ITS 20TH YEAR: THE DAVID NILES MEMORIAL LECTURE AT THE HEBREW UNIVERSITY OF JERUSALEM, APRIL 27, 1965

(By Benjamin V. Cohen)

It is a high honor to be asked to inaugurate the David Niles Memorial Lectures at the Hebrew University of Jerusalem.

I was privileged to know David Niles. He was a retiring, self-effacing man of quiet powers. Even with his close friends he subordinated his person to his work and to their work and even more frequently to other people's welfare. He was by profession a social worker and both in public office and in nongovernmental work his principal concern was to help disadvantaged persons and groups to participate on a basis of equality in the life and work of the community in which they chose to live.

Quite early in his career he became interested in politics and government in order to secure the social and economic legislation necessary to protect disadvantaged persons and groups in our modern industrial society. He became active in the progressive movement in the 1920's. He took a prominent part in the LaFollette-Wheeler, third party campaign in 1924 and became a close friend of the LaFollettes, father and sons, of Senator Wheeler and Senator Norris. And in nearly every presidential campaign thereafter he was active in organizing an independent committee of liberals to support the more liberal candidates of the two parties.

I think it was Justice, then professor, Felix Frankfurter who first suggested to Harry Hopkins that David Niles belonged in the New Deal in Washington. David first worked as a personal assistant to Harry Hopkins, then to President Roosevelt and then to President Truman—concerning himself principally with the problems of the disadvantaged and minority groups.

In these positions David worked quietly for years in Washington. He had a real passion for anonimity, not being concerned with receiving public credit for what he did do and not troubling to deny blame attributed to him for what others did.

His years with President Truman were particularly productive. He gave significant assistance to President Truman in organizing and establishing in December 1946 the President's Committee on Civil Rights. It was the report of this Committee which gave great impetus to the movement for effective Federal civil rights legislation in the United States in the last decade. But nothing gave David Niles quite so much satisfaction, I am sure, as his work with President Truman on the Palestine problem. President Truman was deeply affected by the plight of the Jewish refugees in Europe at the close of the war and he turned to David for advice and assistance. President Truman discovered that the majority of the refugees wanted to go to Palestine and he was determined to help them get there.

I cannot tell you all the things David Niles did or did not do during the critical period of the Anglo-American Inquiry, the partition plan in the United Nations, and the subsequent struggle of the Jews in Palestine to gain their independence and to establish the State of Israel—because I do not know. But I do know that there were great and honest differences of opinion within the American Government and feelings ran high among those opposed to the establishment of the State and those in favor of it. There were those who suggested David was bringing political pressure on the State Department as if control of foreign policy in a democracy through the President and the Congress was unwarranted political pressure. But I feel confident when all the records are disclosed and all passion is spent it will be revealed that the greatest service David Niles rendered was to keep the President fully informed as to how his policies and directives were being carried out in the various departments of government so that the President could knowingly exercise his constitutional responsibilities. David performed this delicate and difficult task with great ability and skill. For this task conscientiously and faithfully performed we should gratefully honor his memory.

When I informed Mr. Truman I was to give the first David Niles Memorial Lecture here, he wrote me as follows:

"I was very fond of Dave Niles and I trusted him as I did few men.

"If there ever lived a man dedicated to the cause and plight of the abused, persecuted, and oppressed, it was Dave Niles. His concern for these people was mirrored in his face—a face I will always remember for its solemn sadness and compassion.

"Yours sincerely,

"HARRY S. TRUMAN."

In view of David Niles' great interest in the United Nations as he watched the development of the United Nations Palestine partition plan, I thought it would be appropriate for me to take as the subject of the first David Niles memorial lecture—"The United Nations in Its 20th Year." As I shall be particularly concerned with some developments and trends which in my view threaten to undermine the first and primary purpose of the United Nations—that is to maintain international peace and security—I do not want you to think that I am unaware of the great difficulties with which the United Nations has had to contend and the considerable progress it has made in many spheres of its activities.

When the charter was drafted it was contemplated that the Great Powers would work out an acceptable peace which the United Nations could maintain. But a stable and acceptable peace—a consensus or modicum of common understanding on the basic principles of coexistence—was never established after the last world war. The Great Powers were in no position to cooperate to maintain a peace the terms of which they were unable to agree upon. Rivalry and conflict among the Great Powers led to a cold war in which the adversaries lost sight of their common interest in peace and were prone to exploit their differences rather than to attempt to find means of composing them. Even apart from the cold war the whole world was struggling to adjust itself to revolutionary political, economic and social changes, and the adjustment in many areas was difficult, painful, and not altogether rational. There was widespread need of adjustment to the radically changed conditions of life which modern science and technology made possible. In many areas the striving for economic improvement was accompanied by movements to break the bonds of colonial rule and fuedal and tribal relationships. The very survival of the United Nations under these circumstances attests to humanity's essential need of the United Nations as an instrument of international cooperation in a world which has become increasingly intedependent despite ideological national and cultural differences and outlooks.

It is amazing the number of international institutions which have been created in the last two decades within the framework of the United Nations and its specialized agencies to meet the varied needs of states and their people. There is not only the United Nations but UNESCO, UNICEF, the World Health Organization, the Food and Agricultural Organization, the Monetary Fund, and the World Bank, GATT, the several regional U.N. economic commissions, the expanded program of technical assistance, the Special Fund, the Trade and Development Conference, and many more. In the modern world all states have felt the need in various ways of participating in cooperative international activities, and international cooperation is becoming the norm in many spheres of activities.

Technology has broken down the barriers of time and distance. New vistas bring new opportunities but new dangers. For good or ill, states cannot avoid multiple contacts with the outside world and increasing organization on an international basis is necessary to avoid conflict and promote common welfare. This is particularly true in the case of states emerging from colonial status. There can be no revolution of rising expectations in these underdeveloped lands without access to the tools and know-how of modern science and technology. To have such access, colonialism must not give way to a narrow isolationism with its turbulent nationalism or resurgent tribalism, but must be succeeded by enlightened international cooperation. Continued progress in the substitution of international cooperation for the old colonial relationship will be necessary in the years ahead for the common welfare of the people of the old as well as new states.

International cooperation within the general framework of the United Nations during the past 20 years has been much more widespread than it was within the framework of the League of Nations between the First and Second World Wars. This is an important measure due to the participation of the United States in these activities in contrast with its nonparticipation in most of the League's activities. The United Nations has aspired to a universality which was denied to the League because of America's absence. But it is important to remember that the universality to which the United Nations aspires is seriously threatened by the absence of representation of the mainland of China in United Nations' activities.

Without going into detail I think I have said enough to indicate that I am not unmindful of the growth and progress of many international activities within the framework of the United Nations during the last 20 years. But the many useful activities of the United Nations should not blind us to its faltering and disappointing progress in the fulfillment of its primary objective.

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While there may have been doubts and misgivings as to how the primary objective of the charter was to be achieved there was and can be no doubt what the primary objective of the charter was and is. It is not necessary to recite at length the purposes and principles of the charter as enumerated in articles 1 and 2 and as embellished in the preamble. Paragraph 1 of article 1 states the first and primary objective of the charter—"to maintain international peace and security." All of the other stated purposes and principles of the charter are designed to strengthen and safeguard the primary purpose of maintaining peace among nations.

One should, of course, avoid making dogmatic judgments about bypassing the United Nations. The United Nations is not a totalitarian institution. The charter does not require that all international acts and transactions be done in or through the United Nations. The charter expressly contemplates that parties to a dispute which may endanger the peace should, first of all, seek a solution by peaceful means of their own choosing. But the charter provides no excuse for member states, large or small, keeping disputes for which no peaceful solution has been found away from the United Nations until they have actually erupted into war.

The basic law on which the charter was constructed is simple. It imposes no straitjacket, no impossible burden or restriction on any state. It is based on principles by which all nations, large as well as small, must live if mankind is long to survive on this planet in this nuclear age. The law of the charter which all members are pledged to observe is twofold. First it requires all

states, large as well as small, to refrain in their international relations from the threat or use of force except in individual or collective self-defense against armed attack, and all measures taken in the exercise of self-defense must be immediately reported to the Security Council. Second, the charter required all states, large and small, to settle their disputes by peaceful means in such a manner that peace, security, and justice are not endangered.

These two obligations of the charter are correlative. The surrender of the right of states to use force was not intended to leave states without any effective means of securing a redress of their grievances. A state which resorts to force to redress its grievances without first invoking the processes of the United Nations violates the charter. But a state which refuses to consider the serious grievance of a sister state and refuses to agree to any procedure for peaceful settlement also violates the law of the charter. Force is proscribed as a means of settlement but members must be willing to negotiate and submit their disputes for settlement under some reasonable procedure. While the primary purpose of the United Nations must be to maintain peace, peace cannot be maintained without some minimum redress of genuine grievances. This twofold law of the charter constitutes the heart of the charter. The law of the charter provides the minimum requirements necessary to enable members to work together to outlaw the use of force as a means of settling international disputes and to provide procedures for the peaceful settlement of disputes which threaten the peace.

There have always been questions and doubts how the United Nations could enforce the obligations of the charter against recalcitrant states, particularly the great powers. But there can be no question that the great powers as well as the small powers obligated themselves to observe the law of the charter. The veto may have given the great powers the right to forestall Security Council action, it did not give them the right to deny their obligation under the charter to respect the law of the charter. The "Uniting for Peace Resolution" of 1950 formally recognized the right of the Assembly to recommend action based on the obligations of the great powers as well as the small powers to observe the law of the charter.

In the early days of the charter the Soviet Union withdrew its troops from Iran, and France withdrew its troops from Syria to avoid charges of charter violation. In the early days of the charter it was assumed that if there was a threat to or breach of international peace, the United Nations would in one way or other be activated in an effort to stop the fighting and to restore peace. The U.N. may have been an imperfect instrument but it did help to restore peace in Greece, Kashmir and Korea. It also helped to restore peace in Israel when the State of Israel was first established and again at the time of the Suez difficulties even though the one-sided character of some of the Assembly's resolutions in the latter case may have been unfortunate and unwarranted.

Professions of faith in the United Nations and the law of the charter continue to be made in their formal addresses by heads of states and governments. But there has been a perceptible decline in the recognition and observance of the law of the charter, in the obligation to seek peaceful settlement or containment of disputes through the United Nations before using or threatening to use force to resolve them. There are, to be sure, explanations for these adverse developments—ideological differences between the east and the west and marked contrast in social and economic conditions between the north and the south. These would be sufficient explanations for nations trying to settle their disputes peacefully when they could without burdening the United Nations with their troubles. But these are scarcely justification for nations taking the law into their own hands and threatening to use and actually using force without first submitting the case to and seeking the good offices of the United Nations to obtain a redress of their grievances. It is said, however, that the United Nations cannot take care of its present burdens and is in no position to assume more. Feigned concern for the United Nations is no excuse for any member violating the law of the charter without even attempting to fulfill its obligations under the charter. If a member in good faith seeks the assistance of the United Nations to obtain a redress of its grievances against another state and the United Nations is, in fact, unable to act, it may then possibly be urged that there is a haitus in the charter that would relieve the aggrieved state of its obligation not to take the law into its own hands. But charter obligations become illusory and the charter, as the last best hope of peace on earth, becomes a dying hope if member states resort to war for the settlement of their differences without first at least invoking the good offices of the United Nations. Bypassing the United Nations under such circumstances, I fear, evinces more contempt than concern for the future of the United Nations.

During the last decade or so, states have with disturbing frequency resorted to force or the threat of force without feeling even a sense of obligation of reporting their action in advance or even subsequently to the United Nations. One need only mention Russia in the case of Hungary, India in the case of Goa, and the United States in significant aspects of the Cuban and South Vietnam situations. I mention these instances not to single out a few states but to indicate the generality of the nonobservance.

Some authorities have tried to justify the evisceration of the law of the charter by a latitudinarian construction of the right of self-defense under article 51 and of the authority of regional agencies under articles 52 and 53. I fear many of these interpretations are based on opinions that the legal advisers are requested to render after, rather than before, the political decision to resort to force has been made by the responsible political officers. Some of the more latitudinarian constructions of the right of individual and collective self-defense seems to me to militate against the spirit of the charter which is to bring disputes to the United Nations before they erupt into war. Perhaps more important than the exact scope of the right of self-defense is the recognition that the right of self-defense, whatever it limits, affords no excuse for not bringing a dispute which threatens the peace of the United Nations for settlement before the right of self-defense is exercised if time permits and immediately thereafter if prior submission is not possible.

The rightful exercise of the right of self-defense, in my view, is no excuse for continuing to wage war without resort to the United Nations for peaceful settlement. Neither should the wrongful exercise of the right of self-defense, if discontinued at the request of the United Nations, deprive a member state of its right to secure a redress of its grievances as part of the United Nations processes of peaceful settlement.

In recent years there has also been an attempt to justify the evisceration of the law of the charter on the ground that the charter does not forbid the use of force by one state at the request of the recognized government of another state to assist the latter state to quell a rebellion. Such a libertarian construction of the charter does violence to the letter and spirit of the charter. The armed intervention of one state in the civil war of another state whether at the request of the established government or its rival government is in fact the use of force by the intervening states in its international relations, whether the civil war be called a war of liberation or a war in defense of freedom.

True the charter does not forbid civil war or deny the right to revolt. But it does not sanction the right of an outside state to participate in another's state civil war. If a civil war in one state threatens international peace the United Nations may intervene to deal with that threat, but no member state on its own responsibility has the right to participate in the fighting in another state's civil war. If different states recognize opposing factions in a civil war and participate in the fighting with opposing factions, they create and do not prevent a threat to international peace. Events in Europe in connection with the Spanish Civil War made this obvious. This does not mean that arms may not be shipped to a friendly state threatened with rebellion; or that troops may not be sent to a friendly state to participate in a collective self-defense action to repel an armed attack from another state; or that troops may not be dispatched to a friendly state to participate in a mission of mercy to prevent the massacre of innocent civilians. But taking sides and fighting in another state's civil war is quite a different matter. See, Cohen, "The United Nations, Constitutional Developments, Growth, and Possibilities," Harvard University Press, 1961, pages 53–54.

It serves little purpose to debate the legal soundness of some of the interpretations given the charter under the impact of political forces. A recent study of the Carnegie Endowment for International Peace ("The OAS, the U.N. and the United States," by Inis L. Claude, Jr., International Conciliation No. 547, March 1964) demonstrates how under the impact of the cold war the U.S. Government has come close to shifting its legal position completely on the relations between the United Nations and regional agencies. There is a sort of Gresham's law operating in the field of charter interpretation. No state can or will long operate under a rule of law that is not respected by its fellow states. A restatement of the rule may fare no better unless there is a change in the political environment and the forces which shape the decisions of the responsible political officers of the state. I do not agree with many international lawyers and teachers who would like to have the Legal Committee have a monopoly on the legal questions arising under the charter in the General Assembly. I think it important that the highest political officers have a realistic understanding of the meaning and effect of charter interpretations and not merely accept the advice of their legal experts pro forma when it does not matter, only to reject and ignore it when it really touches a vital political nerve.

But whatever the causes or explanations, the law of the charter which was to outlaw the use of force as a means of settling disputes between states has fallen into desuetude. If we continue to accept this abandonment of the basic law of the charter requiring all nations, large and small, to seek in good faith peaceful settlement through the processes of the United Nations before resorting to war, we shall have allowed the very heart to be torn from the charter. Important as are the technical and social services the United Nations may render the underdeveloped countries, these are but fringe benefits which will wither away once the heart of the United Nations ceases to beat.

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What has gone wrong? Is it the fault of the charter? Is it due to the veto? Is it due to the excessive voting power of the small new states in the Assembly? Have we really exhausted the untried resources and potentialities of the charter?

The charter may not be perfect. But it is not the charter that obstructs the way to peace. The charter sets forth a few basic principles but leaves to successive generations who will live under it the responsibility of finding suitable means of carrying out those principles. The charter is not a self-operating mechanism. Its operation depends not so much on the words of the charter as on the way member states exercise their rights and meet their responsibilities. Some means are specified in the charter but these are not necessarily exclusive. Within widest limits other means are not prohibited. The charter is not a code of civil procedure to be strictly construed. I know no better canon of construction to be used in determining charter power than that laid down by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheaton 316, 421, for determining constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

It is the right and responsibility of member states to find means which are appropriate, which are not prohibited, but consist with the letter and spirit of the charter, to carry out purposes of the charter. There has been a tendency, I fear, for members to seek excuses and alibis for not working under the charter rather than to make any sustained efforts to find means of carrying out the purposes of the charter. It is quite possible that the means which may prove most helpful now are not necessarily the means which would have been most helpful in years past or the means which may be most helpful in the more distant future.

It seems to me that we have tried to build the United Nations too much in the image of the nation state—to muster power to fight wars rather than to develop the tolerance and understanding to prevent war. We have tried to exorcise differences by a majority vote rather than to seek means of composing and reconciling differences and containing, within reasonable, tolerable, and livable limits, those which cannot presently be composed or reconciled.

Of course until there is much greater progress toward general and effectively safeguarded disarmament it is necessary and in the interest of the United Nations and world peace that the member states maintain a reasonable balance of armed strength so that the most aggressive states will not be tempted to secure their interests by war rather than peaceful means. Of course it is in the interest of the United Nations and world peace that member states cooperate not only in the United Nations but in regional and functional organizations so that they will be better able to support the efforts of the United Nations to maintain peace in the world. We live in a pluralistic world and diverse and varied efforts—political, economic and social within and without the United Nations—are needed to strengthen the forces of peace, freedom and well-being throughout the world, provided, however, that such efforts do not countenance the waging of war in disregard of the United Nations Charter.

In this divided world in this nuclear age there is no substitute for an organization like the United Nations which transcends the interests of states and groups of states and sets above their divergent interests the common interest and the transcending vital interest of all states in the maintenance of peace.

Military alliances may deter war for a period by maintaining an uneasy balance of power, but military alliances are not likely to develop means or procedures for peaceful settlement or containment of vital differences among states or groups of states parties to different alliances. NATO, SEATO, and CENTO were to function in support of the United Nations and its charter principles, but in fact there has been little or no effort to relate their work to the United Nations. Many supporters of NATO, the greatest of the postwar military alliances, would give it priority over the United Nations. Yet NATO has not been able to secure peaceful settlement in its own area; it reluctantly acquiesced in the United Nations intervention in Cyprus when all else failed. NATO has in no way responded to the detente with the Soviet Union with any arms control proposals. Indeed it has tended to regard with suspicion any arms control proposals which would affect it. At the time of the 1961 Berlin crisis, NATO was used not in support of the U.N. and peaceful settlement but as an alternative to resort to the United Nations. When crises developed in Laos and South Vietnam, SEATO was invoked not in support of the U.N. and peaceful settlement but in lieu of the United Nations.

If one believes in the therapeutic effects of shock treatment in international affairs, in the therapeutic value of periodic armed confrontations such as occurred in Berlin, Cuba, and Vietnam, one need not be concerned by the fading out of the United Nations and what was once called man's last best hope of peace on earth. But such confrontations in this nuclear age involve risks which responsible statesmen conscious of their responsibilities to future generations cannot continue to ignore.

The United Nations was established to enable responsible statesmen to work together to avoid these risks. It was intended to provide an instrumentality through which members could unite their power and resources, spiritual and material, to protect their one and all-important common interest in the maintenance of peace in this nuclear age. Of course the charter will fail of its purposes if states insist on using force or the threat of force when it suits their interests without giving the United Nations the chance to use its good offices to compose differences which threaten the peace.

It is not the lack of power which might be called to the support of the United Nations which stands in the way of the realization of the promise of the United Nations. It is the lack of genuine effort on the part of the member states particularly the great powers, to use the as yet untapped resources of the United Nations to develop processes and procedures for the peaceful settlement of disputes among states. It is putting the cart before the horse, to put it mildly, to worry about how the United Nations is going to muster power to enforce peaceful settlement before it has developed processes and procedures for reaching peaceful settlements which can command the respect of states whose vital interests and possibly very existence are at stake. Intemperate invective and unrestrained cold war debate hastily followed by the counting of votes, in many instances uninformed and unaffected by the facts or merits of the controversy, constitute a rank betrayal of the purposes and principles of the charter.

It is extraordinary that so little sustained thought and consideration has been given to the development of the processes of conciliation and mediation as part of the pacific settlement functions of the United Nations. The sidetracking and soft-pedaling of the pacific settlement functions of the United Nations may be ascribed in large part, as I have indicated, to the cold war. Issues formally brought to the United Nations for peaceful settlement have been exploited for propaganda purposes and serious efforts to harmonize differences have been noticeable by their absence. The mediation and conciliation functions of the United Nations have been neglected and allowed to atrophy. Obviously in dealing with differences among sovereign states, particularly at this stage of international organization when states are excessively jealous of their sovereignty, an agreed solution is to be preferred to an imposed solution. Even states eager for a solution are loath to agree in advance to accept arbitration or an imposed solution for fear, sometimes for groundless fear, it may involve unexpected terms difficult or impossible to explain to their people. The imposition of a solution may produce serious divisions and strains within the United Nations, while an agreed solution, if it can be brought about, is an undisputed achievement and builds international confidence in the United Nations.

The process of conciliation and mediation encourages good faith negotiations and collective bargaining among states. It tends to curb the instinctive habits of states when national passions are aroused to try to get their way by threats and counterthreats of force instead of seeking a fair accommodation by a little give-and-take on both sides.

There is indeed at this stage of international organization perhaps more to learn from the traditions and practices which govern the peaceful settlement of labor disputes in modern industrial states than there is from the study of the making and enforcement of law within a state. In the early days of labor unions there seemed to be irreconcilable differences in the ideology of labor and capital, and the law in many states did not even recognize the right of labor to organize. Labor did not trust the courts, which labor felt shared the ideas of management. To paraphrase the remarks of Mr. Litvinov regarding the relations of capitalism and communism, labor thought no one could be neutral between management and labor. In the early days of union activities violence on one side or the other or both—allegedly in self-defense, of course—was not uncommon. Gradually the right of unions to organize and bargain collectively was recognized by law, but both sides shied away from compulsory arbitration unless it was agreed to in advance by both sides. But custom, if not law, imposed upon both sides the duty to bargain in good faith and make every effort to reach a peaceful agreement. If prolonged work stoppage threatens the welfare of the community it has become customary for the state or community to intervene, not by imposing a settlement but by creating an environment which should facilitate an agreed settlement. Sometimes the state or community will provide a cooling-off period comparable to a waiting period of 3 months following the report of the Council, which, under the convenant of the League, states agreed to observe before resorting to war. Sometimes the state or community will provide a cease-strike period comparable to a cease-fire during which negotiations can proceed in a relaxed atmosphere. Frequently the state or community will provide a mediator or conciliator, or a group of mediators or conciliators. These skilled professionals will bring the parties together, find the essential facts at the root of the controversy, define and narrow issues, isolate and defer issues on which agreement is clearly impossible, suggest alternative solutions, and at times make definite recommendations for settlement that they think both sides can accept and live with.

It might be said that in the labor relations field an unwritten common law has been developed and accepted that all disputes affecting the public welfare must be settled peacefully; that is, without violence and without protracted disruption of the public service. No particular means of reaching a settlement is prescribed, but all means cannot be rejected. Mediation and conciliation processes will be available to assist the parties reach an agreement by means of their own choice, and compulsory arbitration will be avoided as long as possible. But an agreed

settlement or modus vivendi must be reached or the parties will be obliged to accept an imposed settlement.

Much of what has been learned in the last century in the handling of labor-management disputes can be applied in the handling of disputes among states. We should worry less about the power of the United Nations to compel or coerce settlement and concern ourselves more with the conciliation and mediation procedures and processes the United Nations can provide to assist states compose their differences and settle their disputes. The United Nations environment should be most favorable to the development of unparalleled facilities for conciliation and mediation. Most member states, with little or no direct interest in a direct dispute unless prematurely forced to take sides, will naturally want to be helpful in facilitating an agreed settlement by peaceful means. Most disputes between states like most disputes between labor and management involve other legal issues and cannot be settled by the application of any preexisting or mutually acceptable rule of law. Consequently they lend themselves more readily to negotiated settlements than to inflexible judicial settlements of political legislative solutions. The disputant states, like labor-management disputants, are less likely to fear outside intervention to facilitate a negotiated settlement than they are to fear outside intervention to impose or coerce a settlement.

Indeed despite the neglect of the pacific settlement functions of the United Nations and the lack of preparations to enable the United Nations to function effectively in this area, there is enough in the past activities of the United Nations to justify faith in the great potentialities of the United Nations in this area. There are the outstanding accomplishments of Count Bernadotte and Dr. Ralph Bunche as mediators in the Israeli-Arab conflict in 1948; the quick and extraordinary resourcefulness and imaginative statesmanship of Mr. Lester Pearson of Canada which led to the creation over a weekend in 1956 of a peacekeeping force not to fight but to keep the peace in the most sensitive areas in the Near East; the patience of Mr. Frank Graham in containig the Kashmir conflict; the deft and dedicated efforts of Dag Hammarskjold in handling the operations of the United Nations peacekeeping forces in the Near East and later in the Congo; and similar efforts of U Thant in the tense Cyprus situation.

Indeed it is interesting to contrast the failure of member states to earmark troops, by special agreements with the Security Council under article 43 of the charter or in response to the Collective Measures Committee of the General Assembly, for enforcement or sanction actions with the increasing willingness of member states to earmark troops for peacekeeping operations as an adjunct to pacific settlement. Canada, Denmark, Finland, Iran, Italy, the Netherlands, Norway, and Sweden and most recently the United Kingdom have already volunteered to hold troops on a permanent basis in readiness for United Nations peacekeeping operations. (Issues before the 19th General Assembly, International Conciliation, No. 550 November 1964, pp. 19–24.)

These are significant stirrings of hope. Yet one must regretfully observe that most national statesmen—while paying lipservice to the United Nations and tearfully lamenting its ineffectiveness and professing to wish to see it strengthened—have done precious little to develop and dramatize the great potentialities of the United Nations under the present charter in the field of peacekeeping and pacific settlement. If, as they tell us, there is no alternative to peace in this nuclear age, they should give at least a fraction of the time they give to building up military power to building up an effective administrative corps within the United Nations to assist and promote the peaceful settlement of international disputes. Certainly national statesmen might be expected to give us much time to this task as they give to the recently revived study of geopolitics which seems to be based on the supposedly obsolete theory that there is no alternative to war.

I will make only a few of many suggestions which should be worthy of study in this connection. One, there should be set up a reporting or rapporteur system to assist the Security Council and the General Assembly in handling disputes between states which threaten the peace. Every precaution should be taken to relieve the Security Council and the Assembly from having to act on the uncorroborated statements of the disputants and their partisans. There should be available to these organs reports—prepared by a professional rapporteur or group of rapporteurs—as objective as possible of the essential facts at issue and the positions taken by the disputants.

Second, as part of or in addition to such a corps of rapporteurs, there should be small corps of professional diplomats whose experience or training qualify them to act as mediators or conciliators. Among other things, it should be their duty to investigate on their own initiative or on the request of a specified number of member states the use of force or the threat to use force by any state or states which has not been brought to the attention of the United Nations and to report the essential facts to the Secretary General. The Secretary General should be authorized on the basis of such report to offer the services of the mediating and conciliating corps to the disputants to assist them in negotiating a settlement of their differences.

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It is gravely disturbing that many devoted friends of the United Nations have failed to grasp that the failure of the United Nations is threatened as much or more by the neglect of the great powers than by the irresponsibility of the small states. Even the revered Dag Hammarskjold who gave his life for the United Nations, in appealing for the support of the small states against Mr. Khrushchev's proposal to force his resignation and to trifurcate the office of the Secretary General, stated in the General Assembly in September 1961: "It is not the Soviet Union or indeed, any other big powers, who need the U.N. for their protection; it is all the others. In this sense, the Organization is first of all their organization, and I deeply believe in the wisdom with which they will be able to use it and guide it." It is quite understandable at that critical time Hammarskjold should have reminded the small states of their great stake in the United Nations and their duty to act responsibly. It was unfortunate, however, that the words may suggest that the great powers have a lesser stake in and a lesser need of the U.N. If great powers do not sense their imperative need of the United Nations to preserve the peace, they will not give the United Nations the support necessary for its growth and survival. If the great powers do not have confidence in the United Nations, they cannot expect the smaller powers to have confidence in it.

Recurrently and persistently a school of realists tell us that the United States cannot deal with conflicts between the great powers because of the veto and the lack of countervailing power. One would have thought that the uniting for peace resolution in 1950 would have put that argument to rest. Moreover, whatever criticism may be made of the one-sidedness of some of the resolutions in the Suez case, it certainly established the continued vitality of the uniting for peace resolution and rejected the proposition that the great powers have a right to ignore their charter obligations. Strong arguments may be advanced that the United Nations cannot muster the power, and would be unwise to attempt, to impose its will by force on the great powers or for that matter on some of the lesser powers. The primary purpose of the United Nations after all is to keep the peace and prevent war, not to fight wars, to stop aggression not to punish the aggressor. But there is nothing in the charter or outside the charter that would justify the great powers any more than the small powers to reject and ignore the conciliation, mediation, and other peacekeeping processes and procedures that the United Nations might provide for the peaceful settlement of disputes which threaten the peace. If the United Nations withers away, it will not be because it lacks the power to impose its will by force but because the forces for peace represented in the United Nations do not unite their strength as the charter bids them to do to bring the powers, great or small, which are involved in the conflict, to the conference table for good faith negotiation. I have scant sympathy with those who are so devoted to the United Nations that they would not saddle it with the burdensome task of bringing clashing powers to the conference table for fear the conference will be abortive. To what a pass the United Nations has come when it scarcely takes notice of a war in Vietnam which threatens to escalate into a major world conflict.

It is not suggested that disputes affecting the vital interests and very existence of states may peacefully be settled by cold war debate and the counting of partisan votes. On this greatly diversified and deeply divided world, a consensus is not easily found. But even amid diversity and division the common interest in peace—in the continuation of life itself on this planet—should be strong and effective enough to provide the procedures and processes to bring states in conflict to the conference table and to assist them to reach agreed settlements with which they can live.

This does not mean that all debate in the General Assembly and Security Council can or should be suppressed. As in all political bodies the delegates often speak as much to their own constituents as to their fellow delegates. To some extent this is unavoidable and with limits desirable. It does enable the delegates to inform and advise one another of the grievances, problems, and predilections of their various constituencies. But the cold war has unfortunately invaded the United Nations and taken over to the point that in some instances it has strengthened and accentuated divisions and actually militated against the development of a feeling of community, of shared interests in meeting the problems and adjusting the differences which threaten not only peace but life on this planet.

If the political organs of the United Nations are to play their part in building peace which will save the world from a nuclear holocaust, there must be when there is no clear consensus, a downgrading of voting and an upgrading of efforts to create and employ the processes of mediation and conciliation to obtain the accommodations, compromises, and provisional arrangements which are necessary if we are to live at peace. But there are those who say let justice and right prevail though the heavens fall. But who is to determine what is just and what is right. Does justice lie with the strongest battalions or the deadliest missiles? And what justice can there be if the heavens fall? I should think it might better be said: Let justice be done so that the heavens will not fall.

Antagonistic ideologies not reconcilable by logic have in the past been reconciled by the felt necessities of the times, even when they contended not only for the things of this earth but for man's immortal soul. The test

of life, the test of peaceful coexistence—like the test of law as Justice Holmes has reminded us—is not logic but experience. Slowly and surely the most hardheaded statesman barring lapses in periods of tension and passion are coming to realize that war no longer is a practical way of adjusting international disputes.

What are some of the working rules which should be observed in the United Nations in order to make the most effective use of the processes of conciliation in the settlement of international disputes which threaten the peace? They conform very closely with those which have proved effective in the conciliation and mediation of labor disputes. Impartial rapporteurs and skilled mediators should objectively try to ascertain the essential facts and to determine the extent to which they may be in dispute; to ascertain and define the essential issues which divide the disputants so as to reduce, narrow and contain them to the greatest possible extent. They should also suggest alternative solutions to compose those differences which seem reconcilable with a little give and take, and should suggest provisional and ad hoc arrangements to circumvent or contain within tolerable and livable limits vital issues on which the parties are presently irreconcilably divided. This generation must be wise enough to find ways of leaving to the solvent of time and the wisdom of succeeding generations problems which this generation is unable to solve. If this generation does not find and accept such ways there may be no tomorrow. Let us not forget that the most aggressive ideologies undergo changes over the years. Even the most fanatical faiths balk at self-destruction and mellow with time. When men realize as Justice Holmes so eloquently stated that "time has upset many fighting faiths" (*Abrams* v. *U.S.*, 250 U.S. 616, 630) and when men realize that time has brought many unexpected changes even in our lifetime, we should have faith that the next generation may be able to solve the problems we are unable to solve. At least we should do our best to give the next generation a chance.

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Let us now take a look at the none too successful efforts at mediation and conciliation in the recent ill-fated 19th General Assembly centering about the application of article 19 of the charter to the Soviet Union. Article 19 provides that a member 2 years in arrears shall have no vote in the General Assembly, although the General Assembly may permit it to vote if it is satisfied that failure to pay is due to conditions beyond its control. It was contended by the United States, the United Kingdom and Canada that the Soviet Union was more than 2 years in arrears because of its failure to meet the General Assembly's assessments against it for the UNEF (United Nations Emergency Force) peacekeeping in the Middle East and for ONUC (United Nation's Operations in the Congo) peacekeeping. The International Court of Justice in an advisory opinion on which its members were sharply divided, nine to five, had found the assessments for UNEF and ONUC valid and binding under the charter. The General Assembly after acrimonious debate in its 18th session had voted to accept the opinion. The Soviet Union and France have taken the position that only the Security Council under the charter can impose binding obligations, although France supported the uniting for peace resolution in 1950 and met her contributions to UNEF voluntarily. The Soviet Union had initially supported the peacekeeping operation for the Congo in the Security Council, although it withdrew its support after Lumumba's ouster.

It is the contention of the Soviet Union that it is not in arrears, and that neither the Court's advisory opinion nor the resolution of the General Assembly can impose an obligation to pay for peacekeeping not authorized by the Security Council. France which during 1965 will similarly become in arrears because of her nonpayment of the Congo assessments supports the Soviet contention. It should be observed that both UNEF and ONUC were financed partly by a modified scale of assessments and partly by voluntary contributions. All subsequent peacekeeping operations have been financed by voluntary contribution.

The United States, the United Kingdom, and Canada have taken the position that the General Assembly has accepted the Court's opinion, that the President of the Assembly must automatically apply article 19 and deny the Soviet Union the right to vote. They further contend that on a point of order his ruling should and would be sustained by a simple majority vote. Other members take the position that article 19 must be read in connection with article 18 which provides that the suspension of rights and privileges should be considered important questions requiring a two-thirds vote.

The President of the Assembly and the Secretary General tried from November to February to mediate the dispute. They succeeded in quieting considerably the usual cold war debate and in avoiding a tabulated vote save on the final motion to adjourn in order to prevent a direct confrontation not of arms but of wills between the Soviet Union and the United States which might lead to the breakup of the United Nations.

Conciliation efforts have not succeeded but they have not finally failed. It seems a pity that in a period of detente between the United States and the Soviet Union, it was not possible to find practical means and measures of meeting the United Nation's deficit so that the Assembly could get on with its work without being bogged down in legalisms. With a little give and take a practical settlement might have been reached without resolving the controversial legal issues which have been unduly and unnecessarily exploited. Neither the Court's advisory opinion nor article 19 need stand in the way of a practical settlement. To reach a practical settlement it is not necessary to accept or reject the Court's opinion.

It is important to recall just what the Court did and did not advise: Not that the General Assembly may not finance peacekeeping by voluntary contributions, indeed both UNEF and ONUC are partially financed by voluntary contributions; Not that the General Assembly may not authorize States particularly interested to assume the preponderant burden as was the case in Korea and later in Cyprus and Yeman. The Court merely advised that the General Assembly had the charter power, and had exercised it in the case of UNEF and ONUC, to impose obligatory assessments to defray the costs of peacekeeping.

But the Court did not decide that at this stage of international organization in the world where states are still inordinately jealous of their sovereignty that it was wise statesmanship to finance peacekeeping on the basis of obligatory assessments. A political body whose powers are essentially recommendatory should hesitate, particularly in the absence of great power unity and an overwhelming consensus, to require sovereign states to finance actions which they oppose and which they cannot be required to participate in or assist directly. It is frequently asserted that the peacekeeping functions of the United Nations will not be undertaken if there is no power of obligatory assessment. I doubt this. Peacekeeping will not and should not be authorized unless the States supporting such action are willing to support or to find support for it. Obviously much of the social and economic work of United Nations and its specialized agencies could not and would not be carried out on other than an essentially voluntary basis.

It is no accident that both the United States and United Kingdom last summer (1964) proposed to the Working Group of the Assembly, which was studying methods for financing peacekeeping operations involving heavy expenditures, a special procedure for handling such financing in the General Assembly. They joined in proposing that in the future in apportioning expenses for peacekeeping operations the General Assembly acts only on the recommendation of a special finance committee which should include the permanent members of the Security Council and a relatively high percentage of member states in each geographical area that are large financial contributors to the United Nations. They further proposed that such recommendation be made only on a two-thirds vote of the committee membership. (U.N. Doc. A/AC 113/30, Sept. 14, 1964.) These proposals, I am sure, are designed not simply to offer some protection in the future to the Soviet Union but to other large contributors including the United States and the United Kingdom against being assessed for operations which they oppose and in which they cannot be forced to participate directly. At this stage of international organization, it is neither wise statesmanship nor practical politics to expect states to be able to get substantial appropriations from their national legislatures to finance international operations to which they are opposed. At this stage of international organization states must learn to cooperate voluntarily before they seek to enforce cooperation from recalcitrant states.

The long period of watchful waiting during which the 19th Assembly did nothing, clearly indicates that the member states do not want the future of the organization to depend upon whether the application of article 19 to the Soviet Union under the present state of accounts is or is not automatic. They do not want to offend the United States which has been the financial mainstay of the United Nations and the political champion of its expanding role in world affairs. On the other hand they recognize that the United Nations cannot be a worldwide organization for peace if the Soviet Union is to be deprived of its vote. The members do not want the United Nations to be stalled in its tracks. They want to find a way to get on with its work.

Had a way not been found to adjourn the Assembly until next September (1965), the President of the Assembly would undoubtedly have refrained from ruling on his own responsibility on the automatic application of article 19. He would undoubtedly have asked the advice of the member states. They also would have sought a way to avoid making a decision on application of article 19. If need be a majority might have voted to make this an important question requiring a two-thirds vote under article 18(3). In that case it would have been unlikely that any decision could command a two-thirds vote and efforts to find an accommodation or compromise would have had to be resumed.

A new Committee of 33 has been established by the Assembly and is instructed in consultation with the President and Secretary General to review the whole question of peacekeeping operations, including ways of overcoming the present financial difficulties of the organization and report by June 15 (1965). It is to be hoped that during the adjournment the Committee of 33 will find a way out of the morass. It really should not be difficult if the Committee recognizes its job is to break the deadlock and not to vindicate a theory. The legal questions need not stand in the way of an acceptable and workable accommodation. The Committee need not question the advisory opinion of the International Court of Justice. It need not decide

whether the application of article 19 is or is not automatic. The Committee might well recommend that, in light of the practical difficulties encountered which have paralyzed the work of the 19th session, the Assembly should reconsider the nature of the assessments levied for UNEF and ONUC. It might suggest that without prejudice to its charter powers and without prejudice to the advisory opinion of the Court, the Assembly should declare the assessments to be recommendatory and nonmandatory while urging all states to meet their share of such assessments. The states which voted for these assessments should naturally feel morally bound to meet their share. Should some states fail to meet their quota, for reasons which to them seem compelling, they should be urged to contribute a substantially equivalent amount to other operations of the United Nations so that the overall costs of the United Nations may be equitably shared by its members. Should there remain a deficit in meeting the costs of UNEF and ONUC, a special appeal should be made for voluntary contributions to make up the deficit.

If the Assembly is prepared to recognize the unwisdom at this stage of international organization of attempting to make its assessments for special peacekeeping operations obligatory, there should be reason to hope that the Soviet Union and France would voluntarily meet their assessments or make substantially equivalent contributions to other essential activities of the United Nations. In the absence of special circumstances, States which do not contribute to special peacekeeping operations should not be entitled to a voice in the administration of such operations. Of course it may be a bit messy to reconsider the mandatory character of a partially executed plan of assessments. But it is better to offend the purists than to let the Assembly be stalemated or blackout indefinitely.

It is to be regretted, as I have indicated, that in a period of relative detente between the West and the Soviet Union a negotiated settlement has been so difficult to achieve. It is particularly regrettable that the work of the Assembly should have been stalled over the financing of peacekeeping operations because it has been in the field of peacekeeping as an aid to peaceful settlement that the most promising developments in the United Nations in recent years have occurred. It was somewhat reassuring to note that the cold war debate was less acrimonious than usual and that the membership as a whole calmly exerted their influence to mediate the differences between the United States and the Soviet Union and to prevent a self-defeating confrontation over article 19. Despite the unsuccessful attempt of Albania to precipitate the confrontation, the many new, small and weak members acted with a sense of responsibility and restraint.

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The admission of many new small states has created problems which cannot be ignored. But the seriousness of these problems can be greatly minimized if the larger states take the lead in developing practices and procedures which encourage and promote the use of the Assembly not as a forum for fighting cold wars, but for ending them.

With the admission of many new and relatively weak states it becomes theoretically possible for the General Assembly to vote for action for the carrying out of which the voting majority would shoulder little or no responsibility or burden. It must be remembered, however, that the action of the General Assembly is recommendatory and not mandatory. Its effectiveness must depend upon its appeal to the judgment and interests of states. Indeed, democratic states cannot be expected to assist actively in carrying out programs to which their people are strongly opposed. It must be recognized that voting in the Assembly on the basis of the sovereign equality of states does not automatically reflect world power, world wealth, or world wisdom. Member states may be expected to give good faith consideration to the Assembly's recommendation, but they are not bound to act against their own better judgment nor to ignore the fact that a numerical majority may in some instances not be truly representative of informed world opinion.

When the cold war was at its height there was excessive emphasis on voting and a misguided attempt to exaggerate the significance of a mere numerical majority. At this stage of international organization a vote which requires action can become effective only if it moves to action states which have the will and power to act. A vote will command respect not by the mere number of states back of it but by the worldwide feelings or sentiments it reflects, by the worldwide response or reaction to events it evokes, and by the influence it brings to bear on the actions of the states to which it is addressed. Many closely divided votes may only serve to strengthen divisions rather than to develop a consensus.

Small states cannot expect to dictate to the more powerful states what they must do. On the other hand small states also have their rights, and large states cannot claim the right to act in areas in which small states are concerned without explaining and justifying their action. As President Roosevelt stated in his last state of the Union message on January 6, 1945, when the charter of the United Nations was being drafted: "We cannot deny that power is a factor in world politics any more than we can deny that power is a factor in national politics. But in a democratic world, as in a democratic nation, power must be linked with responsibility and obliged to defend and justify itself within the framework of the general good." And the power of which President Roosevelt was speaking was power which was something more than transient military force.

For the United Nations to function effectively with its present membership at this stage of international organization, greater reliance must be placed on procedures for peaceful settlement through conciliatory processes. Less reliance should be placed on voting on volatile political issues which in the absence of a clear consensus cannot be resolved by a vote.

In emphasizing the flexibility of the charter and its adaptability to "exigencies"—to paraphrase the remarks of Justice Holmes in reference to the American Constitution, "which could not have been completely foreseen by the most gifted of its begetters"—I do not wish to rule out all charter amendments. I only warn that we must exploit the potentialities of the present charter in order to develop a broader and deeper feeling of worldwide community which must precede any meaningful charter change. As we broaden the areas of concensus, we increase the possibility of strengthening the charter by amendment.

Amendments to the charter enlarging the Security Council and the Economic and Social Council have been proposed by the 18th General Assembly. (Resolutions 1991 A and B (xviii) Dec. 17, 1963.) The Security Council amendment would enlarge the Security Council to 15 members. Of the 10 nonpermanent members, 5 would come from Africa and Asia, 1 from Eastern Europe, 2 from Latin America, and 2 from Western Europe and elsewhere. The Economic and Social Council amendment would enlarge ECOSOC to 27 members, of which 9 would be elected each year for 3-year terms. Seven of nine elected each year would come from Africa and Asia, one from Latin America, and one from Western Europe.

A larger Security Council and ECOSOC would appear desirable in order to reflect a broader spectrum of world opinion. But it would seem to me that if the Security Council is to be enlarged there should be provision to insure that not less than one-third of its membership are drawn from a middle group of states which, while not among the original permanent members of the Council, are large financial contributors. This middle group might constitute a class of additional permanent members without power of veto or at least an additional class of members eligible for successive reelection. This middle group should include states like India, Japan, Brazil, Italy, Germany, and, possibly, Nigeria.

Moreover if the Security Council is to be enlarged in order to obtain a more balanced representation it would seem to be desirable if not necessary at the same time to provide for a better balanced distribution of voting power in the General Assembly. In light of the great disparity of power between the relatively small number of large States and the large number of small States some change in the distribution of voting power in the Assembly is important to maintain the influence of the General Assembly and to give meaning and power to its resolutions. It is likewist important to maintain the capacity of the Assembly to act responsibly—to represent power as well as numbers—when the veto forestalls action in the Security Council. But it is not easy to find any acceptable principle of weighted voting to impose on the principle of sovereign equality of states. A duel voting system perhaps affords the best way of reconciling the sovereign equality of states with a responsibly balanced power structure. It might conceivably be possible if and when the great powers consent to an enlarged and better balanced Security Council that the smaller powers would concurrently consent to a dual voting system in the General Assembly whereby ordinary resolutions in the General Assembly would require a double majority vote—a majority of all members and a majority of those states in the Assembly which are represented on the enlarged Security Council. Then important resolutions of the Assembly would require a two-thirds majority of the whole membership and a two-thirds majority of those states in the Assembly which are members of the Security Council. This is a form of weighted voting which avoids the need for weighing the votes of individual states. It should create a better relationship between the Security Council and the Assembly and at the same time increase the effective influence of the Assembly on the Security Council.

But desirable as some amendments may be, we must not let the obstacles in the way of attaining them blind us to the potentialities of the present charter which is and was designed to be adaptable to changing conditions and unforeseen exigencies. The means which may be most effective for carrying out the charter purposes when the great powers are working together may not be the most effective means when they are in conflict. The most effective means of carrying out the charter objectives at one stage in the growth of international organization may not be the most effective means at a different and more advanced stage. The charter is broad in scope and allows a wide measure of choice of means. It is for each generation to have the wisdom and imagination to choose the appropriate means and procedures for keeping the peace in its time.

At the present time the important thing is to find the means which enable the member states to cooperate to the maximum extent to keep the peace within the frame and law of the charter. The important thing is not to impose the will of a majority of states on a minority of states but to provide an environment and a procedure for composing or containing differences among states before they erupt into war. The peaceful settlement of disputes requires not armies but wisdom

and vision. Long ago in the days of Solomon it was said that "Where there is no vision the people perish." Let us hope that in this nuclear age vision is not lacking when without vision life on this planet may cease to exist.

## MIGRATORY FARM LABOR—THE BRACERO PROBLEM

Mr. DOMINICK. Mr. President, in recent months, the Senate has been engaging in serious colloquy concerning the bracero problem of importing labor to harvest the crops.

A great many farmers, as the President knows, are presently in serious straits, wondering whether to plant their crops because of the absence of available labor.

The other day, out of the blue, I received a letter from a gentleman in New York who owns property in my State of Colorado, and in that letter he included a copy of his letter to the Secretary of Labor, Mr. Wirtz.

The letter details the problems which farmers face in Colorado as well as in other parts of the country, and he includes some exhibits from his own tenant farmers in that area. I ask unanimous consent to have this material printed in the RECORD.

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

NEW YORK, N.Y.,
*April 5, 1965.*

Senator PETER H. DOMINICK,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. SENATOR: I am taking the liberty to forward to you a copy of a letter which I believe is self-explanatory in reference to the sugarbeet labor situation.

The situation is critical, and anything which you could do to help correct it in these next few days before planting time for the 1965 crop would be a godsend.

Sincerely yours,

HARRISON D. BLAIR.

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NEW YORK, N.Y.,
*April 5, 1965.*

Hon. W. WILLARD WIRTZ,
*Secretary of Labor,*
*Washington, D.C.*

DEAR MR. SECRETARY: I doubt that you will remember me from the New York Beta of the Year Dinner at the Harvard Club May 15, 1963, but as a New York City banker of 40 years' experience and a third generation landowner from the Plains of Colorado where I grew up knowing well and intimately the vicissitudes of struggle with nature, I want to impose on your time for a few minutes to urgently discuss a matter of economic survival for some of our most valuable citizens—the sugarbeet farmers.

The lapse of Public Law 78, and sudden prohibition of the hiring of Mexicans, who have worked our beets for some two generations, presents a crisis, not just a problem, and a very serious crisis. The use of "braceros" must be reinstated at once.

Farming at best is a great risk, and the beet farmers have been working valiantly under the guidance of the sugar companies to mechanize and dispense with hand labor. Much progress has been registered with the innovation of segmented seed and introduction of chemical weed eradicators, but nature cannot be changed overnight as can be restrictive legislation. The substitute labor suggested is just not available for those farmers from a hundred to several hundred miles from congested cities with large relief populations. It is doubtful that those on relief would be efficient and effective on farms, or would care to "go rural" for a 2-month period. Furthermore, the capital cost of supplying required housing facilities for the short-term city relief workers and their families would be prohibitive and uneconomical.

The goal of complete mechanization can quite likely be achieved—but it will take some time. When that time comes, the inefficient labor that you are now trying to foist on the beet farmers will still be unemployed—and you will have only postponed the solution while ruining the solid citizen farmer.

Our domestic beet-sugar industry proved a godsend to the consuming public in World War II, but can it endure economically with a legislated 50-percent increase in labor costs plus the increased capital cost of mechanization? Forty or fifty years ago a farmer could get along with four or five teams that were worth about $100 per animal and machinery that cost $75 to $100 per item. Now tractors, harvesters, etc., cost $3,000 to $6,000 each, and the average tenant farmer can easily have a capital investment of $20,000 or so.

Our cost of sugar production should be as low as economically possible, as our prices are influenced or set by world supply. Does it make sense to legislate a 50-percent increase in labor cost when large producing areas around the world produce with labor costs only a fraction of ours? Also, is it good international relations to kick our neighbors south of the border in the teeth?

On my irrigated farmland of some 1,100 acres, I have six tenant farmers; they represent the kind of families that are the backbone of our American free-enterprise system. One is a grandson of a former tenant of my father, two are sons, and a fourth is married to the daughter of a former tenant. The boys and girls that have come from those farms for three generations are real Americans, and one son of a man who worked for my grandfather and father went to Washington to head up a section. Are we going to legislate those kind of people to second-grade society and relief?

That is what we will do if we solve this problem on the present approach of politics, and continue to ignore the rules and laws of economics.

It is wrong to throw a 50-percent labor cost increase at the farmer when he is facing a water shortage for the second year in a row. The Prewitt Reservoir in Logan County, Colo., is still empty, and our North Sterling Reservoir, dating from the early 1900's, has prospects of being only 50 percent full with the irrigation season now less than 2 months away.

At best, farming is precarious, and my tenant farmers work long hours for a modest return, if nature is kind. As a landlord, my six farmers, in the 9 years since I inherited them, have produced a gross income (including insurance, rebates for fire, wind, and hail damage, and some $15,800 soil practices payments) of $259,615.02, but after total expenses of $251,727.14 (which includes only modest depreciation as some buildings are 50 years old or more) my net income has been only $7,887.88. This is an average of $876.43 per farm over a 9-year period, or an average of only $97.38 per tenant per year. Not very exciting, considering the constantly increasing cost of repairs, insurance, and taxes—and my land is among some of the better land in the area. Some of my financial friends urge me to liquidate my landholdings and employ the funds in stocks and bonds to better advantage, but I like to think that, in that expenditure of $251,000, plus a greater one of my combined tenants, we have helped make honest jobs. But if this keeps up, maybe in 2 years when I retire from the bank I'll be forced to accede to their wishes.

I think that also I have among the better tenants in the area. Sometimes it is difficult to keep them from becoming discouraged. With the outlook which your Dement is harnessing our beet farmers, they may not obtain their usual credit facilities from the local banks. The goal of your Department and the Department of Agriculture should be to reduce the need for farm support—not legislate so that there will be a necessity for more. I enclose three photostats of extracts from some of my tenants' correspondence these past couple of months to let you know eloquently how they feel and worry.

Cost for both the tenant farmer and the landlord are constantly rising (my farm real estate taxes last year advanced from 11.2 to 14.7 percent, and it is imperative that we grow the maximum dollar yield per acre crops (beets) so far as sound rotation programs permit in order to break even and stay out of the red. That is true in addition to having good growing weather and conditions. I have urged my tenants to cooperate fully in soil conservation practices but on principle have constantly insisted that they not engage in those practices whereby they might be paid for not growing crops which I feel is boondoggling.

The planting season is here, and I hope that your Department and all other departments involved and bureaus in Washington will reconsider and immediately advise the growers that after careful study they will have recourse to their tried and proven labor sources.

While I am leaving this Wednesday for a much needed week of vacation in Florida, after finishing on March 23 a grand jury term that started February 1 (which was in addition to my full-time bank job), I should be happy to come to Washington for conference if you feel that I could further clarify the picture. I shall be a guest of Mrs. Nohowel, 222 El Brillo Way, Palm Beach, telephone 305–833–5821. I should gladly return and make that sacrifice for my farmer boys.

I am taking the liberty to send a copy of this letter to my Congressmen and Senators, and also to Frank A. Kemp, president of the Great Western Sugar Co., a brother Beta from the University of Colorado and a very able executive of the highest integrity.

Sincerely yours,

HARRISON D. BLAIR.

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JANUARY 6, 1965.

MR. BLAIR: Enclosed is a clipping from a local paper concerning the wage scale for the beet labor. In the past it was 90 cents per hour. And I understand in the future they are going to raise it 15 percent each year till it gets to a level where local labor will be glad to come to work for us. The only thing is us small farmers won't be around to pay this kind of labor bill. About the only other thing we can do is just let the weeds grow. Any suggestions?

The reservoir is taking in a little water, but they said that if some miracle didn't happen we'd be lucky to get 50 percent of water. Between the water shortage and labor shortage the future looks a little bleak.

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JANUARY 23, 1965.

DEAR MR. BLAIR: Sounds like you are having a lot of snow in New York. We had 5 inches of snow, which was most welcome. This is the first moisture we have had all winter. We need 10 times as much yet. The reservoirs are still low. Prewitt is completely dry yet.

As for the crop planning for 1965, looking the situation over with the severe water shortage we had last year and not to much moisture as yet, and also, with this beet labor problem it encounters some very serious thinking and a lot of figuring.

I applied for 53 acres of beets, which I doubt I will get. It will probably be between

40 to 47 acres. This will most certainly be enough the way the outlook is on sugarbeets. We already lost one beet payment in August of 1964 for the 1963 crop. According to the newspaper of Great Western we might lose one or two payments in 1965 for the 1964 sugarbeet crop. Also, the water shortage.

As for beet labor, the Government is setting the price. We will have to pay by the hour instead of by the acre. We have to pay $1.30 an hour and hire domestic labor, which mainly will be people who are on welfare. I don't think I have to explain on how successful this will be. My opinion is it will be one of the biggest labor flops in American history. They are too lazy to work nowadays. Also, the Government is trying to push through better living quarters for the labor. They are talking about running water, bathrooms, and also furnish some of the household furnishings. The Government will send inspectors around to look at labor houses to see if they are suitable. It's one big mess. Pretty soon the Government is going to tell us what and when on everything we do.

MARCH 24, 1965.

MR. BLAIR: It's getting nearer to planting time and we are still in bad shape as far as water and beet labor is concerned.

At last report they figured the reservoir would end up with about 50 percent water, unless some miracle happens which is pretty doubtful. It's going to be pretty hard to make ends meet with that poor of a water supply. The farm loan people don't think too much of loaning money to farmers with half a supply of water.

They still haven't come up with anything for our beet labor, and the company has told us not to figure on any either. You said to go ahead and plant and see what happens.

It might be a little late to replant if we wait to see if they are going to be too weedy to save. I'm not financially fixed to take too many chances. You know that bankers don't loan too much money on hopes.

## CONSTITUTIONAL AMENDMENT ON REAPPORTIONMENT

Mr. DOMINICK. Mr. President, I have had the privilege of testifying before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary in support of the proposed constitutional amendment of the Senator from Illinois [Mr. DIRKSEN] with respect to reapportionment.

The other day, I had an opportunity to read an excellent article on this problem written by Holman Harvey and Kenneth O. Gilmore, and published in synopsis form in the Reader's Digest for March 1965.

I believe that this article clearly sets forth one of the problems this country has faced before; namely, that some States have not gone ahead with reapportionment on their own.

It also clearly shows the great efforts which have been made by the State of Colorado in this particular complex situation and the difficulties Colorado has encountered because of the Supreme Court decision.

The article gives many of the basic reasons why I feel—as I know many others feel—that the passage of this constitutional amendment is imperative and should be accomplished as soon as possible.

Mr. President, I ask unanimous consent to have the article to which I have referred printed in the RECORD for reading by all Senators.

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

[From the Reader's Digest, March 1965]

REAPPORTIONMENT: SHALL THE COURT OR THE PEOPLE DECIDE?

(NOTE.—It is more than a power struggle between city dwellers and country dwellers. At issue in today's political battles over the makeup of State legislatures are fundamental principles of democratic representation.)

(By Holman Harvey and Kenneth O. Gilmore)

Lightning struck last June 15 when the Supreme Court handed down its one-man, one-vote reapportionment decision. This decree require both branches of every State legislature to be strictly based on population only. It represents the most far-reaching change in American political structure since our Constitution was written 178 years ago.

Few issues in recent times have stirred more controversy or created more confusion. Nearly every State in the Nation—from Montana to Maryland, from Alaska to Florida—is struggling to satisfy the Federal judiciary's order. A dozen States have already remapped their legislative districts. Others are desperately trying to meet Court-imposed deadlines or to devise delaying tactics. In the meantime, proposals for a constitutional amendment reversing the Court's action are being seriously debated in Congress and in the States.

Make no mistake, we are at a crossroads: our form of government is in a major crisis. What then are the stakes?

REPRESENT THE PEOPLE

"The basic issue," says Robert G. Dixon, Jr., professor of law at George Washington University, "is not simply 'one man one vote.' It is fair representation, a concept which philosophers and politicians have been arguing about for ages."

Since the beginning of democracy in the Greek city-states, man has groped for the best ways to govern himself and to achieve a true representation of the people's will. As far back as the 11th century England began to move painfully toward more representative government; kings formed various councils consisting of lords, clerics, and powerful landowners. Later, townships, boroughs and counties were called into councils—originally to be consulted on property taxes.

In America at the Constitutional Convention in Philadelphia in 1787, this was the essential question: How could a balanced, genuinely representative form of government be achieved, one that would reflect the majority will while protecting the minority and preventing mob rule? A solution was hammered out by our forefathers. So that the large States could not be controlled by the small or the small steamrollered by the large, a two-house plan was born, with a House of Representatives based on population and a Senate based on geography.

Thomas Jefferson is reputed to have asked George Washington why he favored the system. Washington asked Jefferson why he poured his coffee from cup to saucer. "To cool it" was the response.

"Even so," Washington said, "we pour legislation into the senatorial saucer to cool it."

As America matured into the world's first successful example of modern constitutional democracy, States adopted the Federal two-house system. By 1961, all but 11 States had constitutions that took into account interests other than population—geographic factors, mainly—so as to achieve fair representation. Missouri's "Little Federal" system furnishes an example. One house is apportioned on the basis of districts of fairly equal population in both city and rural areas, with districts adjusted every 10 years. In the other chamber each of the 114 counties has at least 1 member. Under these provisions, cooperation between city and rural areas is a valued tradition.

THE CHICKEN VOTE

But—and this is where the rub came—as America's cities grew, some States neglected to reapportion their lower houses. The result was, in many States, unjust rural domination of legislatures. Delaware's house districts had not changed since 1897. So unbalanced was Connecticut's House of Representatives that 1 vote in a rural town was worth 429 votes in Hartford. In New Hampshire's lower house, one district had 1,000 times more residents than another.

One remiss State was Tennessee, with no revisions since 1901. A group went to court to force reapportionment of the assembly, with Memphis resident Charles W. Baker suing the secretary of state, Joe C. Carr. "The pigs and chickens in our smaller counties have better representation in the Tennessee Legislature than the people of Nashville," declared tha city's mayor.

The case reached the Supreme Court. Contrary to all previous decisions—and to Justice Felix Frankfurter's warning that the judiciary "ought not to enter this political thicket"—the Court ruled in 1962 that State legislative districts are subject to its judicial scrutiny.

The *Baker* v. *Carr* decision was a bombshell. It spawned similar reapportionment suits in 34 States. So varied were the court interpretations that cases from six States—Alabama, Colorado, Delaware, Maryland, New York, and Virginia—were appealed to the High Tribunal.

Then on June 15, 1964, the nine black-robed men filed into the marbled chambers and handed down their shattering decision. In four cases the voting was 8 to 1; in the other two, 6 to 3. In all cases, the long-established "Little Federal" system was knocked out. Chief Justice Earl Warren justified the decision on the provision of the 14th amendment to the U.S. Constitution which requires that no State shall "deny to any person within its jurisdiction the equal protection of the laws." He wrote: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

QUESTION THE WISDOM

There were vigorous dissents to the decision. Justice Potter Stewart noted: "The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, or in any prior decision of this Court, or in the 175-year political history of our Federal Union."

"It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States," said Justice John M. Harlan "People are not ciphers. Legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect where the electors live."

Aroused critics from both political parties questioned the wisdom of the Court's fiat. The Wall Street Journal summed up the feelings of many when it said, "The Court had a chance to bolster our traditions by requiring one house truly on population, and permitting the other on a geographical or other basis to reflect common interests. Instead of stopping with that, its fiat threw out institutions painfully wrought by experience and tried to substitute abstract theory."

The House of Representatives was so incensed that it rammed through a bill stripping all Federal courts of the power to hear or review State legislative apportionment

cases. The Senate passed a "sense of Congress" with the purpose of asking the courts to go slow in forcing State legislatures to fall into line until the whole matter could be reviewed.

PROBLEMS THAT COUNT

Today, as this momentous issue is debated across the land, every citizen should ponder these points:

1. The Court's decree threatens to spark a chain reaction that may go all the way down to the school-board level. There are 3,072 counties in the United States, and 91,185 local governments. How long will it be before the Federal courts poke into each of these units of representative democracy to take head counts and draw boundary lines? A Michigan court recently told Kent County's Board of Supervisors that it must be reapportioned on a population-only basis. Other suits have been filed in New York and California. Where, exactly, will it end?

"Carry the Court's decision to its logical conclusion," says William S. White, Pulitzer Prize-winning biographer and journalist, "and even the historic and deliberate population imbalance in the U.S. Senate could not in any logic longer prevail." After all Nevada's 285,000 citizens elect as may U.S. Senators as do New York's 17 million.

2. The decision will swing the pendulum from legislatures with outdated apportionment and too much rural weight, to legislatures under the raw control of metropolitan vote-getting machines. In 25 States, more than half the population resides in metropolitan areas. In 14 States, three populous counties or fewer will elect more than 50 percent of the legislators.[1] America's sprawling urban areas will call the shots, up and down the land. Chicago will hold sway over Illinois, Detroit over Michigan, Philadelphia and Pittsburgh over Pennsylvania, Phoenix over Arizona, and Las Vegas over Nevada.

The specter of raids on State treasuries by metropolitan-dominated legislatures concerns many. They see pressures mounting for more State funds for urban renewal, relief cases and public housing—with many of the funds being matched by U.S. tax dollars. These spending programs in turn will garner more votes for the city machines. Mayors in some States may soon be far more influential than the governors.

New York is perhaps the most vivid case. Here 38 percent of the population has been able to elect a majority in the Senate, thus protecting certain underpopulated counties of this large State with all its diverse interests. But, under the Court's rule, it is only a matter of time before the New York City metropolitan area, with 63 percent of the State's population, will be completely dominant.

3. Some groups of voters can be wiped out, under a winner take all numerical system. The Court's decision, notes the Christian Science Monitor, "will tend to weaken the complex American system for diffusing power and protecting minorities." For example, under a purely numerical system of redistricting, South Dakota's 30,000 Indians, who live in huge reservations covering entire counties, will lose two State senators who now watch out for their interests.

Representative WILLIAM M. MCCULLOCH, of Ohio, says: "People have ever-changing problems that sometimes fail to yield to computer logic. Some may be lumbermen, miners, fishermen or farmers. Some may be of one religion or national origin peculiar in need or consideration. Some may direct their needs toward secondary roads or superhighways, while others are more concerned about the rapid transit system. Certainly the majority must have effective rule, but the minority, too, is entitled to effective representation, lest important segments of our people be completely subject to the tyranny of a temporary majority."

Chief Justice Warren himself declared, in 1948, when he was Governor of California: "Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the [State] senate to a strictly population basis."

4. The Court's decree is a dangerous intrusion by the Federal judiciary into the political affairs of the States. Hardly was the one-man-one-vote decision announced before lower courts showed how fast and how far they were willing to muscle in on the deliberations of State governments. Just 2 days after the June 15 decision, a U.S. district court directed the Michigan Apportionment Commission to come up with a districting plan in 48 hours. In a Vermont case appealed to the Supreme Court, it was ruled in January that the legislature must decide upon a plan and then disband—even though this defies the State constitution.

In Oklahoma a three-man Federal district court ignored the machinery set up by the State for reapportionment and autocratically undertook to rearrange the States' legislative districts itself. It set up a master plan that was a nightmare of free-floating voting zones and mistakes. Angrily, Oklahoma's Senator MIKE MONRONEY said: "Hasty and ill-advised redistricting formulas promulgated by the courts can result in confusion and inequities. Good local self-government cannot be imposed from above. It must be generated by the poeple themselves."

5. The Court's edict means that the citizens of a State can no longer decide upon their own form of representative government. One of the six States involved in the Court's June 15 ruling was Colorado. Few States have so diligently attempted to work out a method of representation tailored to their own unique characteristics. Since it became a State in 1876, its legislature has been reapportioned five times. In the spring of 1962, citizens' groups gathered to work out a reapportionment amendment that would keep pace with the State's increasing urban growth. They split into two camps. One wanted both houses of the general assembly based on population alone; the other supported a Federal plan, keeping geographic representation in the senate.

Each side took its case to the public. They fought up and down the State with countless speeches, debates, newspaper ads, billboard posters, radio and TV spots. This referendum overshadowed all other election issues in Colorado that year. And the outcome was stunningly clear. The "Federal plan" won by 305,700 to 172,725. It carried every county in the State.

The amendment was challenged; it was upheld by a Federal district court. And then, on June 15, the Supreme Court threw out Colorado's plan. In an amazing statement, Chief Justice Warren said that, because the plan adopted was contrary to the Court's new ruling, Colorado's referendum vote was "without Federal constitutional significance."

There were stinging dissents. Said Justice Tom C. Clark: "Colorado, by an overwhelming vote, has written the organization of its legislative body into its constitution. In striking down Colorado's plan of apportionment, the Court is invading the valid functioning of the procedures of the States, and thereby commits a grievous error which will do irreparable damage to our Federal-State relationship."

Today Colorado's senate has been redrawn to satisfy the Court. But the issue is still being debated. Meanwhile, the voters wonder what, if anything, their ballot is worth, or their State constitution.

WILL OF THE PEOPLE

Only one recourse is left to American citizens who wish to restore our representative system to its original integrity: an amendment to the U.S. Constitution. Today in Congress, and in the States, forces are gathering behind proposals that would:

1. Guarantee the citizens of every State the right to decide for themselves, by one-man, one-vote ballot, the apportionment of their own legislature.

2. Guarantee that this power will not be curtailed or reviewed by any Federal court.

3. Guarantee that one house of each legislature can reflect factors other than population if such apportionment has been submitted to a vote of the people.

This in essence would be the 25th amendment to the Constitution. Whether it is passed in Congress and ratified by the States will depend upon the support it receives from the American people. The stakes are high—as high as the preservation of our Republic.

[1] Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Missouri, Nevada, New Hampshire, Rhode Island, Utah, Washington.

## DR. TELLER CONTINUES TO BE WRONG: LET US DEFEAT CIVIL DEFENSE SHELTER PROPOSAL

Mr. YOUNG of Ohio. Mr. President, throughout the great debate in Congress on the ratification of the limited nuclear test ban treaty, the chief opponent in the scientific community, and practically the only nationally noted scientist to oppose ratification of the treaty, was Dr. Edward Teller.

Personally, I am very proud that the limited nuclear test ban treaty, so patiently and thoroughly sought by President Eisenhower and by President Truman before him, was finally ratified by the Senate during the term of our great late President John F. Kennedy. It will stand as one of the many monuments to his wisdom and determination.

Throughout that time Dr. Teller was wrong in opposing the ratification of this treaty. He direly predicted doom for this Nation were the nuclear test ban treaty to be ratified.

The treaty was ratified by an overwhelming vote in the Senate, and the first step toward permanent peace in this grim period of international anarchy was taken, the first step in a journey of a thousand miles, as it was so eloquently stated by our late great President Kennedy. In years to come historians may look upon the ratification of the limited nuclear test ban treaty as the most important single action taken by the U.S. Senate in this decade. It is certainly our hope and prayer and the prayer of free people the world over that eventually peoples of the world will enjoy permanent peace.

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

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, Dr. Teller was dead wrong in 1962 and 1963. He is wrong now. The nuclear test ban treaty has succeeded. There have been no violations. In fact, our Government has conducted more underground nuclear tests than has the Soviet Union.

Now this prophet of doom, Edward Teller, is highly critical of Government apathy toward the holes in the ground referred to by high salaried civil defense officials as "fallout shelters." He urges that the Federal Government undertake a mass shelter program, which by his own estimate will cost at least $20 billion over the next 10 years. This is a conservative estimate.

Herman Kahn, one of the foremost proponents of fallout shelters, has estimated that a reasonable program might involve a gradual buildup from about $1 billion annually to somewhere in the neighborhood of $5 billion annually. A recent estimate by Prof. John Ullman, chairman of the Department of Management of Hofstra College, would place the cost of an effective civil defense shelter system as high as $302 billion. Regardless of which of the expert opinions is cited, the price tag would be astronomical. Even then, there is no guarantee that a shelter program will be at all effective. With extensive advances being made in rocket and nuclear technology, many shelters would probably be obsolete and utterly useless before completion. One of the scientists now working on advanced weapons technology is reported to have said: "You ain't seen nothing yet compared with what is coming into sight in the way of new weapons."

There is the possibility of more deadly types of warfare for which shelters would offer no protection whatever—chemical and biological warfare. Any nation that would unleash a thermonuclear war would probably not hesitate to use other methods equally as terrifying.

Is the Congress prepared to embark on such a vast gamble and to spend perhaps $200 billion of taxpayers' money? Let us have no illusions. In reality this is what the civil defense planners and alarmists such as Edward Teller are asking us to do.

Anyone who has taken the trouble to look into the matter is aware of the fact that most building owners have ignored or refused requests to provide shelters, and that ordinary citizens have lost interest. During each crisis the get-rich-quick shelter salesmen appear. As soon as the crisis abates and public interest fades completely, they crawl back under the rocks from whence they came.

Communities throughout the Nation are awakening to the fact that thousands of dollars of taxpayers' money have been spent on foolish programs with no tangible results except for the fact that in many instances lush positions at the public trough were provided for ex-politicians and city hall parasites.

Mr. President, there is no shelter building program in Great Britain, France, or in any of the major Western Powers. Reliable observers in the Soviet Union report that there is no fallout shelter program in Russia. Henry Shapiro, dean of the American correspondents in Moscow, wrote:

> No foreigner here has seen any civil defense shelters. The average citizen is unaware of the existence of shelters.

Preston Grover of the Associated Press stated:

> Attachés from embassies who have looked around the country for sign of shelters have found nothing. Foreigners live in many of the newest buildings put up in Moscow, and they have no bomb shelters.

In 1961, the New York Times published a report from Moscow by Harrison Salisbury which stated:

> About 12,000 miles of travel in the Soviet Union by this correspondent in the last 4 weeks failed to turn up evidence of a single Soviet bomb shelter. Diplomats, foreign military attachés, and correspondents who have traveled widely in the Soviet Union report that there is no visible evidence of a widespread shelter program.

Gen. Curtis LeMay and others have said that our protection lies in spending money for offensive and defensive weapons, rather than in preparing to hide in holes, waiting for conquering paratroopers to come.

Mr. President, this year the Congress is being asked to appropriate $200 million to perpetuate this ridiculous shelter scheme. This is twice the amount requested by the President for the Peace Corps; it is 125 times the amount requested for the Commission on Civil Rights; it is 28 times the amount requested for the Small Business Administration.

Wherever and whenever possible our President and we in the Congress should be endeavoring to effect economy in Government without curtailing vital and needed programs both foreign and domestic. In good conscience we should not appropriate anywhere near the huge sum requested for civil defense purposes. To do so would be to make a sham of efforts toward more economy in Government, to encourage waste of taxpayers' money at all levels of Government, and a slap in the face to taxpayers.

Mr. President, the average salary in the Civil Defense Division of the Department of Defense is one of the highest in any agency in the Federal Government—$11,478 a year. Compare with $10,085 for the National Aeronautics and Space Administration, $8,318 for the Small Business Administration, and $8,467 for the Federal Bureau of Investigation—agencies that are performing essential and worthwhile public services.

Out of a total of 991 employees in the Civil Defense Division of the Department of Defense, 481—almost half—are GS–13 or above receiving from $13,336 to $27,000 a year. The remaining 510 are paid from $4,417 to $10,982 a year. Fifty-eight percent of those employed with the Civil Defense Division are classified as professional employees; that is, GS–12 or above. Compare this with 35 percent in the FBI and 37 percent in the NASA. What justification is there for such a high percentage of supersalaried bureaucrats in an agency performing so little service to taxpayers. The civil defense bureaucrats receive the most and do the least of all officials or employees of any agencies or departments in our Federal Government.

The PRESIDING OFFICER. The time of the Senator has again expired.

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

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. YOUNG of Ohio. Mr. President, these officials and employees do very little for their money except concoct plans and send messages to each other, and think up silly schemes which would accomplish very little except annoy citizens. They make estimates that if thus and so happens, 50 million Americans will be killed. It is said that figures do not lie, but that liars figure. Incidentally, they issue a civil defense booklet on how to live through a nuclear bombing. In it they state:

> If you were near the explosion without adequate protection, you would be seriously affected by the immediate radiation, in addition to being killed.

There is no excuse whatever for the waste of money and personnel for the civil defense agency as now operated. Since its inception it has cost American taxpayers more than one and a half billion dollars with no tangible results whatever.

Mr. President, when I first began my investigation, research and protests against wasteful civil defense spending early in 1959 I was virtually alone in the Congress. Today I know that many of my colleagues share my views. This is evidenced by rollcall votes at various times on efforts to reduce such spending, and by the fact last year we in the Senate succeeded in defeating in committee the civil defense bill passed in the House of Representatives, authorizing an expenditure of $193 million.

I am hopeful that a majority of Senators will agree this year to the urgent necessity for drastically reducing the appropriations for this boondoggle.

## THE PRESIDENT'S NEWS CONFERENCE

Mr. MANSFIELD. Mr. President, yesterday the President met with the press in a conference which was covered by TV and radio. His words were widely disseminated throughout the Nation and the world. It is most fortunate that they were because it was an excellent and highly informative interview. The President spoke with detailed knowledge on a great range of subjects. His responses were frank, straightforward, and most informative.

In particular, President Johnson's remarks on Vietnam and other international issues are of exceptional importance. They should be read and reread by all concerned both here and abroad. Once again, he underscored his great desire and continuing quest for a rational peace in Vietnam and southeast Asia. He deplored the violence which prevails there, noting correctly that it is being suffered most not in North Vietnam but in South Vietnam and by Americans as well as Vietnamese.

He made clear that his desire is to see a termination of this violence on all sides and as quickly as possible. To that

end, he stressed once again his willingness to enter into unconditional discussions. I would hope that this open door to peaceful settlement will be noted, along with his determination to stay with the situation until the people of Vietnam do have an assured freedom of choice as to their future. Both his words of peace and his determination should be heeded in Hanoi, Saigon, and among all those who are carrying on the warfare in South Vietnam.

I would call attention, too, to the President's expressed aversion to the name-calling and labeling which has accompanied some of the debate and discussion of the Vietnamese question. Discussion in the Senate on Vietnam or any foreign policy issue, as I have noted on many previous occasions, has been and can continue to be useful. The President's comments on this matter in his press conference point the way to their most effective utilization. I quote these words in full:

I don't believe in characterizing people with labels. I think you do a great disservice when you engage in name-calling. We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree with us or not. And I would not want to label people who agree with me or disagree with me.

These words are an approximate answer to those who have taken exception to the immense value—indeed, the vital necessity—to the Nation of free and responsible discussion of all points of view on the Vietnamese situation.

Mr. President, I ask unanimous consent that the text of the President's press conference be included at this point in the RECORD.

There being no objection, the text of the news conference was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Apr. 28, 1965]

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

(NOTE.—Following is a transcript of President Johnson's news conference in Washington yesterday, as recorded by the New York Times.)

OPENING STATEMENT

Good afternoon, ladies and gentlemen, I am glad to see that you are willing to trade your new comfort in the west lobby for these straightbacked chairs in the East Room.

Today I have somewhat of a conflict of emotions. I wanted to give you due and adequate 3-day notice of a press conference, and at the same time I didn't want to manage the news by holding up announcement of some appointees I have here today. So, we have tried to reconcile the two, and a little later in the statement I want to present to you some men that, over the weekend, I selected to occupy some important posts in Government.

VIETNAM STRUGGLE

We are engaged in a crucial struggle in Vietnam. Some may consider it a small war, but to the men who give their lives it is the last war, and the stakes are high.

Independent South Vietnam has been attacked by North Vietnam. The object of that attack is total conquest. Defeat in South Vietnam would deliver a friendly nation to terror and repression.

It would encourage and spur on those who seek to conquer all free nations that are within their reach. Our own welfare, our own freedom, would be in great danger.

This is the clearest lesson of our time. From Munich until today, we have learned that to yield to aggression brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of a lasting peace.

At every step of the way we have used our great power with the utmost restraint. We have made every effort possible to find a peaceful solution. We have done this in the face of the most outrageous and brutal provocation against Vietnamese and against Americans alike.

Through the first 7 months of 1964, both Vietnamese and Americans were the targets of constant attacks of terror. Bombs exploded in helpless villages, in downtown movie theaters, even at the sports fields where the children played. Soldiers and civilians, men and women, were murdered and crippled, yet we took no action against the source of this brutality—North Vietnam.

When our destroyers were attacked in the Gulf of Tonkin, as you will remember, last summer, we replied promptly with a single raid. The punishment then was limited to the deed.

For the next 6 months we took no action against North Vietnam. We warned of danger. We hoped for caution in others.

Their answer was attack and explosion and indiscriminate murder. So, it soon became clear that our restraint was viewed as weakness; our desire to limit conflict was viewed as a prelude to our surrender. We could no longer stand by while attack mounted and while the bases of the attackers were immune from reply.

And, therefore, we began to strike back.

But America has not changed her essential position—and that purpose is peaceful settlement; that purpose is to resist aggression; that purpose is to avoid a wider war.

I say again that I will talk to any government, anywhere, any time, without any conditions; and, if any doubt our sincerity, let them test us. Each time we have met with silence or slander or the sound of guns, but, just as we will not flag in battle, we will not weary in the search for peace.

So, I reaffirm my offer of unconditional discussions. We will discuss any subject and any point of view with any government concerned. This offer may be rejected, as it has been in the past, but it will remain open, waiting for the day when it becomes clear to all that armed attack will not yield domination over others.

And I will continue along the course that we have set—firmness with moderation, readiness for peace with refusal to retreat.

For this is the same battle which we've fought for a generation. Wherever we have stood firm, aggression has been halted, peace has been restored and liberty has been maintained. This was true under President Truman, under President Eisenhower, under President Kennedy, and it will be true again in southeast Asia.

STEEL AGREEMENT

I want to go now to another subject.

I want to congratulate the negotiators for the steel companies and the United Steelworkers Union on the statesmanlike agreement that they reached yesterday to extend their contract. I hope and I expect that it will be approved by the union's committee tomorrow.

While the settlement reached in steel is only an interim one, I think we can be confident that the final settlement will be a responsible one which fully considers not only the interests of the immediate parties but also the larger public interest.

So far in 1965, our record of wage-price stability remains intact. A survey of the wage increases in more than 600 collective bargains settled so far this year shows that, on the average, the percentage increases were unchanged from the moderate increases agreed on in the same period last year. A number of important settlements were at approximately the level of our guideposts. And this record of private action is most encouraging.

FEDERAL BUDGET

Today I can report to you and to the Nation that our expanding economy will produce higher Federal revenues this year than we estimated to Congress in January.

I can also report that our continuing drive to hold down Government spending will produce lower expenditures this year than we estimated to Congress in January.

As a result, we expect the actual budget deficit for fiscal 1965 to be at least $1 billion below the $6.3 billion estimated last January, when we sent our budget to Congress.

Our expenditures, therefore, will be decreased by approximately $500 million under our estimate, and the revenues collected will be increased approximately $500 million over our estimates.

JOB CORPS CAMPS

I'm pleased also to announce today that the war on poverty is setting 10 new Job Corps conservation camps in nine States. They have run to 87 the number of centers that provide skills and education to our youngsters who are out of school and out of work These new centers will be located in the States of Arizona and Maine and Minnesota and Montana, New Mexico, North Dakota, Ohio, Utah, and Washington.

ADMINISTRATION POSTS

Now, today, I would like to introduce to you some gentlemen that I intend to nominate for new assignments in this administration.

First, Mr. Alan Boyd. He is 42 years of age, he's Chairman of the Civil Aeronautics Board, he's a distinguished lawyer and a very competent public servant. Mr. Boyd will become Under Secretary of Commerce for Transportation, the Senate being willing.

Mr. Warren Wiggins. Mr. Wiggins is 42 years old, with a master's degree in public administration from Harvard. In 1962 he was chosen one of the 10 outstanding men in the Federal Government. He's been with the Peace Corps since 1961. Today I'm nominating him as deputy director of the Peace Corps.

Dr. John A. Schnittker. He's 41 years old, with a Ph. D. from Iowa State University. He's one of the Nation's outstanding farm authorities. He's been director of agricultural economics with the Department of Agriculture. Today I'm nominating him to become Under Secretary of Agriculture.

Mr. Charles S. Murphy. This judicious and able man has served in Government for 21 years under four Presidents. He was President Truman's special counsel in the White House. He has performed with outstanding quality as Under Secretary of Agriculture. Today I'm nominating him to become chairman of the Civil Aeronautics Board.

Gen. William F. McKee. He is a four-star general who was a vice chief of the Air Force and on retirement became special assistant to the administrator of the National Aeronautics and Space Administration. Secretary McNamara has called him one of the most knowledgeable and competent administrators in the Defense Department with skills in research and development and administration, procurement and logistics, and today I'm nominating him to be the new administrator of the Federal Aviation Agency.

Mr. Wilbur J. Cohen. Mr. Cohen is a dedicated career public servant who has served

the Government for 26 years as a full-time civil servant and another 5 years as a consultant. Since 1961 he has been an Assistant Secretary of Health, Education, and Welfare. Today I am nominating him for a promotion to become Under Secretary of Health, Education, and Welfare.

Mr. Donald F. Turner. Mr. Turner is 44 years old, a Phi Beta Kappa from Northwestern University. He has a Ph. D. in economics from Harvard and a law degree from Yale. He's been a law clerk to Supreme Court Justice and is widely and favorably known throughout the Nation for his work and writing in the antitrust legal field. He is currently a visiting law professor at Stanford University in California. Today I'm nominating him to become Assistant Attorney General in charge of the Antitrust Division.

Mr. Leonard C. Meeker, who is a career attorney with 25 years of Government service. He is a Phi Beta Kappa from Amherst College. Since 1961, he has served as deputy legal adviser in the State Department. Today I am nominating him to become legal adviser in the State Department.

DOMINICAN CRISIS

We are all very much concerned about the serious situation which has developed in the last few hours in the Dominican Republic. Fighting has occurred among different elements of the Dominician armed forces and other groups. Public order in the capital at Santo Domingo has broken down.

Due to the gravity of the situation and the possible danger to lives of American citizens in the Dominican Republic, I ordered the evacuation of those who wished to leave. As you know, the evacuation is now proceeding. My latest information is that 1,000 Americans have already been taken aboard ships of the U.S. Navy off the port of Haina, 8 miles west of Santo Domingo.

We profoundly deplore the violence and disorder in the Dominican Republic. The situation is grave and we are following the developments very closely. It is our hope that order can promptly be restored and that a peaceful settlement of their internal problems can be found.

DEATH OF MURROW

I have just received the sad news of the passing of Edward R. Murrow. It came to me just a little while ago. I believe that all of us feel a deep sense of loss. We who knew him knew that he was a gallant fighter, a man who dedicated his life, both as a newsman and as a public official, to an unrelenting search for truth. He subscribed to the proposition that free men and free inquiry are inseparable. He built his life on that unbreakable truth. We have all lost a friend.

QUESTIONS

*1. Vietnam policy*

Question. Mr. President, do you think any of the participants in the national discussion on Vietnam could appropriately be likened to the appeasers of 25 or 30 years ago?

Answer. I don't believe in characterizing people with labels. I think you do a great disservice when you engage in name calling. We want honest, forthright discussion in this country, and that will be a discussion with differences of views, and we welcome what our friends have to say, whether they agree with us or not. And I would not want to label people who agree with me or disagree with me.

*2. India border strife*

Question. Mr. President, what can you—can you tell us your reaction, or any information you have, on the reports of seemingly intensified fighting between the Indians and the forces of Pakistan, and could this possibly relate or have an effect on the fighting in Vietnam?

Answer. We deplore fighting wherever it takes place. We have been in close touch with the situation there. We are very hopeful that ways and means can be found to avoid conflict between these two friends of our country. I talked to Secretary Rusk about it within the hour, and we are anxious to do anything and everything that we can do to see that peace is restored in that area and conflict is ended.

*3. Disarmament talks*

Question. Mr. President, today the Soviet Union agreed to a French proposal for a five-power nuclear disarmament conference which would include Communist China as a nuclear power. What would be your attitude to this proposal, sir?

Answer. I have not studied the proposal and was not familiar with the fact that it had been made.

*4. Vietnam talks*

Question. Mr. President, the only formal answer so far to your Baltimore speech was that by the North Vietnamese Prime Minister, Pham Van Dong, who offered a four-point formula which he suggested was a possible basis for negotiations. My question is: Do you regard the four points as so unacceptable as to be a complete rejection of your offer to begin discussions or are there portions of the four points which interest you and which you might be willing to discuss?

Answer. I think that it was very evident from the Baltimore speech that most of the non-Communist countries in the world welcomed the proposal in that speech and most of the Communist countries found objections to it. I am very hopeful that some ways and means can be found to bring the parties who are interested in southeast Asia to a conference table.

Now just what those ways and means will be I do not know. But every day we explore to the limit of our capacity every possible political and diplomatic move that would bring that about.

*5. Chinese volunteers*

Question. I wonder, sir, if you could evaluate for us the threat that's been posed by Red China to send volunteers into Vietnam if we escalate the war further?

Answer. We have read their statements from time to time and the statements of other powers about what they propose to do. We are in close touch with the situation and that's all I think I would like to say on that matter.

*6. War on poverty*

Question. Mr. President, there's been some criticism at the local level in this country of your war on poverty and one of the chief complaints is that the local community action groups do not represent the poor. Have you found any basis for this criticism and do you feel that criticism such as this could have a demoralizing effect on the overall program?

Answer. Yes, I think that there has been unjust criticism, and unfair criticism, and uninformed criticism of the poverty program even before Congress passed it.

Some people opposed it every step of the way, some people oppose it now. I don't know of any national program in peace time that has reached so many people so fast and so effectively.

Over 16,000 Americans have already volunteered to live and work with the Peace Corps domestically. A quarter of a million young men have joined the Job Corps. Every major city has developed poverty plans and made applications for funds. Three hundred States and city and county community action programs have already received their money. Forty-five thousand students from needy families are already enrolled in 800 colleges under the work program.

More than 125,000 adults are trainees in adult education on the work experience program.

We will have difficulties, we will have politicians attempting to get some jobs in the local level; we'll have these differences as we do in all of our programs. But I have great confidence in Sargent Shriver as an administrator and as a man. And I have great confidence in the wisdom the Congress displayed in passing the poverty program and I think it will be one of the great monuments to this administration.

*7. U.S. prestige*

Question. Mr. President, is it true that the United States is losing rather than making friends around the world with its policy in Vietnam—sort of a falling-domino theory in reverse?

Answer. I think that we have friends throughout the world. I'm not concerned with any friends that we've lost. Following my Baltimore speech, I received from our allies almost universal approval.

Our enemies would have you believe that we are following policies that are ill-advised, but we are following the same policies in Asia that we followed in Europe, that we followed in Turkey and Greece and Iran. We are resisting aggression, and as long as the aggressors attack, we will stay there and resist them, whether we make friends or lose friends.

*8. Voting rights bill*

Question. Mr. President, your voting rights bill is moving toward completion in the Senate this week. Do you think that the proposal—the amendment to abolish the poll tax would make this unconstitutional? Do you think it would damage the passage of the bill in the House? And what do you think about it generally?

Answer. I think that that is being worked out in conferences they're having today and they will have in the next few weeks. I have always opposed the poll tax. I am opposed to it now. I have been advised by constitutional lawyers that we have a problem in repealing the poll tax by statute.

For that reason, while a Member of Congress, I initiated and supported a constitutional amendment to repeal the poll tax in Federal elections. I think the bill as now drawn will not permit the poll tax to be used to discriminate against voters, and I think the administration will have adequate authority to prevent its use for that purpose.

I have asked the Attorney General, however, to meet with the various Members of the House and Senate who are interested in this phase of it and, if possible, take every step that he can within constitutional bounds to see that the poll tax is not used as a discrimination against any voter, anywhere.

*9. Critics of bombing*

Question. Mr. President, a number of critics of your Vietnam policy say they support our presence in South Vietnam but do not support the bombing raids to the north. I wonder if there is anything you can say to them and what you can say on any conditions that might arise under which you feel the raids could be stopped?

Answer. I said in my opening statement that we went for months without destroying a bridge, or an ammunition depot, or a radar station. Those military targets have been the primary targets that we have attacked. There's no blood in a bridge made of concrete and steel.

But we do try to take it out so that people cannot furnish additional troops and additional equipment to kill the people of South Vietnam and to kill our own soldiers.

There are not many civilians involved in a radar station. But we do try to make it ineffective so that they cannot plot our planes and shoot our boys out of the skies. There are not many individuals involved in an ammunition dump. But we have tried to destroy that ammunition so it would be exploded in North Vietnam and not in the

bodies of the people of South Vietnam or our American soldiers.

We have said time and again that we regret the necessity of doing this. But as long as aggression continues, as long as they bomb in South Vietnam, as long as they bomb our sports arenas and our theaters and our embassies and kill our women and our children, and the Vietnamese soldiers—several thousand of whom have been killed since the first of the year—we think that we are justified in trying to slow down that operation and make them realize that it is very costly and that their aggression should cease.

I do sometimes wonder how some people can be so concerned with our bombing a cold bridge of steel and concrete in North Vietnam but never open their mouth about a bomb being placed in our Embassy in South Vietnam.

The moment that this aggression ceases, the destruction of their bridges and their radar stations, and the ammunition that they use on * * *.

*10. Shastri visit*

Question. Mr. President, on your cancellation of the Ayub and Shastri visits, some of your critics have said that the reasons for your postponement were sound, but the abruptness of it left millions of Asians angry at this country. Is anything being done to correct that impression on their part?

Answer Well, first of all, I would not assume many parts of your statement. First, we didn't cancel it, so that's the first error that the critics have made. We feel very friendly toward the people of India and the Government of India, toward the people of Pakistan and the Government of Pakistan. I have spent some time in both of those countries.

I've had the leaders of those countries visit me in this country, and visit in my home. I have before the Congress now recommendations concerning the peoples of those countries, and how we can work together to try to achieve peace in the world.

I said, through the appropriate channels, to those governments that I had had some 8 or 9 visitors already the first 90 days of this administration, that the Congress was hopeful that it would get out of here early summer, that we had approximately 75 top important measures that we were trying to get considered and passed, 1 of which vitally affected that part of the world, and that I could be much more communicative and could respond much more to their suggestions and to their recommendations on the future of India and their 5-year plan and Pakistan and their plan if our visit could follow the enactment of some of these bills instead of precede them, because if they preceded them, I could not speak with authority—I would not know what the Congress would do.

We will spend—we have spent, oh, in excess of $10 billion in that area, and this year we will propose expenditures of more than $1 billion. But if the Congress said "No" to me, and didn't pass the foreign aid bill or materially reduced it, I would have made a commitment that I could not support.

So I said that if you would like to come now, in the month of May or June during this period, we can have a visit, but we will not be able to be as responsive as I would like to be if you could come a little later in the year.

And I've been host a few times in my life, and when you put things that way, most people want to come at the time that would be most convenient to us—to the host—and would be most helpful to them. And we communicated that to the appropriate people, and the answer came back that they would accept that decision.

Now I think it was a good decision in our interest, and I think it was a good decision in their interest, and I'm very sorry that our people have made a good deal of it.

But the provocation of the differences sometimes comes about, and I regret it, and so far as I know, it's a good decision and a wise one and one that I would make again at the moment.

*11. Nuclear weapons*

Question. Mr. President, there were—in light of the new reports that came over the weekend, I wonder if you could clarify for us your position concerning the possibility of the use of nuclear weapons in southeast Asia?

Answer. Well, first of all, I have the responsibility for decision on nuclear weapons. That rests with the President. It is the most serious responsibility that rests with him. Secretary McNamara very carefully and very clearly in his television appearance yesterday covered that subject thoroughly and, I think, adequately, and there's not anything that I could really add to what he said.

I would observe this, that I've been President for 17 months, and I have sat many hours and weeks with the officials of this Government in trying to plan for the protection and security of our people, and I have never had a suggestion from a single official of this Government or employee of this Government concerning the use of such weapons in this area.

The only person that has ever mentioned it to me has been a newspaperman writing a story, and each time I tell him, please, get it out of your system—please forget it. There's just not anything to it. No one has discussed it with us at all. And I think that when Secretary McNamara told you of the requirement yesterday, and that no useful purpose was served by going into it further, I thought it had ended there.

*12. Charge by Hanoi*

Question. Mr. President, the North Vietnamese today, sir, say that in a raid on Sunday the United States and South Vietnam used what they called toxic chemicals. Now can you tell us, sir, what they might be talking about?

Answer. I wouldn't know. I frequently see statements they make that we never heard of, and I don't know about the particular report that you mention.

*13. Troops in Vietnam*

Question. Mr. President, are there—could there come about, as you now see the situation in Vietnam, could there be circumstances in which the—which large numbers of American troops might be engaged in the fighting of the war rather than in the advising and assistance to the South Vietnamese?

Answer. Our purpose in Vietnam is, as you well know, to advise and to assist those people in resisting aggression. We are performing that duty there now. I would not be able to anticipate or to speculate on the conduct of each individual in the days ahead.

I think that if the enemy there believes that we are there to stay, that we are not going to tuck our tails and run home and abandon our friends, I believe in due time peace can be observed in that area.

My objective is to contribute what we can to assist the people of South Vietnam, who have lost thousands of lives defending their country and to provide the maximum amount of deterrent with the minimum cost. They have lost thousands of people since February. We have lost some 40 to 50 people of our own. We could not anticipate in February whether we'd lose 50 or whether we'd lose 500.

That depends on the fortunes and the problems of conflict. But I can assure you that we are being very careful, we're being very studious, and we're being very deliberate—that we're trying to do everything we can within reason to convince these people that they should not attack, that they should not be aggressors, that they should not try to follow—swallow up their neighbor, and we are doing it with the minimum amount of expenditure of lives that we can spend.

*14. Steel productivity*

Question. Mr. President, labor, and management in steel have different versions of what their increase in productivity is. Can you tell us what your advisers figure this is and whether you think a settlement in excess of 2.7 percent of the interim agreement would be acceptable?

Answer. I don't want to pass on—we have laid down the guideposts, they're well acquainted with them, both management and employees. They have had very responsible negotiations.

We are very pleased with the outcome of those negotiations. We anticipate that they will be confirmed by both parties very shortly, and we believe between now and the September deadline that we will have an agreement.

I don't think that I've ever observed a period in the life of free enterprise in this country when American labor and American business have been more responsible and have been more anxious to work with this Government in maintaining full productivity, and I expect that that will come about.

Question. Thank you, Mr. President.

Mr. LONG of Louisiana subsequently said: Mr. President, I wish to applaud the strong stand of the President as it concerns the position of this Nation in Vietnam. The President made it clear that we are in Vietnam to resist aggression, that we are there to help a friendly government protect itself against subversion and aggression from without.

We wish to see that the Government of North Vietnam keeps its pledged word under the Geneva agreement which it signed, an agreement which that Government has violated in many ways.

It is costing this Government the lives of many American fighting men to assist a friendly power. Let me point out to those who do not seem to be aware of it, that the friendly Government of South Vietnam is doing the fighting there, that only a small portion of the fighting is being done by American troops. We have approximately 30,000 troops in that area. There are approximately 500,000 South Vietnamese troops fighting in the area. In other words, South Vietnam has approximately 15 men fighting against communism for every man the United States has there to assist that friendly power. In addition, our friends who are doing the fighting have done a rather good job of it. The estimate I saw was that approximately 89,000 Vietcong and North Vietnamese invaders have been killed by the forces of South Vietnam which has not sustained nearly so many casualties as the Vietcong and the North Vietnamese invaders. It has been estimated that approximately one South Vietnamese has been killed in battle, or missing, for every three Vietcong killed. The last figures I saw indicate that the kill ratio in battle for the fighters whom we are supporting in South Vietnam in recent weeks is approximately six Vietcong killed for every South Vietnamese lost.

On that basis, it appears that the enemy has lost approximately 200 men for every 1 American lost in the defense of freedom against communism.

Mr. President, if we have to run up the white flag and surrender to a small backward Communist power of 19 million people when the enemy is suffering casualties 200 times as great as ours, then this great Nation of over 190 million will be a far cry from what it has been in my time.

I notice that the present Presiding Officer in the chair is the new Senator from the State of South Carolina [Mr. RUSSELL], who was on the "Today" program this morning. He made an excellent presentation, for one who has not had an occasion to study the question at the Washington level because he was discharging his responsibilities as Governor of South Carolina. He showed an understanding of the problem. He stated what I believe to be the case in Louisiana, that the people in our State are behind the President in his efforts to resist Communist subversion and aggression.

We applaud the President for the position he takes, that we will not surrender to communism, that we will meet force with greater force, that we will use such force as may be necessary, that we are not going to let Communist aggressors and Communist revolutionaries overthrow friendly powers by means of brutality, murder, kidnaping, assassination, or whatever device along that line happens to fit their methods.

The President stated quite clearly that this Nation is willing to negotiate. My impression is that every diplomatic channel available to us has been used to inform both the powers of Hanoi, Peiping, and Moscow that we are ready to negotiate at any time, on any honorable and reasonable basis; but that we are not prepared to surrender. We intend to strike them when they strike us, that when they undertake to attack Americans, to attack our ships at sea, to blast down our barracks and assassinate our people, we expect to strike them with whatever means are available to us and which seem appropriate to use under particular circumstances.

Mr. President, it is my understanding that the text of yesterday's news conference by President Johnson has already been placed in the RECORD by the majority leader. I recommend his statement on Vietnam to my colleagues and to all Americans as a clear, unequivocal, easily understood declaration of U.S. policy in Vietnam.

## THE WAR IN VIETNAM

Mr. HARRIS. Mr. President, repeatedly I have made it clear on the floor of the Senate that I want to stand as a part of the solid phalanx of Members of the Senate and the people of the country who offer prayers and support for President Johnson as he deals with the delicate, grave, and troublesome problems of southeast Asia and South Vietnam.

I would first observe that those who look for immediate and dramatic solution to the "South Vietnam problem" or the "southeast Asia problem" by negotiation or unilateral action by the United States, whether it be the strategic bombing of cities or the withdrawal of our forces and a cessation of the present bombing of military targets, look in vain. History shows that in international relations, as in human relations, serious problems are seldom lastingly solved in one fell swoop.

We must prepare for a long period ahead when our perseverance and continuing interest in the peoples of southeast Asia will be required if their economic, social and political rights as individuals are to be allowed to flourish and develop, free from external aggression and internal terrorism and unrest.

While we are deeply motivated by a national sense of compassion and humanity, we must nevertheless continue to recognize that our own interests are involved in South Vietnam; that our power and prestige have been committed there by three Presidents; that those in that area who seek to build their own future free of Communist domination are watching closely to judge how valid our commitment to them is in the light of how we respond to our obligations to South Vietnam.

History clearly shows that aggression, even in that tiny and remote area of the world designated South Vietnam, threatens the peace and security of our country and of the world.

History clearly teaches that unchecked aggression builds and feeds on itself and is reproduced and duplicated until stopping it requires a much greater cost in lives and treasure than if resistance had first been made.

Furthermore, almost no one now faults President Truman for his momentous decision, following World War II, under the courageous Truman doctrine, to aid Greece, for example, to stabilize its political independence and its resistance to Communist domination, by helping it to quell Communist guerrilla activities within its borders, activities which were aided and abetted externally.

The case of aggression in Vietnam is even more flagrant. Let no one say that this country is more interested in Europe than in Asia. Let it be known that this country is as interested in the peoples of Asia as it is in the peoples of Europe.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "L.B.J.'s Appeal for Viet Peace," published in the San Francisco Chronicle in April 1965.

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

[From the San Francisco Chronicle, Apr. 1965]

L.B.J.'S APPEAL FOR VIET PEACE

The transcendent sincerity and earnest good will of Lyndon Johnson are qualities which show through the TV screen on occasions like the Johns Hopkins speech on Vietnam Wednesday night. Many confused Americans who had been wondering darkly what the President was really up to in southeast Asia, suddenly found themselves swept along with the Johnson dream of a Great Society along the Mekong.

Such is the measure of a great speech, that it can convert doubts into conviction and cross purposes into purposeful new directions. This timely, indeed overdue, address reached occasional peaks of eloquence and conveyed the impression that our intentions in Vietnam are both humane and plausible. Undoubtedly almost every American who heard or read it was filled with renewed hope that somehow the President's offers—of "unconditional discussions" and of a billion dollars for southeast Asia's development program—will promptly bring negotiators to a table where peace with honor can be agreed to.

For unquestionably, the American people want to get detached from the interminable conflict that has been going on almost without interruption in Indochina since the early 1940's. Yet at the same time, most would heartily support the President in refusing to abandon South Vietnam, "this small and brave nation," to its enemy.

Our objective is the independence of South Vietnam and its freedom from attack, said the President, and he wishes it were possible to "convince others with words of what we now find it necessary to say with guns and planes," namely, that armed hostility is futile because our resources are equal to any challenge. Once this is clear, there could be many ways to peace through "unconditional discussions" with the governments concerned; in large groups or small ones; in the reaffirmation of old agreements (the Geneva agreement of 1954?) or in new ones that strengthen the old.

This constitutes an offer, and it is clearly his hope that those who threaten South Vietnam's independence, i.e., "the leaders of North Vietnam," will respond to it. If they do respond, a mighty aid program beneficial to all countries of southeast Asia, including North Vietnam, will be set in motion.

However the Communist powers may react, and that will probably not become clear for some time, the President's speech has very effectively impressed the British, the Canadians and the French, whose support we certainly need; and it has earned the warm approbation of Secretary General U Thant of the United Nations, whose good offices were only recently being rather summarily rebuffed by the State Department.

The prestige and good name of America have been rescued and repaired, we hope and believe, by the President's performance.

Mr. HARRIS. Mr. President, while the hope expressed in the editorial that the response from the other side would be favorable to the President's call for "unconditional discussion" has not thus far materialized, nevertheless, the editorial calls to mind again, in the midst of public dialog on this subject, that President Johnson has no policy in southeast Asia other than peace and stability, and that his speech at Johns Hopkins University brought recognition of that fact here and abroad.

Each of us should be careful to note in our remarks that our goal is peace; and that President Johnson has clearly declared how it may be achieved.

Each of us should recognize that he who takes risks now in order to achieve a just and lasting peace is no less a peacemaker than he who advocates peace immediately but with no assurances against having to defend or enforce it later at a much greater price.

## THE NEW EDUCATION BILL

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The New Education Bill," written by W. Barry Garrett, associate director of the Baptist Joint Committee on Public Affairs, Washington, D.C.

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

[From the Baptist Messenger, Apr. 22, 1965]

THE NEW EDUCATION BILL

(By W. Barry Garrett, associate director, Baptist Joint Committee on Public Affairs, Washington, D.C.)

The Elementary and Secondary Education Act of 1965 has passed the House of Representatives and the Senate of the U.S. Congress by overwhelming majorities. The bill has been signed by the President and is now the law of the land.

Much confusion is abroad about the bill. This brief question and answer article will attempt to clarify some of the misunderstandings about it.

Question. What are the provisions of the bill?

Answer. It extends the federally impacted area aid program for another 2 years. In addition it does the following:

1. It authorizes $1.06 billion for public school agencies for the education of children of low-income families.

2. It authorizes $100 million to State public education agencies for school library resources, textbooks, and other instructional materials for children and teachers in public and private elementary and secondary schools.

3. It authorizes $100 million to public school agencies for the creation of supplementary educational centers and services available to all the schoolchildren in a community.

4. It authorizes $100 million to be allocated by the U.S. Commissioner of Education to universities, colleges, and other public and private research agencies to develop educational research and training.

5. It authorizes $25 million for grants to States to strengthen State departments of education.

The total of these authorized appropriations is $1.385 billion.

Question. Does the bill give aid to parochial schools?

Answer. The bill does not authorize any grant of funds or provide for services to private schools. All of the appropriations for elementary and secondary education are to public agencies.

Question. Does the bill give aid to parochial school pupils?

Answer. Yes. If the private school has children from poor families ($2,000 or less annual income) the public school that receives aid from this bill must provide them "special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment)" in which private school pupils can participate.

Other aids to private school pupils are school library resources, textbooks and other instructional materials. The supplementary educational centers and services are also available to all school children in a community.

Question. Through what channels or agencies will these aids be available to private school pupils?

Answer. Only through public agencies. The bill requires that the local educational agency will maintain administration and control of the programs available to private school children. It also assures that the title to any property constructed or purchased shall be in a public agency and that a public agency will administer the funds and property for public educational purposes.

According to the report of the Committee on Education and Labor, under the provision for library resources, textbooks and other aids available to all school children, the bill assures that the funds "will not enure to the enrichment or benefit of any private institution" by the following:

1. Library resources, textbooks and other instructional materials are to be made available to children and teachers and not to institutions.

2. Such materials are made available on a loan basis only.

3. Public authority must retain title and administrative control over such materials.

4. Such material must be that approved for use by public school authority in the State.

5. Books and material must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning.

For the supplementary educational centers and services the grants are made to a public education agency, the property is in a public agency and the program is administered by the public agency.

Question. Why is there such widespread belief that the new education bill gives aid to parochial schools as well as to public schools?

Answer. There are at least four clear reasons for this confusion. First, the bill approaches education aid on a new basis. It is a poverty bill as well as an education bill, and it is aimed at children rather than institutions. This shift from the traditional thought patterns of education is not quickly made by those who have thought only of aid to schools.

Second, the news media are not always precise in the language used in reporting. In efforts to simplify complicated matters and to shorten lengthy explanations it is easy to use misleading terminology. Such efforts have resulted in a misrepresentation of the bill in some instances.

Third, some of those who are opposed to Federal aid to education have sought to use the religious issue to defeat the bill. When it was evident that all other tactics were failing, the opponents attempted to sidetrack it by the charge it provided aid to parochial schools. They did not succeed in convincing the religious leaders, the education leaders, or the political leaders of the Nation.

Fourth, the administration of the act will require private schools to cooperate with public schools to some extent if their pupils are to receive their aids. In some instances they may create community tensions and abuses if either the school board or the private school interests press for undue advantage.

Question. What has been the position of the Baptist Joint Committee on Public Affairs on the new education bill?

Answer. The Baptist Joint Committee on Public Affairs neither endorses nor opposes Federal aid to education. Neither can nor does the committee attempt to speak for all Baptists on such issues.

However, the Baptist agency played an important role in this legislation. From the first it was evident that Congress would pass an education bill this year. The problem was to get the best bill possible from a church-state viewpoint. The executive director of the committee, C. Emanuel Carlson, testified at hearings before the Senate and House Subcommittees on Education. He made many constructive suggestions for the improvement of the proposed bill to safeguard the principles of religious liberty and separation of church and state.

Question. Will there be church-state problems arising in the administration of this bill?

Answer. No doubt there will be. These will be problems, however, that arise largely on the local and State levels. This will shift much of the debate on church-state relations in education from Washington out to the communities where the decisions will be made and the policies worked out. In cases where obvious abuses arise, it may be necessary for complaints to be taken to the courts, if community dialog and efforts toward acceptable practices fail.

Many of the possible abuses, however, may be eliminated by the administration regulations that will be worked out by the Office of Education of the U.S. Department of Health, Education, and Welfare. Legislation cannot foresee or provide for every possible situation that might arise. Sound public policy, sensible public administration, and devotion to constitutional principles can solve many of these problems even before they arise.

## THE UNITED NATIONS AND VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The U.N. and Vietnam," which was published on April 4 in the New York Times.

Of particular interest to all of us are the numerous references in the editorial to the recent speech on this subject by our esteemed and beloved colleague, Senator AIKEN, of Vermont. I believe the editorial will be of interest to Members of the Senate and to other readers of the CONGRESSIONAL RECORD.

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

THE U.N. AND VIETNAM

The administration's attitude toward United Nations action on Vietnam seems ambivalent, to say the least. A few days ago Assistant Secretary Harlan Cleveland spoke favorably of United Nations aid in opening Vietnam negotiations and in policing an ultimate settlement. The next day the State Department took pains once again to deny that it was encouraging Secretary General Thant to play any role.

Washington's strange course not only makes it difficult for the United Nations to help, but downgrades the world organization. It compounds the damage the State Department inflicted on the U.N. last winter by its tactics on the Soviet debt issue. Those tactics—as Senator AIKEN, the dean of Senate Republicans, pointed out a few days ago—have weakened the United Nations just when its help is badly needed in southeast Asia.

"International events of recent weeks," the Vermont Senator said, "seem to have overwhelmed the capacity of this Government for affirmative action, except in the military field." His trenchant comments on the U.N.'s peacekeeping role—and on Washington's efforts to force Moscow and Paris to pay for operations of which they disapproved—received the immediate endorsement of Majority Leader MANSFIELD. They deserve serious attention.

The American attempt to force the Russians to pay up or lose their General Assembly vote under article 19 of the U.N. Charter "collapsed like a punctured balloon," Senator AIKEN said—and not simply because a majority of the member nations were reluctant to go along. The main reason, in his judgment, was that the United States, after taking a tough line, backed away from a winning vote. It did so not only for fear of a Soviet withdrawal, but because such a vote would have set a precedent contrary to American national interests.

"The United States now recognizes," Mr. AIKEN said, "that if it were in the position of the Russians or the French, it would probably react in the same way * * * [the United States] is unwilling and unable to force the United Nations to abide by article 19 * * * [because it] is not willing to have

article 19 applied to itself when its vital interests are involved."

What both Senators AIKEN and MANSFIELD were getting at was the explosion of new nations that has more than doubled U.N. membership to a present 114. A decisive two-thirds vote in the Assembly could now be made up of countries which possess only 10 percent of the U.N.'s population and pay less than 5 percent of its budget. As a result the United States shares the Soviet desire to increase the role of the Security Council, where the major nations possess a veto.

The real issue behind the financing of peacekeeping operations, as Senator AIKEN points out, "involves the readjustment of power and influence between the greater powers and the lesser nations rather than a struggle between the Soviet bloc and the West."

There is a problem of U.N. solvency—$110 million is needed to save the world organization from bankruptcy. And there is a need to work out new methods of authorizing and financing future peacekeeping operations. There is also a need for a Soviet financial contribution, which Moscow has acknowledged. But there is no need to force the U.S.S.R. to comply with article 19 by paying the exact sum Washington says—and Moscow denies—it owes.

As Senator AIKEN observed, President Johnson now "has a magnificent opportunity to put the United States back into the lead in international diplomacy by putting the United Nations back into business." And his first move should be to "instruct his representative to the United Nations to reconcile our position with the Soviet and French position on the assessment of members for peacekeeping functions—a view which may shock some, but a position which would definitely be in our own national interest * * * article 19 is dead as a doornail anyway."

It is essential to move now not only in the long-term interests of the United Nations but precisely because a vigorous U.N. could play a vital role in extricating the United States and the two Vietnams from their present tragic predicament.

## EDWARD R. MURROW

Mr. JACKSON. Mr. President, I am saddened today because of the passing of Edward R. Murrow, a close personal friend of mine and a man who established standards of excellence in the broadcasting industry.

We of the State of Washington felt particular pride in the accomplishments of Ed Murrow. He was raised in our State, moving to Skagit County, Wash., from North Carolina when he was 4 years old. He attended our local public schools. He received a college education—with honors—at Washington State College at Pullman, where he was also president of the student body.

Ed Murrow received more than a formal education in Washington. He developed the toughness, the spirit, and the vitality for his great career by working in the logging camps of northwestern Washington. He earned money for college by operating a locomotive in the forests and by working as a compassman and topographer for timber cruisers.

All Americans of the day will remember his "This is London" reports of the bombing of Great Britain. When Germany invaded Austria, Ed Murrow chartered a plane and was in Vienna to report the Nazi march into that city in 1939.

He was never far from a microphone during the remainder of World War II. On rooftops he described the air raids in London. He once reported the bombing of the building from which he was broadcasting. He traveled on 25 missions over Germany bringing the accounts of these raids to Americans at home.

Ed Murrow went on to one of the finest careers in news broadcasting. He later served with distinction as the Director of the U.S. Information Agency under Presidents Kennedy and Johnson.

Ed Murrow was a courageous reporter. He was a man of integrity, reporting the news without fear or favor. A pioneer in a young industry, he exhibited the principles of fairness and honesty.

From the lumber camps of the Northwest, he rose to become a man of world prominence. People everywhere mourn his passing, but we of Washington State have particular sorrow on this day.

## ADM. WILLIAM F. RABORN, NEW DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

Mr. JACKSON. Mr. President, Adm. William F. Raborn was today sworn in at the White House as Director of the Central Intelligence Agency.

I have known and worked with Admiral Raborn for many years. He has served his country well. He was decorated for gallantry in action in the Pacific in World War II. He received the Distinguished Service Medal for his remarkable achievement in directing the Navy's development of the Polaris missile system. It is a testimony to the magnitude of his contribution in this field that the Polaris system has become an integral part of our deterrence shield—indeed, nowadays, we almost take it for granted—barely 10 years after the program got underway under Admiral Raborn's direction.

Admiral Raborn possesses managerial skills and leadership abilities of the highest order, and he tempers them with broad experience and a keen sense of humor. Criticized sometimes for operating with too small a staff, he has answered:

> I can get more out of one overworked man than two underworked ones.

He is a popular leader who runs a tight ship and accomplishes his missions. I am completely confident that his deep knowledge, his rich experience, and his capacity for service qualify him to be an exceptionally able chief of our intelligence operations.

I should also like to point out, Mr. President, that Admiral Raborn will be assisted in his formidable responsibilities by Mr. Richard M. Helms, the new Deputy Director of the CIA. Mr. Helms has distinguished himself, in his 18-year career with the Agency, as a man of good sense, sound judgment, and exceptional ability. I know that he will be an effective and energetic Deputy to the new Director.

Mr. President, I wish also to add that the Central Intelligence Agency is losing a fine Director. John McCone is stepping down after serving the Nation for 3½ years as CIA Chief. His appointment in 1961 to this most sensitive post occasioned no little controversy. But the skill and dedication of his service have silenced even the most hostile of his critics.

As a member of the Joint Committee on Atomic Energy and Armed Services Committee, it was my privilege to work with John McCone and to know him well. He served on President Truman's Air Policy Committee in 1947–48; and, as Under Secretary of the Air Force in those troubled years 1951–52, he played a key role in stepping up war plane production for the Korean conflict.

President Eisenhower appointed him Chairman of the Atomic Energy Commission in 1958, and his service was distinguished by a spirit of fruitful cooperation between the Commission and the Congress. Then, in 1961, President Kennedy—looking for a man with wide experience and proved judgment, turned to Mr. McCone to take on one of the most critical posts in our Government—head of the Central Intelligence Agency. When President Johnson took office, he continued to rely on Mr. McCone in this most difficult and delicate task.

In this long career—serving four Presidents—John McCone has consistently demonstrated unusual energy and administrative ability, a clear and forthright intellect, and a keen awareness of the threats to our national security. He is motivated by a deep-seated desire to serve his country. He stands in the great tradition of the Stimsons, the Forrestals, and the Lovetts—those outstanding private citizens who responded to the call of public duty when the Nation was in need. Our system of government uniquely depends upon the contributions of such distinguished citizens.

We shall miss Mr. McCone. We wish him good health and good fortune as he leaves high office and returns to private life.

We look forward to working with Admiral Raborn and Mr. Helms. We wish them the best of luck in the heavy responsibilities which they have undertaken.

## MANPOWER DEVELOPMENT AND TRAINING ACT SIGNING

Mr. CLARK. Mr. President, last Monday at the White House, I had the pleasure of attending the ceremony incident to the signing of the Manpower Development and Training Act.

At that time, the President made some remarks on the problems of unemployment and manpower training, and I ask unanimous consent to have them printed in the RECORD.

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

STATEMENT OF THE PRESIDENT UPON SIGNING THE MANPOWER DEVELOPMENT AND TRAINING ACT, APRIL 26, 1965

Members of the Cabinet, Members of the Congress, ladies and gentlemen: Several weeks ago I was privileged to sign the educational legislation that was enacted so promptly by this hard-working Congress. As I said at that time, I believe that the education bill will be the most important

measure that I shall ever sign into public law.

This legislation before me this morning is a wise and necessary companion to our efforts in the educational field.

The manpower development and training program has already proved itself decisively with a most impressive record.

In 3 years, training has been authorized for 340,000 individuals. Another 67,000 have been made employable through special projects helping them overcome what would otherwise be lifetime handicaps.

I was in South Carolina last week and the then distinguished former Governor of that State told me he had in training some 7,000-odd trainees, and of those 7,000-odd that had finished their training he had already secured jobs for more than 5,000 of them.

At a nation, much of our strength comes from our dedication to wise and prudent policies for conserving our resources, but the most valuable of these are human resources. By this program we are rejecting the wastage, and the erosion, and the loss of human talent and human ability.

So, I am very pleased that this program has worked so remarkably well. We have reached down into the ranks of the hard core of unemployed and we have given men and women training to equip them for useful and productive jobs. The results thus far show that three-fourths of those trained have found employment—three-fourths of the total number of people who are tax eaters have now become taxpayers.

If this program is to work successfully it requires, as do all of our efforts, the support and the cooperation particularly of business, of labor, of every department of the Federal Government, and of all of our communities throughout the Nation.

We must make certain that there are jobs which graduates of this program can fill. I am determined as President that this administration will make every possible effort to assure such jobs. We have a Cabinet Committee of the highest level devoting their efforts to this end. This Cabinet Committee is chaired by the distinguished Vice President, who for many years has showed his concern for human resources. Along with him sit the Secretary of Labor, Mr. Wirtz, and the Secretary of Commerce, Mr. Connor.

Because of the huge number of employers that they deal with, I am asking this morning Secretary McNamara and Mr. Webb to join this committee, to visit some of these training programs, to interview some of the trainees, to relay this information to contractors with whom they deal, and to attempt to formulate with this Committee key programs for certain types of training where the graduates can fit into the contractors employment pattern.

We have had some very good economic news the first quarter of this year, and some particularly good news on the employment front But summer is just ahead of us, and hundreds of thousands of young people will be out of school and again they will be looking for jobs.

So I hope to appeal to every employer in this country, private and public, to take the time to apply effort and imagination and responsible civic spirit to the task of bringing into being the jobs that we need to fill the needs of our society.

America has always been the land of opportunity and we must make sure that this is a fact and not just a slogan. This vital extension of the Manpower Development and Training Act, which the Congress has so wisely and so promptly acted upon, is one such effort. But this effort must be made by all of us in every segment, in every section, in every city throughout the Nation.

So I congratulate the Congress on its prompt and prudent action on this measure. I particularly thank those here with me this morning who have been the mainstays of this program, who have been the wheelhorses, who have led the way to what we find before us today. And I am especially pleased that this bill reaches me this early in the session before the end of April. If we hold to this pace, maybe all of us will get to spend the last half of the year out with the people that we mutually serve, talking to them, listening to them, setting our course to serve their aspirations more fully.

For myself, I intend to visit some of these retraining operations in the various States. I intend to ask some of the Cabinet Committee, and some of the authors of the legislation and members of the committee who have made this possible, to go with me.

I know that the Vice President will do likewise and will give particular attention to a coordinated program with employers that will result in their helping to plan the project and will result in their being ready to fill requisitions for trainees as soon as they have completed their course.

This is a pleasant experience for me, and this is a good day, I think, for all America, because the people who have heretofore been denied jobs because of lack of training now will have an opportunity to get the training that they need so much, and the jobs that they want so much.

## VIETNAM

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD what I consider to be a most able and incisive article published in yesterday's Washington Post, written by the distinguished columnist Walter Lippmann, and entitled "The Unfinished Debate," together with an editorial published in the Washington Post of April 26, entitled "Anguish of Power," on which Mr. Lippmann commented in his column.

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

[From the Washington Post, Apr. 27, 1965]

THE UNFINISHED DEBATE

(By Walter Lippmann)

In my experience the President has never deluded himself by indulging in any wishful thinking about how the war is going in Vietnam or how the American people are feeling about it. When he tells visitors that "the ice is very thin," although the polls show that he has overwhelming popular support, the skepticism does not arise because he has a silly yearning to have everybody agree with him. The President's skepticism arises because he is wise in the ways of politics. Once the shooting starts, any and every President can count on a big majority. "My country right or wrong." What matters to the President is the indisputable fact that in the big majority who support him in the polls today, there is deep doubt and anxiety about the course we are taking. This is why he knows that the ice is very thin.

The popular doubt and anxiety have evoked a great debate which ought not to be vulgarized and degraded by the use of epithets like dove and hawk. This debate cannot be suspended while American policy is, as it is today, still unsettled and in the making. The debate on Vietnam has already brought about a very considerable improvement in our policy.

When the debate began, Mr. Rusk was saying that our war aim was that the North Vietnamese must "stop doing what they are doing," without specifying exactly what they must do or not do and what we would regard as sufficient proof they had done it. This was a demand for unconditional surrender, and it was far away from the President's Baltimore speech which offered, for the first time, "unconditional discussions." We have come a long way from the position of 3 months ago when we said that we did not think there was anything to negotiate about. For now the avowed purpose of our policy is to induce Hanoi to negotiate.

The debate, therefore, has not been in vain, and it must continue in order to clarify our thinking about where and when and how we want to bring about a cease-fire, and what, in the ensuing negotiations, we hope to achieve in Indochina. We are still far from such a clarification, even among the small circle of the President's principal advisers, and obviously the country as a whole is groping for information and for enlightenment.

As part of that debate, I should like to say something about a powerful and moving leading editorial in the Washington Post on Monday. It is called "Anguish of Power." Its theme is that once a nation has achieved great power, such as Great Britain did in the 19th century and as the United States has now, it "must live in anguish." For "no country can have great power and a quiet conscience."

Uneasy lies the head that wears a crown: No doubt it is true that great power and a quiet conscience do not easily or for long go together. Where I differ from the Washington Post is not about that. We cannot, and we should not if we could, return to the isolation which we practiced before the two World Wars, and imagine that we are returning to the age of our innocence. My thesis is that we must not make the mistake of jumping from isolationism into globalism, and that this is what the Washington Post is in fact saying we need to do.

It is true that this country cannot admit disinterest in any crisis. But what this country must learn to do is to measure how much it can afford to intervene in any crisis, and to distinguish between crises which affect its vital interests and those which do not. Great Britain in the 19th century did not regard it as a duty to intervene when a fire broke out—as, for example, in our Civil War, in the Franco-Prussian War, in the Balkan wars, in the Russo-Japanese War. What I reject is the idea that because the United States must take an interest when there is any breach of the peace, it must therefore be the global policeman or, as the Washington Post puts it, the global fire department.

A mature great power will make measured and limited use of its power. It will eschew the theory of a global and universal duty which not only commits it to unending wars of intervention but intoxicates its thinking with the illusion that it is a crusader for righteousness, that each war is a war to end all war.

Since in this generation we have become a great power, I am in favor of learning to behave like a great power, of getting rid of the globalism which would not only entangle us everywhere but is based on the totally vain notion that if we do not set the world in order, no matter what the price, we cannot live in the world safely. If we examine this idea thoroughly, we shall see that it is nothing but the old isolationism of our innocence in a new form. Then we thought we had to preserve our purity by withdrawal from the ugliness of great power politics. Now we sometimes talk as if we could preserve our purity only by policing the globe. But in the real world we shall have to learn to live as a great power which defends itself and makes its way among other great powers.

[From the Washington Post, Apr. 26, 1965]

ANGUISH OF POWER

This administration, and no doubt its successors far into the future, will have to deal

with a deep-seated revulsion against the great power role of the United States. Now there is criticism of that role in South Vietnam; in subsequent crises it will be against the execution of a great power role in other areas.

Those who express resentment at and opposition to the employment of force in southeast Asia include some of the country's foremost liberals and intellectuals as well as academic and campus leaders of lesser eminence. Some of course oppose the policy on practical grounds. Some oppose it because of a belief that Chinese Communist power in the area is irresistible. Some are against it because they see it as an excessive commitment to a "Balkan" war that may weaken or divert forces needed in more important theaters of conflict. Some criticize it because they disagree as to the real national interest in the area. Some deplore it because they simply think we cannot achieve our objectives or carry out our commitments.

The largest opposition, however, no doubt comes from those who instinctively rebel against this country's great power role. They oppose the burden of great power as many of the British opposed it for nearly 300 years. But Great Britain for a long period could not escape the anguish that comes with the very possession of power. However large the crowds that gathered in Trafalgar Square to shout against the decisions of successive ministries to commit British power in Africa and Asia and America (or against the failure to commit it) no Parliament could relieve Great Britain of the anguish of great power, no monarch could rescue it from the burdens that go with the possession of predominant force. It was not governments that the people opposed; but the fate that put into the hands of the leaders of one nation the leverage to influence the course of events and the destiny of nations.

And this is the real misery of the mighty. Once power descends upon a people it can no longer achieve national peace of mind, even if it can achieve peace in the sense of avoiding war. From the moment its power position is achieved, the nation must live in anguish. It must endure the anguish that attends the application of force, arising out of all the normal revulsions against the resort to violence and against the imposition of pain and misery to achieve political results in a world where force or the use of force is the chief arbiter of nations. Or it must endure the anguish that attends the failure to use force where its employment would work for the national salvation or the preservation of peace. No country can have great power and a quiet conscience. Its people and its leaders must suffer either the reproaches of having used force or the reproaches for having failed to use it. Life alternates between the miseries of Vietnams and Munichs and is seldom free from one or the other.

There is no way a party or a President or a Congress can deliver a people from this discomfort. It was inescapable in the days of British power; it is more inevitable now when no crisis can be so remote or so little connected with the national interest that it can be simply overlooked. This country cannot admit disinterest in any crisis. It is vain to cry that Alabama is for Alabamians, Africa for Africans, Asia for Asians, America for Americans. We are influenced by every act of injustice and tyranny that takes place everywhere in the globe; and every act of tyranny and injustice that takes place here has its influence everywhere in the world. It is not one world in the happy sense that Wendell Willkie imagined it; but it is one world, nevertheless. And its oneness is such that no one can light a fire anywhere in it but that the nation with the biggest fire department has to decide whether to use it or not to use it. And out of that choice enormous consequences for good or evil must flow.

Such is our burden, such our plan, and such our anguish. When, as a people, we accept the fact that it is unavoidable and inescapable, the level of debate over what we should or should not do in each recurring crisis will rise. Each of our decisions to use force or to fail to use force is filled with potential pain and injury for millions. This is the anguish that goes with great power. No one can deliver us from it.

Mr. CLARK. Mr. President, on the subject of Vietnam and the President's press conference held yesterday, I should like to read into the RECORD headlines from three great eastern metropolitan daily newspapers, reflecting their views on the press conference, which views I am sure too many readers take instead of reading the remainder of the news article.

I would hope that the printer of the CONGRESSIONAL RECORD would feel that under the rules by which we operate, it might be appropriate to place headlines around these headlines.

The first is from the Washington Post of today, and reads as follows:

JOHNSON REAFFIRMS OFFER TO TALK PEACE

INVITES DOUBTER NATIONS TO TEST U.S. SINCERITY

The second headline is from this morning's Philadelphia Inquirer and reads as follows:

JOHNSON DARES REDS TO TAKE UP PEACE OFFER, BARS WAR LETUP

DEFENDS RAIDS, JABS AT CRITICS

The third headline reporting on the same press conference, published in the New York Times, reads as follows:

JOHNSON RENEWS BID ON VIETNAM; DEFENDS BOMBING

REPEATS HIS OFFER TO CONFER WITH ANY GOVERNMENT WITHOUT CONDITIONS—PEACE HOPES STRESSED

Mr. President, I ask the question: What newspapers do you read?

I thank the Senator from Arkansas for his courtesy in yielding to me.

## DEATH OF EDWARD R. MURROW

Mr. MANSFIELD. Mr. President, "good night and good luck"—these were the words with which Edward R. Murrow concluded his radio and television program for more than 20 years. Born in the South, raised in the West, working in the East, he was truly all American. Ed Murrow's career was a unique one. It was a career based on a high regard for honesty, modesty, integrity, and forthright reporting. It was a career underlined by courage, a keen sense of the truth, and the need of the American people to know the truth. Ed Murrow served the American people, first as their eyes and their ears, as their witness to events which shook the world—then as interpreter to the world of American policies and American life. It was this sense of duty and a desire to get the truth across which motivated Murrow to leave his high-paying position as newscaster and analyst and to accept the difficult and demanding challenge to be Director of the U. S. Information Agency, a position which offered one-tenth his salary at CBS. At USIA, Ed Murrow made a great contribution. He worked tirelessly to upgrade the quality of our information program abroad and for some months he did it while fighting the early stages of lung cancer.

Ed Murrow was forced to leave his post at USIA last year. His fight had become his full-time job. It was, perhaps, the only job he ever undertook in which he was unsuccessful. His own words serve best right now to express my feeling at the passing of Edward R. Murrow: "Good night—and good luck—and thanks."

## TRIBUTE TO SENATOR OLIN D. JOHNSTON

Mr. YARBOROUGH. Mr. President, the Postal Record, the official publication of the National Association of Letter Carriers, in its May 1965 issue has published an editorial, written by the able president of the NALC, Jerome J. Keating, on the life of our late colleague, Senator Olin D. Johnston. I believe the editorial should be printed in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

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

SENATOR OLIN D. JOHNSTON

(Editorial, from Jerome J. Keating)

Early Easter Sunday morning, my telephone rang; it was Bill Gulledge, staff director of the Senate Committee on Post Office and Civil Service. In a tearchoked voice, he declared, "Our Senator is dead; he passed away at 4:21 this morning."

Yes, "Our Senator is dead." If the letter carriers of America ever had a Senator, it was the six-foot-three South Carolinian—the man with the big heart and the astute mind—the man who was responsible for more postal legislation than any man who had ever lived.

Senator RALPH YARBOROUGH, of Texas, said simply: "My stanchest friend in the Senate is gone." The letter carriers of America can well re-echo that sentiment.

The Columbia, (S.C.) Record paid Senator Johnston a marvelous tribute:

"Son of a tenant farmer and early in life a laborer in the textile mills of South Carolina, Olin Dewitt Johnston never forgot his heritage. Throughout his long and colorful career of service to State and Nation, the Senator never disremembered what it is like to be born with a pewter, rather than a silver spoon. He never forgot the little people of South Carolina.

"They were his joy and his strength. And he was their joy and their strength.

"He knew and he understood, from firsthand, the privations of the poor, the constant struggle for survival of the textile worker, the pain of the Federal employee ignored by the sprawling bureaucracy, and the debilitating toil of the farmer patiently coercing a living out of Carolina soil. He knew. And these people knew that Olin Johnston knew—and cared.

"Throughout his governmental service, whether as State representative, governor or Senator, he championed the causes of the little people. Born to a tenant farm, nourished in a textile mill, politically educated in the great depression, he became an ardent New Dealer under Franklin Roosevelt and remained adamantly dedicated to its principles until his death.

"In the Senate, he was a good party man—one who knew the rules of 'the greatest club in the world,' understood its rules and played by its rules. He was universally respected.

On his last visit to the Senate, he was warmly welcomed by both sides of the aisle—with words of genuine affection, concern and praise from men of widely separated political attitudes.

"Today, South Carolinians paid due homage to the Senator, as his body rested in state in the State House. Tomorrow, he will be buried in the upstate region that nurtured him.

"And a change has come over our State with his passing. No longer will the textile workers greet the tall, hulking figure with the deep voice who knew them by their Christian names. No longer will the people of the State see him rise, shake his jowls and in characteristic southern speech intone, 'My fellow South Carolinians.'

"His fellow South Carolinians, who showed their esteem for the Senator by electing him to a series of offices matched by few in our history, will miss the big man from the Piedmont."

The letter carriers will miss him; the Federal employees and the little people all over America will miss this wonderful man of great courage and determination. Alvin Haith, his letter carrier at Kensington, Md., traveled all the way from Kensington to attend the funeral at Spartanburg. "You just don't know what your coming here means to me," declared Mrs. Gladys Johnston on seeing Carrier Haith.

On Monday, the body of Senator OLIN D. JOHNSTON lay in state in the beautiful old South Carolina capitol, in the capital city of the State where Senator JOHNSTON had served longer as Governor than any other man. He was the first man ever to lay in state in the capitol building.

All day long a steady stream of people, young and old, well dressed and poorly dressed, people of all races, passed the bier. On the face of each was reflected signs of sorrow. Many, remembering some kind deed, wept openly.

At 3:30 p.m., 50 Columbia letter carriers in uniform, led by Branch President Ray Lemmons, having completed their day's work, passed solemnly, soberly, and tearfully by the bier of their great champion. The loyal and faithfull Bill Johnston, the Senator's brother, who never left his side, greeted every one of them.

At 5:30 p.m., the President of the United States and Mrs. Johnson came to Columbia to console Mrs. Johnston and the Senator's family, and to pay their last respects to his long-time Senate colleague and his faithful supporter. Governor Donald Russell, in a few touching words, paid tribute to his friend. Chaplain George Mutze of the South Carolina State Senate prayed and offered spiritual consolation. The capitol was crowded with mourners, and the people lined the steps outside. Many letter carriers from nearby towns hurried in to attend the services in Columbia.

Early Tuesday morning the body was taken to Spartanburg, to the church where the Senator had long worshipped. The Vice President, and Mrs. Humphrey, headed a large group of Senators who came from Washington to attend the funeral. Postmaster General John Gronouski and Deputy Postmaster General Fred Belen accompanied the Vice President and his party. The State's congressional delegation and State officials were in the church; the main church was packed with mourners; a second chapel was crowded, and the steps to the church and sidewalk in front were filled with people who could not get in. Scattered through the reverent audience were many letter carriers from North and South Carolina.

The Spartanburg Journal reported: "Inside the church, floral wreaths from far and near were banked around the altar and two walls. In the lobby one simple wreath of red carnations, yellow chrysanthemums, and Easter lilies in green fern stood out from the others.

"It bore this message: 'Letter Carriers Branch 628, Spartanburg.' It was mute testimony to the popularity of the late Senator among letter carriers throughout the United States. He had served as chairman of the Senate Post Office Committee for years and, as such, wielded considerable influence in postal affairs."

Following the funeral at the Southside Baptist Church, the body was taken to Honea Path, South Carolina, for interment. It was characteristic of the humility and faithfulness of the Johnstons that the body was returned to a little cemetery in the small community of Honea Path, where Senator Johnston had lived as a boy.

A MARVELOUS CAREER

The career of Senator Olin D. Johnston is, indeed, one to inspire hope and raise the ambition of every young man in America. Here was a boy, the son of a tenant farmer. At the age of 9, he started to work in the mill. He studied hard; graduated with a bachelor's degree; later secured a master's degree; and finally secured his law degree. He was elected to the legislature, served as Governor of his State longer than any other man, and finally became U.S. Senator. In his senatorial campaigns, he was consistently opposed by the strongest candidates in the State. In his last election he turned back the Governor of the State in the primary and defeated a strong Republican candidate in the general election. He never forgot the people, and they never forgot him.

Senator Johnston served with the Rainbow Division in World War I. In college and in the service, he boxed as a heavyweight. Indeed, he had a fighting heart—a man 68 years of age who survived two major operations within a period of 3 months, and was finally struck down by pneumonia, was, indeed, a man with a fighting heart. So engrossed in the Senate and his responsibilities was he that he returned to his senatorial tasks between operations.

FRIEND OF THE POSTAL AND FEDERAL EMPLOYEES

To me, the death of Senator Johnston is a great loss. A kindly man, he always had time for our problems. One citizen attending the Senator's funeral at Spartanburg told a reporter: "I was down on my luck; I went to Washington. Our other Senator was too busy to see me, but Senator Johnston saw me and took care of my problems." That was typical of this great Senator.

Senator Olin D. Johnston came to Washington in 1945. I came to Washington in 1945. I have had the honor and privilege of associating with him during his entire career in the Senate. One of the first major legislative efforts in which he was involved was the 1948 amendments to the Retirement Act. That was epoch-making legislation. The Senator stood up like a trojan in the committee and on the floor of the Senate.

He was a central figure in our national convention and in our meetings held in Washington. Frequently he was accompanied by his good wife Gladys, and on some occasions by his fine children. A convention was not a convention without the Senator.

Legislatively, he worked closely with President Doherty and myself, and, in more recent years, with Vice President Rademacher as well.

Without a doubt, he sponsored and guided more postal and Federal employee legislation through the Congress than any man who had ever lived. The very last deed that he performed as a Member of the Senate was to introduce S. 1667, a bill to transfer back to Congress the exclusive right to set rates on parcel post.

The last increase for retirees enacted in 1962 would not have become a law were it not for the Senator. The House had passed the pay bill, but the increase for annuitants was tied up in the Rules Committee. Senator Johnston amended the pay bill by attaching the annuity increase to it, and thus it became law.

Frequently during his career as chairman of the Senate committee, the astute Senator resorted to unusual strategy to secure the enactment of a bill. Legislation during the past 20 years in the House has frequently been bottled up in the committees. Senator Johnston would take a minor bill that had passed the House, amend it by adding the major bill to it, and the bill would then go to conference.

The Charlotte (N.C.) Observer, in a sometimes complimentary and sometimes critical editorial, commenting on his political success, declared: "The overly frequent pay raises he got for the employees did not hurt either."

The same editorial stated, "But it is safe to say that South Carolina has not had a more effective lawmaker in Washington in many years."

Senator Johnston was kind, he never spoke harshly of anyone; he was an able legislator, universally liked, most considerate, and a great champion of the postal employees. He will be missed and mourned. To his fine family—his faithful wife Gladys, his son Olin, Jr., his two lovely daughters Mrs. Sallie Scott and Elizabeth, we extend our most sincere sympathy.

Undoubtedly Senator A. S. (MIKE) MONRONEY will become chairman of the committee. He has worked closely with Senator Johnston, he is a good friend of the employees, and will closely parallel the policies of his predecessor.

Gov. Donald Russell has stepped down from the governorship to assume the office of U.S. Senator. Suffice it to say, he was a close friend of Senator Olin D. Johnston.

## PEOPLE'S WAR IN VIETNAM

Mr. SCOTT. Mr. President, I invite the attention of my colleagues, as well as of other readers of the CONGRESSIONAL RECORD, to a somewhat different and provocative viewpoint on the current struggle in Vietnam. Its expositor is Maj. Gen. Edward G. Lansdale, U.S. Air Force, retired, who as a result of several years' service in the Philippines and southeast Asia has earned the reputation of being one of the most knowledgeable Americans on the subject of Communist "wars of national liberation" and counterinsurgency. General Lansdale is presently a consultant to the staff of Food for Peace, at the White House.

General Lansdale does not question our presence in Vietnam, nor does he call for American withdrawal from Vietnam and southeast Asia. If anything, I think it is fair to say that he does not feel that we are involved as much as we should be in Vietnam. His principal criticism of our present policy in Vietnam is perhaps best summed up in the question: "Do we do something halfway: give a man a gun to defend himself, give him means to fill his belly, and let him shift for himself when it comes to realizing his great hope for man's liberty?" General Lansdale argues that the United States must help the Vietnamese arm themselves politically, as well as physically and materially. He cites as the major unused weapon of this "people's war" our ideology which is embodied in the opening paragraphs of the Declaration of Independence and the Bill of Rights.

General Lansdale most recently expressed his viewpoint on Vietnam in a talk at the Principia Conference on Vietnam, in Elsah, Ill., on April 9, 1965. I ask unanimous consent that General Lansdale's interesting and stimulating address be printed in the RECORD.

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

TALK AT PRINCIPIA CONFERENCE ON VIETNAM, ELSAH, ILL.

(By Edward G. Lansdale, major general, USAF, retired)

I

It is time that you and I and other Americans become pragmatic about Vietnam. A truly pragmatic American would insist that we do today what will help us tomorrow.

From this pragmatic viewpoint, we almost seem to have forgotten why we are in Vietnam. To be sure, we have said why. We have talked it up big. Some Americans even have talked it down big. Yet, the great challenge given the United States by events in Vietnam largely has gone unmet by practical or effective American deeds.

Since this challenge won't go away, just because we duck accepting it, let us get it out into the open here and now, look at it hard, and then dare to consider meeting it.

II

The great challenge given to us in Vietnam is political. Essentially, it is this: Can the Vietnamese win their freedom while they fail to agree on what freedom is—and fail to start governing themselves in a way that takes them toward that freedom? If they cannot, then should we Americans remain aloof from this political heart of the struggle and confine our most generous and dedicated help in Vietnam to military and socio-economic assistance? Or rather, should we Americans give equally generous and dedicated help to the Vietnamese in their heartfelt longing to achieve ways to govern themselves, within their own truths and with a real degree of stability, while they set forth clearly the premise of the freedom they most desire for themselves?

Put it another way, it can be said that our side in Vietnam outnumbers, outguns, and outspends the enemy. Shouldn't we now make a real effort to outthink the enemy on the actual battleground among the people of Vietnam? This means helping the Vietnamese find their own true cause to fight for, much more than helping them fight against something. Such positive, in contrast to negative, help could well include sympathetic encouragement and assistance in the step-by-step development of a representative and responsive political system of Vietnamese origin. This would create something of their own to which the Vietnamese could pledge, willingly and freely, their lives, their fortunes, and their sacred honor.

Such work would fill a gap which has been the despair of Vietnamese, Americans, and other free people in Vietnam. It would put the war upon a sound moral and political footing. Given true political meaning, the military, psychological, and economic actions used to win the moral goal would increase a hundredfold in their effect on breaking the will of the enemy. A Vietnamese cause, with an attainable national goal closest to the hearts of the overwhelming majority of the Vietnamese, would not only give the Vietnamese something worth everything to defend. It also would be a goal desired even by those now under the control of Communist masters, one that would give them just cause to leave the ranks of the Communist and join their brothers on our side. This is true st ategy for a "peoples' war" such as the Communists have sought to wage. It directly confronts the main weapon of the Communists—their political action—with a superior action of our own. If we employ it truly, there is little doubt about victory for the cause of freedom. Further, the struggle would be fought on the terms of freemen, not on those of the Communists.

This strategy deals with the hard inner core of the struggle in the world today, in Vietnam, in the so-called wars of national liberation elsewhere. The basic conflict is between the way we, the free, look at man and the way the Communists look at man. We see man as an individual, endowed by his Creator with "certain inalienable rights." The Communists see man as a cipher of the state, a materialist zero without a creator. So, what do we do in this basic conflict? Do we profess "self-evident truths" for ourselves alone? Do we permit the Communists to beguile, coerce, or otherwise rob a man of the true heritage we say he has, and let them make him a part of the Communist machine—while we keep silent about this true heritage, not help him come into it to the full extent of our ability? Do we do something halfway: give a man a gun to defend himself, give him means to fill his belly, and let him shift for himself when it comes to realizing his great hope for man's liberty? I don't believe we can do only this and still maintain our own freedom, strong and honest and lasting.

III

Now, this challenge has come to us at a moment of history. We should recognize that man's history is full of political challenges which were met by the world's leading power in each era. The challenges were met to keep the peace, as the leading power defined that peace. The great khans, Alexander, Tamerlane, Rome, Spain, and Britain all had their time of leadership and of keeping the peace, their style. Along with military strength which gained and enforced their leadership, along with economic measures which gave it commercial meaning. there also was political action by the leading power, to provide his means of control. Our name for this political action is "colonialism." The world leader in the past simply made colonies out of lands and peoples ab oad, imposing upon them political systems, laws, language, modes of justice that were his own.

Today, the United States finds itself in the position of being the world's leading power. Yet, we Americans are opposed to colonialism and colonial methods for many reasons, including the fact that we too were once a colony and rebelled against the concept. Lyndon Johnson, with his gift for censensus, expressed out national feelings well in his inaugural address last January. The President said: "Our Nation's course is abundantly clear. We aspire to nothing that belongs to others. We seek no dominion over our fellow man, but man's dominion over tyranny and misery."

However, at this moment of man's history, we are not alone in the world. There are two Communist powers, the Soviet Union and China, who singly and jointly challenge our world leadership. On their part, they are quite brazen about using political action to gain control of other nations. They use a form of old power play, the old colonialism, in modern dress. A mention of Hungary and Tibet will make this point. These once-independent countries, conquered by neighboring Communists and made into satellites, tried to gain independence in much the same way as the American colonies did in 1776. The stamping out of these recent revolutions by foreign troops under the Communists were plain acts of colonial imperialism in the ugliest historic sense. Further, the expansion of the Communist empire has been an active fact of life in our time. For example, back when many of today's faculty members were students themselves, just before the outbreak of World War II, there were a little less than 200 million people under direct Communist rule. Today, the number of people under direct Communist rule has grown to almost 1,100 million people. (In contrast, people on our side, clearly committed to the cause of freedom, number some 752 million. This doesn't count many millions in Africa, India, the United Arab Republic, and Indonesia whose politics await the future.)

While the original Communist takeovers of Hungary, Tibet, and several other countries were plain conquests by use of convential military force, the current methods of Communist expansion are more subtle. They entitle these methods as "wars of national liberation." We see them as "Communist subversive insurgency." Vietnam is today's most active example.

In the Asian method of Communist subversive insurgency, a national liberation political group is established at a remote base. This political group is given the image of a people's movement by naming members who allegedly represent big sectors of the national population—the farmers, the youth, the women, the workers, the students, and so on. Added to the political cadres are military cadres who are specialists in guerrilla warfare, and who will build a military apparatus upon the political footing provided by the political cadres. The "remote base" where this starts coming out in the open usually means a camp located far enough from centers of population to avoid immediate detection or access by the country's forces of law and order.

This political-military force then acts to gain control of the people on the land, by attraction or coercion as required. It is a step-by-step operation, first in the villages and hamlets closest to the base, and then ever widening. Nuclei are sent to establish more bases, to start the same process in other regions. Secret agents are sent to infiltrate centers of population and government organizations. The Asian Communist slogan which goes, "first the mountains, then the countryside, then the cities" is a good thumbnail description of the process. It is considerably different than the Soviet method of working with the proletariat in cities or of Soviet defensive partisan warfare.

Along with selling nationalistic goals, selected for the greatest local appeal, Asian Communists also act to destroy both the credibility and the instruments of the nation's government among the local people. In brief, they act to create a momentary vacuum of anarchy, to permit them to fill this vacuum with their own governing apparatus. The anarchy is created by destructive means: the character assassination of national leaders by psychological means, isolating the countryside from the city by strangling lines of communication through ambushing and cutting highways and railways, provoking government forces into acts against the people (such as hiding in villages and forcing the villagers to stay there while the Communists start a battle with government forces, and the liquidation of local people representing authority—such as village headmen, judges, public health and public works officials, policemen, even schoolteachers, and at times the families of these people. Many thousands of such public servants have been murdered by the Communists in Vietnam.

I suspect that Mao Tse-tung had a knowing look on his face when he told Edgar Snow recently that Americans seem to ignore "the decisive political fact that * * * governments cut off from the masses could not win against wars of national liberation." Mao had a big hand in developing the cynical, brutal Asian Communist method of cutting off the people from their government.

The trouble is, this method has a big appeal to ambitious people in a number of

countries. It has become quite an export item to the Western Hemisphere and Africa, where there are some would-be leaders eager to try it. As General Giap, the Communist military leader in Hanoi, said not long ago: "South Vietnam is the model of the national liberation movement of our time * * *. If the special warfare that the U.S. imperialists are testing in South Vietnam is overcome, this means that it can be defeated everywhere in the world."

The forces of freedom must be vigilant about this vital facet of Communist action. In Malaysia, where Sukarno is trying to use this method his own way, the Malaysian Government has had a long, bitter experience in facing up to the challenge, from Communist guerrilla days. A recent warning by Dato Ghazali bin Shafie, who is Permanent Secretary to the Malaysian External Affairs Ministry, is worth noting. Dato Ghazali told the Malaysians: "It is the height of folly to assume that superior military expertise and superior firepower alone are decisive. To overlook the importance of political action is to miss the bus completely * * * Malaysia will endure * * * so long as the national will, which is the active expression of growing national unity, can withstand the pressures from within and without * * *. There is no alternative. It is of paramount importance to anticipate tensions and stresses wherever they are likely to appear between the people and the Government."

IV

So far, then, I have pointed out that a great challenge exists for us in Vietnam, have done my best to describe it, to tell how it came to be, and to sketch in the major pressures facing us. Now we reach the hard part. What do we want to do about it? What can we do about it? What is practical, feasible for the United States to do—within our own political heritage, within the talents of our people, within the goal of an honorably peaceful world such as we seek?

Noted journalists such as Joseph Kraft and C. L. Sulzberger have analyzed our U.S. organization and efforts in Vietnam and have concluded, in brief, that the United States does not have in Vietnam what it takes to meet the Communist political challenge there. Mr. Sulzberger wrote to the New York Times from Danang, Vietnam, in March: "Today, we acknowledge we have not found a formula to frustrate communism's brilliant revolutionary warfare techniques as such. Our governmental social and military systems are not devised for this. Never having had an empire, we possess no large cadres of civil servants experienced in Asia. We cannot dynamically export our ideology, which is not dynamic. And our warmaking capacity is founded on highly technical equipment and strategy unsuited to guerrilla engagements."

Assuming that there is some validity in such analyses, that we do not now have the people nor the organization in Vietnam to meet the great political challenge given us, we must also assume that the challenge won't go away just because it is unmet by us. Military actions in North Vietnam, the most skillful diplomatic moves, mammoth economic development projects such as the one for the Mekong Basin—even if successful in stopping the Communists from waging guerrilla warfare in South Vietnam and in giving a giant boost to the material well-being of the people in the region—won't by themselves end the Communist revolutionary process among the people. Like the magical invisible clothing for the emperor, in the child's tale, no matter how we say we see the problem, the central figure still remains naked. It is there. It is the truth we must face, sooner or later.

Further, there at the heart of the challenge is that question of ideology. As an American who served the United States for many years in Asia—served, if you will, as a public servant not to an empire but to a democracy, and served long tours in areas of active Communist revolution—I can say flatly that our political beliefs, our ideology, are far more dynamic, far more appealing in Asia than anything the Communists can put forward. Every time we have given our fundamental principles a fair chance, have stayed true to them, have practiced what we preached, our ideology has licked the Communists hands down. I have seen this happen on the spot at critical moments of history. If the Communists are beating us in Vietnam on so basic an issue, then I must join Dato Ghazali of Malaysia and say we are missing the bus completely.

One of our difficulties is that we confuse ourselves when we talk about politics, political action, and ideology once we leave our own shores. Different Americans define these words differently, when abroad. Yet, our basic political beliefs are set forth plainly and interpretation really rests on the courage of our convictions. Our basic political beliefs are there, for all to read, in the opening paragraphs of the Declaration of Independence, as followed by specific guidance in our Bill of Rights. We have, in these, a great promise coupled with its principled guidance. They form an ideology of dynamic universality, as alive today as when conceived, and close to the hearts of men of good will throughout the world. Although our expression of higher human concepts grew out of our own Graeco-Judaic-Christian background, the ethics expressed are in close harmony with the great teachings of Asia, including Confucianism. It passes understanding why any American tries to put this ideology of ours on the shelf, unused, in the face of an admittedly godless, a dialectical materialism, and, instead, substitutes a materialism of our own to meet the thrust of communism in dubious battle. This is waging war on grounds of our enemy's choosing, when we could be in our true place, fighting the good fight of our own choosing.

Too often, American political action abroad is seen as being limited to diplomatic negotiations between governments, or promoting the pro forma copying of parliamentary democracy in the image of the United States, or in a sort of self-righteous scolding of foreign leaders for behavior not conforming to our idea of what it should be, or even in charting how a native bureaucracy should work in an unwitting adherence to Parkinson's Law. We ourselves are to blame. We have not assigned the mission for true American political work abroad to any of our Government services, nor have trained any of our service personnel for it. Only a handful of Americans abroad, Americans who stuck their necks out and dared to do such work, have learned by experience.

Apart from some exceptions, then, the real American politicians, those who would know instinctively what I am talking about and would know instinctively how to get the work done, mostly are serving at home rather than abroad. They are our elected officials. They are in the White House, in Congress, in State capitals, even in city hall. Some fine ones, also, have left public service, but have not left their concern for public affairs. Those among them who came up the hard way, with a maximum of personal effort, have learned that politics is an art, not a science, that it is full of give and take, and that it requires deep understanding of human nature, hopes, and conscience.

This suggests in turn that perhaps it is now time to look again at this political Nation of our, to find a truer source of Americans to whom we can entrust our most sensitive political duties abroad. One such source, surely, is within our major political parties. Perhaps the leaders and the national committees of the Democrats and the Republicans could take a fresh look at the hard nut of this problem and at ways to solve it. Perhaps, too, some of our most perceptive journalists—foreign correspondents and Washington correspondents among them—could lend a hand. These folks, sitting down with a select few of our professionals in foreign affairs, might well find the answer needed, to pick just the right Americans to send abroad just the right way to undertake constructive political help in critical areas such as Vietnam. It is likely that our present governmental establishments, with their administrative overloads, would find difficulty in absorbing such work without considerable change to permit the freedom of maneuver required. The work would demand inspiration as well as sensitivity to the needs of others, an attitude of warm brotherhood in giving help with the honest humility which can be accepted with honor.

Incidentally, the AFL–CIO has made a fine start in such international brotherhood, with practical help in the growth of democratic trade unionism abroad. So, too, have a number of our American industrialists, who increasingly are giving practical help, in an unsung, unselfish way, to foreign peoples and communities in their growth toward enlightened individual enterprise. We, as Americans in an age of erosion by tyranny, need do much more of such constructive work.

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Now, if we could get just the right handful of Americans out to Vietnam, what would we expect them to do? The general nature of the work can be sketched in readily. The criteria for the work should include the following:

It should be by Vietnamese invitation.

It should earn Vietnamese acceptance of Americans acting as unselfish friends, friends able to bridge over suspicions and ambitions among true leaders and bring them onto common ground for teamwork in the larger Vietnamese interest.

It should encourage the development of realizable political goals for the nation, expressive of the people's deepest hopes.

It should be able to instruct political parties and groups in how to develop their own popular base, get roots down among the people in all walks of life.

And, it should help create the most favorable climate possible (under conditions of emergency) for the growth of native political institutions which give the people an increasing, orderly opportunity to consent in how they are governed.

This listing is harmonious with our fundamental political beliefs, yet does full homage to the national integrity and honest pride of the Vietnamese. It outlines acts of real brotherhood, welcome to those who pray for a stable government, for a truer Vietnamese political future they can choose as an alternative to communism. Such work would get quickly at the urgent business of helping the Vietnamese get their political footing. Upon a sound political base, then, the supporting actions—psychological, military, and economic—could be guided firmly toward winning freedom in Vietnam, not just toward the defeat of some present Communist military forces, but toward a much more conclusive victory.

There are somewhere between 30 and 40 political parties and factions in Vietnam today. Most of them are opposed to communism and would suffer direly if the Communists won. But, they continue their divisive rivalry with each other. They need the positive, brotherly help our Nation really is capable of providing, to find and accept the realism underlying the motto, "divided we fall, united we stand" in a way that would encourage them to band together more, for their own common good. Much the same is true of Vietnamese religious groups, who have a number of responsible leaders

yearning for stancher, more trusted ways to live in harmony with those of other religions.

Also, let us not forget the average guy in Vietnam, the plain, everyday citizen. His affectionate nickname in Vietnam is "Nguoi Thuong Dan." Our friend Dan cherishes his family life and has a deep belief in private property. Both the traditional family bonds and the concept of private property are institutions which are being destroyed in North Vietnam and in China. Our friend Dan needs most desperately to have a government of his own that shares his beliefs, that works with him to defend what he has and to realize the good life he most wants for himself, for his children, and for his children's children. The political wants of Vietnam truly offer a great challenge.

To give point to all of the foregoing, let me quote from a current Vietnamese student handbill in Saigon. It was written by student leaders to their fellow students. The young Vietnamese who wrote this want to lead 5,000 students in Saigon out into the countryside this coming summer vacation, despite the dangers and hardships they know await them in the country, to do social action work, literacy teaching, land rehabilitation, and construction. The student leaders make this plea to their fellow students:

"You will warm up your unfortunate comrades with your humanity and love. You will throw a bridge of communion between cities and countryside, the educated class and the uneducated one, the privileged people and the ill-treated ones. You are workers to build up love, understanding, sacrifice, confidence, and hope. You will revive the national self-reliant spirit, the 4,000-year-old moral tradition of Vietnam."

There speak the Vietnamese. Surely we have a bond of brotherhood with people such as they. I trust that you feel it and understand it. Our great challenge still awaits.

## EFFICIENCY WITH ENTERPRISE USE OF CONTRACTOR PERSONNEL IN DEPARTMENT OF DEFENSE

Mr. BARTLETT. Mr. President, in certain circles, much attention has been directed recently to House Report No. 188, which was issued as a supplement to House Report No. 129, "Use of Contractor Personnel in Department of Defense." House Report No. 188 specifically deals with a decision of the Comptroller General of the United States regarding contractor technical services. In the past the Air Force has secured needed personnel services through contract procurement. Under this system, the Air Force contracts with a private firm for manhours at a stated price per unit. The contractor employs the personnel and assigns them to Air Force installations. The Air Force may select the personnel to be used and may remove those individuals who prove to be unsatisfactory. These contract technicians have no supervisory functions and are supervised by Air Force, military or civil service personnel. They work side by side with civil servants and perform the same tasks and have the same duties.

This decision on the part of the Comptroller General as to the legality of technical services procurement apparently has been misinterpreted by some people. For example, it has been interpreted to mean that the Defense Department must stop the practice of contracting with private industry for contractor-furnished technical personnel. More important, this decision has been interpreted to mean that the Federal Government should not only cease such practice but instead should take these technical people under the wing of the Federal Government as civil service personnel, with a subsequent increase in the Federal payroll.

A clear understanding of the Comptroller General's decision would not bring one to the above conclusions. This report calls upon the Defense Department to cease using a particular type of personnel procurement contract—a type of contract that apparently is used to avoid budget or manpower restrictions which have been imposed by either appropriation limitations or administrative ruling. The conclusions reached in the report make the distinction between the normal method of contracting out specific jobs to private contractors, as opposed to the practice of only contracting for personnel. The report makes objection only to the latter practice.

This objectionable practice works in the following manner: The Defense Department makes an agreement with a business firm to furnish technical people. These technicians are not furnished to perform a particular job as is true with normal contracts, but instead are assigned under the direct supervision of Government personnel on the basis of a stated number of personnel at a stated price per person, per day, per hour. These people then perform whatever tasks are assigned them, and usually are working side by side with Government personnel performing the same tasks in the same area. The GAO report condemns this practice and, in the public interest, wisely so.

The Comptroller General's report concerns an agency of the Air Force known as the Ground Electronics-Engineering Installation Agency, commonly referred to as GEEIA. This Agency is quite well known to me personally, and the practices of GEEIA repeatedly have been called to my attention. I have received reports that these practices are not only contrary to Department of Defense policy but, even more remarkable, contrary to stated Air Force policy.

Mr. President, the Senate Select Committee on Small Business held hearings on June 2, 1964, regarding the procurement practices of this agency. I was acting committee chairman during which hearing when the committee heard testimony from the Air Force, and also from the affected private businesses and unions through the representatives of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association. During the hearing, evidence was received to indicate that GEEIA repeatedly, and in places as far apart as Alabama and Alaska, had performed electrical construction jobs which, according to most interpretations of Air Force, Defense, and Federal policy, are more economically and more properly performed by private enterprise. This hearing, the GAO report, and the continuous voices of protest were in part responsible for the complete study of Defense contracting policies which is currently being conducted by a special group appointed by Secretary of Defense McNamara.

It is my hope that this forthcoming study will concur with what is, I believe, the historical and sound policy of Congress and our Government: the Government should not compete with private enterprise.

I read with interest the recent testimony of Mr. George Friedl, Jr., the National Aeronautics and Space Administration's Deputy Associate Administrator for Industry Affairs, in hearings before the Senate Committee on Aeronautical and Space Sciences.

When speaking on the "Criteria for Contracting," Mr. Friedl stated that it is NASA policy to require "maximum practicable competition among qualified and responsible firms; establishment of a period of performance no longer than is actually required for the services; where extension of the contract work beyond the original term is justified and required, provisions for orderly transition to a new contractor under competitive conditions; and definition of the scope of work in terms of end results or products rather than in periods of time worked and clear separation of Government and contractor employee's responsibilities and performance."

I am pleased to note that GEEIA practices appear to be the exception rather than the rule, and that other agencies and departments are taking advantage of the benefits inherent in our free enterprise system. Private industry has special skills and resources which are not available to the Government and it is efficient for the Government to make full use of them. The fact that private industry has advantages and efficiencies lacking in Government activities was recognized by Mr. Friedl when he announced that his reports "indicate that the cost to the Government of performance by contract was more economical than if performance had been by Government personnel."

## THE WAR ON UGLINESS

Mr. BURDICK. Mr. President, one of the heartening facts about the American labor movement is its broad-ranged interest in matters of the public interest. A good example of organized labor's public spirit is the way many in labor's ranks have taken to heart President Johnson's war on ugliness.

On May 24 and 25, a White House Conference on Natural Beauty will be convened, to assemble in Washington, D.C., those who have demonstrated leadership in conservation in the United States. Among them will be several outstanding labor leaders, as well as captains of industry, writers, lawyers, teachers, public officials, and others.

A mark of the readiness of the trade-union movement to enlist in the war against blight and ugliness is a featured article—published in the March 1965 issue of IUD Agenda—entitled "America, the Un-Beautiful," written by Frank Wallick, a longtime Wisconsin resident and conservationist, who serves labor now in Washington.

Mr. Wallick writes:

Now we are in a race with time to save the beauties of our countryside and our city-side. Every billboard jungle, every garish roadside stand or filling station, every dreary neighborhood with houses designed as if they came from a cookiecutter, every deserted downtown, every super-congested expressway, every bulldozer unnecessarily knocking down our trees—these are elements in the battle we must fight to save America's beauty.

Mr. President, I ask unanimous consent that the article, entitled "America, the Un-Beautiful," be printed at this point in the RECORD.

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

AMERICA THE UN-BEAUTIFUL

Remember that quiet spot you used to enjoy, or perhaps after the war, or that summer after you got through school and had some time to live the relaxed life?

It was a nice spot—a favorite for picnics, or swimming, or wetting a fishline—and you probably took it for granted. Why not?

Then one day, you came back and found a fence around the beach or a "No Trespassing" sign near the stream. Your little escape hatch from the city's hubbub was no more. Beer cans were littered along the road or honky-tonk tourist traps sprang up. You shrugged and told yourself—well, that's the price we pay for progress.

Go back still further—remember that vacant lot where you used to play football and baseball? Have you gone there lately? Most likely, there's a big apartment house there now, and the kids either don't play any more, or they play in the streets—because real parks and playgrounds were never built when the empty lots stopped being empty.

In the last 20 years our cities and the countryside have changed and—let's face it—much of the change is for the worse. If we bother to take an honest look at ourselves, it's enough to make us all shudder with disgust. The trees are chopped down to make way for long dreary rows of cracker-box houses, shopping centers are plunked down anywhere somebody can make a fast buck, nobody bothers to bury utility poles (they just stick up like weeds everywhere you look).

Schools, playgrounds, parks, swimming pools? These are afterthoughts or considered luxuries. In the mad rush to push out beyond the city limits, few cities planned for many blades of green grass, some open breathing space, or enough water to wiggle a toe in.

Our downtowns have gaping sections deserted by businesses which fled to the suburbs. Worse still, many downtowns are vast oceans of asphalt parking lots. City residential and business streets are usually too narrow to handle the traffic, too congested for cars that need to park. Billboards glare and neon signs blink, commercial hawkers shouting at each other, a blight on the surroundings.

It's a grim picture—perhaps even a bit exaggerated, but not much. In far too many places in our mushrooming America, the blind forces of growth, the relentless surge to expand, are ugly facts of life.

City life can be the good life, if we make it so. And there are still great stretches of unspoiled greenery, rippling waters, and natural scenery. They promise—with some planning and foresight—a life better than drab, unending rows of tacky homes and dull, horn-honking downtowns.

Far out where the rivers and lakes and ocean shorelines are—things are not much better, unless a State or national park has been staked out. There is overcrowding in our parks. The political battles over new parks are often furious. Those who got there first want to keep away all future trespassers, or put a hardnosed price tag on your right to partake of some remaining island of natural beauty away from the city's turmoil.

All these unhappy facts—the congestion of the central city, the drabness of the suburbs, and the trend to commercialization of our remaining scenic beauty spots—don't have to happen. And at long last somebody is starting to do something about it.

President Lyndon B. Johnson's landmark message to Congress on conservation and natural beauty is a referee's whistle blowing "foul" at the mayhem we do to ourselves. The President has let the Nation know that auto junkyards bug him, and in his vivid comment on the passing parade, President Johnson has jolted millions of his fellow citizens to hold up their physical environment to the mirror and look closely at the blemishes.

"A modern highway may wipe out the equivalent of a 50-acre park with every mile. And people who move out from the city," said the President, "to get closer to nature only find that nature has moved farther from them."

Working people, whose incomes barely meet the necessities of paying off a mortgage, are the most hapless victims of the junky atmosphere in so much of modern living. A worker who saves his money to buy a home may end up paying overblown costs for a plot of land. Peter Blake, once an editor of Architectural Forum and author of "God's Own Junkyard," notes that land costs have risen from 20 to 2,000 percent in certain areas where the sweep of population growth has moved the fastest. A land speculator is under no social obligation to beautify his land.

So our suburbs sprawl in spurts and jerks, a hotdog stand here, a filling station there, with little thought for slowing down traffic in residential areas, or developing parks and pools. Workers sit in their hot houses burning under the sun and wonder whether they can afford air conditioning. Nature's own air conditioning—the trees and streams—is ruined.

The President's message and his conference in mid-May on natural beauty are a starter. It's a powerful and eloquent signal from the White House that the Nation must start moving in a better and healthier direction. We need to plant flowers, to have shade trees, to funnel our traffic along landscaped freeways away from places where children can play; and we need to do something to brighten up the places where we shop—with something better than garish neon signs and billboards.

President John F. Kennedy was aghast at the unsightly souvenir vendor stands he found as he drove to the Capitol steps for his inauguration in 1961. He set up a commission to plan a new Pennsylvania Avenue as a great and beautiful ceremonial avenue. Final plans were not released until after President Kennedy's death, but he was well aware of what the commission was up to, and he wholeheartedly approved, as does President Johnson.

The ugliness of Pennsylvania Avenue is but a sample of the bleak look in so many American cities. Urban renewal plans can do something to correct these shortcomings, but every community needs the extra deft touch from people who care about beauty.

Some cities have started to move, but tragically much of the work which needs doing is still on the drawing boards and in blueprints. A spectacular plan to completely rebuild downtown Fort Worth, Tex., was sidetracked when the city fathers got cold feet and scaled their plans downward. Rochester, N.Y., with the help of Planner Victor Gruen took an old downtown section, blocked off a busy street for several blocks, built an arcade over the street, and created a new cluster of attractive shops which delights the eye and attracts everything from concerts to high school dances.

The President's wife, Lady Bird Johnson, has inspired planners and landscapers to fix up the Mall in Washington, D.C., which stretches from the Capitol steps to the Lincoln Memorial. Present plans call for outdoor restaurants, slow-moving minibuses connecting the tourist sights, snappy kiosks with maps, displays, shelter, flower stands, posters and telephones.

This dash of life on the impressive, but dull, Mall in the heart of Washington is precisely the new thinking the President wants in order to make our cities eye pleasing and exciting.

President Johnson's new conservation program is directed at beauty along the highways as much as beauty in the city and suburbs. It also looks at the air and water around us. And it continues to search for new sources of outdoor recreation in our rapidly diminishing supply of places to fish and hunt, to hike and ride, to explore and camp in.

Shocking pollution of water and air is often the first warning many communities have that something is going wrong with the balance of nature. A swimming beach closes because it's unsafe from pollution. Fish die out because of water poisoning. Eyes burn from smog, or the lungs choke up. These are the warnings that irritate people, but the tough battle to control pollution is not won easily despite the early warning system.

Industry has been the worst offender in pumping waste and chemicals into our waters. Along with the evils of strip mining, American industry has been criminal in its disregard of America's outdoor heritage of streams, lakes, and rivers. Much of Appalachia has suffered from years of gouging the land for coal.

The automobile has been guilty of fouling the air. Senator GAYLORD NELSON, of Wisconsin, and others have proposed rigid standards on new automobiles to cut down air-polluting car exhausts.

Some of the President's strongest language in his conservation message was written on air pollution: "This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels," he told Congress.

"Entire regional airsheds, crop plant environments, and river basins are heavy with noxious materials. Motor vehicles and home heating plants, municipal dumps and factories continually hurl pollutants into the air we breathe. Each day almost 50,000 tons of unpleasant, and sometimes poisonous, sulfur dioxide are added to the atmosphere, and our automobiles produce almost 300,000 tons of other pollutants."

Smog is so bad in the Los Angeles area—despite rigid laws—that a daily smog index is reported over the radio to warn people of what to expect.

The last Congress won its name as a "Conservation Congress" for passing a wilderness bill, a land and water conservation fund, and youth conservation corps camps. Congress has begun to move to save little pockets of scenic beauty in new national parks and shorelines for generations yet unborn. But what was done in the last Congress is but a drop in the bucket to what still needs doing.

Two precious stretches of Lake Michigan shoreline—the Indiana Dunes and Sleeping Bear Dunes—are not yet safe from the grasp of money-grabbing real estate speculators. Time is running out for saving these outdoor playgrounds.

The eastern famine for places to camp in, hike, or fish was pinpointed by Pennsylvania's Senator JOSEPH CLARK: "The West, where 15 percent of our people live on 39

percent of the Nation's land, has 72 percent of all our Federal recreation acreage. In the Northeast, including New England and the Middle Atlantic States, is one-fourth of our population. But here only 4 percent of the Nation's recreation areas is found."

America has made staggering changes in the past 20 years. Our population zoomed by 50 million since World War II's end—that's as much as we grew from the time the Pilgrims landed to 1880. In the short span of only 20 years, then, our country had to find room for millions upon millions of new families. In another 20 years, we will grow by 50 million more.

Where will these people live? How will they live? How will they get to work? Where will they play? What kind of neighborhoods will they have?

Answers to all these questions are wrapped up in how the American people respond to President Johnson's challenge to "organize for action and rebuild and reclaim the beauty we inherited."

We can have stimulating neighborhoods, with a blend of the old and the new, as Author Jane Jacobs suggested in her book, "The Death and Life of Great American Cities."

We can have lively malls along our downtown shopping districts, with restful benches and arcades, and battery driven buses, rapid transit systems, underground parking garages, and outdoor cafes.

We can have tree-shaded neighborhoods with parklike sections and special parking areas so that children can play without danger from speeding cars.

We can blend homes for the elderly with homes for families with small children, homes for all races and nationalities, and homes for rich and poor and those in between.

The Great Society must be a compassionate society, and it must also be a place filled with beauty.

The war on ugliness is a twin campaign to the war on poverty. Indeed they are twin blights—unnecessary blights—on mid-century America.

America the unbeautiful is the blight that stands in full view, waiting for an unthinking, affluent America to care and to act.

America the poor is a blight that tends to stand hidden in the shadows, only occasionally—as in these days—reminding an unthinking affluent American to care and to act.

The war against poverty and the war for conservation must be fought side by side. America can never be really beautiful if it harbors poverty; America can never be really rich if it harbors ugliness.

We have started to take the first steps to banish poverty.

Now we are in a race with time to save the beauties of our countryside and our cityside. Every billboard jungle, every garish roadside stand or filling station, every dreary neighborhood with houses designed as if they came from a cookiecutter, every deserted downtown, every super-congested expressway, every bulldozer unnecessarily knocking down our trees—these are elements in the battle we must fight to save America's beauty.

Are we up to it? We must be.

## A STUDY OF ARIZONA'S POLITICS

Mr. FANNIN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a review of "Politics and Legislation: The Office of Governor in Arizona," authored by Roy D. Morey.

This excellent review, written by Dave Brinegar, was published in the Arizona Daily Star of Sunday, April 18, 1965.

Mr. Morey was special legislative assistant in the office of Governor during a portion of my term, and I found him a valuable and trusted aid. His study of the office of Governor is a thorough and penetrating one, and is worthwhile reading.

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

[From the Arizona Daily Star, Apr. 18, 1965]

LITERARY LANTERN: STUDY OF ARIZONA'S POLITICS WELL DONE

(By Dave Brinegar)

("Politics and Legislation: The Office of Governor in Arizona," by Roy D. Morey (University of Arizona Press, 134 pages, $4).)

This is a study of the office of Governor in the Arizona political scene, with some side observations on sociology and economics. It is exceedingly competently done. It develops the history of the governorship as an American institution swiftly in the opening pages and then traces the development of the office in Arizona since statehood in 1912.

The broader conclusions seem fairly obvious—that Arizona was a one-party State until 1950, that Arizona has been more loyal to local Democrats than to national Democratic leaders, and that the influx of new residents after World War II changed the State to where it has in Morey's words "a viable" two-party system.

But beyond the surface things, Morey digs into the details of what has happened and why.

The root of the fact that Arizona's governorship is not a supremely powerful office lies, Morey says, in the Colonies, where the colonists saw the governor as an instrument of the Crown in frustrating the people's will.

Certainly the Arizona governorship is not a strong office in the accepted political sense. An Arizona Governor cannot, for instance, remove a sheriff or a mayor from office, nor dissolve a legislature.

Morey's discussion of this situation leaves this reviewer with the opinion that the Arizona governorship can be strong, however, when in the hands of a person of intellect, powerful will—and possessed of luck. The last factor is of incalculable importance.

Morey generously gives credit to working newspapermen who helped him with interviews and in other ways. These include the Star's political reporter, Lester Inskeep, Jim Cooper and this reviewer. Mention by Morey in the case of the reviewer was most generous.

Of especially heart-warming interest among the footnotes is the revelation that Morey talked with Judge Jacob Weinberger, the last surviving member of the Arizona Constitutional Convention, just before Christmas of 1963.

In perhaps an unusually critical reading because of special personal interest, this reviewer discovered only a couple of typographical errors, one statement that he thought was wrong and one place where there was an error of omission. On that basis, Morey can be considered to have done a practically perfect work, something the University of Arizona Press can publish with pride.

## DENIAL OF FUNDS TO HISTORICAL OFFICE OF DEPARTMENT OF STATE

Mr. FULBRIGHT. Mr. President, I wish to call to the attention of the Senate a little known, but important, problem of American education and scholarship. I refer to the work of the Historical Office of the Department of State, which is being denied essential funds and personnel.

The Historical Office compiles significant historical documents from the files of the Department of State, for publication in the Foreign Relations series, which consists of several volumes for each year. The Foreign Relations series is well known and appreciated by historians and other scholars. These volumes provide vital source materials for study and writing in the history of America's foreign relations.

I strongly urge my colleagues to support adequate appropriations for the Historical Office, so that it may engage necessary personnel, close the time gap in publication which has resulted from inadequate resources, and meet other pressing needs.

The current problems of the State Department's Historical Office are elaborated in the 1964 report of the Advisory Committee on Foreign Relations, which is composed of seven prominent scholars, representing the American Political Science Association, the American Historical Association, and the American Society of International Law. I ask unanimous consent that the report of the Advisory Committee on Foreign Relations be printed at this point in the RECORD.

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

REPORT OF THE ADVISORY COMMITTEE ON FOREIGN RELATIONS FOR 1964

At its eighth annual meeting in Washington on November 6–7, 1964, the Advisory Committee on Foreign Relations agreed that the time had come to restate the basic aims of the State Department's oldest documentary series and reexamine the present procedures for carrying out those aims. The Committee has described in earlier reports the many problems besetting this distinguished series, recognized throughout the world as a model of governmental publication. Unfortunately, it must now report, some of those problems have not been solved. In spite of expressed sympathy by the highest officials in the Department, the Historical Office simply does not have the manpower or money to do its prescribed job. The Committee believes that both the executive and the legislative branches must act quickly and decisively to prevent a further deterioration of the situation.

The Foreign Relations series, begun under Abraham Lincoln, has long occupied a central place in an effort to base American foreign policy on a popular comprehension of the national purpose. A democracy needs to marshal all its intellectual resources for thinking through current problems and continuing values. To that end, it must provide full freedom of inquiry to its citizens and easy access to the primary materials on which sound research rests. Since 1921 the State Department has undertaken to print a comprehensive selection of documents, chosen by professional historians on the criterion of intrinsic importance, as soon after the events they describe as the Nation's security permits. That commitment was reaffirmed by Secretary Rusk in 1962 when he set the time lapse at 20 years (save in exceptional circumstances) instead of the 15 that had come to be regarded as traditional.

For more than 40 years this enlightened practice has provided statesmen, scholars, and publicists with the raw data for analyzing the recent past. The historical studies that draw upon Foreign Relations benefit not only the professional diplomat and the academic specialist but also the teachers who

enlighten each generation of young Americans and the journalists who relate current developments to past events. Because the United States prints its diplomatic documents at an earlier date than any other nation does, the Foreign Relations series has done much to shape historical writing about the Second World War and the postwar era, just as the early publication of German diplomatic documents for the years from 1871 to 1914 greatly influenced historians who, in the 1920's dealt with the period before the First World War. The American series has been free, however, from the political motivation which colored the editing of Die Grosse Politik. In short, the value of Foreign Relations in helping to prevent distorted accounts of American policy during an era of "cold war" can hardly be exaggerated.

In previous reports the Committee has noted how the the growing number of Foreign Relations volumes for a calendar year paralleled the expanding role of the United States in world affairs. Where 2 volumes were the rule in the early 1920's and 5 in the late 1930's, the events of the Second World War demanded 8 to 12. The period after 1945, when the United States assumed a tremendous range of military, diplomatic, and economic responsibilities around the globe, brought a proliferation of records which threatened to require 20 volumes for each year. Since that figure was patently impractical, the Advisory Committee asked the Historical Office to take a fresh look at its task. The response was gratifying. With daring and imagination the staff established priorities which would make it possible to tell a reasonably complete story in about eight volumes for any one year. Yet this self-imposed limitation did not greatly lessen the workload of an already short-handed staff, for the same number of people had to search through and select from an ever increasing volume of documents. Every report of the Advisory Committee since 1957 has stressed the need for additional personnel.

That need has not been met. Instead of being increased, the staff of the Historical Office has dropped from 62 in 1952 to 37 in 1964, with 2 long unfilled vacancies. The Committee discussed this problem at length with the officers of the Department and was informed that the ceiling on personnel, a part of a Government-wide economy measure, could not be broken by departmental efforts. The older members of the Committee were dismayed by this conclusion, for earlier conversations with the Secretary and the Under Secretary had given them hope that, in a crisis, relief might be provided. In 1964 the Committee did receive encouragement from the Under Secretary for Political Affairs and from the Assistant Secretary for Public Affairs that its members, as a group and individually, might carry the campaign in behalf of the Foreign Relations series to the appropriate committees of Congress. This approach seems to offer some hope for meeting the crisis at hand—a crisis that must be faced now, not next year or the year after.

For the 20-year goal is in peril. By the end of 1964 the timelag was 22 years; 1942 was the last year for which all the regular volumes have been released. By the end of 1964 only five of the seven planned for 1943 and none of the seven planned for 1944 had been issued. Equally disturbing is the diminished rate of publication. Five volumes were released in 1962 and five in 1963, but only two in 1964. To hold a 20-year line, it will be necessary to print 16 volumes in 1965. After 1965, eight or nine would be needed for each year. The 20-year goal set by the Committee and approved by the Secretary, cannot be met with existing personnel.

A further personnel problem, soon to become critical, involves recruitment and advancement. The compilers of Foreign Relations are trained and experienced historians. Some have been on the job since the 1930's when government service was often more attractive than college teaching. A few are nearing retirement, and the prospect of finding replacements with equal talent is bleak. Younger members of the staff must be advanced in salary and rank lest they be lured away to more remunerative and prestigious positions. It will be difficult enough in the next few years to compete with the burgeoning college market where many more desirable teaching posts exist than there are qualified candidates to fill them. It will be impossible to staff the Historical Office with properly trained scholars if Congress and the Department do not recognize by word and deed the importance of Foreign Relations. There must be some incentive for those who toil loyally and, from a professional point of view, anonymously. Permitting this series to fall further and further in arrears will certainly diminish that incentive.

The Committee fears that present budget practices pose another threat to holding the 20-year line. With each Foreign Relations volume costing about $15,000 to print and bind, the base figure of $18,500 for fiscal 1965 was wholly unrealistic. To be sure, $58,500 was eventually allotted, but the fact remains that $120,000 will be needed for printing and binding eight volumes a year, and $240,000 would be required to meet the 20-year goal by the end of 1965. Nor can the editors plan efficiently if they do not know more precisely in advance their annual budget for printing and binding.

Insufficient manpower and money, then, are clear and present dangers to the Foreign Relations series. Further difficulties exist. Gaining prompt clearance to print documents more than 20 years old is not always easy; and the Committee, which spent time examining specific cases, was astounded by some of the objections raised within the Department and elsewhere in the executive branch. Inadequate indexing can also hamper operations, although for the moment the Publications and Reproduction Services Division is coping intelligently with the problem. There too, as in the Historical Office, impending retirements will soon make recruitment a major concern.

The Committee discussed two matters related to its major concern. One was the status of American Foreign Policy: Current Documents, an annual compilation of unclassified and previously printed materials. The first volume, that for 1956, appeared in 1959; those for 1957, 1958, 1959, and 1960 were released in each case 4 years after the events they treat. Since this publication helps slightly to bridge the 20-year gap left by Foreign Relations, the Committee recommends that the 4-year lag in current documents be shortened. The other matter was access to the unpublished files of the Department, the revised regulations on which were considered in the Committee's report for 1963 and were summarized in the scholarly journals. Here the Committee strongly recommends that access for a calendar year be granted on the present restricted basis as soon as the initial Foreign Relations volume for that year is issued.

Once again the Committee acknowledges the many courtesies it received during its meeting from officials in the Department, especially Secretary Dean Rusk, Under Secretary for Political Affairs W. Averell Harriman, Assistant Secretary for Public Affairs James L. Greenfield, and Executive Director of the Bureau of Public Affairs Francis T. Murphy. In behalf of the organizations its members represent—the American Historical Association, the American Political Science Association, and the American Society of International Law—it expresses once more its confidence in the scholarly integrity of the Foreign Relations series. It pays tribute to William M. Franklin, director of the Historical Office, to S. Everett Gleason, editor of Foreign Relations, and to their associates for dedication and loyalty in pursuing an important public and scholarly task under disheartening conditions. It urges Congress and the Department to take immediate steps to insure that Foreign Relations will be in the future, as it has been in the past, a publication which does credit to the Nation and provides enlightenment for all its citizens.

Respectfully submitted.

William W. Bishop, Jr., University of Michigan [3]; Robert H. Ferrell, Indiana University [1]; Philip E. Mosely, Columbia University [1]; Robert E. Osgood, the Johns Hopkins University [2]; Robert B. Stewart, Tufts University [2]; Robert R. Wilson, Duke University [3]; Richard W. Leopold, chairman, Northwestern University.[1]

## VIETNAM: AN ENGLISH VIEW

Mr. CHURCH. Mr. President, all the evidence which comes from the Afro-Asian world bears one lesson for us: that the white Western powers must learn to play a new, nonmilitary role in that area. This advice applies to the European countries, as well as to the United States. In an article which was published in the highly respected English newspaper, The Guardian, Patrick Keatley reported that Western military intervention in that area only serves to benefit the cause of the Communist Chinese. In his article, Mr. Keatley summarized the Afro-Asian viewpoint as follows:

> The era for a Western military presence is past, though there are still Afro-Asian leaders who have not absorbed the lesson. Now is an era, not for Tommies, but for teachers and technicians; not for bombs and bases, but for books and businessmen.

Mr. Keatley concluded:

> In the Afro-Asia of 1965, the wisest rule for those heading east of Suez bearing burdens is that they should not be in uniform and not carrying guns. It is a lesson that Andrei Gromyko and Charles de Gaulle have both quite evidently learned.

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

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

KIPLING'S COUNSEL

(By Patrick Keatley)

"Pan-Africanism has neither army nor budget."—Sir ROY WELENSKY.

"We must give active support to the national independence movements in Asia, Africa, and Latin America; to the righteous struggle in all countries throughout the world."—MAO TSE-TUNG.

There is a world of wisdom to be gained from the verbal confrontation above. The pathetic thing is that Rhodesia's fallen leader made his cynical assertion as recently as December 1962, during a congratulatory banquet in Johannesburg; whereas Chairman Mao had already spoken his prophetic warning in Peiping 6 years earlier.

And the single, stunning political fact of the world of Afro-Asia today is that nationalism no longer lacks for budget nor battalions.

[1] Representing the American Historical Association.

[2] Representing the American Political Science Association.

[3] Representing the American Society of International Law.

This is the thing that strikes the Western visitor now who journeys east or south of Suez. Indeed, Sir Roy Welensky was already out of date (not for the first time) when he made that remark 2 years ago, though the process of boosting Afro-Asian firepower with Moscow muscle and Peiping potency has accelerated since then.

This is not to rejoice at his discomfiture, for I do not. Nor am I one of those who applaud with silent satisfaction at each new diplomatic success in Afro-Asia by China or the Soviet Union. It is just that as an observer, traveling in those lands today, I am bound—in spite of a private faith in liberal capitalism—to recognize and report blunt facts. And the basic fact is that the white man has, today, largely lost the diplomatic initiative.

This applies to the Russians almost as much as ourselves and, if Peiping overplays its hand, it will apply to the Han dynasty, too. There is a world of feeling in the sharp comment of President Ben Bella when he said recently that he will not tolerate that "at any price Algeria should become the pawn in a dispute which seems to us, at the very least, infuriating."

That observation came not long after Mr. Chou En-lai had wound up a Pan-African tour with the remark that "Africa today is ripe for revolution." So there is a certain caution in the back of the mind of any African leader when he negotiates with Mr. Ho Ying in Dar, Mr. Wang Yu Tien in Nairobi, or any of the other able Ambassadors that People's China has assigned in the past 5 years to the 16 new diplomatic missions she has opened on that continent. (Six more will be operating before the Second Afro-Asian Conference opens on June 29 in Algiers.)

But the thing that drives the Afro-Asian nationalist straight into the able, avuncular arms of Mr. Ho and Mr. Wang is when we in the West give way to an atavistic reflex that dates from Bismarck and Canning and the Congress of Vienna. Instinctively, like aging circus horses going into a familiar rountine, we have one instant reaction when we hear the thump of the Afro-Asian nationalist drum; alert aircraft/send soldiers/build bases. The harvest of headlines—as I saw them recently in the press of India and Pakistan—makes curious, outdated reading east of Suez: Airlift from Lyneham, RAF Rakes Harib, Greenjackets Go In.

HEADY WINE

These headlines may come as heady wine to some diehards at Westminster but there is only one other place where they can conceivably be received with satisfaction. That is in the Ministry of Foreign Affairs in Peiping where Mr. Wang—now in Nairobi—was until recently director of the West Asia and African Department.

The thing was put most vividly to me by the Indonesian Foreign Minister, Dr. Subandrio, when we met by chance in the plane from Lahore to Karachi just over a fortnight ago. We were introduced by Pakistan's Foreign Minister, Mr. Zulfikar Bhutto, his host for the political mission then in progress. (This has since been followed by a trade mission and a handsome loan, at low interest, to help Indonesia buy nonmilitary goods in Pakistan.) Mr. Bhutto, having made it clear that his country values its Commonwealth links with Britain and with Malaysia, then prompted his guest to speak.

What Dr. Subandrio had to say took some time, but in sum it came to the simple point that "We don't want British bases in Asia and we don't want white men in uniform on Asian soil." I started to argue the Malaysian case, pointing out that Tunku Abdul Rahman had negotiated the Singapore bases and the Anglo-Australian-New Zealand troop commitments as prime minister of a state that had—at the time of the 1963 London conference—been sovereign for 6 years.

But Dr. Subandrio's basic point was simple and he came back to it with Asian obduracy: whatever the reasons, these are simply the soldiers of a European colonial power on Asian soil; and the concept is politically out of date and emotionally unacceptable in the Asia of 1965. He did not want to stress the racial element, which was for him clearly a distasteful argument to employ. But it came through just the same, and when Mr. Bhutto joined in the conversation at the end (having carefully remained out of it so that I should hear the undiluted Indonesian case) the Afro-Asian view was summed up for me by the two Foreign Ministers this way:

"The era for a Western military presence is past, though there are still Afro-Asian leaders who have not absorbed the lesson. Now is an era, not for Tommies, but for teachers and technicians; not for bombs and bases, but for books and businessmen."

The same thought has been expressed in the past few days by the Vice President of Kenya, Mr. Oginga Odinga, who can hardly be described as a friend of the West and has spent many weeks in Peiping in the course of half a dozen visits since 1960. On a personal plane, he and I clash ideologically each time we meet. Yet I readily concede that he is a master politician, for he has an uncanny "nous" for sensing the pulse of the new Afro-Asia.

This week the news came out that Britain's new foreign secretary, Mr. Michael Stewart, had submitted to his fellow ministers at the Western European Union meeting in Rome a confidential analysis of Communist diplomatic penetration in Africa. Twenty-four hours later this produced from Nairobi this reaction from Mr. Odinga:

"During colonial days imperialist powers enjoyed the right to defend their ideological interests on Africa's soil. They still appear to retain that colonial mentality and continue to assume their activities cannot be checked."

One thing is certain to me: regardless of any private reservations President Kenyatta may feel about Mr. Odinga, when it comes to this sort of hot gospel of the new Afro-Asianism he certainly may not be checked.

VIGOROUS POLICY

But let me bring forward two authentically conservative voices to buttress my case. Mr. Bhutto is foreign minister of a regime which follows a vigorous economic policy favoring private enterprise as against the state. Yet on Afro-Asia he sounds like all the rest:

"The desire for solidarity is rooted in our general experience of colonialism and imperialism, with all the resultant indignities and exploitation. When nations emerging from foreign domination get together to promote the liberation of countries still subject to external control, it should not be regarded as merely negative unity but as a positive, moral force for human dignity and freedom."

My second authority is that other Asian conservative, Rudyard Kipling:

"Take up the White Man's burden,
and reap his old reward:
The blame of those ye better,
The hate of those ye guard."

In the Afro-Asia of 1965, the wisest rule for those heading east of Suez bearing burdens is that they should not be in uniform and not carrying guns. It is a lesson that Andrei Gromyko and Charles de Gaulle have both quite evidently learned.

## COLD WAR GI BILL ESSENTIAL FOR BETTER EDUCATED AMERICA

Mr. YARBOROUGH. Mr. President, the 88th Congress has been referred to as "education Congress," and the 89th Congress has earned itself credit for passing the Elementary and Secondary Education Act, this year.

However, before we can be assured of a better educated America, it is essential that we do not neglect any group of citizens who require an education in order to advance themselves in our society.

Recently, I received from Private John F. Maxwell a letter in which he states that most servicemen planning to reenter civilian life require further education if they are to compete in our society. To illustrate the need for assistance through the cold war GI bill, to these cold war veterans, I ask unanimous consent that Private Maxwell's letter be printed at this point in the RECORD.

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

FEBRUARY 26, 1965.

Senator RALPH YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR YARBOROUGH: I have been reading about the GI bill you have introduced into the Senate. I think that such a bill would be an asset to the strength and freedom of our country.

As a soldier myself, I know some of the feelings of anxiety and worry of the return to civilian life. Upon reentering civilianhood, I, along with thousands of others, face the problems of finishing an education.

I believe that if this bill is passed, it will encourage many people to finish their educations. Most soldiers planning on regaining their civilian status understand and acknowledge the need of a good education to be better able to cope with the competition that exists in our society of free enterprise.

A program of this nature would more than repay its expenses, not only financially, but, also, in ways not measurable in money.

This bill would lead to a greater, better-educated America. An America that will not be pushed nor swayed in this unpredictable age in which we live.

I want to congratulate you on an excellent job and to encourage you to keep up the good work.

Sincerely,

Pfc. JOHN F. MAXWELL.

## GARDNER JACKSON

Mr. GRUENING. Mr. President, a little over a week ago there died in Washington a man the like of whom America needs more—Gardner Jackson.

"Pat," as he was known affectionately by a wide circle of friends, was a crusader for fairness to the underdog, a vigilant sentry for often forlorn causes, a kindly, generous human being who spent his life in helping those of his fellow men who lacked the conventional supports which in America can often, but not always, be mobilized in behalf of the disadvantaged.

"Pat's" range of interest was wide. It included the diversity of race, creed, color, national origins, of political, social and economic discrimination. He was a liberal in the generally accepted use of that label, which perhaps always needs definition. And so, while mobilizing, as a young newspaper reporter in Boston, a campaign for a fair trial for Sacco and Vanzetti, whose electrocution for a crime which it is now generally recognized they never committed—as the late Justice

Frankfurter also stoutly maintained—Gardner Jackson fought the attempted Communist penetration of the ranks of organized labor and suffered lifelong physical disabilities in consequence. Using much of his material inheritance in behalf of the victims of misfortune whom he sought to aid, he leaves to his family a priceless legacy of conspicuous courage, hopeful faith in his fellow men and of undeviating purpose to try to correct injustice.

Gardner Jackson falls into the precious category of occasional "movers and shakers" who, from the early days of our Republic, have risked contumely and obloquy to carry out the promptings of their conscience and to seek to bring American life closer to its professions and ideals. "Pat" took the inevitable obstacles that his activities aroused in his stride, good humoredly, unpretentiously and without animus. His was a great soul.

An excellent tribute to Gardner Jackson by historian Arthur Schlesinger, Jr. appears in the current—May 1—issue of the New Republic. I ask unanimous consent that it, an editorial from the Washington Post, and his obituary from the same paper be printed at the conclusion of my remarks.

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

[From the New Republic magazine, May 1, 1965]

GARDNER JACKSON, 1897–1965

One of the notable figures of our times died in Washington on April 17. Gardner Jackson came from a wealthy railroad family in Colorado; but he spent his life, and most of his fortune, in helping the submerged people of his day, the subsistence farmers, the sharecroppers, the migrant laborers, the unskilled workers, the braceros, the American Indians. He began as a student by defending President Alexander Meiklejohn against conservative attacks at Amherst. As a reporter on the Boston Globe, he organized the defense committee for Sacco and Vanzetti. In New Deal Washington, he constituted a one-man farmer-labor party and reform movement, whether he happened to base himself at the Department of Agriculture or the Senate Civil Liberties Committee, the CIO, or the Farmers Union. If he could get no one to work with him in combating the indignities of the world, he would cheerfully set out to do it by himself.

Because he cared so deeply about people and injustice, he forgot things other people cared about, like power, success, prestige, money. They used to say sometimes that the underdog had "Pat" Jackson on a leash; but his caring was not soft or undiscriminating. Nearly a quarter of a century ago, when I came to Washington in the first years of the war, "Pat" Jackson invited me to join a group of anti-Communist liberals in Government agencies who met regularly for dinner and discussion. His courage as labor reporter for PM in exposing communism in the unions at the height of the wartime alliance with Soviet Russia led a band of National Maritime Union thugs to set on him late one night in 1944, beating him unmercifully and blinding him in one eye. No doubt historians will be hard put to credit Gardner Jackson with specific achievements—though people in Washington, as they read about Secretary Wirtz' bracero campaign today, will remember that they first heard about Mexican migrant labor from "Pat" Jackson 30 years ago; and this is true about many other things. His was a humane and spontaneous faith, generous, and disorderly, and he quickened the lives of all who knew him. He seemed to know everybody in the America of his time—from Meiklejohn, Robert Frost, and Stark Young in his undergraduate days through Felix Frankfurter, Reed Powell, and my father in Cambridge, John Dos Passos and Edmund Wilson on Cape Cod, and Franklin and Eleanor Roosevelt, Henry Wallace, Francis Biddle, John L. Lewis, and James G. Patton, down to John F. Kennedy, for whom he worked in the Massachusetts senatorial campaign of 1952.

With some of these people he came to a parting of the ways. But he valued and preserved the bonds of human affection. Not being devoid of human frailties, he always distinguished between the sinner and the sin. Those whose lives he enriched never forgot him. I remember that in the White House President Kennedy used to ask me from time to time what "Pat" Jackson was up to. Next to Pat's irrepressible humanism, the cheerless bureaucratized liberalism of later years, drilled in movements and tyrannized by slogans, seemed a sad and dreary thing. Gardner Jackson's everlasting strength was his perception that people mattered more than dogma, sympathy more than righteousness—this and a rare humor and modesty about himself.

ARTHUR SCHLESINGER, Jr.

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[From the Washington (D.C.) Post, Apr. 22, 1965]

GARDNER JACKSON

Gardner Jackson—he was Pat Jackson to everyone who knew him—represented an essentially romantic and crusading tradition in journalism and in politics. The role of detached observer was not for him. He was a part of all that he experienced, a profoundly involved mover and participant. Thus, as a young newspaperman in Boston during the 1920's, he became involved in the Sacco-Vanzetti case and took a leading role in that bitter controversy. As a reporter in Washington during the earliest days of the New Deal, he soon found himself caught up in the excitement of its reforms and directly engaged in its internal struggles. The same course characterized his relations with the turmoil in the labor movement of the 1940's.

To every cause with which he was connected, Pat Jackson gave himself unstintingly. He brought to all that he did an extraordinary exuberance and commitment, a sense of ardor and of passionate conviction. His death at 68 takes from the Washington scene a most colorful and attractive figure. If he belonged somewhat more to an exciting past than to the present, he belongs none the less richly today to those who shared that past with him and cherish him as one of its authentic heroes.

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[From the Washington (D.C.) Post, Apr. 18, 1965]

STORMY CAREER ENDS FOR GARDNER JACKSON

(By Willard Clopton)

Gardner (Pat) Jackson, 68, once called "the champion of lost causes" for his zealous support of the underdog, died early yesterday at Washington Hospital Center.

In 45 years as a newspaperman, public official, and union executive, Mr. Jackson crusaded for such causes as Sacco and Vanzetti, the southern sharecroppers, the Spanish Royalists, the American Indian, the bonus marchers, and civil liberties in general.

His persistence cost him several jobs, his inherited wealth, and the sight of one eye.

Born in Colorado Springs, son of a western railroad magnate, Mr. Jackson had lived in Washington more than 30 years. His home was at 1410 29th Street NW.

One morning in 1921, when he was a fledgling reporter on the Boston Globe, his wife, Dorothy, looked up from the paper and said, "Pat, there's something strange about this trial down in Dedham. Why don't you see if you can find out anything about it."

The trial was that of Nicola Sacco and Bartolomeo Vanzetti, two immigrant Italian anarchists accused of a payroll robbery and murder the year before.

Mr. Jackson became curious about the lack of hard evidence against the two and was soon convinced that they were on trial mainly for their political beliefs. He did much to bring the case to national attention.

He began giving more and more of his time to the case and in 1926 quit the Globe to become secretary of the Sacco-Vanzetti Defense Committee.

After the two were executed in 1927 he returned to the Globe, but came to Washington in 1930 to become correspondent for several Canadian papers.

Three years later, he was recruited by the New Deal as assistant consumer's counsel in the Agricultural Adjustment Administration, set up to help farmers hurt by the depression.

While Agriculture Secretary Henry A. Wallace was concentrating on aiding farmers who owned their lands, Mr. Jackson and some other aids began focusing instead on the problems of tenant farmers.

Their divergent interests led in 1935 to the "Wallace purge," in which Mr. Jackson and the others were fired.

Several years later he was rehired by Agriculture Secretary Claude Wickard, but in 1943 again was dismissed after pushing too hard for expansion of the Farm Security Administration, which focused its efforts on helping the small subsistence farmer.

An element in both firings was a suspicion that the outspoken official had leaked inside information to the press.

Mr. Jackson had by this time become a confidant of official Washington and his counsel was sought frequently by Cabinet officers, Supreme Court Justices, even the White House.

For several years in the 1930's and 1940's, Mr. Jackson did organizational work for the CIO, first under John L. Lewis and then under the late Philip Murray. He was active in helping to eliminate Communist influence from the organization after World War II.

In 1944, he was attacked outside a Greenwich Village restaurant and suffered a vicious beating, which caused him to lose the sight of one eye. The assault was believed linked to his anti-Communist activity.

The son of William S. Jackson, banker and owner of the Denver & Rio Grande Railroad, Mr. Jackson lived in Colorado until coming East to attend Amherst College.

After 2½ years there he entered the Army, which assigned him to a machinegun company in Georgia until after the end of World War I. He spent a year afterward at Columbia University before joining the Globe.

In the 1940's, Mr. Jackson spent 2 years covering Washington for the now defunct newspaper, PM. In recent years, he had been a freelance writer and labor consultant.

Mr. Jackson is survived by his wife; three sons, Gardner, Jr., and Geoffrey, of Boston, and Everett, of Cape Cod; a daughter, Mrs. Raymond Smith, of Hastings-on-Hudson, N.Y., and seven grandchildren.

A memorial service will be held at 11 a.m. Monday at Gawler's Funeral Home, Wisconson Avenue and Harrison Street NW. Burial will be private.

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## MRS. JUDITH BEILIN, CONSUL OF ISRAEL, GIVES SIGNIFICANT ADDRESS AT STATE OF ISRAEL BOND DINNER IN CHARLESTON, W. VA.

Mr. RANDOLPH. Mr. President, it was my privilege to participate in the program of the State of Israel bond din-

ner, sponsored by the Charleston, W. Va., committee, on April 11, 1965.

Mrs. George Samuels played the "Star-Spangled Banner" in opening the event and Rabbi Samuel Volkman of Charleston's Virginia Street Temple offered the invocation. The benediction was given by Rabbi Samuel Cooper.

Alvin Gordon, 1965 chairman of the Charleston bond drive, extended greetings and introduced Gov. Hulett Smith, and his lovely daughter; Mayor and Mrs. John Shanklin of Charleston, Mayor and Mrs. William Brown of Parkersburg, Mayor H. H. Cudden of Logan, Mayor John W. Smith of Beckley, and Mayor Frank Rybka of Weirton.

The permanent chairman of the Israel Bond Committee is Ben Lieberman, and Mrs. David E. Borstein serves as chairman of the Israel Bond Women's Division. Mrs. Lieberman introduced the principal speaker, Mrs. Judith Beilin, Consul of Israel, in New York since 1961. In a very moving talk Mrs. Bellin told of obstacles to be overcome by the people living in Israel and of the importance of bonds in the success of that developing country.

She told of the achievements thus far brought into being by the money secured through bonds. These include great progress in both youth and adult education, vocational training, irrigation, and cultivation. The building of 375,000 housing units for newcomers, and the expansion of industry for a labor force of some 800,000 are realities. Mrs. Bielin pointed to the rise in Israel's exports from $40 million in 1950 to $700 million today. She also emphasized that new roads and electricity and a cooperative program with the United States in the desalination of salt water by nuclear power, are being brought to fruition.

Mr. President, I was impressed with Mrs. Beilin's appeal, and I was deeply touched by the presentation she made to me on behalf of the Government of Israel.

There were approximately 150 West Virginians in attendance for this annual dinner.

## IN SUPPORT OF THE 10TH INTERNATIONAL GAMES FOR THE DEAF

Mr. KENNEDY of New York. Mr. President, this summer an unusual event in the sports world will take place here in Washington, D.C. It is the 10th International Games for the Deaf.

Few Americans disclaim an interest in sports—whether it be as a participant on ski or skate or as a standing spectator at a sandlot game or when sitting in some huge municipal arena at a professional athletic contest.

And even those with only a casual interest are drawn to the sports pages during the time of the famed international Olympic games.

So it should be of general interest, Mr. President, to realize that a deserving international competition, the "Deaf Olympics," is being held in the Nation's Capital from June 26 through July 3 of this year. The program both deserves and warrants our support.

It was 40 years ago that Mr. E. Rubens-Alcaise founded the Committee for Silent Sports—a literal translation of the French title. Its purpose is to develop "physical education in general, and competitive sports in particular, among the deaf and dumb of the world."

In 1924, the committee sponsored the first International Games for the Deaf. Held in Paris, 145 athletes, representing 9 nations, competed. In 1935, the United States competed for the first time, thanks to S. Robey Burns, of Alexandria, Va. His guidance resulted in participation in the games by two American athletes.

Since then, the Deaf Olympics have drawn an increasing number of competing American athletes. The last games were held in Finland, 4 years ago.

Now, for the first time these games will be held in the United States, despite a strong bid by the Soviet Union. Also for the first time, the games will be run by the deaf themselves.

More than 1,000 athletes, representing 29 nations, will be competing. I understand that approximately 5,000 persons involved in some fashion in the games will come to Washington. Gallaudet College, the only institution of higher learning for the deaf in the world, will be headquarters for these Olympics.

The Deaf Olympics operate under the same rules and procedures as those of the senior Olympics. Competitors are drawn from among those "who are deaf by birth or become deaf following an illness or other extreme cause—and provided that they attend an institution for the deaf or received special instruction because of their deafness."

In 1951, the International Olympic Committee granted official recognition to the Deaf Olympics. Since 1963, the American Athletic Association for the Deaf has sponsored the U.S. representatives.

Jerald M. Jordon, chairman of the 10th International Games for the Deaf and a member of the Gallaudet faculty, recently stated quite well the games' purpose:

> The common incentive of sportsmanship and competitiveness hurdles the barriers of language and custom, and provides a notable contribution toward understanding among peoples.

Surely, these games inspire and challenge young men and women burdened by deafness to aspire to wider roles of leadership and usefulness in society.

In 1962, President Kennedy accepted an invitation to be the honorary chairman of this summer's games. At that time he said:

> They will open another area of cooperation with other nations of the world in helping and encouraging them to develop and improve the education and training of the deaf in their own countries.

Last year, President Johnson accepted the honorary chairmanship of the games. Since their beginning, President Johnson said:

> The Deaf Olympics have served efficiently to awaken the world to the potential of the deaf for full participation in our affairs.

Mr. Justice Byron White, the senior Senator from Massachusetts [Mr. SALTONSTALL], the Honorable Anthony J. Celebrezze, Secretary of Health, Education and Welfare, and I have been pleased to accept invitations to serve as sponsors of the games.

These Olympics present Americans with a wonderful opportunity to demonstrate to visiting athletes and their entourages the hospitality for which we are justly famed.

Moreover, at Gallaudet, headquarters for the games, deaf people are being trained in mathematics and science to a degree unparalleled elsewhere in the world. Foreign visitors will have an opportunity to see that the education of the deaf need not be limited to the relatively narrowing confines of vocational training.

Therefore, I hope my distinguished colleagues will agree with me that this vast undertaking by the deaf of the United States deserves the wholehearted support of all of us. And with this support comes our best wishes.

## FORMER AMBASSADOR SPEAKS UP

Mr. CHURCH. Mr. President, John Kenneth Galbraith, the distinguished economist and professor at Harvard University, was one of the best ambassadorial appointments made after the Democrats came into power in 1961. Mr. Galbraith compiled a fine record of achievement as our Ambassador to India, before resigning, to return to Harvard. During his service as Ambassador, Mr. Galbraith displayed a developed sensitivity to Asian feelings and knowledge of the Asian point of view.

Ambassador Galbraith—who is a strong supporter of our President, and who campaigned vigorously for him last year—calls for an end to the bombings of North Vietnam, as a necessary precondition to any kind of negotiated settlement, in a letter published in the April 27 issue of the New York Times. In urging an end to the bombing of North Vietnam, Ambassador Galbraith, who made detailed studies of the effects of the massive American bombing of German cities during the Second World War, comments:

> Those of us who were responsible for air intelligence in World War II learned that bombing, without exception I believe, hardened the morale of those under attack. This, and the difficulty in seeming to yield while under attack, means that the raids undercut the offer of negotiations by the President.
>
> Finally, and most important, the attacks are alienating our friends in Asia, Europe, and Africa and quite possibly strengthening and consolidating our opposition.

I ask unanimous consent that Ambassador Galbraith's excellent letter be printed at this point in the RECORD.

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

SUSPENSION OF AIR ATTACKS URGED

To the EDITOR:

In his column of April 21 on the recent Vietnam discussion in Cambridge, James Reston lists me as one of the defenders of President Johnson's policies. This is accurate. I noted that the President's choices had been greatly narrowed by the earlier history. His Baltimore speech was a long

step away from the narrow intransigence which had previously passed for policy. Perhaps I might add a further word on my views.

As most people are now aware, those predominantly concerned with Vietnam policy in the past held doggedly to the thesis that it was primarily a military problem. Other interpretations and remedies, including those advanced by the President in Baltimore, were dismissed as softheaded. Then when things went wrong, as they repeatedly did, the protagonists urged as the reason that the military commitment was insufficient.

The remedy was to do more of the same. Since more could always be done, their case was not easy to refute. Furthermore, as is invariably the case, courage and vigor seemed to be on the side of military oversimplification.

COMMITMENT TO COURSE

It is an important consequence of policy that the individuals involved—I do not here include Secretary McNamara, whose rationality I much respect—have become deeply committed to this course. It is not so much the reputation of the United States as the reputation of particular policymakers that was at stake.

It was this current of history that the President in Baltimore began to reverse.

But reversal involves one further and important step. That is to suspend the air attacks, and this I strongly urged. Those of us who were responsible for air intelligence in World War II learned that bombing, without exception I believe, hardened the morale of those under attack. This, and the difficulty in seeming to yield while under attack, means that the raids undercut the offer of negotiations by the President.

And so long as they are not directed at cities, something that the President has scrupulously resisted, they are of slight effectiveness. Light weapons and supplies passing along jungle supply routes are all but invulnerable and, in any case, the Vietcong depends heavily on local resources.

Finally, and most important, the attacks are alienating our friends in Asia, Europe, and Africa and quite possibly strengthening and consolidating our opposition. Repeatedly in past moments of muscular aberration, we've imagined that we could get along without friends; as regularly, we have discovered it couldn't be done. This argues also for suspension.

Assuming that we must hold a bargaining position in the cites and surrounding areas, it is ground forces which are needed. These do not block the prospect for negotiations. They do not involve even the accidental danger of escalation. They do not produce daily reports of seemingly sanguinary action. And none of our friends will imagine that we intend to begin an infantry war in Asia.

AVOIDING DISASTROUS COURSE

In 1962, when the conflict between China and India erupted into open fighting, our policy was to help the Indians on the ground and persuade them not to commit their prestige and that of the Chinese by carrying the attack into the air. I invested great energy in this effort. I have always thought it was my most useful contribution to the avoidance of what might have been a costly and otherwise disastrous conflict.

JOHN KENNETH GALBRAITH.

CAMBRIDGE, MASS., *April 21, 1965.*

## NEW UNDER SECRETARY OF THE DEPARTMENT OF AGRICULTURE

Mr. McGOVERN. Mr. President, yesterday the President announced at his news conference that he would nominate Charles S. Murphy, who has served 4 years as Under Secretary of Agriculture to become Chairman of the Civil Aeronautics Board. Charlie Murphy has been an outstanding Under Secretary, and he will be missed at the Department of Agriculture. He will, however, serve with great distinction in his new post.

I want him to know that I am one of many Members of Congress, representing agricultural States, who appreciate the time he has allocated out of his lifetime to the cause of the farmers, and the enlightened aid he has given throughout those years.

I am pleased that the President has nominated John A. Schnittker, the Director of Agricultural Economics of the Department of Agriculture to succeed Mr. Murphy as Under Secretary of Agriculture. Dr. Schnittker is an outstanding economist and a respected Government servant. He has worked closely with Secretary Freeman and Under Secretary Murphy for 4 years in fashioning improvements in the farm program. He has not ceased to seek means of making further improvements. He is a vigorous proponent of a prosperous agriculture which can contribute economic strength, as well as abundant food and fiber, to the Nation.

Before coming to the Department of Agriculture he was among the first of the agricultural economists in the land-grant universities to make his voice heard on the vital issues confronting American farmers as surplus stocks grew, and as farm incomes declined in the late 1950's.

In 1959 he served as a consultant to the Senate Committee on Agriculture and Forestry in developing a pioneer report on the dangerous effects to the incomes of American farmers of throwing them on the mercy of the marketplace. This early study, done by the Department of Agriculture with the collaboration of Dr. Schnittker and other university economists, has been reaffirmed over and over again by independent universities studies.

In 1960 Dr. Schnittker served as a consultant to the Joint Economic Committee of Congress in a study of American farm policy. In that report issued late in 1960, Dr. Schnittker worked closely with Dr. Walter Wilcox, the respected agricultural specialist of the Library of Congress, and with Dr. George Brandow, now the staff director of the National Commission on Food Marketing. This report again reaffirmed the importance of sound and responsible Government programs both to American farmers and to the national economy.

In 1960 Dr. Schnittker also published through the Kansas Agricultural Experiment Station an important report on wheat programs, in which he examined the basic alternatives open to farmers and to the Congress for changes in the wheat program in the 1960's.

In October of 1960 Senator John F. Kennedy asked Dr. Schnittker to serve as chairman of a task force to examine the wheat situation and to make recommendations to him after the election. This report was made to President Kennedy after his inauguration.

In May of 1961, Dr. Schnittker joined the Department of Agriculture as staff economist and worked closely with the Secretary and his staff in the development of improved programs for the major commodities particularly feed grains and wheat.

He has appeared many times before the Senate Committee on Agriculture and Forestry and other committees of the Congress and has always been most helpful to Members of Congress.

Over the last 2 years, Dr. Schnittker has also represented the Department of Agriculture and the U.S. Government in connection with grain negotiations associated with the Kennedy round of trade negotiations now underway in Geneva.

Early this year, he spoke at the annual convention of the National Association of Wheat Growers in Portland, Oreg., on the critical importance of both continuation of the wheat programs in this country and developments of export markets abroad. This was an excellent statement of the crucial relationship between domestic programs and trade relationships.

As a Senator from a wheat and feed grain producing State, I welcome Dr. Schnittker's elevation, for he is a scholar, a realist, and a dedicated friend of farmers.

## EDWARD R. MURROW

Mr. KENNEDY of New York. Mr. President, the passing, yesterday, of Edward R. Murrow was a tragic loss for his family, and was an overwhelming loss for all the people of the United States. None of us will ever forget his broadcasts from England during the war. Millions of us sat by our radios regularly, waiting to hear his familiar voice saying, "This is London."

Of course, I knew him by reputation from that time; and I came to know him personally while we served together in Government. Everything I had heard was true; his integrity and his judgment earned him the highest respect of all who knew him. President Kennedy relied implicitly on him. He made a major difference, not only in the USIA, but also in everything else he turned his hand to within the Government. His recommendations and thoughts changed the course of American foreign policy more than once. He spoke very seldom, but when he did—in Cabinet meetings, in the National Security Council, and in many of the committees of Government—he inevitably made sense, and was listened to by everyone. All of us who served with him had the greatest affection for him. For President Kennedy, he was, in a word, indispensable.

I can think of nothing more appropriate to describe Ed Murrow than the following excerpt from Shakespeare's "Julius Caesar":

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man!"

Mr. President, the tribute to Ed Murrow, written by James Reston, and published today in the New York Times, is deeply moving and very appropriate. I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

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

[From the New York Times, Apr. 28, 1965]

WASHINGTON: FAREWELL TO BROTHER ED

(By James Reston)

WASHINGTON, April 27.—Edward R. Murrow lived long enough before he died this week to achieve the two great objectives of a reporter: He endured, survived, and reported the great story of his generation, and in the process he won the respect, admiration, and affection of his profession.

The Second World War produced a great cast of characters, most of whom have been properly celebrated. Roosevelt, Churchill, and Stalin are gone. Chiang Kai-shek is now living in the shadow of continental China, which he once commanded, and only De Gaulle of France retains power among that remarkable generation of political leaders formed in the struggle of the two World Wars.

The great generals of that time too, like MacArthur and Rommel, have died or, like Eisenhower and Montgomery, have retired; but in addition to these there was in that war a vast company of important but minor characters who played critical roles.

THE IRONY OF HISTORY

History would not have been the same without them. They were the unknown scientists, like Merle Tuve, who invented the proximity fuse and helped win the air war, and chiefs of staff like Bedell Smith, and the Foreign Service officers like Chip Bohlen and Peter Loxley of Britain, and on the side, the Boswells of the story, like Ed Murrow of the Columbia Broadcasting System.

It was odd of Ed to die this week at 57—usually his timing was much better. He was born at the right time in North Carolina—therefore he was around to understand the agony of the American South. He went west to the State of Washington as a student and therefore understood the American empire beyond the Rockies; and he came east and stumbled into radio just at the moment when it became the most powerful instrument of communication within and between the continents.

A REMARKABLE GROUP

He was part of a remarkable company of reporters from the West: Eric Sevareid, Ed Morgan, Bill Costello, whom Murrow recruited at CBS; Hedley Donovan and Phil Potter, out of Minnesota; Elmer Davis, Ernie Pyle, Tom Stokes, Bill Shirer, Raymond Clapper, Wallace Carroll, Webb Miller, Quentin Reynolds, Wally Deuel, the Mowrers, and many others, including his dearest friend, Raymond Gram Swing, who played such an important part in telling the story of the Old World's agony to America.

"THIS IS LONDON"

But Murrow was the one who was in London at that remarkable period of the battle of Britain, when all the violence and sensitivities of human life converged, and being sensitive and courageous himself, he gave the facts and conveyed the feeling and spirit of that time like nobody else.

It is really surprising that he lived to be 57. He was on the rooftops during the bombings of London, and in the bombers over the Ruhr, and on the convoys across the Atlantic from the beginning to the end of the battle. Janet Murrow, his lovely and faithful wife, and Casey, his son, never really knew where he was most of the time but somehow he survived.

In the process, he became a symbol to his colleagues and a prominent public figure in his country, and there was something else about him that increased his influence. He had style. He was handsome. He dressed with that calculated conservative casualness that marked John Kennedy. He was not a good writer, but he talked in symbols and he did so with a voice of doom.

It is no wonder that the British, who know something about the glory and tragedy of life, knighted him when they knew he was dying of cancer at the end. Their main hope in the darkest days of the German bombardment of London was that the New World would somehow understand and come to the rescue of the Old, and if anybody made the New World understand, it was Murrow.

THE RAT RACE

He hated the commercial rat race of the television networks, and fought their emphasis on what he regarded as the frivolities rather than the great issues of life, and talked constantly of escaping back into the small college atmosphere from which he came. He never made it, and probably wouldn't have liked it if he had.

Those who knew him best admired him most. He was a reporter of the old school and a performer of the new. In radio and television, only the memory of other people remains, and the memory of Ed Murrow will remain for a long time among people who remember the terrible and wonderful days of the Battle of Britain.

## SUCCESSFUL RAIL COMMUTER SERVICE

Mr. DOUGLAS. Mr. President, during recent years it has been the fashion of many railroads to bemoan their obligations to continue passenger service, when they would rather devote their investments to the more lucrative pastime of hauling freight. Passengers, it has been repeated time and time again, cannot be transported by rail at a profit. I always believed this premise was false; and now I am glad to report that it has been proven false. Airplanes have carried passengers at a profit, and busses have carried passengers at a profit; and I believed that sincere management would enable railroads to carry passengers at a profit.

The commuter problems in Chicago and Cook County are as severe as any that will be found in the world. While bringing passengers to and from work in the metropolitan area, the railroads complained of revenue and operating losses year after year. New expressways were constructed to meet the public demand for effective transportation facilities. Soon, these highways were enabling hundreds of thousands of commuters to drive into Chicago every day. But this resulted in the strangulation of the city's streets and parking lots.

Recently, the Chicago and North Western Railroad began a program of attacking the railroad-commuter problem at its source; the railroad management. It brought in Ben W. Heineman as chairman, and Clyde J. Fitzpatrick as president; and these two twisted the company's thinking around to where the considerations of the commuting public became paramount, rather than continuing under the old approach of giving the public what management thought the company could afford to give.

The entire attitude of the company changed from commuter tolerance to commuter enthusiasm. The C. & N.W. proceeded to put $50 million into new equipment designed specifically for commuter service. The bold gamble began to pay off; and in 1963, and again in 1964, the C. & N.W. operated its commuter service, using its new equipment, at a profit. This demonstrates the ability of railroads to operate this service at a profit. The story of the C. & N.W. encourages other railroads to step into this breach. Profits can be made by operating rail service for commuters; all it takes is the proper company attitude. As Mr. Heineman put it:

You can't have successful suburban service without support, interest, attention, and devotion to top management. If top management doesn't want it, it's not going to happen.

In its April 5, 1965, edition, the St. Louis Post-Dispatch published an editorial on the C. & N.W.'s progress in serving the commuter; and I ask that the editorial be printed at this point in the CONGRESSIONAL RECORD.

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

[From the St. Louis (Mo.) Post-Dispatch, Apr. 5, 1965]

WHERE THE COMMUTER IS KING: CHICAGO PRODUCES SUCCESSFUL RAPID TRANSIT WITH GOOD MANAGEMENT, THOUGH PROBLEMS LOOM

Roaring toward Chicago at high speeds from six different directions every workday morning are strings of double deck commuter cars bearing the emblems of four different railroads. They are clean, well lighted, warm in winter, cool in summer, and almost always on time. In their seats are perhaps the country's most contented railroad commuters.

There are two basic reasons why railroad commuter service is so much better in suburban Chicago. One is that most of the railroad managements there desired to make it so, and had the money or credit to implement their desires. The second is an enlightened public commission.

To four of Chicago's six major commuter railroads, the commuter is king. Together, these four have spent an aggregate $100 million in the past 10 years for modernization of suburban service. As a consequence they have held far more riders than the New York commuter lines. They have also cut or erased huge deficits, since newer equipment reduces their costs.

Most of these Chicago lines deal with a single State regulatory body, the Illinois Commerce Commission, which has repeatedly accepted railroad contentions that they deserve fare increases if they operate modern equipment.

Until recently Chicago has had nothing like New York's celebrated parkway system, which dates back to the 1930's, and this, too, has helped.

Now that expressway building in and around Chicago is in high gear, however, railroads are running into experiences similar to those that hit New York years ago.

The Illinois Central's daily passenger total, for example, has plummeted from 67,000 in 1957 to 46,000 today, with nearly half the decrease coming after the opening of a new expressway. For the same reason the Chicago, Rock Island & Pacific lost 10 percent of its passengers in 1963. When the Kennedy Expressway opened several years ago, the Chicago & North Western, perhaps the classic case of a successful suburban operation, lost 7.3 percent of its passengers.

At the time, the North Western had actually been making a slim profit from its commuter service. But after the expressway opened, it lost a combined $4 million in 1961

and 1962 when passengers deserted the railroad for concrete. Operations were back in the black in 1963, though, to a tune of $706,000—for a significant reason.

Extensive highway building north of Chicago had helped bring the demise of an electric interurban railway, the Chicago North Shore & Milwaukee. But when all the former North Shore passengers were turned loose, the highways became so jammed that the North Western added customers. It now carries 72,000, up from 62,000 a decade ago.

Many in Chicago fear that as such changes occur a lack of foresight and overall planning may someday create the same problems for Chicago the New York lines now suffer from.

Even with the relative success of the Chicago railroads, there are problems that could halt the system in the future, says one top official. "Public bodies react only to crisis," he points out. "Thus," he says, "there has been no comprehensive transportation plan completed to produce an integrated system of expressways, rapid transit, and commuter lines. Unless there is this plan, in 10 or 15 years we will find Chicago's favorable transportation situation changing to unfavorable."

For the time being, however, conditions are comparatively favorable. Take the case of the North Western. It was saddled with a $2,100,000 suburban deficit in 1957, when Chairman Ben W. Heineman and President Clyde J. Fitzpatrick spent their first year in control of the railroad. They concluded that the route to improvement lay in offering a first-class product. They first won the right to close 22 of 88 commuter stations; these were the stations closest to the city that were also being served by rapid transit lines. More importantly, they obtained a 24-percent increase in fares. Heineman then persuaded the Metropolitan Life Insurance Co. to lend the road what finally amounted to $50 million to purchase new equipment.

With the new equipment came two edicts: Trains would be run on time; commuters would be pampered.

This gives another insight into the success of the C. & N.W.'s commuter service. "You can't have successful suburban service without support, interest, attention, and devotion of top management," Heineman declares. "If top management doesn't want it, it's not going to happen."

Two other moves, unusual for commuter railroads, that Heineman instituted were an advertising campaign and special classes to teach conductors how to be polite.

Since 1959, the North Western has sponsored radio helicopter traffic report programs, seeking out the people it considers its prime potential customers—motorists stalled in traffic.

## WAR IN SOUTHEAST ASIA—STATEMENTS BY SENATOR MANSFIELD AND SENATOR AIKEN

Mr. CHURCH. Mr. President, on April 21, both the distinguished majority leader, Senator MANSFIELD, and the respected dean of Senate Republicans, Senator AIKEN, made eloquent statements about the danger of an escalating war in southeast Asia. The applause from the galleries which greeted Senator AIKEN'S remarks represented a spontaneous demonstration of the commonsense feeling of most Americans that the United States should not become involved in a major war on the Asian continent. In the April 22 issue of the New York Times, Arthur Krock had a fine article in which he praised Senators MANSFIELD, AIKEN, and FULBRIGHT for the responsible manner in which they have fulfilled their constitutional duty respecting foreign affairs.

The New York Times published a fine editorial on the same day. In its lead editorial, entitled "'Descalation' Needed," the Times commented:

Bitterness and emotionalism are increasingly entering the discussions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battle lines were being drawn all over the world—but for a major war that need not and must not take place.

President Johnson launched a very tentative but real peace offensive at Johns Hopkins. He has not yet given this policy enough time but the continued bombing has tended to cast some doubt on the sincerity of the U.S. desire for negotiations.

This is clearly a moment of crisis—for Vietnam, for the United States and for the world. Less bombing, not more, offers some hope of peace—without weakness of American resolution. By taking such an attitude the United States would show strength as well as wisdom.

I ask unanimous consent to have the editorial and the article—both excellent—from the April 22 issue of the New York Times, printed at this point in the RECORD.

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

[From the New York Times, Apr. 22, 1965]

"DESCALATION" NEEDED

The war in Vietnam is to be "stepped up," Washington now says. In other words, the U.S. Government is going to continue to bomb, send in more Americans, spend more and commit more lives, money, destructiveness and power—and take more risk. In return, the hope is that Hanoi will act to curb the Vietcong guerrillas in South Vietnam, if it can, and will refrain from sending in more men and arms and orders to the south. The hope also is that Peiping and Moscow will hold off from their own particular methods of escalation.

Those who have all along feared that the course the war has been taking since early February would force the United States into an ever greater commitment, leading to ever greater danger to Asia and to the world, are unhappily being proved true prophets. Once a war begins, forces take over which seem beyond control. In Vietnam, on both sides, one step is leading—as if inexorably—to another and then another. Continuance of the present process by the opposing forces could lead to catastrophe.

Nothing is more important for Americans today than to face these hard truths before it is too late. And it is vital that the channels of communication, of opinion and of dissent be kept open—on the floor of Congress, in the press, in the country at large—in the face of a growing tendency to ridicule or to denounce the opposition and to demand unswerving support of further escalation in the name of patriotism.

Bitterness and emotionalism are increasingly entering the discussions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battlelines were being drawn all over the world—but for a major war that need not and must not take place.

President Johnson's offer of "unconditional discussions" was a splendid move on the diplomatic/political front, in the effort to achieve a peaceful solution of the quarrel. While it deserved a far better response from the other side than it has yet received, it did mark, as we have previously noted, a beginning to an interchange among the combatants—subtle and indirect, but nevertheless a beginning.

But the continued bombing of North Vietnam makes progress toward a peaceful settlement—however far off it must necessarily be—more difficult rather than less, harder rather than easier. We think that as a followup to the President's fine declaration in Baltimore, a descalation of the war is needed, rather than the escalation that we now see imminent.

It is at least worth the effort to see whether a scaling-down of the bombing might not evoke a corresponding scaling-down of North Vietnamese aggression in South Vietnam. The North Vietnamese incidents in the South are easily measurable; if a diminution of American bombing of the North should lead to a miminution in the rate of incidents in the South, a major step would thereby be signaled toward the "unconditional discussions" offered by the President.

Of course there might be no such response at all; and if there were not, the bombing would be resumed. But at least a descalation such as we suggest would afford the opportunity to the other side of making a gesture toward peace without losing face. It might lead, ultimately, to a cease-fire and a truce.

President Johnson launched a very tentative but real peace offensive at Johns Hopkins. He has not yet given this policy enough time but the continued bombing has tended to cast some doubt on the sincerity of the U.S. desire for negotiations.

This is clearly a moment of crisis—for Vietnam, for the United States and for the world. Less bombing, not more, offers some hope for peace—without any weakness of American resolution. By taking such an attitude the United States would show strength as well as wisdom.

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[From the New York Times, Apr. 22, 1965]

IN THE NATION: THE SENATE ON VIETNAM

(By Arthur Krock)

WASHINGTON, April 21.—On the initiative of its majority leader, MIKE MANSFIELD, the Senate today responsibly fulfilled the role assigned to it by the Constitution to advise the President on foreign affairs.

Senator FULBRIGHT who, in his official capacity as chairman of the committee on which the Senate relies for guidance on these questions, has been subjected to unwarranted abuse for stating as a mere hypothesis that "the prospects for discussions" looking to peace in southeast Asia "might be enhanced by a temporary cessation" by the United States of the military actions it is steadily escalating in the Vietnams. But, except for specific endorsement of what FULBRIGHT plainly identified as only a speculation, all the Senate speeches today were directed at the same objective, which MANSFIELD expressed as follows:

APPLYING GENEVA PRINCIPLE

It is of the utmost importance that the question of how to apply the principle of the Geneva agreement of 1954 be faced as soon as possible. * * * The longer this confrontation is put off, the more the people of North and South Vietnam pay for the delay, and the more the likelihood that the present limited conflict will spread into a general war in Asia.

His reference was to a proposal that the Geneva Conference be reconvened on the limited basis of producing an international guarantee of the neutrality of Vietnam's neighbor, Cambodia. "The need for a confrontation," he said, "on [this] situation in which none [the United States, Communist China, and the two Vietnams] is involved so directly may indeed be a preliminary to a separate and second confrontation on Viet-

nam in which the involvement of all is direct." And though MANSFIELD extolled the President as one who has "grasped the problem fully," citing his call for "unconditional discussions with the object of restoring a decent and honorable peace," it was evident from remarks by Senators who praised MANSFIELD's observations that they detected in these their own doubts of the wisdom of escalating U.S. military attacks on North Vietnam while there is the slightest possibility of progress in the secret negotiations for reconvening a Geneva Conference on Cambodia.

"While the talk goes on," said MANSFIELD, "the bloodshed also goes on. And the bleeding is not being done in the capitals of the world. It is being done in the ricefields and the jungles of Vietnam" whose peasants, in all probability, want peace and a minimum of contact with distant Saigon and distant Hanoi—not to speak of places of which they have scarcely heard about—Peiping, Moscow, or Washington. This called attention to the officially inconvenient fact that the conflict is in part a civil war.

CONFLICTING VIEWS

Taking this from the majority leader as his cue, Senator AIKEN protested that "it is difficult to see—except as an act of braggadocio—what U.S. military leaders are trying to accomplish when they send 200 planes to destroy one little bridge." But on the same day that the Senate was voicing its disturbance over the policy of military escalation, Secretary of Defense McNamara was announcing its wide expansion, as agreed on at the Honolulu conference this week. This conflict of attitudes is the inevitable product of the involvement into which the U.S. Government has drifted in Vietnam.

The Senate today reflected its alarmed conviction that the time is overdue for ending the war in southeast Asia, hopefully through the back door of guaranteed neutrality of Cambodia. But it has no magic formula for reconvening a Geneva Conference, now that the U.S.S.R. which proposed this has set preconditions it is aware the United States cannot possibly accept. And the close Presidential relations of some of the sources of the hysterical attacks on Senator FULBRIGHT for speculating that a temporary halt of U.S. military actions against North Vietnam "might" be the best way to discover whether the aggressors are open to a reasonable and honorable settlement, suggest that this idea has no future in the administration.

TO RESTORE PEACE

President Johnson has more information than the Senate can possibly have for the alarm which MANSFIELD and others expressed on the floor. But the sole meaning to be read into Secretary McNamara's announcement on the same day is that continued escalation of the Vietnam war on a steadily rising scale is our only policy for the restoration of peace in southeast Asia.

## PRESIDENT JOHNSON IS THE BEST JUDGE OF WHEN STATE VISITS SHOULD OCCUR

Mr. DOUGLAS. Mr. President, our Government's postponement of the state visits to this country by the Prime Minister of India and the President of Pakistan has been unfairly criticized in this country and abroad. Frankly, I have been amazed at the lack of perspective on the part of those who have instigated this criticism. The President of the United States has a tremendous burden of responsibilities at all times; and at this particular time the international situation has made this burden greater than any man should have to bear. The President, moreover, is carrying out these responsibilities very well, with wisdom and courage.

This ridiculous tempest over the obviously necessary postponement of the state visits during this trying period is wholly unjustified.

Mr. President, with a personal apology for its choice of adjectives, I ask unanimous consent that there be printed in the RECORD an editorial from the Washington Daily News of April 22. I strongly agree with its wish that our homegrown and overseas advisers—who do not have any of the President's burdens—would give more weight to how he does his job, and less to relatively minor points of etiquette.

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

[From the Washington Daily News, Apr. 22, 1965]

L.B.J. DOESN'T CLAIM TO BE COUTH

Some Nervous Nellie editorial writers and commentators, who think more of protocol than substance, are aflutter over President Johnson's request to the Prime Minister of India and the President of Pakistan to postpone their visits to the United States.

A social—or a state—visit should be arranged at the convenience of both the guest and the host.

If a host, at a given time, has family problems, naturally he would prefer that a guest come later when the family crisis has passed, especially if the guest is someone who has a penchant for advising the host on how to handle family problems.

It so happens that our President and our Congress are in the throes of decisions on foreign aid, in which India and Pakistan are involved to the tune of around a billion dollars. It also happens that we are involved in unpleasant difficulties in Vietnam, concerning which the Indians and Pakistanis have differing ideas on how we should meet our responsibilities. We seem to be getting advice from lots of folks who do not share our responsibilities.

It is one thing for them to advise from their own far-off rostrums, and quite another for them to come inside our borders to launch their views. That might really have muddied congressional waters where foreign aid allotments are supposed to be made on merit rather than emotional reaction.

We wish some of our homegrown and oversea advisers on our President's manners would give a bit more weight to how he does his job, and less to his etiquette.

The gentleman from the Pedernales River will never balance a teacup on his knee to their satisfaction—but when not nibbled to distraction by their mincing criticism, he has demonstrated he is quite a hand at getting results.

## THE SECURITY TITLE GROUP AND E. CLAYTON GENGRAS

Mr. RIBICOFF. Mr. President, Hartford, Conn., has long been known as the insurance capital of the Nation. The insurance industry has benefited for years from the great leadership of E. Clayton Gengras, board chairman of the Security Insurance Group.

The Security Insurance Group has just completed its move to Hartford, Conn. Thus, the Security Group becomes the 26th insurance home office in the Greater Hartford area, and the 34th in the State of Connecticut.

The Security Title Group is a consolidated group of five property and casualty companies and one life insurance company: Security Connecticut Life Insurance Co., Security Insurance Co. of Hartford, New Amsterdam Casualty Co., United States Casualty Co., the Connecticut Indemnity Co., and the Fire and Casualty Insurance Co. of Connecticut.

The group has over 1 million policyholders, and operates in all 50 States, with 30 branch offices in principal cities throughout the country.

The group has 650 employees in its home office, 1,100 employees in its branch offices, and 6,000 agents throughout the country.

The Hartford Times recently published an excellent biography of Mr. Gengras and his dynamic operation. I ask unanimous consent that the article be printed at this point in the RECORD.

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

[From the Hartford Times, Apr. 19, 1965]

MOVER AND SHAKER IN INSURANCE—THE GENGRAS IMPACT

E. Clayton Gengras, noted for his verve and drive in the business world, not only plays out this role, he also looks the part.

This brown-eyed 56-year-old West Hartford native is trim and agile and is well-known among colleagues and executives as a man who uses little waste motion—he moves quickly, doesn't like long conferences, makes fast, on-the-spot decisions, hates organizational "deadwood."

These qualities have put him to good stead in many business ventures, and his movement into the insurance industry is no exception. The Gengras "touch" has marked him as one of the few men who has ventured to demonstrate that the same principles can be applied to an intangible product—insurance—as to a tangible one.

SALES ORIENTED

Mr. Gengras and the executives around him are sales-oriented since this son of a West Hartford dentist, starting on the ground floor in the automobile business with a job in a garage in the midtwenties, early gained success as a salesman, first of the celebrated Stutz, and then, in 1931, of Fords.

In 1937, he opened a Ford agency in West Hartford, and married Elizabeth Hutchins. His business grew almost as quickly as did his family, eventually adding Ford dealerships in Hartford, Providence, R.I., and Queens, and the Lincoln distributorship for all of Connecticut except Fairfield County.

During World War II, he held his business together in large part by selling to priority-rated customers cars from the large inventory he had when civilian production ended.

WAR YEARS

In 1942, Mr. Gengras bought the Dauntless Shipyard in Essex, Conn., where 350 Coast Guard training ships were built. He then founded the Clayton Manufacturing Co., which, under Government contract, did oversea crating and packing and built gliders. In 1945, he sold the shipyard, dissolved Clayton Manufacturing and went back to automobiles.

It was not until 1950 that he entered the insurance field. Two years earlier, he had established Connecticut Acceptance, Inc., an auto financing company. Wanting to insure his financing deals, too, he bought the Fire & Casualty Insurance Co., of Connecticut.

Mr. Gengras took his second step into the insurance field in 1953, when a patient of his

father's approached him with an offer of 50,000 shares, at $60 each, of the National Fire Insurance Co. of Hartford.

NATIONAL

Though he did not buy the offered stock, Mr. Gengras became a National Fire director and finance committee member. He later became a major stockholder. In 1956, the company was merged with the Continental Casualty Co. of Chicago.

He bought 35 percent of the Security Group's stock in 1957. The group was then made up of the Security Insurance Co. of New Haven, the Connecticut Indemnity Co. and the Security-Connecticut Life Insurance Co.

The next year Security bought Mr. Gengras' Fire & Casualty Co. In 1960, Security acquired the Founders Insurance Co. of Los Angeles in an exchange of stock.

The next year, the New Amsterdam Casualty Co. of Baltimore and its wholly owned subsidiary, the United States Casualty Co. of New York became the sixth and seventh members, but not without a fight with a major underwriter, the Home Insurance Co.

NEW AMSTERDAM

New Amsterdam's staff was reduced from 2,400 to 1,400 employees, and operations were centralized in the Baltimore office. Its New York buildings were sold, through their manager, to the Home. Similarly, Mr. Gengras had reduced by half the Security Group's New Haven staff of 800.

After several years in New Haven and Baltimore upgrading and reorganizing operations came what has been a milestone for Mr. Gengras, the climactic move to Hartford.

As he said in an announcement of the move last May before top business leaders at the Greater Hartford Chamber of Commerce, "It's nice to be back home."

This Hartford area native has overcome initial scorn by aggressive renovations in the insurance industry. Among his techniques:

Expansion through acquisition of established companies and cost-cutting centralization of operations.

Stressing of incentive payments (rather than high initial commissions) for agents, resulting in higher sales.

Highly selective risk coverages (for better underwriting profits), and quick settlement of claims.

## JOSEPH KRAFT ON VIETNAM

Mr. CHURCH. Mr. President, during the current Vietnam crisis, the articles written by Joseph Kraft have been among the best which have appeared. His article entitled "General War Held a Real Threat" was particularly outstanding. Mr. Kraft maintains that the time to try to achieve a negotiated settlement in Vietnam is now, before the major Communist powers are drawn into Southeast Asia. Mr. Kraft aptly concludes his article in this way:

Once the Chinese enter North Vietnam in large numbers, the prospects for settlement go down to zero.

What has happened, in sum, is that the Russians and Chinese, once holding back, are now competing to help Hanoi. In these circumstances, the deeper the Americans become engaged, the deeper the Russians and Chinese will become engaged. Instead of a merely hypothetical possibility, the spread of the limited conflict in Vietnam to a more general war has become a real threat.

I ask unanimous consent that the article, which was published in the April 23 issue of the Washington Evening Star, be printed at this point in the RECORD.

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

GENERAL WAR HELD A REAL THREAT

(By Joseph Kraft)

Washington is now approaching a point of no return in Vietnam. Diverse, though vague, possibilities for negotiations exist. But the logic of the war effort—the supposed military necessity—is pushing this country toward measures that would certainly compromise immediate prospects for settlement, and possibly plunge the United States into an endless war on the Asian mainland.

The hopes for settlement arise from two principal documents—the President's April 7 speech in Baltimore—and the four-point resolution of the North Vietnamese Assembly on April 10. The statements come from the highest, most responsible authority in each country. Both were measured and careful in tone. At least in words, they expressed a surprising amount of agreement.

Both countries are agreed that there need be no preconditions before discussion can get underway. Both call for a return to the Geneva Treaty of 1954. Both imply free choice for South Vietnam in picking its own regime and on the matter of unification with the north. Both look toward the eventual withdrawal of American troops.

To be sure, there are two important points of disagreement. One involves the rebels in the south, the so-called Vietcong. Washington has tended to exclude them from any approach to the conference table; Hanoi insists on their participation.

But that is a juridical issue, open to many different formulas of compromise, and thus one that could usefully be discussed. For that purpose, an immediate occasion is at hand. It lies in the proposal by Britain and the Soviet Union, as cochairman of the Geneva powers, to convoke the signatories in order to consider a complaint from Cambodia respecting alleged violations of her territory. If the soundings now in progress on such a conference proved satisfactory, it could begin in a matter of days. Even if the soundings did not prove out, it would not be difficult to find other occasions for talks—either secretly or in public.

The other big sticking point is a cease-fire. Neither side has yet declared itself officially on that issue. But once again there are some opportunities. Vietcong attacks have fallen in the last few weeks from a high of 35 in the week of March 6 to 13 to a low of 9 in the week of April 10 to 17. Perhaps this is a lull for regroupment. But, taken together with the expressions of such figures as the Pope, Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, and Prime Minister Lester Pearson, of Canada, it offers the President an occasion to curtail the bombing of the north, with an explicit view toward encouraging a similar reduction of Vietcong attacks in the South. In that way, there could be set in motion progress toward a tacit cease-fire.

But all these fair prospects are compromised by the military proposals now being put forward for the purpose of improving the American war effort. These proposals include continued bombing of the north and a beefing up of American ground forces in the south.

If the bombing continues without letup, however, the Hanoi regime has no incentive to try to curtail Vietcong attacks.

The more this country brings American troops to South Vietnam, moreover, the more the Vietcong will be obliged to attack, if only to hold its present position.

Lastly, it has to be recognized that if the chance for a cease-fire and for talks is missed now, it is not apt to come around soon again. Already the continued bombings of the north have fostered a major change in the diplomatic and military lineup on the other side of the hill.

After weeks of backing and filling, the Russians have begun to come to the aid of the North Vietnamese with antiaircraft missiles. With Moscow backing Hanoi in a tangible way, Peiping has been obliged to go one better. The Chinese now are officially recruiting volunteers. That is something they have not done since they intervened in Korea back in 1950.

Once the Chinese enter North Vietnam in large numbers, the prospects for settlement go down to zero.

What has happened, in sum, is that the Russians and Chinese, once holding back, are now competing to help Hanoi. In these circumstances, the deeper the Americans become engaged, the deeper the Russians and Chinese will become engaged. Instead of a merely hypothetical possibility, the spread of the limited conflict in Vietnam to a more general war has become a real threat.

## TRIBUTE TO ERNIE PYLE

Mr. HARTKE. Mr. President, on April 1, I introduced, as I did in the last session of Congress, a bill calling upon the Post Office Department to issue a commemorative stamp honoring the memory of a remarkable man, a native of Indiana—the war correspondent Ernie Pyle.

It is 20 years this month since Ernie Pyle was killed by a Japanese bullet on Ie Shima, in the Pacific. Hal Boyle, of the Associated Press, who went through four campaigns of World War II with Ernie Pyle, has written an Associated Press story recalling some of his personal experiences during that time. Ernie Pyle is still remembered affectionately by thousands of GI's with whom he spent time in his reporting of the war, and by millions here at home who read his dispatches.

I ask unanimous consent that the article by Mr. Boyle, a tribute to Ernie Pyle, be printed in the CONGRESSIONAL RECORD.

I also request that there be printed in the RECORD an article on Ernie Pyle's life, written by Mrs. Jo Doan, editor of the Dana News, of Dana, Ind., the town where Ernie Pyle was born and grew up, the town which he called home. The article was published on April 21 in the Veedersburg, Ind., News publication, "The Country Cousin."

I am sure that this intimate hometown portrait will be appreciated by all who knew Ernie Pyle in person or through the printed page.

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

[From the Orlando (Fla.) Evening Star, Apr. 16, 1965]

ERNIE PYLE SHOT DOWN 20 YEARS AGO

(By Hal Boyle)

NEW YORK.—He came to the end of a tired road just 20 years ago this weekend.

He cautiously raised his head from a ditch on the tiny island of Ie Shima in the far Pacific. A Japanese sniper hit him in the left temple and Ernie Pyle died the death he had felt he would all along—a soldier's death.

His passing brought fresh sorrow to a homeland already in mourning for President Franklin D. Roosevelt, who had died a few days before.

For no other newspaperman in history had touched the heart of the American people as did Ernie Pyle. He was their eyes and ears with their boys at the front in World War II.

He was as different from the most famous correspondent of World War I—Richard Harding Davis—as cornbread is from caviar.

Davis, handsome as a matinee idol, mixed in high society and was one of the best dressed men of his day. He hobnobbed with generals, took a canvas bathtub with him when he went into the field, and wrote of war glamorously. He almost seemed to love war.

Ernie, an ex-farmboy from Indiana, stayed with the troops, ate what they ate, wore what they wore, slept in foxholes as they did. And from the depths of his soul he despised and hated war. He described it as a "perpetual weight that is compounded of fear and death and dirt and noise and anguish."

To him the only glorious thing about war was the wistful cameraderie with which it knit lonely men together in seamless unity in the performance of a common and dangerous mission.

It was my fortune to go through four campaigns with Pyle along with Don Whitehead, whom Ernie himself warmly admired as the greatest of the combat news correspondents.

Ernie's memory has endured well. Over the years, hundreds of people have asked me, "What was Ernie Pyle really like?" They have forgotten some of the famous generals; they still remember Ernie.

He was a man well worth remembering. He was of medium height, slender, and weighed about 113 pounds. Over his balding, grizzled hair he usually wore only a fatigue hat, because his helmet felt too heavy.

He had bright blue eyes in a leathery-crinkly face and looked like a wise elf—eyes that saw both the grief and fun of being alive. He usually had a cold, and he suffered from secondary anemia—something only a few battlefront doctors knew.

No man I ever met could win affection and respect quicker. He had an instinctive well of human sympathy for people in trouble. Soldiers, who are people always in trouble, instinctively sensed that kindness in him. They liked him, too, because he was even more scared than they were by danger—and didn't mind admitting it out loud.

Twice he broke down under the strain and had to come home for a rest. In early 1945 he had done his duty and had earned enough money to satisfy his modest needs for life. But he took his final assignment because he felt he ought to.

Ernie went to the Pacific fatalistically convinced he wouldn't come back because he felt his luck had about run out after a score or more battlefields. It had.

"Sometimes," he wrote to a friend, "I get so sad and despairing and homesick I can hardly keep from crying."

But that didn't keep him from doing his job—telling the homefolks what their men at the front were doing.

If he were alive now, he'd be 64. He lies now shoulder to shoulder with other fallen men in a military cemetery at Honolulu, and there's no truer soldier there than Ernest Taylor Pyle. Like the others, he beat down the human terror in him to become a hero.

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[From the Veedersburg News, Apr. 21, 1965]

ERNIE PYLE: THE MAN

(EDITOR'S NOTE.—Because April 18, 1965, was the 20th anniversary of the death of Ernie Pyle, whose warm accounts of GI Joe touched all who read them, we believe that the story of this man is worth retelling at this time. We, in this section of Indiana, feel especially close to Ernie Pyle because he was born and lived his early life here.

(The story of his life, which appears in the Country Cousin this week, was written by Mrs. Jo Doan, editor of the Dana News, Dana, Ind., the town Ernie Pyle called home.)

Ernest Taylor Pyle became a casualty of World War II on April 18, 1945, and his memory is very much alive on this 20th anniversary of that tragic day. This fact alone bears out evidence of the esteem and affection he won for his writings to the homefolks of the life of the soldiers fighting World War II.

Born August 3, 1900, Ernie was the son of William and Maria Taylor Pyle. His parents were living at the time on the Sam Elder "west place" as sharecroppers. When Ernie was 18 months of age, the family moved to the farmhome of his grandfather, Lambert Taylor, located south and east of Dana about 2 miles. In this pleasant home, Ernie grew up and his parents lived there the rest of their lives.

Ernie attended school at Dana and later the nearby Bono School from which he graduated at the age of 17, in the year 1918. He commuted to school by buggy or horseback and was a very good student. At the age of 17 he joined the Navy, being sent to the University of Illinois for preliminary training. Soon afterward the armistice was signed and he was put on inactive duty. In 1919, Ernie entered Indiana University where he studied journalism. It was during his years at the university that he first began his travels, having made a trip to Japan by working his way to the Orient as a cabin boy on the SS *Keystone State*. He was appointed summer term editor-in-chief of the college paper, the Student, and was known as a big man on the campus. He did not graduate from the university but quit during his senior year to take a position with the La Porte Herald, thus beginning his successful career in the newspaper field.

From his early beginning, Ernie Pyle went on to great things, working on large newspapers and at one time serving as managing editor of the Washington News. He did not like the confines of the editing job and preferred the role of reporter.

His writings never lost the personal touch and the readers came to feel they knew the writer himself. Ernie and his wife, the former Geraldine Siebold, of Minnesota whom he married in 1925, toured the United States shortly after their marriage and Ernie wrote of the people he met and the places they visited. They stopped off in Dana during the tour to visit his parents, and while here visited old friends and neighbors.

Ernie was a quiet and well behaved child, and during his school years at Bono, he was an apt student given much to reading and well liked by his fellow students. The number of persons in the Dana area who were his fellow students are fewer now, but there are some of them living in the community today. All have fond memories of the days at the Bono school and of Ernie Pyle.

Even after Ernie was out in the world and had reached success, he did not like to dress up particularly, and preferred comfortable clothes. It is told that during a visit to have tea with Mrs. Franklin Roosevelt, wife of the President of the United States, Ernie wore a shirt with a hole in the sleeve. This is not to say he did not dress properly, for pictures show otherwise.

His travels took him to many parts of the world, going to Alaska in 1937; South America in 1938; New Mexico in 1939; Europe and many other places. With war going on in England, Ernie spent the winter months of 1940–41 in that country reporting firsthand the bombings and destruction being suffered by the people. While in London, he learned of the death of his mother who passed away March 1, 1941. He came home as soon as possible to visit his father and to ask Aunt Mary Bales to help keep up the homefront and care for his father, then went on to his home which he and his wife had established in Albuquerque, N. Mex. In 1942 he was in Ireland for 6 weeks, later going to North Africa where a big invasion had taken place. He covered battlefronts in Algiers and Tunisia and followed the foot soldiers through many fronts after that. His writings of the daily life and struggle of the fighting men helped folks at home understand the hardships and suffering their sons, husbands, fathers, relatives, and friends were enduring day to day to win the war and secure the peace. He wrote from the frontlines and foxholes which he shared with the soldiers, not from a headquarters far behind the lines. He shared the dangers and trials with the men about whom he wrote. He also shared the fear of being killed, and during the campaign in France, he felt this fear very strongly. This did not deter him from remaining at the front and continuing his writings, however. Since he was not in the military service nor compelled to remain, this is an example of the kind of person Ernie Pyle really was.

After a trip back to the United States in the late summer of 1944, Ernie was to go to the Pacific front. During his short respite in the States he visited his father and Aunt Mary in the latter part of September, arriving in Indianapolis by plane and being driven to Dana by two friends from there, arriving here Monday evening. On Tuesday, a family dinner was enjoyed at the Pyle home in his honor. He left Wednesday to continue to Albuquerque to spend some time with his wife. While here, reporters and photographers from many papers came to get articles and pictures of Ernie, his family, and his home.

On this visit to Dana, a local resident recalls Ernie sitting on the curb of Main Street chatting with several friends, wearing the shirt with the torn sleeve.

On November 13, 1944, the officials at Indiana University conferred the honorary degree of doctor of humane letters on Ernie Pyle at ceremonies also attended by his father and his aunt. Many other honors were bestowed on this gifted man during his lifetime, but he remained unchanged and the same warm human person he had always been.

Ernie Pyle wrote several books which were acclaimed and well read. A movie was based on one of these books, the movie being "The Story of GI Joe," which was also a great success.

Returning to his role as war correspondent, Ernie went to the front of the Pacific lines, flying first to the island of Ulithi. In February 1945 he went aboard the light carrier U.S.S. *Cabot* which was heading for Iwo Jima and Japan. He was welcomed aboard the ship with a huge cake with the inscription "Welcome Aboard, Mr. Pyle" in the icing. He spent 3 weeks on this ship. A visit to Guam was part of this trip, and from there he flew to Ulithi to prepare for the invasion of Okinawa. Ernie accompanied the marines on their landing at Okinawa. After a week ashore, he boarded a ship to rest and write. The ship he was on was to take part in an expedition by the 77th Infantry Division to seize the nearby islet of Ie Shima and its vital airstrips. It was on this small islet that the life of Ernie Pyle came to an end, being killed by a bullet from a machine-gun fired from ambush by a Japanese sniper.

Word of his death shocked and sorrowed a nation which had grown to love him. The words on the marker standing on the spot where Ernie Pyle was killed so aptly expressed the feeling of the fighting men of whom he wrote, "On this Spot the 77th Infantry Lost a Buddy." To folks around the town of Dana, the loss was a personal one and felt very deeply. His father and aunt were grieved and shocked. His wife, already in poor health, lived only 7 months after the death of her husband.

The final resting place for Ernie Pyle is the Punchbowl National Cemetery overlooking Pearl Harbor and Honolulu in Hawaii. Flowers decorate his grave almost constantly yet today it is reported, mute testimony of the esteem and affection felt for this humble little man who wrote to the home folks during World War II.

On the 20th anniversary of his death, his memory is very much alive and vivid. His parents and aunt have passed on, but the town of Dana will never forget either them or Ernest Taylor Pyle. The pride felt for having known him is warm and glowing, and may it never diminish.

## JAMES HARLAN CLEVELAND

Mr. CHURCH. Mr. President, one of the ablest men charged with the conduct of American foreign policy is the distinguished Assistant Secretary of State for International Organization Affairs, the Honorable James Harlan Cleveland. Although relatively young, Secretary Cleveland has had an impressive record of accomplishment: He is a graduate of Princeton, a Rhodes scholar, the publisher of the Reporter magazine, and the dean of the Maxwell Graduate School of Citizenship and Public Affairs, at Syracuse. Since becoming Assistant Secretary of State for International Organization Affairs, Mr. Cleveland, by the force of his intellect and personality, has made his bureau one of the strongest in the State Department. Considering the importance of the responsibilities with which his agency is charged, his success in strengthening it was much-needed, and is highly commendable.

Recently, the New York Times published a profile of Secretary Cleveland, as well as a front-page article on one of his speeches. I ask unanimous consent that both of these articles be printed at this point in the RECORD.

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

PROPONENT OF U.N.—JAMES HARLAN CLEVELAND

"When I was very young, I learned something I hope is true: that if I wiggled my little finger, it would affect the farthest star."

So wrote James Harlan Cleveland several years ago in an article discussing his beliefs. Omnipotence is a privilege of boys in reverie, but few men can take infinity for their spheres of influence. By now, Mr. Cleveland has had to settle for less. But when he wiggles his diplomatic finger, the world's farthest corner may feel the effect.

This tall, smooth-featured man bears the title Assistant Secretary of State for International Organization Affairs. In simplest term, it means that when the United States becomes involved in a cooperative project among nations or participates in an international conference, Mr. Cleveland picks the U.S. delegation.

JOKE FOR A DINNER

Last night Mr. Cleveland, a tireless advocate of increased peacekeeping duties for the United Nations, made a speech along that line to the National Council of Jewish Women and proved that he was a Government official self-confident enough to include a banquet joke in his prepared text.

The joke was about a newly married husband who told his wife he had found certain small defects in her character. She knew all about them, she said sweetly, and they were the reason she had not made a better marriage.

Mr. Cleveland has built his office into a minor "state department" within the State Department. He regards his as "the most interesting, the most complicated job in Washington."

"There are 53 organizations we deal with," he said, "and we recruit from all over the Government—indeed, from all over the country—to get people to go to conferences on matters from atomic energy to zinc.

"Last year, we went to 540 conferences practically everywhere in the world. In the last 2 years the United States attended more conferences than in the whole history of the Republic. It took us from 1789 until the Hot Springs Conference in 1943 to attend 1,000 conferences."

Mr. Cleveland, who is 47 years old, has had three careers—in Federal service, magazine editing, and higher education—and his position in each has been near the top. He has written or edited six books and has written many articles for magazines of opinion.

He was born in New York on January 19, 1918, and reared in Madison, Wis., and in Europe. His father was the Episcopal chaplain to students at Princeton University and at the University of Wisconsin.

The boy went to Phillips Academy in Andover, Mass. He was an undistinguished football tackle—he recalls having sat on the bench through an entire game with Exeter—but a brilliant student who was graduated cum laude.

At Princeton he continued his academic conquests, winning a Phi Beta Kappa key and honors in political studies. Styling himself J. Harlan Cleveland, he became vice president of the Whig-Cliosophic debating societies.

His next move was to Oxford as a Rhodes scholar. He was in the middle of doctoral studies when "the war came along, and they told us all to go home." He never received his degree, but he has acquired five honorary doctorates.

At 29, Mr. Cleveland was in Shanghai directing a $650 million relief program for the United Nations Relief and Rehabilitation Agency. Later, still in China, he joined the U.S. Economic Cooperation Administration. Later he became Assistant Director of the Mutual Security Agency in charge of the European program.

The Eisenhower years sent him to civilian pursuits. He became executive director, then publisher, of the Reporter, the biweekly magazine.

DEAN OF SYRACUSE SCHOOL

At 39, Mr. Cleveland became dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University, directing graduate programs in economics, history, philosophy, political science, sociology, and anthropology.

In July 1941, he married Lois W. Burton, a librarian. Their children are all of college age: Carol Zoe was recently graduated from Rollins College, where Mr. Cleveland's mother was once dean of women; the twins, 20 years old, are juniors—Alan at American University and Anne at Barnard. Anne is spending this semester in Florence, Italy, under a program her father devised.

The Clevelands have a rented home on McKinley Street in Washington, and the Assistant Secretary enjoys his drive at 8 a.m. through Rock Creek Park to the State Department "without getting involved in the city."

Mr. Cleveland is an eloquent man with a far-ranging mind. He seems to some to have a touch of professorial reserve but it is softened by a sense of humor that comes through in intellectual exchange.

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U.S. OFFICIAL SEES U.N. VIETNAM ROLE—HARLAN CLEVELAND SAYS THAT THANT COULD HELP SOLVE BERLIN PROBLEM ALSO

(By Irving Spiegel)

Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, asserted last night that there was a role for the United Nations in any future settlement in Vietnam. He also suggested that the "good offices" of the Secretary General, U Thant, could be used in the case of Berlin.

Mr. Cleveland, comparing the Berlin and Vietnam problems, said that "in both cases the good offices of the Secretary General remain available in the event the protagonists have anything to say to each other; and in both cases the United Nations might well have a role in supervising an agreement if one can be reached."

He made his remarks in an address prepared for delivery at a dinner of the biennial convention of the National Council of Jewish Women. Delegates from various parts of the country attended the dinner of the 72-year-old education and service organization in the delegates lounge at the United Nations.

UNITED STATES SAID TO BE WILLING

Authoritative sources in Washington have indicated in the past that the United States has always welcomed the possibility that the United Nations would provide a channel for mediation in Vietnam. The difficulty, Washington sources said, has been that the Hanoi regime has shown no willingness to end its aggression or to begin negotiations.

Sources at the United Nations indicated that this was the first time that the State Department had suggested that the Secretary General might play a role in Vietnam.

These sources said there had been efforts by Soviet journalists and East European diplomats to see if Mr. Thant could go to Hanoi to try to find a solution.

ROLE OF DIRECT DEALING

Mr. Thant, the sources indicated, would agree to go if there was some tacit agreement by the Soviet Union and the United States and if Hanoi would be willing to receive him.

Another source interpreted Mr. Cleveland's reference to the "good offices" of the Secretary General as a sign that the State Department would do nothing to oppose a trip by Mr. Thant.

Mr. Cleveland, who is known as a strong advocate of greater use of the United Nations for peacekeeping operations, asserted that "some conflicts have not yielded to treatment by direct dealings among the parties."

Berlin is "an obvious example," he said, "and so—so far—is Vietnam."

In neither case, he said, was the United Nations able to assume the task of enforcing peace.

"In neither case," he added, "has it seemed useful to freeze positions through public debate as long as no basis existed for a negotiated settlement among the powers mainly engaged."

It was at this point that he suggested there was a role for the United Nations in Berlin and Vietnam.

"Meanwhile," he added, "in our multiplicity of machinery for containing conflict and building up systems for world order, the residual capacity for dealing with conflict and containing violence must reside with our own Armed Forces. Other peacekeeping elements are clearly preferable to the direct use of American force."

WHERE NATION'S INTEREST LIES

He said that the use of techniques of direct settlement was in the national interest, just as support "for regional peacekeeping institutions is in our national interest." He also said that support for the United Nations was in the national interest.

Earlier in the day, at the session at the Waldorf-Astoria Hotel, the delegates urged amendment of the Johnson administration's school-aid bill, saying that the bill in its present form opened "the door to involvement of sectarian educators in decisions affecting public education."

The delegates cited the need for safeguards that would preclude undermining of "our tradition of separation of church and state."

## HOUSING BENEFITS OF THE KATE MAREMONT FOUNDATION

Mr. DOUGLAS. Mr. President, I am happy to bring to the attention of the Senate the successful efforts of the Kate Maremont Foundation, in Chicago, to rehabilitate buildings before they are turned into slum tenements. The work of this foundation, assisted by the technical and financial resources of the Urban Renewal Administration, has helped Chicago's renewal program hurdle one of its most vexing problems. When code regulations are enforced, many landlords will make the necessary repairs, and then will begin to charge higher rents. The new rents force out the low-income tenents, who move into other overcrowded buildings offering low rents; and so the cycle continues.

The April 11, 1965, edition of the Chicago Sun-Times described the work and results of the Kate Maremont Foundation; and I ask that the article be printed at this point in the RECORD.

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

[From the Chicago Sun-Times, Apr. 11, 1965]

REMAKING OF A CITY—FOUNDATION

NOTE.—For want of repairs and modernization many a Chicago building is becoming a tenement and many a Chicago neighborhood is sinking into a slum.

Now four attempts are being made to break the downslide and to substitute prevention and rehabilitation for eventual slum clearance.

One is the effort of the Kate Maremont Foundation, another that of the Community Renewal Foundation.

The other two are a new city project and the continuation of the city's longstanding program of conservation and renewal.

If these efforts to upgrade the city's thousands of substandard and outdated buildings succeed, urban renewal will move into a new and different phase.

The Sun-Times is presenting a definitive report on these new and varied efforts to remake a city.

(By Ruth Moore)

The problem was that the deterioration of thousands of the city's older apartments was enormous and seemingly intractable.

And when the Kate Maremont Foundation was established in 1963 and announced that it was going to undertake the rehabilitation of such buildings, it was about in the position of Jack the giant killer.

Only under special circumstances had substantial numbers of buildings been saved from a decline into slums, or brought back from those depths.

One was in conservation areas where the expenditure of millions for slum clearance and environmental improvement opened the way for upgrading the other buildings.

The other was in self-renewing areas where owners were willing to pay for improving their homes.

Elsewhere in the city buildings generally went only from bad to worse.

The Maremont Foundation proposed a bold attack, using newly authorized 100 percent Federal rehabilitation loans. It hoped to acquire about 100 buildings a year. The complexities of the work made this impossible, but the foundation now has rehabilitated or is rehabilitating 15 buildings with about 1,200 units at a cost of $7 million.

Among them are slum buildings, other units only shabby with age, and "The Rosenwald."

The latter, officially the Michigan Boulevard Garden Apartments in the block bounded by 46th, 47th, Michigan and Wabash, was philanthropist Julius Rosenwald's 1930 private attempt to solve urban problems with decent housing.

Most significantly, the foundation has demonstrated that some key older buildings in a variety of neighborhoods can be remade into livable, modernized, code-complying apartments with little or no rent increase.

The demonstration helped persuade city housing agencies to move into a building-rescue operation as part of the renewal of the city. If the process proves feasible, the city with its right of eminent domain and its financial resources could rehabilitate buildings a private foundation cannot handle and do it on a scale prohibited to a private group.

Thus Chicago may be acquiring an effective new tool for halting slums and rescuing downgrade neighborhoods. The Sun-Times will report in another article on the program the city is organizing.

Arnold H. Maremont established the Kate Maremont Foundation in memory of his mother after he had seen the degraded condition in which thousands of welfare families lived.

As former head of the Illinois Public Aid Commission, Maremont knew that the State and Federal Governments in effect were spending $50 million a year or more to rent the slums of Chicago.

Technically, the 90,000 welfare recipients in Cook County who rent private housing pay their own rent. Actually, the State makes specific rent grants.

Though the amounts allowed are standard, many welfare recipients can afford only wornout apartments.

Maremont wanted to do something about this housing and about other substandard buildings. The Federal program offering not-for-profit organizations 100 percent loans at below-market interest rates offered an opportunity.

The loans provided for by the Housing Act actually amount to about 98 percent. It takes private funds to get projects started. The foundation provides this money and the initiative.

The large loans, coupled with a low interest rate—initially the 3⅛ percent the Government itself had to pay for the money—and repayment over a maximum of 30 years, were designed to permit rehabilitation without an increase in rent. But given these aids, the rehabilitation is expected to pay its own way.

Making such loans for the purchase and repair of derelict buildings was essentially a new process to the Federal Housing Administration. Most of its experience was with new buildings. To develop the techniques that would make the program workable, FHA set up a special Chicago office headed by Carl D. Whitney. A staff was borrowed from other FHA offices.

Real estate men then came in, offering to sell the foundation their worst buildings and some others. The FHA staff studied scores of them.

Many were rejected as being beyond help. Small buildings with fewer than 30 units, poorly converted buildings and buildings in extremely bad neighborhoods also were judged impossible risks.

Attention turned primarily to aging buildings in sound neighborhoods and to buildings near renewal areas, where coming developments would give an improved structure a chance.

An apartment building at 3034–38 North Halsted became the foundation's first project. Its 92 apartments faced on a green, attractive court, and they had not been abused.

But it was clear that unless the building were thoroughly modernized, its days were numbered.

The Maremont Foundation bought the building for $350,000 and proposed to spend $252,600 to put it into first-class condition. FHA approved the total $602,600 loan needed.

After a slow start, the foundation began rehabilitating one tier at a time. Tenants were shifted to vacant units and no one had to leave the building.

The apartments and building now have a spick-and-span look. Paint is fresh and the floors have been sanded. The kitchen and baths with all their new equipment and outlets compare favorably with those in new buildings.

New closets provide some of the storage space the apartments always lacked. The foundation did not try to remove partitions or change room sizes, though the rooms are small.

And rents were increased only about $5 a month. They now average about $78 for a one-bedroom apartment.

In some of the other Maremont buildings rents were lowered or maintained at present levels.

The "stonefronts" the Maremount Foundation bought and is rehabilitating on the South Side provided a different test.

The once fashionable 80-year-old row at 1526–50 on East 65th could not have been in worse condition. The original 48 units had been cut up into 96 and the building virtually had been gutted.

The building department had found multiple violations, and had ordered the owners to deconvert and make repairs that would have cost several hundred thousand dollars.

Faced with this inevitability, they agreed to sell to the foundation for $100,000. The foundation will spend $375,000 to completely remodel the buildings. The $475,000 total was borrowed on a 100-percent loan.

The 96 units with their crash panels and shared baths will be reduced to 57 apartments of 4 to 7 rooms each. Virtually new baths and kitchens will be installed, and the apartments thoroughly cleaned. In addition, the foundation will cut courts into the rear of the buildings to bring light and air to all the rooms.

With all of this, rents will range from $90 to $125 a month. The Woodlawn Organization, a community group, will work with the foundation on the project and will help to find tenants.

Strict code enforcement that made it possible to buy the building for a relatively low figure was one factor that enabled the foundation to act. The coming rebuilding of Cottage Grove between 61st and 63d and the further development of the South Campus of the University of Chicago changed the outlook for the neighborhood. Both offered assurance of an environment in which a renewed building could healthily survive for the 30 years of the mortgage.

The Rosenwald offered still another test.

The block-square buildings with their beautiful interior gardens had been an oasis in the generally forbidding area around them. Under the initial management of the late Robert R. Taylor and later, of a staff trained by him, the buildings were well maintained.

About 8 years ago the Rosenwald Foundation sold the building to private buyers. The buildings again were well handled, but by 1964 they were more than 35 years old. They, and the 450 units, needed major modernization if they were to maintain their character.

The foundation is buying them and plans to modernize them at a total cost of $2,300,000. A noble experiment of another era thus will continue to fulfill its high purposes. Without action the anchor buildings and all that they stood for on the South Side might have been lost.

The foundation has been moving slowly but is gaining experience. It is now considering a move into one of the most solidly

built areas in Chicago, the "Canyon" in Hyde Park-Kenwood.

Both sides of Ingleside between 47th and 48th are almost a solid mass of masonry. Apartments are built almost flush with the sidewalk and cover virtually every inch of the land. The block is one of Chicago's most notorious cases of overbuilding.

The situation was bad enough when the apartments were their original size. Then half of them were cut up into smaller units, until now there are 650 units.

Though the Canyon is in the Hyde Park-Kenwood urban renewal area, it has largely been ignored. To clear it would have required the relocation of a backbreaking number of families.

Such a solution was rejected by the city department of urban renewal. However, under the renewal program for the area the Canyon must be brought up to code conformity.

The Maremont Foundation has indicated that it would be willing to buy the buildings and rehabilitate them.

Studies have shown how this might be accomplished. To break up the solid mass and bring in light and air, the foundation would tear down two of the buildings on each side of the street. The back half of two other buildings on each side would be razed.

The way would then be open for a thorough renovation of the remaining buildings. With demolition done, rehabilitation would cost about $1,600,000.

Negotiations to purchase the buildings have foundered on the high prices asked by some of the absentee owners.

The department of urban renewal has the authority under the Urban Renewal Act to use eminent domain to buy and raze or rehabilitate the buildings. State laws also permit the courts to disregard income from illegal conversions in fixing prices. When this has been done in other places prices often have been halved.

What will be done in the canyon has not been determined. Victor DeGrazia, president of the Maremont Foundation, said that if the buildings can be purchased at a realistic price and rehabilitated according to the proposed plan the area could be turned into a good, stable place to live. As part of the renewed Hyde Park area it could have a bright future.

The Maremont experience has shown that the prime requirement in rehabilitation is patience, DeGrazia said. Many buildings and neighborhoods have to be studied before suitable programs are found.

Out of bitter experience, the Maremont Foundation also has learned that it cannot subcontract for all phases of remodeling—the wiring, plumbing, and all the rest. It now employs a general contractor who makes a general cost estimate and undertakes to have the work done for that amount. Foundation and FHA inspection insures that the work is done properly.

The further the foundation goes into management, DeGrazia said, the more convinced it is that it must have tenant cooperation.

A staff member is being assigned to work with tenant councils and with the neighborhood.

A nonprofit foundation has a special advantage, DeGrazia believes. He hopes that continued maintenance will reduce costs and lead to a reduction in rents.

Experience also has shown, DeGrazia said, that enough buildings in any one neighborhood should be rehabilitated to produce an overall effect on the neighborhood. Clustering helps.

Above all, DeGrazia argues, the Maremont Foundation's great experiment proves that rehabilitation is possible as one way of sustaining a city and rescuing it from decay.

## OUR OVERSEA STAFFS REMAIN INADEQUATELY TRAINED

Mr. MUNDT. Mr. President, in a series of brief statements to the Senate over recent weeks—see pages 4164, 4165, 4882-4884, 5436-5441, 6613-6617, and 7865-7870 of the RECORD—I have attempted to demonstrate validity in the concept of the Freedom Academy bill as a most promising approach toward improving our capacity to function effectively as the leading non-Communist power in what threatens to be a generations-long struggle to make certain by peaceful actions that Communist organization does not become the world's dominant political form.

The bill, S. 1232, is sponsored by an extraordinarily broadly based group of Senators representing the entire spectrum of mainstream American political thought ranging from liberal to conservative. They are not a group of blustering professional anti-Communists. They are Senators basically agreed that this country must develop better defenses against nonmilitary aggression. Sponsors of the bill, besides myself, are Senators CASE, DODD, DOUGLAS, FONG, HICKENLOOPER, LAUSCHE, MILLER, PROUTY, PROXMIRE, SCOTT, SMATHERS, and MURPHY.

The bill proposes, briefly, intensive concurrent effort of two kinds: research and training. Research would concentrate on an entirely new academic discipline which we have largely ignored but which has been intensely and determinedly developed for a generation or more by our Communist adversaries. This is the field of nonmilitary aggression—psychological warfare, guerrilla operations, enervating a target society, and all that goes with it.

We do not entirely comprehend these processes in our own Government. As the principal force of resistance against Communist and other totalitarian nonmilitary aggression, we need to comprehend these processes fully and we need to disseminate this understanding to everyone who has interest in and capacity for establishing effective defense against such aggression.

So the Freedom Academy bill (S. 1232) proposes a training program more ambitious by far than our current efforts and substantially different in character and purpose. It is a serious and comprehensive effort to close the vast manpower training gap existing between the Communists and the free world. Three categories of persons could participate in such training. First, of course, would be American Government personnel who function in the area of foreign affairs. These are the individuals charged with responsibility for our own national defense; and they should be prepared to recognize, to understand, and to counteract nonmilitary aggression in its early stages when it can be counteracted without fielding an entire army to do the job.

The second category of trainees would be foreign nationals, citizens of foreign countries who have an interest in and a potential for resisting and stopping nonmilitary aggression against their own countries. We have mutual interest with these people. They seek to defend their own societies from external aggression and internal collapse. We seek to preserve their countries as nonhostile entities, societies independent from Communist dominion. Such persons would be government officials or private citizens in position to act effectively, given advantage of the sophistication it takes to stop professional revolutionaries, to defend their own societies from externally inspired but internally conducted attack.

The third category of trainees would be American citizens employed in non-Government work whose assignments station them abroad and who, given the sophistication which the Freedom Academy could impart, could act effectively toward defense against nonmilitary aggression.

The research arm of the institution would be closely coordinated with the training arms; and training would be constantly bolstered by new understanding derived from continuing research.

A great deal of research, I suspect, would, as the several extensive congressional hearings on Freedom Academy bills have indicated, concentrate on communication and motivation. We need to know more and more about what makes other peoples tick and we need to know more about how to communicate effectively and persuasively with them in accordance with their own patterns of comprehension. We need to know what our adversaries already know about various national psychologies or psychological processes among different peoples. Already we know that effective motivational stimuli vary from one people to another. We need to know how they vary and how this information is utilized by our adversaries and how it can be used to defend the integrity of non-Communist societies.

Last week I attempted to demonstrate from the periodical press that Communist revolutions occurring all over Africa are planned and coordinated by experts trained for nonmilitary warfare in countries which are antagonistic to our own interests. Today I would like to utilize the periodical press to show the same kind of development occurring in Latin America.

But no responsible person I know contends that all discontent in Latin America is fomented by revolutionary activity. Skilled revolutionaries, rather, exploit discontent, turn it to their own ends. We need better capability to erect good defense against such activity. The professional revolutionaries appear now to hold to themselves unchallenged the entire field of this effective political activity.

The Wall Street Journal of March 18, 1965, carried a story from Guatemala City, written by James C. Tanner, describing the general topic of Latin American anti-government activity. Of Communist endeavors, he writes:

> Observers foresee increasing Latin American terrorism * * * as Red China expands its revolutionary-minded ideology; the Sino guerrilla strategy particularly appeals to younger Latin leftists. One indication of

American concern is that U.S. Latin troubleshooters in the State Department now get regular reports from U.S. Embassies on sabotage and other violence. But terrorism is not the only weapon being used by Latin Communists.

The Reds are pushing peasant unrest and seizing on such issues as the Panama Canal to stir up turmoil. Though the Communists were unjustly blamed for starting the Panama Canal riots in January 1964, they were quick to capitalize on the friction. Since, a number of additional Communists have gone into Panama, and their hand was evident in the student-sponsored demonstrations this past January in observance of the "martyrs" who died a year earlier.

Mr. President, I ask unanimous consent that the whole text of this article, "Latin Leftists," from the Wall Street Journal of March 18, 1965, appear at this point in my remarks.

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

LATIN LEFTISTS—FEW AND DIVIDED, THEY STILL MANAGE TO MAKE TROUBLE

(By James C. Tanner)

GUATEMALA CITY, GUATEMALA.—Minutes before midnight on March 30, 1963, army tanks rammed through a wall around Casa Creme, the rambling "cream house" residence of President Miguel Ydigoras Fuentes, leveled their guns at the front door and waited while the jaunty Ydigoras packed his bags for a trip into exile.

Behind the golpe (Latin military coup) was a taciturn army career colonel with a penchant for horseback riding, Enrique Peralta Azurdia. Already defense minister, Colonel Peralta named himself chief of government and assured Guatemalans he acted only because Ydigoras was leading the government into corruption and yielding the land to communism. The 56-year-old colonel today still trumpets the Red threat.

Seated on an aging sofa in the national palace, he blames Castro "hoodlums" and Communist "bandits" for Guatemala's spasmodic outbreaks of terrorism. But he confides that the military government is only a provisional one, that it is bringing political tranquility and that presidential elections will be held before the year's end. He insists he will not be a candidate. But might he refuse to relinquish control to the new President? Yes, if the leftists win, replies the colonel. "Under no circumstances will we permit a movement with a communistic tint," he says.

Similarly, emerging political leaders in a growing number of the 2 dozen Latin lands are taking a tough, hard-line stand against the Reds. While this would appear cheering to Uncle Sam, many like the colonel heading this one-time communistic country are dictators. And even as the United States presses for democracies through such programs as the Alliance for Progress, it's being increasingly saddled politically with just the opposite. The claimed alternative is communism.

The Latin far left is being fragmented by the Soviet-Sino split and by the fading hero image of Castro. In the few countries where the Communist Party is not now outlawed, Red politicians are taking a thrashing at the polls. But the leftists are growing adept at keeping governments shaky and forcing golpes. Some observers of volatile Latin politics insist that dictatorships are in line with Communist objectives. Even if the Reds can't twist a revolt to their own aims as they did in Cuba, it's reasoned, a military government that makes a mess of running things offers more fertile ground than a democracy for Communist capture.

MAKING MORE NOISE

"The Communists in Latin America are weak, but they are making more noise and working toward the chaos that leads to military takeovers," asserts Arturo Jauregui, secretary general of the 28 million-member Mexico-based Inter-American Regional Organization of Workers. A Peruvian, Mr. Jauregui competes against Communists across Latin America for control of labor unions. Another Red foe, an astute Latin statesman, frets the day will come when perhaps as many as half of the Republics of Central and South America will be controlled by Communists. The other half, he reasons, will be ruled by dictators who have used the Red threat as an excuse to take over.

Latin America's Red repercussions pose more than just a matter of strategic concern for Uncle Sam. The United States has a bigger stake in this region than in any other area because Latin America is one of the best world markets for U.S. businessmen. American investments total $1 billion in Chile and more than $1 billion in Mexico, to cite just two examples.

Communists directed from Moscow, Peiping, and Havana are after this plum. Red China recently proclaimed it now is in a position to increase the export of its ideology to Latin America. In January, Pravda called on Latin working classes to join peasants in breaking the stranglehold of U.S. imperialists. Specific targets named in the Moscow communique were Panama, Haiti, Guatemala, Honduras, Colombia, Venezuela, and Paraguay. Castro exports guerrillas to other Latin countries.

Until just a few weeks ago, Communists were well on the way in British Guiana to a solid toehold on South America's mainland. Guatemala once fell to the Communists, Cuba still is Red, of course, and Argentina, Bolivia, and Brazil have come close to capture. And despite their small numbers and growing dissension within their ranks, the Communists are getting some results.

There are growing hints, for example, of a military takeover in Colombia. A thorny issue is leftist-inspired banditry. The commander of the armed forces complains increasingly of exploitation of Colombia's problems by what he calls "unscrupulous agents of foreign doctrines." President Guillermo Leon Valencia recently booted out his defense minister, mentioned as the likely leader of a pending coup.

A sticky situation also shapes up in El Salvador, though that tiny Central American nation has fewer than 1,000 Communists by government count. The trouble can be traced to Fabio Castillo, a physician turned talented administrator. A civilian member of a six-man junta which seized the government briefly in 1960, Mr. Castillo is using the national university he currently heads as a power base for the presidency, some Salvadorans claim. He's a recent visitor to Moscow, and set off a furor in his country with a proposal to bring in Russian professors.

Mr. Castillo also has labeled Salvador's reformed-minded president Julio A. Rivera a puppet of the United States. Through all the flap, President Rivera is acting with restraint. But this arouses mutterings from dissident elements of the military and from intransigent members of the oligarchy who want a hard-line approach to the leftist-leaning university. "As a result, the most serious threat to the political stability of the country comes not from the left but the right," notes a foreign diplomat at San Salvador.

If military coups should come in Colombia and Salvador, they would follow a path already paved by a swift sequence of golpes since Colonel Peralta made his move in Guatemala. The excuse of encroaching communism is the theme even though the actual threat may not be clear.

Some 17 months ago in Honduras, Col. Osvaldo Lopez Arellano, head of the armed forces, waged a brief but bloody battle to oust President Ramon Villeda Morales. The "golpe" came just 10 days before an election to name a successor for Villeda. Colonel Lopez, who now becomes constitutional President, says he acted to save the country from communism. Similar reasons were voiced by leaders of last year's revolt in Brazil which toppled the leftist regime of Joao Goulart.

Recently in landlocked Bolivia, after President Victor Paz Estenssoro courted danger by tangling with the Red-infiltrated tin miners' unions, widespread leftist-led student riots pushed his anti-Communist and American-backed government over the brink. Heading the military junta which overthrew President Paz: A crew-cut air force general, Rene Barrientos, who also is outspokenly anti-Red. Nicaragua has an elected president but the Somoza overlords still control that country; Ecuador is under a military junta, and a civilian junta rules the Dominican Republic.

REBELLION A POPULAR SPORT

Rebellion, of course, is the popular sport among Latins and not much of an excuse is needed to start one. A clandestine press conference by a former president sparked the Guatemalan golpe, for example. Though no Communist, Juan Jose Arevalo as president saw no danger from the Reds and permitted them to infiltrate labor and other groups.

His successor, moreover, was dominated by Communists. Jacobo Arbenz Guzman elected in 1951, staffed government posts with Reds, and Guatemala was controlled by Communists until a United States-backed insurrection chased him out. The most recent elected president, Ydigoras, was anti-Communist, but political conditions grew chaotic under his regime. Arevalo, in exile, loomed as his most likely successor. When Arevalo slipped into Guatemala to outline his presidential campaign strategy for the press, the military overthrew Ydigoras in a bloodless coup. Colonel Peralta justifies the action by characterizing Arevalo as a pro-Communist who would once again turn the country to the left.

A new constitution now is being drafted. It will prohibit the reelection of a former president, eliminating from the running such exiles as Arevalo, Arbenz, and Ydigoras.

Despite safeguards being written into the constitution and into its laws, Guatemala so far hasn't been able to legislate the Communists out of existence. The Communist Party is illegal, but some 1,000 active members continue working through a camouflaged front group. Castro-trained guerrillas operating near Lake Izubal in the interior and along the Honduras border occassionally machinegun an army officer, raid banana and rubber plantations, and sometimes, just to show the peasants whose side they are on, assassinate a landowner.

In recent weeks, urban terrorism by Guatamalan Reds—led by an army renegade trained in guerrilla fighting by U.S. forces in Panama—has taken a new tack with targets being U.S.-owned properties. New Year's Eve celebrations in Guatemala City included the burning of a U.S. Government garage along with the 23 cars in it. A U.S. Army colonel has been shot at, and a U.S. Army building bombed.

Observers foresee increasing Latin American terrorism of this sort as Red China expands its revolution-minded ideology; the Sino guerrilla strategy particularly appeals to younger Latin leftists. One indication of American concern is that U.S. Latin troubleshooters in the State Department now get

regular reports from U.S. Embassies on sabotage and other violence. But terrorism is not the only weapon being used by Latin Communists.

THE CANAL ISSUE

The Reds are pushing peasant unrest and seizing on such issues as the Panama Canal to stir up turmoil. Though the Communists were unjustly blamed for starting the Panama Canal riots in January 1964, they were quick to capitalize on the friction. Since, a number of additional Communists have gone into Panama, and their hand was evident in the student-sponsored demonstrations this past January in observance of the "martyrs" who died a year earlier.

The Latin Reds, however, are running into some sizable setbacks in their more legitimate pursuits. Venezuela is cleaning up its Red-infiltrated schools, dismissing so far some 2,000 leftist teachers. A potentially potent leftist labor movement across Latin America has fallen apart. Not the least of the Communist troubles is the Peiping-Moscow rift. Notes a U.S. official long stationed in South America: "The older Communists that were Moscow-trained are aging. The younger ones for awhile leaped at Castro as the rising star. Now, he's out as a hero, and they look toward Peiping. So really, the unity of the Latin Communists is shot."

Pro-Soviet Reds still control the parties in most Latin lands. But their leaders are mellowing. Vicente Lombardo Toledano, an aging leftist who heads the Popular Socialist Party (PPS) in Mexico and long has been Moscow's chief missionary in Latin America, traded out with Mexico's ruling political party last year and backed anti-Communist Gustavo Diaz Ordaz for President. Now Mr. Lombardo Toledano is a deputy, spouting softened Marxist ideology from the congressional floor.

In Chile's presidential election last September, Communists threw all their support to a Socialist, a popular candidate who looked like a sure winner. He was soundly trounced by Christian Democrat Eduardo Frei. Mr. Frei's government further strengthened its hand in congressional elections this month by becoming the first to gain an absolute majority in the lower house. But experts on Latin Reds caution that their impact can't always be measured at the polls. Frei's programs in Chile, for instance, are being bottled up by the Reds. Though most citizens back his plans to go into partnership with the big U.S. companies in Chile's copper business, the Communists are teaming with nationalists to accuse Frei of selling out to the Yankees.

So, despite the emergence of stanchly anti-Communist leaders in a number of Latin lands, it is likely the Reds will keep Latin America in ferment for some time.

Mr. MUNDT. Marguerite Higgins has also noted the increasing exploitation of real discontent in Latin America by professional revolutionists who work toward violent overthrow of legitimate governments. She has written two recent articles to which I will allude. One appeared in the Washington Evening Star of March 22, 1965, where she quotes Cuba's Che Guevara as having asserted to an interviewer that:

The armed fight which has already started in Guatemala and Colombia will develop into a continental movement.

Noting the newly agreed declaration by 22 Latin American Communist parties of support and solidarity for Fidel Castro, Marguerite Higgins tells how Castro finally obtained unified support for his type of revolution:

In exchange for a Castro pledge of hands-off in most areas of Latin America, the hemisphere Communist parties promise "active aid" for violent attempts to overthrow the governments of Venezuela, Colombia, Guatemala, Honduras, Paraguay, Haiti, and Panama. These countries were named in the Havana communique as countries where the "liberation movement is most likely to succeed."

And the professional revolutionaries are busily training others in their craft.

With Soviet, Red Chinese, and North Vietnamese guerrilla experts already in place in camps near Havana, Castro now has unprecedented backing from the entire Communist apparatus in the hemisphere.

There is no precedent—

Marguerite Higgins writes—

for such a brazen declaration of guerrilla warfare against sovereign nations in this hemisphere. * * * It is a measure of world communism's confidence of America's inability—or unwillingness—to do anything about it.

My purpose in this series of statements is to answer just that charge—that our country refuses to confront this challenge. Establishment of something like the Freedom Academy, a concept which emerged from intensive effort and acute analysis, would commence improving defenses of the non-Communist world against nonmilitary aggression.

I ask unanimous consent that this article by Marguerite Higgins, entitled "United Reds Give Castro Lift," from the Washington Evening Star of March 22, 1965, appear at this point in my remarks.

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

UNITED REDS GIVE CASTRO LIFT

(By Marguerite Higgins)

What are the Russians up to on the Caribbean front of the cold war? Is all as quiet south of the border as the Nation's preoccupation with Vietnam would seem to warrant?

The answer, unfortunately, is "No."

And the renewed cockiness of Fidel Castro & Co., inside Cuba and out, officials here concede, has a certain basis in fact.

An example of this cockiness was the interview given in Algeria by Cuba's far-traveling guerrilla expert, Ernesto "Che" Guevara, who declared, "The armed fight which has already started in Guatemala and Colombia will develop into a continental movement."

This is in line with the Cuban propaganda line that these two countries "will form the embryos for turning all of Latin America into a vast South Vietnam."

MOSCOW'S BLESSING

A new reason for this Cuban cockiness is the declaration of support and solidarity for Fidel Castro wrested from representatives of all 22 Latin American Communist parties in convention assembled in Havana. The communique of this Havana convention was issued in late January and immediately distributed by Tass New Agency, thus giving it Moscow's blessing.

But there is far more to the communique than meets the casual eye.

For one thing, it brings a certain order out of the interparty bickering and chaos that has often been a hindrance to Latin American Communist Parties.

For another, the communique of the hemisphere Communists, who are without exception under Soviet discipline, marks the first time in 6 years of power that Castro has been able to win this group's promise of coordinated support, not just for himself, but for his export of armed violence.

"ACTIVE AID" OFFERED

According to intelligence sources, Moscow engineered a rather remarkable compromise between the Latin American Communist Parties, who have resented Castro's meddling in their spheres of influence, and the Cuban dictator.

In exchange for a Castro pledge of hands-off in most areas of Latin America, the hemisphere Communist parties promise "active aid" for violent attempts to overthrow the Governments of Venezuela, Colombia, Guatemala, Honduras, Paraguay, Haiti and Panama. These countries were named in the Havana communique as countries where the "liberation movement" is most likely to succeed.

The communique marks an end to the previous contention of the Communist parties that revolution ought to be left to locals inside each country and sanctions export of terror and revolution to certain predesignated places.

With Soviet, Red Chinese and North Vietnamese guerrilla experts already in place in camps near Havana, Castro now has unprecedented backing from the entire Communist apparatus in the hemisphere. It will no longer carp and protest at Cuban meddling but will assist Castro.

BAD NEWS FOR UNITED STATES

In light of Castro's all too substantial successes already, this is bad news for his intended victims—and for the United States.

There is no precedent for such a brazen declaration of guerrilla warfare against sovereign nations in this hemisphere.

Unfortunately, it is not only a measure of Castro's cockiness: It is a measure of world communism's confidence in America's inability—or unwillingness—to do anything about it.

Whatever became of those ringing declarations of the Cuban crisis days in which the United States warned it would never stand idly by if Castro were to persist in attempts to export subversion in the hemisphere?

Mr. MUNDT. Miss Higgins continued a month later. She writes of the same developments but from the viewpoint of another month's consequential activities.

And what is the situation in these threatened countries? Violence has flared to some degree in all. But the situations in Guatemala and Venezuela cause the most concern.

American officials estimate that in Guatemala perhaps 500 well-trained terrorists are operating under direction from Havana where Soviet, Chinese, and even North Vietnamese experts cooperate in training Latin Americans in subversion.

In Venezuela * * * guerrilla activities in the rural areas, which had been conspicuously on the wane, are now rising in intensity.

I ask unanimous consent that the Marguerite Higgins article "Castro Isn't Shaken by United States," from the Washington Evening Star of April 19, 1965, appear at this point in my remarks.

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

CASTRO ISN'T SHAKEN BY UNITED STATES

(By Marguerite Higgins)

Fidel Castro is far from being in the corner into which Uncle Sam has tried to paint him. In fact, in some things, he is ahead on points.

This is the most significant conclusion to be drawn from careful analysis of testimony, given by top military, intelligence experts, and State Department officials to the House Inter-American Affairs Subcommittee.

This country has hoped that policies of economic isolation would make Cuba impossibly expensive to support—so expensive that Russia would find reason to cut Castro off without a ruble.

But according to John Crimmons, coordinator of Cuban affairs for the Department of State the situation today is that: "Despite apparent Soviet dissatisfaction with Cuban economic performance * * * and despite Soviet resentments of Cuban actions and attitudes, we estimate that the community of interest between Moscow and Havana is currently strong and that the reciprocal benefits of their association override their differences."

Time was when the United States threatened the use of force if Fidel Castro attempted to export subversion.

But the fact today is that the export of subversion is a fait accompli and such experts as Ellsworth Bunker, former U.S. representative to the Organization of American States, believes that "we might well be on the threshold of an intensified Communist effort in this hemisphere."

"Not only has the American threat of the possible use of force failed to deter Castro, it has failed to deter any of the hemisphere Communist Parties or Moscow.

In November of last year, the Communist Parties of the hemisphere attended a conference in Havana at which they proclaimed in a communique they would coordinate efforts with Castro to overthrow by force and violence ("liberate") Venezuela, Colombia, Guatemala, Honduras, Panama, Paraguay, and Haiti.

And what is the situation in these threatened countries? Violence has flared to some degree in all. But the situations in Guatamala and Venezuela cause the most concern.

American officials estimate that in Guatamala perhaps 500 well-trained terrorists are operating under direction from Havana where Soviet, Chinese, and even North Vietnamese experts cooperate in training Latin Americans in subversion.

In Venezuela, the important thing is that the guerrilla activities in the rural areas, which had been conspicuously on the wane, are now rising in intensity.

The capture last month in Caracas of three Communist agents carrying $340,000 in American money is indicative of the high priority given by the Communist bloc to the terror and havoc spread by the so-called Venezuelan National Liberation Front.

Mr. MUNDT. Now let us look a little more closely how these exercises in nonmilitary warfare in Latin America are progressing. There is an article written by a lieutenant colonel in the Argentine Army, Mr. Luis Alberto Leoni, which appeared in Military Review for January 1965, in which one method of undercutting legitimate government is described.

Castro's * * * uncanny psychological perception of his people and environment have enabled him to maintain a somewhat hypnotic hold upon his admirers and fanatical followers. This he has done by the simple expedient of using grisly beards, field uniforms, and the ever present threat of "to the wall" as symbolic elements of the Cuban Communist revolution.

Nearly all the subversive groups which operate throughout South America wear uniforms fashioned after those of their Caribbean precursors. The experience gained not too long ago of masses of people inspired and agitated by slogans, symbols, and gaudy uniforms—all characteristic of fascism and nazism—contained lessons not overlooked by these new traffickers in fervor and violence.

This approach appeals to the crowd. Others go more directly to the individuals.

Among the means employed by Communist propaganda experts * * * a special technique has been developed which involves the preparation and wide distribution of letters addressed to "the fellow peasant."

But look at the intensive work toward understanding the peasants to whom these letters are addressed before they are written. Note the motivational perception.

The technique employed in the preparation of these letters is proof in itself of the careful and detailed study of the peasant and his environment. The writers use a limited vocabulary, usually one not exceeding 500 words. Numerous comparisons and parables applicable to such typically everyday problems as the weather and the soil, which are common stock in the life relationships of agricultural societies, are also employed. Statements like the following—taken from a letter which recently appeared in Brazil—are typical.

"Together with your fellow men, you are the one who makes up almost all of Brazil. You are the one who feeds the nation, while you go hungry yourself. You are the one who clothes us, while you wear only rags. You provide the soldiers to defend your country while your country neglects you. You provide labor and defend the big landowners who in turn exploit you. You give offerings to the church, which tells you to be submissive and turn the other cheek in the name of Christ. But Christ himself was a rebel.

And so on. There follows talks of Fidel Castro, of Mao Tse-tung, St. Francis of Assisi, and Christ.

This is powerful potion. It is targeted exactly at the group to be subverted. Colonel Leoni says:

It matches perfectly the intellectual level of the group for which it is intended, and in a clever manner it simultaneously presents certain truths and falsehoods.

And here is the warning to us in the United States who have failed to analyze nonmilitary warfare in order to prepare the non-Communist world to meet it. Colonel Leoni warns, "Right now these letters are not considered to present an immediate threat." This is so even though, in diverse versions, they are commonly distributed throughout Latin America.

I ask unanimous consent that the article by Lt. Col. Luis Alberto Leoni "Letters to the Peasants," taken from Military Review of January 1965, appear at this point in my remarks.

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

LETTERS TO THE PEASANTS

(Lt. Col. Luis Alberto Leoni, Argentine Army)

(NOTE.—Lt. Col. Luis Alberto Leoni is presently assigned to the general staff of the Argentine Army. He is a frequent contributor to Argentine military journals and the winner of several literary prizes. In addition to his other duties, Colonel Leoni teaches a course in counterinsurgency at the Argentine Army War College.)

Sociological research into the reasons for the tremendous popularity of the existentialist theory among European youth found form rather than intellectual content as the preeminent attraction which led so many to that particular philosophy.

A similar conclusion could be drawn in connection with the support which Cuban Communist subversion has been obtaining from certain groups of Latin American youths. Their reaction is characterized by a subservient imitation of the outward appearances of the Castroite dictatorship—as if the mere adoption of such extravagant postures and coarse language would promise to solve the numberless problems which afflict the American States south of the Rio Grande.

There is no doubt that Castro's exceptional ability and uncanny psychological perception of his people and environment have enabled him to maintain a somewhat hypnotic hold upon his admirers and fanatical followers. This he has done by the simple expedient of using grizzly beards, field uniforms, and the ever-present threat of "to the wall" as symbolic elements of the Cuban Communist revolution.

The emotional impact of these elements of apparent outward simplicity, but of great transcendence, is proved by the fact that nearly all the subversive groups which operate throughout South America wear uniforms fashioned after those of their Caribbean precursors. The experience gained not too long ago of masses of people inspired and agitated by slogans, symbols, and gaudy uniforms—all characteristic of fascism and nazism—contained lessons not overlooked by these new traffickers in terror and violence.

IGNORE DANGER

Men and institutions of current democratic regimes, who are inclined to look at these reactions with indifference, seem to ignore the explosive danger which lurks beneath these demagogic efforts for the ideological conquest of men and minds under the Marxist yoke.

Among the means employed by Communist propaganda experts throughout the southern half of the South American Continent, a special technique has been developed which involves the preparation and wide distribution of letters addressed to "the fellow peasant."

The lexical, literary, and ideological content of these letters is a masterpiece of convincing propaganda which seeks to move the very soul of the peasant by the apparent truth of the majority of the statements therein. These statements are made with the obviously covert purpose of further transforming the peasant's life of misery and want to one of absolute totalitarian subjection.

The technique employed in the preparation of these letters is proof in itself of the careful and detailed study of the peasant and his environment. The writers use a limited vocabulary, usually one not exceeding 500 words. Numerous comparisons and parables applicable to such typical everyday problems as the weather and the soil, which are common stock in the life relationships of agricultural societies, are also employed. Statements like the following—taken from a letter which appeared recently in Brazil—are typical:

"Together with your fellow men, you are the one who makes up almost all of Brazil. You are the one who feeds the nation, while you go hungry yourself. You are the one who clothes us, while you wear only rags. You provide the soldiers to defend your country, while your country neglects you. You provide labor and defend the big landowners who in turn exploit you. You give offerings to the church, which tells you to be submissive and turn the other cheek in the name of Christ. But Christ Himself was a rebel, and that is the reason why He was crucified. Like Christ, the good Saint Francis of Assisi of Italy was also like you. Of those who are still living, Mao Tse-tung, of China, and Fidel Castro, of Cuba, won because they were like you and you are like them. You were and you are; you are and you will continue to be."

This technique for the conquest of the peasants has been quickly imitated in many other places of South America. Early in 1964 a similar "letter of proclamation" was widely

distributed among the peasant population of the mountainous semijungle region of Salta, Argentina, near the Bolivian border, by a group of guerrillas whose activity was discovered in that area.

This particular letter, titled "Proclamation From the Second in Command to the Comrade Peasants" and issued by the Popular Guerrilla Army, followed the same subversive approach as the letter circulated in Brazil.

It matches perfectly the intellectual level of the group for which it is intended, and in a clever manner it simultaneously presents certain truths and falsehoods. This feat is accomplished by making reference to actual persons and known facts, although the latter are distorted in such a subtle way that they become easily acceptable as unquestionably true. Thus, the seed of doubt is sown in the minds of the worker and peasant while, at the same time, they are offered Marxist solutions to their problems.

Right now, these letters are not considered to present an immediate threat. The same could have been said years ago about the Communist Manifesto by Marx and Engels. But we must not overlook the great lessons to be found along the bloody and tearful path of history. There is ample evidence of social inequalities which must first be corrected for the sake of human dignity and to uphold the spirit of democratic ideals. In the specific case of Latin America, the action against Marxist subversion must be undertaken immediately. This action should consist of a determined and selfless campaign aimed at the elimination of human misery, social neglect, disease, and illiteracy.

The people south of the Rio Grande want neither pity, offerings, demagogery, nor Marxism in order to overcome these subversive trends. They need assistance coupled with dignity, capable government, harmony between labor and management, and, above all, justice among men. The placation must be attained now, not later when it may be more difficult to convince the people that their true environment is not the utopian life of a proletarian world proffered them by the terror traffickers full of false promises.

Only then will the peasant firmly realize that liberty and justice are the true symbols of a free world. Then, also, the subversive letters, leaflets, pamphlets, proclamations, and other propaganda means will lack the conviction, the sense, and the capability to undermine his spirit. Then it will be possible to talk about the true accomplishment of humanity—the victory of peace, human rights, and dignity on earth.

Mr. MUNDT. Finally, for today, let us turn to the New Leader. Norman Gall, who recently completed a Latin American tour for the Washington Post, contributed an article called "The Continental Revolution."

Gall wastes no time before identifying the major problem.

The fact is * * * in key areas of the country, the Venezuelan Government is now in a virtual state of war against guerrilla insurgents who are following a prescribed course of violence and economic disruption. This pattern of guerrilla insurgency is a clear reflection of the proliferating Communist literature of violence—a literature deeply indebted to the writings of Mao Tse-tung—and points to the adoption, in Venezuela, of the strategy of the long war, akin to the conflicts effectively waged in China, Algeria, and Vietnam. Designed to force large numbers of regular army units into antiguerrilla and security operations throughout the country and thus weaken the Government's ability to deal with urban rioting, terrorism, and barracks revolts, this strategy has already yielded the Communists a sizable dividend in political and social havoc.

Their tactics are familiar. Assassinations. Executions of peasants who don't cooperate. Attacks on small military outposts. Capture of munitions stores.

The real importance of the Venezuela insurgency can only be measured against the increasingly aggressive tactics being adopted by the Communists in other key Latin American countries.

In Cuba and Peru, just as in Venezuela, the Peiping line of violent insurrection predominates, and in Ecuador, Colombia, and Brazil it appears to be gaining rapidly. In the Peruvian Andes, more than 250,000 Indian peasants have been organized into Communist-led federations to invade haciendas and seize land.

The organizers, of course, are trained professional revolutionaries. Defending against their actions are personnel who largely do not recognize tactics used against them and who do not comprehend the challenge they confront. It would be interesting to know, Mr. President, what percentage of the officer corps of our own State Department and related agencies are intimately familiar with the tactical and strategic writings of Mao Tse-tung.

The Venezuelan Government, facing this immediate challenge of warfare, Gall says, exhibits a curious policy of silence.

The government has shown itself to be particularly lacking in resourcefulness when responding to the guerrilla incursions, even where its own programs are at stake.

That is, the officials responsible for defense do not comprehend the attack.

Gall quotes a police chief who has tried fighting guerrillas:

When we go out to hunt the guerrillas, we have only old Mauser rifles, no medicines, and no money to buy food. We must often confiscate our meals from peasants * * * guerrillas usually have money to pay for theirs. Many peasants are abandoning their farms. * * * Our letters asking for supplies go unanswered. We must arrest people to find out where the guerrillas are, since they have many agents in the countryside.

But perhaps most interesting in this article is his discussion of the careful preparation that precedes guerrilla expeditions.

[A] guerrilla leader in an area where his father is one of the chief landowners went to Rome to study law in the early 1950's; he returned * * * a declared Communist * * * in late 1950 [he] * * * returned from a visit to Caracas with two youths who spent the next 2 months exploring the surrounding mountains. Early in 1959 groups of university students and professors appeared * * * on "field trips" to map the zone. It was not until late 1961 that the first open guerrilla activity began there.

And again, the failure of responsible officials to recognize the threat:

One of the chief advantages in guerrilla operations is that the central government almost never recognizes their importance until it is too late. * * *

Clearly * * * the governments not only of Venezuela but of other Latin American countries need to realize that they are involved—and have been for years—in an extended political-military conflict. All signs now indicate that violence will increase convulsively as new insurgencies go unrecognized and uncontrolled, and efforts to establish constitutional democracy are repeatedly aborted.

I ask unanimous consent that the full text of Norman Gall's article "The Continental Revolution," appearing in the New Leader for April 12, 1965, appear at this point in my remarks.

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

INSURGENCY IN VENEZUELA: THE CONTINENTAL REVOLUTION

("It is difficult, but not impossible, to believe in the triumph of Socialism in only one country. For some years now imperialism has been preparing an organized repression against the peoples of Latin America * * *. In response to this Internationale of repression, we foresee the organization of a continental front against imperialism. It will take time to organize this front, but when it exists it will represent a severe blow, if not a definitive one against imperialism."—Ernesto "Che" Guevara, interviewed in the Algerian magazine Révolution Africaine, December 26, 1964.)

(By Norman Gall)

SANTA CRUZ DE BUCARAL.—For 2 years now the successive Accion Democratica governments of Presidents Romulo Betancourt and Raul Leoni have been announcing the imminent annihilation of all guerrilla activity in Venezuela. In his televised New Year's message, Leoni referred to the guerrillas as "some tens [decenas] of delirious nonconformists" engaged in "criminal terrorist activities in the cities and an absurd and impotent rebellion in certain rural zones." Yet, far from being destroyed, guerrilla warfare has spread to wider and wider areas of the country during the past year. In Trujillo and Falcon, two states where the army has had to be dispatched for antiguerrilla operations, the peasants are gripped by fear of reprisals from both the guerrillas and the army, and in all the cities and towns I have visited during a month in Venezuela the guerrillas have loomed unmistakably as the prime topic of conversation.

The fact is, not only in the states of Trujillo and Falcon but elsewhere in key areas of the country, the Venezuelan Government is now in a virtual state of war against guerrilla insurgents who are following a prescribed course of violence and economic disruption. This pattern of guerrilla insurgency is a clear reflection of the proliferating Communist literature of violence—a literature deeply indebted to the writings of Mao Tse-tung—and points to the adoption, in Venezuela, of the strategy of the "long war," akin to the conflicts effectively waged in China, Algeria, and Vietnam. Designed to force large numbers of regular army units into antiguerrilla and security operations throughout the country and thus weaken the Government's ability to deal with urban rioting, terrorism, and barracks revolts, this strategy has already yielded the Communists a sizable dividend in political and social havoc.

The apparent aim of the guerrillas is to divide Venezuela militarily during an uprising. With that end in view, there is now a chain of overt or incipient guerrilla activity from the first continental outcropping of the Andean Mountain system near Cabure, about 30 miles from the Caribbean coast, all the way south to the Colombian frontier. Using the principal waterways of the region as their points of contact, the guerrillas in the mountains are able to coordinate their operations with those of their urban counterparts, the Unidades Tacticas de Combate (UTC), who function in a great many municipalities.

The significance of these operations cannot be judged either by their present strength or by current battle reports, which for the most part list only attacks on six-man police posts,

assassinations of peasants accused of betraying the guerrillas, and assaults on military checkpoints on highways approaching the mountains. The real importance of the Venezuela insurgency can only be measured against the increasingly aggressive tactics being adopted by the Communists in other key Latin American countries.

In Cuba and Peru, just as in Venezuela, the Peiping line of violent insurrection predominates, and in Ecuador, Colombia and Brazil it appears to be gaining strength rapidly. In the Peruvian Andes, more than 250,000 Indian peasants have been organized into Communist-led federations to invade haciendas and seize land. Shipments of Communist arms have been entering Peru across the altiplano frontier with Bolivia, and in 1964 the Peruvian Communist Party was purged to give control to its pro-Chinese faction; leaders who favored cooperation with the regime of President Fernando Belaunde Terry, whom the Communist organization in the Peruvian sierra helped elect, were expelled. Similarly, in the northeast region of Brazil, which contains the most widely publicized peasant leagues in Latin America, a Maoist insurgency has split the Communist Party in two.

As an area of potential revolutionary activity, then, the Andean highlands of Peru, Bolivia and Ecuador look fertile indeed. Comprising more or less what had been the old Inca empire, this region forms a single geopolitical unit whose more than 10 million Indian inhabitants have scarcely been touched by Western culture. Like the peasants of prerevolutionary China, they speak vernacular tongues (Quechua and Aymara) divorced from the official language; they are subject to aristocratic exploitation and repression, deep communal allegiances, and extreme scarcity of land among the mass of subsistence farmers. Peonage and primitive farming methods continue unchanged, landlords collect rent in the form of labor, and the per capita ratio to cultivated land is virtually the same as that which existed in old China.

The beacon for this pattern of revolutionary activity is Cuba, which, after overtures last year toward better relations with the United States, has begun to formulate what appears to be a new hard line. "Che" Guevara's recent journey to Africa and Asia produced many statements supporting the Chinese attempt to divide the world into white and colored camps, and in Algiers he specifically mentioned the organization of a "continental front against imperialism" in Latin America to oppose the "internationale of repression" being formed by the United States. Castro himself, faced with increasing economic hardship and the possibility of curtailment of Soviet aid, used the occasion of his sixth anniversary in power, in January, to warn that Cuban Communists needed no meddling advice from other Communist parties—presumably a reference to the restraining hand of Moscow—and voiced faith in the ability of his people to subsist without foreign aid.

But Cuba's role involves more than rhetoric. Last November 14, Venezuela's Fuerzas Armadas de Liberación Nacional (FALN) opened its international headquarters in Havana with ceremonies attended by the Russian, Chinese and North Vietnamese Ambassadors. In a New York interview a month later, Guevara declared: "The road to the liberation of peoples, which will be the road to socialism, will go through bullets in almost all countries * * *. We have much enthusiasm for the freedom fighters in Venezuela. We have taught some of them to acquire military knowledge."

The majority of young Latin Americans now being schooled in Cuba in the tactics of rural and urban guerrilla warfare are, in fact, Venezuelans and Colombians, and the insurgent movements in both countries remain in frequent contact across an unguarded border which traditionally has been an open door for heavy smuggling in arms, cattle, and consumer goods. Colombian guerrillas have been operating for months now in the eastern mountain range along the Venezuelan frontier, and are said to have enlisted the bandits of the area in their service.

It is against this background of rising guerrilla warfare along Maoist lines throughout Latin America that the activities of the Venezuelan insurgents must be seen. Even in Venezuela itself, however, exact information about both guerrilla and antiguerrilla operations is not easy to come by. Communist journalists who remain infiltrated in the press, together with their still powerful, reactionary bosses, are alike in wanting to discredit the Accion Democratica government. As a result, news of the anti-Government operations strays from secrecy to exaggeration to confusion.

For example, a girlie magazine called Venezuela Grafica, owned by the rightwing Capriles chain, recently published a long picture story eulogizing the guerrillas. But it turned out that the pictures accompanying what were purported to be on-the-scene interviews were from another area of the country. The magazine was suspended for printing the story, and both left and right accused the Government of resorting to dictatorial methods.

The source of a good deal of exaggerated reportage on guerrilla activities is INNAC, a news service owned by the rightwing newspaper El Universal, whose owner was the Communist-backed candidate for the presidency of the Venezuela Press Association last year. Venezuela as a whole relies greatly on INNAC for news of the interior, though the organization is said to be heavily infiltrated by Communists.

The Government further confuses the problem by pretending at times that it doesn't exist. Last October four peasants were kidnapped and murdered by guerrillas near the village of Guaramacal in the Andean state of Trujillo. After the bodies were exhumed and identified, investigating officials reported the murders to Caracas, but the news remained a secret. For months now 600 troops have been engaged in antiguerrilla operations in Trujillo, begun in response to the Guaramacal killings, yet there are no official reports on their activities. In February, the Caracas press reported the crash of an army helicopter in the Falcon state guerrilla zone, but denied that the helicopter had been brought down by ground fire. On the following day, though, the Army rushed a company of reinforcements into the area.

Only last month, 30 guerrillas captured the police headquarters and telegraph office in the Falcon state town of Aracua. They sized a supply of weapons and ammunition, took over the town for 3 hours, and fled before any troops arrived. The following day the Minister of Defense, Gen. Ramon Florencio Gomez, said the guerrilla activities were "insignificant."

In addition to its curious policy of silence, the Government has shown itself to be particularly lacking in resourcefulness when responding to the guerrilla incursions, even where its own programs are at stake. The following incident provides a graphic illustration of its ineffectiveness.

In November there was a public execution carried out by the guerrillas in Tapatapa, about 20 miles from the village of Santa Cruz de Bucaral. The trip takes 2 hours by jeep or 6 hours by burro—and the chilling winter rains often turn the dirt roads into swamps so that only burros can get through. The roads wind through the rugged mountains and forests of Falcon state to connect caserios of mud-splattered adobe dwellings like Tuy and Tapatapa and Macuquita, which do not appear on the map.

Three years ago, the Government bought a large hacienda at Tapatapa and called a meeting to tell the squatters that they could continue living on their parcelas. Without further ceremony or improvement, the Instituto Agrario Nacional added Tapatapa to the list of agrarian reform sites in which nearly 80,000 peasant families are said to have been "resettled" in the past 6 years.

The secretary general of the peasant sindicato at Tapatapa, Rodolfo Romero, was also the local leader of the government's Accion Democratica Party. Neighbors claimed that Romero "tried to make himself big" by falsely accusing his enemies of collaborating with the guerrillas then being sought by the direccion general de policia (Digepol, the state security police) and the army. In any event, when Romero was informed that Douglas Bravo and his guerrilla followers were in the neighborhood, he set out for the army post in Santa Cruz to inform the commander.

When he arrived at the camp, another farm expropriated for the agrarian reform, the soldiers said they could not go to Tapatapa without permission from the command post 100 miles away. Romero waited for the orders from 10 a.m. to 4 p.m.; they did not come, and he started back.

On the lonely burro trail Romero was intercepted by guerrillas, who had been waiting for him. They marched him back to Tapatapa with his hands tied behind his back, hung him from a tree by his armpits and threw broken bottles at his face to make him bleed. They read an execution decree accusing Romero of betraying the cause of national liberation, then shot him as the whole community watched. About 30 families abandoned their parcelas in Tapatapa in the next few days.

One Accion Democratica congressman from the area commented: "When their leader dies this way, how will the others act? Through bribery and terror the guerrillas are steadily winning our peasants. The area is ideal for guerrillas. It has corn, cattle, abundant fresh water, and many mountains and caves. They are led by local boys who know the land far better than the army. The number of guerrillas in the hills is not important now. What is important is the number of collaborators in the villages and farms beside the roads.

"The guerrillas use money stolen from stores and factories and banks in the cities," the congressman continued. "They buy food from peasants at two or three times the regular price. They call their robberies 'revolutionary confiscations' and give away the money as 'advances on revolutionary agricultural credit' which the FALN says it will bring them in a future agrarian reform. The peasants voted for us by force of habit, but they are giving up hope and are cooperating more and more with the Communists. When is the Alliance for Progress coming to these mountains to meet its enemy? I asked the political officer of the U.S. Embassy this question, and he merely said there already are appropriate institutions handling these problems."

The situation of the peasants, caught in the crossfire of guerrilla and Government forces, has now become extremely grave. "When the army came to these mountains, things become rough for the peasants," said one farmer in Santa Cruz de Bucaral. "When the guerrillas were relatively unknown a peasant could coexist with them, getting good prices for his corn and hens, though most of those cooperating did so for fear of being killed. When the army arrived the peasants had two governments to deal with. The digepol is very badly trained. They often jail a peasant for a week or 10 days when he comes to give information, so that his whole neighborhood knows he has informed when he gets back home. The peasant then just stops giving information. The guerrillas pay

for what they take and respect his women, while the army and the digepol often do neither. To top all this, people go around making false accusations to the army and police about their neighbors to settle old grudges."

The difficulties facing those assigned the task of suppressing the guerrillas were explained to me by Rafael Antonio Garcia, the young police chief of Santa Cruz de Bucaral. "When we go out to hunt the guerrillas we only have old Mauser rifles, no medicines and no money to buy food," he said. "We must often confiscate our meals from peasants. This is always a big problem, as the guerrillas usually have money to pay for theirs. Many peasants are abandoning their farms, leaving behind their animals and immovable possessions. The losses in crops are incalculable; large fields are abandoned with the corn unharvested. Our letters asking for supplies go unanswered. We must arrest people to find out where the guerrillas are, since they have many agents in the countryside. In November and December we arrested 63 peasants as agents."

Meanwhile, the guerrilla movement has itself given a new impetus to the Venezuelan Communists, who had lately been losing ground. The violence of the Betancourt years cost the Communists dearly. Many of their top leaders are jailed. Their support in the universities, though still strong, has ebbed significantly. Their once effective infiltration of the press, the teaching profession, and the armed forces has been somewhat reduced. In terms of both popular and organizational strength, the Communists are thus considerably less powerful than they were following the 1958 overthrow of Dictator Marcos Perez Jimenez—the period in which they enjoyed legality, infiltration, and influence. For all their lobbying, terrorism, and guerrilla warfare—and the prestige accrued from opposing the dictatorships of Perez Jimenez and Juan Vincente Gomez (1908–35)—the Venezuelan Communists have yet to produce a leader comparable in stature to a Castro or a Togliatti.

Ever since the failure of the FALN to stop the 1963 election, internal memorandums of the Venezuelan Communist Party (VCP) have been full of reproaches and laments concerning the sad state of party organization. There are, moreover, strong personal and ideological differences among the extremist leaders.

The FALN memorandum, "Our Errors," describes some of its internal difficulties as "Exhibitionism, which constantly leads us to show off * * * before friends, comrades, and strangers, the tasks we are undertaking, the secrets we know * * *. Deviations of a military character [take place] when we substitute personal leadership for collective leadership, when we seek to demonstrate that we are right by raising our voice or by constantly insisting on our positions as 'chiefs.'"

Still, the FALN record for 1964 has not been barren of success, and its prospects have been considerably brightened by the activities of the guerrillas. Thus, a recent memorandum of the VCP Politburo outlines a "defensive situation" to last "at least 6 months," with a plan consisting of the following operations: accelerated programs for training guerrillas abroad to take advantage of "unlimited" facilities offered; a campaign for amnesty for jailed insurrectionists; offers of a truce to the government by the VCP and the Marxist-Leninist Movement of the Revolutionary Left (MIR); quiet gestation of more guerrilla activity; and renewed efforts at infiltration of the armed forces.

In 1964 the leftist forces, even while expanding their guerrilla operations, were able to create a political climate propitious to amnesty for their jailed leaders. Yet the jails, as so often is the case when they house political prisoners, have become schools of revolutionary theory and tactics. Former Senator Pompeyo Marques, leading ideologue of the VCP's dominant pro-Chinese wing, writes his weekly column from his jail cell; it appears under the pseudonym "Carlos Valencia" in the Communist paper Que.

The amnesty campaign is being spearheaded through pressure on President Leoni by two old enemies who have joined Accion Democratica in a government coalition—the Union Republicana Democratica (URD) and a new party led by writer-politician Arturo Uslar Pietri. Both Uslar and URD have long records of collaboration with the Communists. During the Christmas rush of pressure for amnesty, the jailhouse corridors were crowded by the comings and goings of leading URD and Uslarista politicians. To date 33 political prisoners have been freed.

In the 1958 elections the VCP won 160,000 votes (6 percent of the total), which makes plausible a recent military estimate that there are 2,000 rural guerrillas and 3,000 urban UTC members available to the FALN, including those trained but not yet used. The new clandestine tactical manual "FALN Will Conquer" spells out one of the gravest political problems of antiguerrilla warfare in Latin America: "The uncontrolled increase in the armed forces would break the equilibrium of forces guaranteeing the stability of the Government; in other words, a civil government cannot sustain itself in a Spartan Venezuela. When revolutionary operations constantly strike the reactionary military vanguard, it is probable that the military will insist on certain political controls for 'pacification' and finally will decide on a coup d'etat."

One high-ranking Accion Democratica leader confirmed this analysis when he told me recently: "The real possibility of military overthrow of this Government is from the right rather than the left. It is likely that there will be a coup in Colombia soon and this could produce a strong reaction here. We are giving away nothing on the political prisoners. URD and Uslar have promised so much during the election campaign on this that we have to let them blow off steam. The few prisoners we have released mostly are students whose parents assured us that they will study at universities abroad. We are being careful, and no Communist leaders will be released for a good while."

Probably more significant than the size of guerrilla operations at this stage is the care with which they have been organized. The first guerrilla units in Falcon and Lara States began functioning near the only two hamlets in western Venezuela where the Communists won a clear majority in the 1958 elections.

Hipolito Acosta, guerrilla leader in an area where his father is one of the chief landowners, went to Rome to study law in the early 1950's; he returned to his Falcón village of Curimagua a declared Communist. His neighbors recall that in late 1950 "Polito" returned from a visit to Caracas with two youths who spent the next 2 months exploring the surrounding mountains. Early in 1959, groups of university students and professors appeared in Curimagua on "field trips" to map the zone. It was not until late in 1961 that the first open guerrilla activity began there.

"They spend their first 6 months in the mountains carefully exploring the land and acclimatizing themselves to the cold and rain," one Congressman from Trujillo State told me. "Many are university students from the cities and need this preparation. After months of secrecy they slowly start approaching the peasants, buying provisions at high prices and sometimes handing out medicines. They say they want to liberate the country from Yankee imperialism and its agents, the leaders of Accion Democratica. Only when they are established in the countryside do they finally attack to draw the army into the zone, trying to make the peasants feel the Government cannot protect them and that there is greater security in siding with the guerrillas."

One of the chief advantages in guerrilla operations is that the central government almost never recognizes their importance until it is too late. When will it be too late in Venezuela? It is a nation of chronic instability—exacerbated by an illegitimate birth rate of around 50 percent, a steady migration of peasants to the cities, furious political hatreds, and a military establishment which has let only one elected government in Venezuelan history, the Betancourt regime, finish its constitutional term.

In few Latin American nations, moreover, does there exist so dramatic a contrast between capital and countryside as between the opulence of Caracas and the abysmal condition of the Venezuelan peasantry. The Betancourt regime contributed major extensions of education and health facilities. Yet there are still appalling shortages of rural electrical and water supply installations, schools and medical facilities. Most of the scattered rural population—living in isolated shacks which cannot be protected from bands of armed men—suffers from anemia, malnutrition, and parasite infections which stunt growth (many male peasants are under five feet in height). Some 300,000 eligible peasant families are still waiting to receive land under an agrarian reform program which has been ineptly and sometimes corruptly implemented.

Clearly, then, the governments not only of Venezuela but of other Latin American countries need to realize that they are involved—and have been for years—in an extended political-military conflict. All signs now indicate that violence will increase convulsively as new insurgencies go unrecognized and uncontrolled, and efforts to establish constitutional democracy are repeatedly aborted. In the past the progress of Communist insurrection in Venezuela has been slowed by its own indiscriminate terrorism as well as the determined opposition of a freely elected government. After the tumultuous years (1959–64) of rightist and leftist insurrection against the Betancourt regime, the people of Venezuela are tired of violence, and yearn for stability. And at the moment the Communists show no capacity to seize power abruptly.

But their popular strength will rise rapidly ig the Leoni government should lose the initiative in the political struggle, either through failure to deliver on its promises of social advance or by flagging in its determination to resist insurrection. Either course would heighten the danger of a military coup, for which the FALN has been maneuvering in order to produce a polarization in Venezuelan politics. The result of a rightist military takeover would almost certainly be a gruesome reenactment of the Spanish civil war throughout the region of the Andean highlands. Thus, the outcome of this political struggle has implications for the United States as well.

Mr. MUNDT. Mr. President, we need to confront this mounting challenge. Senate sponsors of the Freedom Academy bill apprehend that practitioners of the new art of nonmilitary warfare are well begun toward asserting world dominion. And we, upon whom fundamental responsibility for organizing global defense rests, have not yet determined to comprehend the art.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. HART. Mr. President, I move that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th Amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. MILLER. Mr. President, the pending amendment, of which I am a cosponsor, should be adopted. I find it ludicrous that there is any opposition to it at all. The arguments that have been offered against it are superficial, unresponsive, and irrelevant. In substance, they represent a negative attitude approving the status quo, which simply means that citizens validly casting their votes in elections in some areas will continue to have their voice in Government canceled out by illegal votes or by votes which have been purchased by those who wish to perpetuate themselves in office.

The amendment by the Senator from Delaware [Mr. WILLIAMS] and myself simply provides as follows:

Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both.

We believe that section 14(d) of the pending voting rights bill is deficient. First it limits its coverage to registration and voting under this act. There is no reason for limiting such coverage. Registration under this act or under any other act should be covered. There should be no loopholes. We should have clean elections—period; not clean elections under one act and unclean elections under some other act. The bill prohibits fraudulent registration. This is more difficult to prosecute than false registration, which is what our amendment prohibits. What cancels out the registration of an honest citizen is a false registration—fraudulent or otherwise. The bill prohibits the payment for illegal voting or the receipt of payment for illegal voting. Our amendment prohibits the payment of money for any voting, legal or illegal, or the receipt of payment therefor. Whether the voting is legal or illegal, it is the payment that we seek to prohibit, because it is precisely this type of activity which corrupts the election process.

In this connection, I would point out that the word "payment" is intended to be reasonably construed. It does not cover giving a person a ride to the polls, for example. It certainly does cover the payment of money. If candidates for political office are so lacking in qualification that they or their supporters have to resort to the corruption of voters by paying for their registration or voting, they ought to be put in jail instead of in office. And if voters are so corrupt as to sell their vote, fairness to the honest and conscientious voter demands that they be penalized too.

The need for this amendment is immediate and compelling. The Senator from Delaware has placed in the RECORD various newspaper and other accounts of cheating at elections—dishonest and corrupt practices which have canceled out the legal votes of good citizens. I could spend the rest of the afternoon doing the same thing. However, I shall not overburden the RECORD and instead will invite the attention of my colleagues to just a few additional examples which cry out for the Congress to take action.

In the Washington Post for April 19, Staff Writer Laurence Stern presents the story of Arkansas vote frauds where, for example, a migratory voter cast his ballot in at least four counties while traveling through the State last November 3. I ask unanimous consent that this article be placed in the RECORD at this point in my remarks.

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

PATTERN WIDESPREAD: ARKANSAS VOTE FRAUDS FOUND

(By Laurence Stern)

A migratory voter cast his ballot in at least four counties while traveling through northwest Arkansas last November 3.

A prominent Little Rock attorney was warned to get out of town by sundown when he asked to see public voting records in the home county of Gov. Orval Faubus.

Signatures of 47 applications for absentee ballots from residents of an Arkansas nursing home were shown through handwriting analysis to have been forged.

These are a few examples of what a bipartisan investigating committee deemed to be a widespread pattern of election fraud in Arkansas last November 3. A copy of the report by the Election Research Council, Inc., was placed in the CONGRESSIONAL RECORD last Thursday by Representative MELVIN LAIRD, Republican, of Wisconsin.

The council's findings resulted in a series of local grand jury investigations but no prosecution to date. The Justice Department has been conducting a 2-month investigation of voting fraud in Faubus' home county of Madison found no instances of fraud but did accuse the council of smearing honest local election officials. A grand jury in Poinsett County acknowledged that there had been many voting irregularities but reported that it could not find the culprits.

Governor Faubus, a Democrat, accused the council of being a tool of the Rockefeller political organization since roughly half of its funds came from Rockefeller family foundation sources.

Winthrop Rockefeller opposed Faubus for the Governorship last November and got an unprecedented (for a Republican) 43 percent of the vote.

But the chairman, John Haley, a Little Rock attorney, insisted that the election fraud study was meticulously * * * as a preponderant majority of the civic, business and church leaders who comprised its board, are Democrats.

Absentee ballots, which were especially vulnerable to abuse in Arkansas last year, were the council's main interest in its postelection report.

The statewide absentee ballot count of 30,930 was "bloated with fraudulent and invalid votes," the council reported. On the basis of its own field studies the election group concluded that more than half of the absentee votes were invalid.

Until last November, the election council noted, "anyone could purchase poll tax receipts for an assortment of gravestones and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted."

Arkansas voters ratified an amendment last year setting up a statewide registration system. Voters must now register in person and the poll tax has been abolished. The council found nursing homes in Arkansas were used as a means of bloc voting. It cited a letter from the president of the Arkansas Nursing Home Association to its constituent members urging that they secure poll tax receipts for "each of your nursing home patients who do not have a poll tax receipt and * * * for each of your employees."

One month after the election the Pine Bluff Commercial published an article pointing out that one nursing home paid the poll taxes of 60 inmates, several of whom had been adjudged as mental incompetents. Absentee ballots mailed from the nursing home, the council found, deviated sharply from the rest of the county—with an overwhelming vote for Faubus as well as for a legalized gambling amendment and heavy opposition to the voter registration amendment.

The Election Research Council report said that the high percentage of absentee voting in Faubus' home county of Madison—about 10 percent of the total vote—indicated "that the absentee box in Madison County was manipulated for political purposes." The 91 percent absentee vote for Faubus contrasted sharply with his Madison County total of 64 percent.

When Chairman Haley asked the Madison County clerk, Charles Whorton, for permission to inspect the public absentee voting lists the day after election, Whorton answered that the safe was locked. Haley was then told to get out of town.

Haley and Republican field workers persisted in their efforts to gain access to the records for more than 2 months. Finally on January 14 Madison County authorities announced that the voting records had been stolen the previous night.

The FBI has been looking into the incident.

Mr. MILLER. In the Washington Post for March 12 of this year, there is a report indicating that in the April 1964 Democratic primary in Philadelphia the U.S. Department of Justice found evidence of vote frauds. According to the advice received by U.S. Attorney D. J. T. O'Keefe from the Department, there was evidence of "conspiracy among ward leaders and committeemen to make false cancellation of returns."

On the same day the New York Times ran an article by William G. Weart on the same subject. I ask unanimous consent that the Times article be printed in the RECORD at this point in my remarks.

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

[From the New York Times, Mar. 12, 1965]

UNITED STATES CHARGES FRAUD IN PHILADELPHIA DEMOCRATIC PRIMARY VOTING

(By William G. Weart)

PHILADELPHIA.—The U.S. Department of Justice said today that unquestionably fraud

had been committed in the reporting of election returns here in last April's bitter battle for the Democratic senatorial nomination.

A spokesman for the Department said there was "evidence of conspiracies among ward leaders and committeemen to make false certification of return" in 12 of the city's 60 wards.

The irregularities, uncovered during a 7-month investigation by Government agents, were alleged in the contest between Justice Michael A. Musmanno of the State supreme court, the choice of the Democratic organization, and State Secretary of Internal Affairs Genevieve Blatt.

After 5 months of legal maneuvering that reached the State supreme court and a recount of the city's 3,300 voting machines, Miss Blatt was certified as the winner of the statewide contest by a majority of 491 votes out of the 921,731 cast.

In the November general election Miss Blatt was defeated for the Senate seat by the Republican incumbent, HUGH SCOTT.

The Justice Department investigation centered on "patterns" of errors in the vote tabulation and the large number of absentee ballots cast in certain wards of the city.

A study of the errors in reporting returns showed, it was charged, that the same number of votes subtracted from Miss Blatt's total in some divisions had been added to the vote for Justice Musmanno.

The investigators found, for example, that in the first division of the 42d ward 22 votes were subtracted from Miss Blatt and 22 were added to Justice Musmanno for a net loss of 44 votes for Miss Blatt.

Also in the 42d ward, 302 Democratic absentee ballots were cast. That represented one-quarter of the entire total in the city.

The Justice Department, which has jurisdiction because a U.S. Senate seat was at stake, has turned over to U.S. Attorney Drew J. T. O'Keefe, a 10-inch-thick file of reports by agents of the Federal Bureau of Investigation and other investigators.

Nathaniel E. Cossack, head of the Criminal Fraud Division of the Justice Department, summed up the information in a 4-page letter that accompanied the file. The letter noted it would be difficult to prove fraud although the evidence was "compelling."

Mr. O'Keefe said he could not say what action might be taken until he had studied the voluminous file. After he has reviewed the evidence, he will submit his "views and recommendations" to the Justice Department.

Mr. MILLER. Of course everyone knows about the vote scandals in Chicago in the 1960 elections, but apparently there was some recurrence again last year.

I ask unanimous consent that an article appearing in the Christian Science Monitor for November 6, 1964, be printed in the RECORD at this point in my remarks.

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

[From the Christian Science Monitor, Nov. 6, 1964]

VOTE FRAUD CHARGED: EAGLE EYES IN CHICAGO

(By Nobuo Abiko)

CHICAGO.—As in 1960, the Democrats won in Chicago, and the Republicans are charging vote fraud.

But in 1960 Democrat John F. Kennedy carried the State by a tissue-thin 8,858 votes. This time President Johnson overwhelmed the Republicans by more than 800,000.

This difference has taken some of the urgency out of GOP charges of widespread voting irregularities in this Democratic bastion. As one Republican says privately, "When you lose by that much, what difference does a few thousand votes make?"

Obviously, there won't be any demand for a recount. But Republicans charge that irregularities did occur—some right under their eyes.

WATCHERS ASSIGNED

This year Republicans recruited thousands of volunteers for poll-watching duty in a project dubbed Operation Eagle Eye. They assigned poll watchers to some 1,500 Chicago precincts.

Operation Eagle Eye was the biggest but not the only poll-watching operation in Chicago this year. Others were run by the office of the Cook County sheriff (the sheriff is a Republican), the nonpartisan Citizens Honest Election Foundation, and the nonpartisan Joint Civic Commission on Elections.

All of them report having observed numerous irregularities.

Some eagle eyes didn't even get inside their assigned polling place. Other poll watchers, who posed as Republicans, beat them to it, they protested.

Sidney T. Holzman, Democratic chairman of the Chicago Board of Election Commissioners, called it "the most orderly election I can recall in my 45 years of public service."

Richard B. Ogilvie, Republican Cook County sheriff, did not quite concur. "A typical Chicago election," he snorted, "widespread vote buying and illegal voting assistance."

COMMISSIONER QUOTED

Mr. Holzman remained unfazed.

"All precinct captains worth their salt pay for votes," he was quoted as saying. "I've done it myself in the days when I used to be a precinct captain."

When asked if he had been quoted correctly, the election commissioner told this newspaper:

"You can ask any precinct captain. You gotta pay somebody to be a checker, to get out the vote. Now, you don't pay them to violate the law. But people are not interested in their duties to government—I don't say in all but in many instances.

"Every precinct captain is confronted with a family * * * so he's got to utilize one member of the family as a political worker so he can get the rest of the family out to vote. Now if that isn't a form of solicitation, I don't know what is. It isn't actually asking you for compensation."

Many of the volunteer watchers were college students. Said one of them: "This has been the most brazen and disgusting experience of my life."

Despite these experiences, poll-watch officials found some grounds for satisfaction.

"I think the deterrence of having all these poll watchers has been of great value," said one official. "The very fact that they were in the polling places prevented these irregularities from being really egregious."

Charles R. Barr, director of Operation Eagle Eye, commented: "We've got much more substantial evidence to go on this time."

At this writing, however, it was undecided when and what kind of legal action would be pressed.

Some observers felt the Democratic landslide had diluted the poll-watching effort. Others, like Mr. Barr, said, "It is time it is brought to people's attention that some of these activities are crimes for which there are heavy jail terms and fines."

One observer reflected that "a lot of these irregularities result in a voter voting the way he wanted to anyway."

When an election judge pulls the lever for him, it was observed, he is violating the law, but it still doesn't change the man's intended vote.

Mr. MILLER. The distinguished columnist Roscoe Drummond had an article which appeared in the Washington Post for June 24, 1963, discussing the problem of false registration, which the pending amendment seeks to combat. He reported that in 115 counties in 7 States the number of registered voters ranged from 101 to 165 percent of the white voting-age population. The pending bill concerns itself with political subdivisions where less than 50 percent of the adult population is registered. The Senator from Delaware [Mr. WILLIAMS] and I think the bill ought also to be concerned with those areas where some of the adult population has registered two or three times. In fact, the pending bill could be nullified if such a practice occurs.

I ask unanimous consent that the article by Mr. Drummond be printed in the RECORD at this point in my remarks.

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

[From the Washington (D.C.) Post, June 24, 1963]

A VOTING PROBLEM: REGISTRATION AS HIGH AS 165 PERCENT

(By Roscoe Drummond)

In many parts of the United States the President's Commission on Registration and Voting Participation (bipartisan) faces an almost unpatriotic duty.

It has simply got to find a way to keep would-be voters from registering to vote.

I'm not fooling; this is serious. Too many people in too many places are too eager and too resourceful in getting their names on the voting lists.

Sounds ridiculous, doesn't it? We've all been accustomed to thinking that the great problem at election time is to get out the vote and that the great problem in getting out the vote is to get voting-age citizens registered.

Well, that may be the problem we hear most about—the problem of how to get the registration up to 60 or 70 percent or more of the total of eligible voters. That may be the task in many voting districts. In others it's just the opposite—how to get registration down to not more than 100 percent of the eligible voters.

What I am reporting is that in 115 counties in 7 States the passion to vote and the record of getting voters registered are so far above perfect that the number of registered voters ranges from 101 to 165 percent of the white voting-age population.

These startling statistics are contained in a report on overregistration submitted by Republican National Chairman William Miller to Dr. Richard Scammon, Chairman of the President's Commission on Registration and Voting Participation in the hope that the Commission can do something to temper the zeal of the voters or of the registration officials where registration soars to such towering and circumstantially illegal levels.

What these figures show is that these 115 counties in the States of Alabama, Florida, Georgia, Louisiana, North Carolina, Tennessee, and Virginia, the task is not to bring registration up to perfection but to keep it from exceeding "perfection." It is in these counties that there are from 1 to 65 percent more registrants than there are white voting-age citizens living there according to the 1960 census.

And it is not always, though mostly, the white voters who are over-registered. In two counties in Texas the registration is 107 percent of the total voting-age Negro population.

The Polk County, N.C., overregistration of 165 percent is the highest. But there are many others with such an excess of registration as to rule out any possibility that it is

accidental. It leaves a clear presumption of official connivance and corruption. In a word, election rigging.

In Tennessee there are 23 counties with overregistration. In eight of them there are from 1,000 to 2,500 more white registrants than eligible white voters. This pattern prevails in all the other seven States and is carried to its orbital apogee in North Carolina where there are 55 counties with excessive registration. In one county of 29,000 eligible white voters, there are 38,000 registered. In another of 38,000, there are 45,000 registered. In a third of 64,000, there are 72,000 registered. Take two others. In one the overregistration is 12,700; in the other, 15,600.

Other voting problems cited by Republican Chairman Miller are these:

In each of 22 States more than 100,000 voters who registered in 1960 failed to vote.

Almost 5 million Americans who voted for President in 1960 failed to vote for Congress.

More than one-third of the Nation's eligible voters never even registered in 1960 and less than half of the eligible voters cast ballots in the elections last fall.

Mr. MILLER. Finally, I note the Election Research Council's report of February 21, 1965, covering the 1964 election, states that many fraudulent votes were no doubt cast. The report covers a number of cases and types of problems. After reading this report, I am sure any fair-minded person would recognize how important it is to our country for the Senate to adopt the pending amendment. I ask unanimous consent that the council's report be printed in the RECORD.

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

THE ELECTION RESEARCH COUNCIL, INC., REPORT, FEBRUARY 21, 1965

The first postelection report of the Election Research Council summarizes activities and findings of the council from November 3, 1964 to date. It does not purport to be a comprehensive summary of election irregularities occurring in the November election. To compile such a summary would require the full time and effort of scores of people over many months.

Rather than cover the entire field, the council has attempted to concentrate its efforts in the area of absentee voting. The reason for this is apparent. Until the requirement was imposed by amendment 51 that voters must register in person, the absentee ballot boxes were subject to manipulation almost at will.

For example, anyone could purchase poll tax receipts for an assortment of gravestones, and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted.

It is generally agreed that there was more purging of absentee ballots this general election than ever before. This was due in part to the intense heat generated by the presidential and gubernatorial races and the controversial nature of some of the amendments on the ballot. Local option and other local issues also played an important part in many areas. Despite this widespread casting out of ballots, our preliminary studies indicate that the total of 30,930 ballots actually counted was bloated with fraudulent and invalid votes.

As previously indicated, our studies are incomplete at this time and we are therefore unable to specify exactly how many of these votes were fraudulent or otherwise invalid. If the ratio established thus far continues, it is probable that well over half of the 30,930 absentee votes are invalid. It is well to point out that this estimate does not take into consideration those voters who were not qualified voters either because of residency or other reasons. Neither does it take into consideration those applications with doubtful reasons for voting absentee listed.

A superficial leafing through applications and voter statements gives firm purchase to the proposition that residency and reason-for-absence requirements were not enforced. If these factors were considered, it is doubtful that there were 10,000 valid absentee votes cast in the general election of 1964.

Now that registration of each voter in person is required under Arkansas constitutional amendment 51, the problem of nonresident voters will be minimized. But, as the following report reflects, many of the abuses occurring in absentee voting could have been avoided if county clerks were more conversant with the absentee voting laws and with their duties in connection with it. For example, if an invalid application is received into the office of a county clerk, that clerk does a disservice to the voter by issuing him a ballot and voter's statement. Without an application in legal form, the ballot should not and may not be counted. Properly, the clerk should refuse all illegal applications and request the voter to make new application in legal form.

An additional problem encountered by the council was the inaccessibility of some records. Many fraudulent votes were no doubt cast and counted in the absentee boxes because some county clerks refused to allow public inspection of the absentee applications in advance of election day. This was certainly the case in Jefferson County, and we speculate that this would have been the case in Madison County to a greater extent than the few affidavits in our files reflect.

In many counties, we found conscientious county clerks who welcomed inspection of the records and who had a broad knowledge of our absentee voting laws. In those counties, in nearly all instances the absentee voting laws were followed to the letter with the result that illegal votes in those boxes were kept to a level below 10 percent. To name just a few, we were particularly impressed with the offices of the county clerks in Mississippi, Lonoke, Izard, Calhoun, Drew, and Lawrence Counties.

Although our investigation of the November election is by no means complete, we present some of our findings to date:

A. NURSING HOMES

The absentee boxes were utilized by many nursing homes in the State as a means of bloc voting in the November election. Of course, this is not a novel procedure. Following the Democratic primary, for instance, the GPW Negro nursing home administrator, Newport, Jackson County, was charged with commission of a felony after he purportedly forged the absentee applications of 44 patients, one of whom had been dead for some months.

But this November the political activity in nursing homes hit a new high. The reason can be found in a letter written by Charles A. Stewart, executive secretary of the Arkansas Nursing Home Association, to its constituent members. That letter is as follows:

(First, a memorandum to Governor Faubus concerning legislative proposals is set forth.)

"You will notice from the above memorandum that a great deal of work has been done toward the three State classifications of nursing homes. We feel very sure that with your help and 100 percent effort from all the nursing homes in the State of Arkansas, that we can put this plan into effect in full in early 1965. To do this we still must do several things. We must have the complete cooperation of as many State senators and representatives as possible and this is where you come in. We may and we will ask you to do some things which will require some work and a little money, but we cannot stress strongly enough that this is a must. We must have your help. One of the first things that must be done is that we need your help in securing a poll tax for each of your nursing home patients who do not have a new poll tax receipt and a poll tax receipt for each of your employees. It will be necessary for you to contact each employee and each patient to see if they have a new poll tax receipt which will be good for the November election. These may be bought until September 31 of this year.

"After making this survey of your own nursing home or nursing homes then we ask you to go to your county courthouse and secure poll taxes for every patient and every employee who does not have one. After doing this it is most important that we have, in this office, a list of these patients and employees with their poll tax numbers. There are about 7,000 nursing home patients in Arkansas at this time and an estimated 5,000 employees, you can see how effective politically, that a stack of these listings with poll tax numbers will be to us. This is an effort that requires the help of every nursing home in the State. Cooperation by half of the nursing homes simply will not get this job done.

"Again let us say that this is the most ambitious program that the nursing homes in Arkansas or any other State have ever undertaken. We have plans to change the entire regulations of both the health department and the welfare department and effect a complete new pay scale which will more equitably reimburse you for the care you are now giving your patients.

"We are most sensitive to the fact that the present rate of payment of $105 by the welfare department is woefully inadequate to care for those intermediate and skilled care patients who need care the most. The responsibility of caring for these patients is shared jointly by the State welfare department and the owners and administrators of the private nursing homes in Arkansas. We strongly believe in the future of proprietory type nursing homes. We want to make them stronger, and better, but at the same time that responsibility shared with us by the State welfare department must of necessity be truly shared in equitable reimbursement.

"This brings us to the summary in our memorandum to the Governor. Even though this new program will probably go into effect in early 1965, you need help now. The small raise we have asked for is dictated by the small amount of funds available to the welfare department for the balance of this year. We cannot assure you now that our request will be granted; we can assure you we are doing our best.

"Sincerely yours,

"CHARLES A. STEWART,
*"Executive Secretary."*

The Pine Bluff Commercial, some 2 months ago, carried an article on voting practices at the Kilgore nursing home in Jefferson County. The newspaper pointed out that at least three of the Kilgore home voters were also on the list of persons who had been committed to the State hospital for the mentally ill. Two of the names of voting patients corresponded with the names of persons adjudged mentally incompetent in Jefferson County.

The Commercial interviewed one patient at the Kilgore home who stated that he couldn't say whether he voted or not, but that if he had, he didn't know for whom he voted.

The Commercial also determined that the home maintains a "political" folder, containing all of the poll tax receipts for the

patients. The home paid for some 60 of the poll taxes. The administrator of the home, Mick Vaskov, stated that political materials had been received from the Nursing Home Association, including a brochure favoring amendment 55 (legalized gambling).

The council submitted the applications for poll tax receipts, the applications for absentee ballots, and the voters' statements accompanying the ballots for some 60 of the patients in the home to its handwriting analyst, who detected a number of forged signatures, and in fact stated that in his opinion many of the "x" marks of patients who presumably could not write were forged, 18 by one person and 13 by another. The analyst has formed an opinion as to the identity of the person making the 18 marks.

In absentee box No. 4, where the Kilgore patients were voted, only about 126 votes were cast. That box markedly deviated from the Jefferson County averages, being overwhelmingly in favor of Governor Faubus, and amendment 55 (legalized gambling), and overwhelmingly against amendment 54 (voter registration).

Other Kilgore nursing homes are located in Dallas County, where 70 patients voted absentee. Strenuous objections were raised to counting many of these votes where the patients had been transferred from the State Hospital for Nervous Diseases in Benton to the homes, but the votes were nonetheless counted.

The election officials of the absentee box in Saline County disqualified all the absentee ballots cast by or for patients at the Doyle Shelnutt nursing home in Benton during the November election, because all applications had been delivered to the county clerk by the Shelnutts personally, and this is not legally acceptable.

Previously, the Shelnutts had carried many of the patients to a polling place to vote in the Democratic primary. But this time, all were voted absentee. One lady, whose grandmother was in the home, objected to the purchase of her grandmother's poll tax receipt by any third party, and also objected to her grandmother's vote being cast in any election. Immediately following the election, she and her family were requested by Mrs. Shelnutt to remove her grandmother from the home.

Affidavits on file in the council office quote Mrs. Shelnutt as stating that she purchased poll tax receipts for many of the patients. Of course, this was contrary to our election laws.

The Pioneer Nursing Home in Melbourne, Izard County, with Mrs. Boyce Cook as administrator, was also politically active. Analysis of the handwriting of the 49 applications for absentee ballots reveals, in the opinion of the analyst, that 47 of these signatures were forged by the same person, and two others were authored by still another person. Scrutiny of the signatures on the voter statements showed that 34 of these signatures were forged by the same person forging 47 of the signatures on the applications. The handwriting analyst has formed an opinion as to the identity of the person forging these many signatures.

Interestingly enough, the forger made no effort to conceal the similarities in handwriting on the applications, but did attempt to cover up the forgeries on the voters' statements by simulating the shaky, erratic handwriting of the very old and the infirm.

Similarly, handwriting analysis revealed forgeries in the applications for absentee ballots and the voter statements from patients in the Twin Lakes Nursing Home at Mountain Home, in Baxter County. The expert's opinion is that 11 of the applications and 12 of the voter statements were signed by the same person, and that still another person executed the signatures on 6 applications and 6 voter statements. Here again, the forger attempted to disguise and vary his handwriting.

Boland Nursing in Howard County also produced some forged voter statements and applications. The handwriting analysis showed at least seven discrepancies in marks and signatures on the documents, and further showed that whoever filled out all the applications also signed signatures to at least two of the applications and two of the voter statements.

The Mitchell Nursing Home in Danville, Yell County, had a number of patients voting absentee. Of these, in three cases the signatures on the applications did not correspond with the signatures on the voter statements. And the signatures on five of the applications and corresponding voter statements were all made by the same person, in the opinion of our handwriting analyst.

The foregoing is not intended to be a complete listing. Many other instances are under investigation. Some instances cannot be investigated. For example, in Crawford County the applications for absentee ballots from patients in a nursing home there are not in the files of the county clerk.

We do not imply that any of the patients in any of the nursing homes are abused or receive anything other than the best of care. But it is apparent that after the urging of Mr. Stewart, many administrators of nursing homes found it their duty to "get out the vote," even as to senile or disoriented patients. An interesting footnote is that the 1965 Arkansas General Assembly has enacted the legislation sought by Mr. Stewart.

B. OTHER FORGERIES

In addition to the forgeries detected that stemmed from nursing homes, the handwriting analyst has discovered hundreds of other examples.

Taking the worst for illustration, in Phillips County there were 835 names on the absentee voters list. Of these, 209 names were either illegible or not in the poll books. Of the remainder, 223 were white and 403 were Negro.

The Phillips County clerk, Warfield Gist, had on file only 301 applications. He stated that the remaining 534 persons were allowed to vote absentee without applications. Of course, these votes should not have been counted. In addition, there were only 744 voters' statements, 91 less than the total number of absentee votes counted.

Taking the first 500 names on the absentee voters list, 326 are Negroes, of whom 195 reside in the fourth ward of Helena. This number represents over 20 percent of the total number of Negro voters listed in the poll book for that precinct.

We were curious about the cause of this remarkably heavy absentee vote, and interviews with local Negroes disclosed that Jack and Amanda Bryant, Negro proprietors of the Dream Girls Beauty Shop in Helena, were extremely active in the solicitation of absentee votes in this ward.

Our handwriting analyst informs us that in his opinion more than 100 of the voter statements from the Helena fourth ward bear signatures forged by the same person. The identity of the forger has been determined, and the information is being forwarded to the proper authorities.

Ward 4, Helena, was not the only Phillips County area in which absentee voting fraud occurred. Our handwriting expert found other groups of statements which were signed by common authors, but as yet these persons signing the names of others have not been identified.

One indication that these fraudulent ballots may have been voted almost as a bloc is the lopsided results in the most controversial issues: Amendment 54 (voter registration) received 169 votes for and 528 votes against. Amendment 55 (gambling legalized) received 599 votes for with 96 votes against.

A great many other instances of suspected falsification of signatures on absentee applications and voter statements from other counties are being studied and examined for a report at a later date.

We should observe at this juncture that some counties with a previous history of questionable absentee voting practices were exemplary in the November election. For instance, in the Democratic primary in Desha County there reportedly were more than 100 forgeries on absentee ballot requests in an unusually heavy absentee vote. This was brought to the attention of the public officials and citizens as a result of an election contest.

In the general election in Desha County, no forgeries were detected. Only 4.3 percent voted absentee, irregularities seemed to be at a minimum, and the absentee vote outcome was substantially similar to the total vote of the county, indicating that no faction exploited the box. The county clerk did an excellent job of attending to the absentee applications.

This is an example of the improvement that can be made in the conduct of elections when improper practices are brought to the attention of public officials.

C. NONRESIDENT VOTERS

Under our previous system of no voter registration whatever, quite a number of voters would cast their ballot in their county of residence, while at the same time continue to vote through absentee procedures in another county.

Of course, a few individuals in the State exerted some extra effort and voted in person in more than one county. Probably the worst performance in recent years in nonresident voting fraud was turned in by the resident of a county in the Arkansas River Valley who, while traveling through the northwest portion of the State on election day, cast his vote personally in at least four counties. This is not an isolated instance, but it is certainly the most outstanding one. Prior to the passage of the voter registration amendment, there existed no effective system of controls to prevent voters from voting on both sides of a county line if poll taxes were purchased in both counties.

*Former residents vote*

Then there is another category of migratory voter. In this classification all former residents of counties who continue to hold poll taxes in those counties and who continue to vote in those counties, not realizing that this is taking place. In illustration, a spot check of the absentee voters in Poinsett County produced affidavits from six or eight nonresidents who stated that they did not purchase a poll tax for Poinsett County; that they did not have the poll tax receipts in their possession; that they authorized no one to purchase their poll tax for them; and that they had not made application for absentee ballot. Nevertheless, the names of these persons are shown in the Poinsett County pollbook; and applications, obviously forged, for absentee ballots were mailed in. Some of these fraudulent applications were among the more than 175 applications received by the Poinsett County clerk from box 256, Trumann. Apparently this box number was used by some political group as a means of colonizing voters.

*Madison County highest*

Based on some fact and considerable speculation, we would place Madison County high on the list of areas infiltrated by nonresident voters.

Inasmuch as the Madison County voting records, previously inaccessible, disappeared on January 13, a complete study of election frauds there will be impossible.

The highest percentage of absentee voting in the State is an indication that the absentee box in Madison County was manipu-

lated for political purposes. More than 1 of every 10 votes case in Madison County was cast in the absentee box. This "packing" of the absentee box resulted in a remarkable departure from the county averages. For example, in the Governor's race, Faubus received 64 percent of the total Madison County votes. But he received 91 percent of the votes cast in the absentee box. The discrepancy on the other issues and races were considerably less dramatic than this, except as to proposed amendment 55, which received a favorable vote on 56 percent of the votes cast in the absentee box, but only 41 percent of the countywide votes.

*Affidavits on file*

The affidavits and tape recordings on file now with the council reflect that political workers in Madison County went into the surrounding counties persuading residents of those counties to vote in the Madison County absentee box. How many fraudulent votes were cast in this fashion may never be determined, but the fact remains that it did happen. Now the persons who cast those fraudulent votes in the Madison County absentee box cannot be brought to justice for the crimes committed due to the stubborn refusal of the county clerk, Charles Whorton, to permit examination of the voting records prior to their theft.

*Migratory voter problem*

The migratory voter problem was also present in Perry County. Although the percentage of clearly invalid applications is relatively low when compared with other counties, many of the applications have been filled out by the same person and mailed to persons outside the county and State for their signatures. In such cases, there is an indiscriminate use of the term "work" as a cause for being absent. Nine and one-half percent of the total vote of Perry County (which exceeded the number of eligible voters as shown by the last census) was cast in the absentee box. We have contacted several longtime residents of Perry County and have gone over the list of absentee voters with them. A large number of these absentee voters are unknown to the Perry County residents of the wards in which the voters are supposed to reside.

As our studies are still incomplete on Perry County, we can offer no statistics at this time.

Conway County, the perennial home of the out-of-State voter, once again opened its absentee box to the applications and votes of many persons who have not lived in Conway County for many years. Indeed, some of the votes cast were by persons who have not entered the State of Arkansas in recent years. Other than the problem of adulterating the Conway County vote with the votes of nonresidents, no other unusual problems were encountered, although this county's results are still being studied.

In all counties where nonresident voting has become a problem, there were few if any controls over the purchase of poll tax receipts. In fact, in some counties poll tax receipts were purchased in large blocks by politically active personages for individuals who would not otherwise have paid a dollar for the privilege of voting.

Irregularities and Noncompliance With Laws

Many thousands of illegal votes were cast in the November election simply through failure of the voters or the county clerk to conform with the laws. The most extreme example is that of Pike County. The voter list shows that 190 absentee votes were cast and counted. Nevertheless, only 135 applications were on record, of which 127 were clearly invalid on their face. Some applications were not on the prescribed form, some were not signed by the voter, some gave no reason whatever for being absent from their precinct, and some were no more than notations on a scratch pad. This left only 8 possible valid votes of the total of 190.

But apparently there were no voters' statements submitted with the ballots, none being on file. This means that Pike County, if in fact the voter statements were not presented, had no valid absentee votes. A majority of the absentee applications examined from Pike County were written on commercial pads from the clerk's office, and were filled out by only one or two persons. At present, these applications are in the hands of a handwriting expert to examine in particular those applications which appear to the untrained eye to be signed by the same person.

In Polk County, failure to strictly comply with the law resulted in the invalidity of about one-third of the 459 ballots cast. In many of these instances, the applications were not signed by the elector. Other applications were simply in letter or memorandum form and not in compliance with our election laws. Other applications gave no reason or an inadequate reason for voting absentee.

Of the 254 absentee ballot applications examined in Monroe County, 87 were invalid on their face, all for failure to meet the requirements of the law. On some applications, persons other than the applicant signed. On others, the requests were made by letter or on notes rather than on the prescribed form. And in others, no reason or an insufficient reason was given for being absent.

Of the 246 applications examined from Cleburne County, there were 156 invalid on their face. Not all of these 156 persons applying voted, 124 actually casting ballots. The problem in this county is that most of the applications were made by letter.

The council previously observed, in news releases prior to the November election, that hundreds of applications for absentee ballots in Garland County were illegal for much the same reason as those listed above for the other counties. One difference, however, is that in Garland County error was invited by furnishing prospective absentee voters with a form of application which permits it to be signed by one other than the voter. Of course, votes cast upon such an application would be illegal and void.

A high percentage of invalid applications was also noted in Woodruff County, where of 153 votes counted, 65 were illegal because of invalid applications.

The problem of sloppy procedures in administration of absentee voting was graphically illustrated in Logan County, where an election contest for the office of county judge was recently concluded.

In Logan County, 375 absentee votes were cast and counted. Of this total, 147 were declared illegal during the course of the trial of the election contest. These votes amount to some 39 percent of the total absentee vote, and the illegalities were primarily the result of failure of the applicant to make application on the prescribed form or failure of the applicant to sign the application. As to those applications received in time, the county clerk could and should have returned the illegal applications to the applicant advising the voter to submit another application in proper form. Had this simple procedure been followed, those voters would not have been disenfranchised and their votes could have been counted in that very close election contest.

E. CONCLUSION

The foregoing findings, as we have observed, should not be considered a comprehensive review of all fraud involved in the November election. Even the limited areas studied by the council have not been completely explored.

The council files are replete with evidence of voting frauds occurring at the polls, but not so easily categorized as the studies we have chosen to present in this initial report. But as we have stated, our files are open for inspection by anyone as to any of our areas of inquiry.

We would like to acknowledge our appreciation to the civic groups, volunteers, county clerks, county election commissioners, and Democratic and Republican Party officials without whose assistance we could not have conducted this study.

We hope that something good may come of our study—with necessary revisions in our voting laws, greater appreciation of the election process on the part of the people, and willingness of Arkansas citizens to perform their public duty from time to time by serving as election judges and clerks.

Our election process, at best, is rather inefficient, but it marks the difference between our democratic society and totalitarian systems. The voice of the people can best be heard through the ballot, and we should never condone or close our eyes to any condition which would pollute or adulterate the integrity of the vote in any election on any candidate or issue.

Mr. MILLER. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

Mr. PROUTY. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

If there be no reports of committees, the clerk will state the nomination on the Executive Calendar.

## FEDERAL POWER COMMISSION

The legislative clerk read the name of Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission.

Mr. PROUTY. Mr. President, President Johnson recently sent to the Senate the nomination of Charles R. Ross for a 5-year term on the Federal Power Commission. Charles Ross has compiled a distinguished record on the Commission and his reappointment is viewed with overwhelming approval by the Senate Commerce Committee, on whose behalf I have the honor to report his nomination.

Mr. Ross, a Vermonter, was chosen by President Kennedy to serve as one of two Republicans on the Federal Power Commission in September of 1961 and his appointment was hailed in all quarters as an excellent one.

His renomination by the President could be justified solely on the basis of his record prior to coming to Washington. But, when that record is read together with his splendid service here, it is easily seen that the two areas of experience add up to a magnificent background for a magnificent public servant.

There are some who say that Mr. Ross is a "consumers' man." If, by this, they mean that he is an official who judges each case on the facts, then, of course, they are correct. But, if they mean that he is provincial in his thinking, ignores property rights, or the welfare of cooperatives and investor-owned utilities, then, of course, they are wrong.

Charles Ross has a distinguished academic record which includes the obtaining of a master of business administration and a law degree.

He taught government and business regulation at Oregon State College. He has worked in private business and he has engaged in the private practice of law. However, more pertinent here is the fact that he served on the Vermont Public Service Commission and was, for a considerable period of time, chairman of that commission.

It should be noted that Mr. Ross was appointed to the commission at a time when it was involved in a great controversy over the distribution of St. Lawrence power. His industry and fair, impartial attitude in this very difficult situation gained for him the respect of all of the contending parties.

Naturally, in his present position as a member of the Federal Power Commission, his opinions and recommendations have not pleased everyone, but they have pleased those who seek unbiased judgments and clear and honest thought from the Commission.

I believe that the Ross nomination is one of the finest that President Johnson will ever make and I urge, as does every member of the Commerce Committee, the confirmation of this nomination.

Some weeks ago the New York Times summed up the case for Charles R. Ross when it called him "a highly competent and knowledgeable regulator following an independent course."

The Times went on to say that "his professionalism and independence, combined with his devotion to public service, are sorely needed in the regulatory agencies." In that judgment I wholeheartedly concur, and I am confident that the Senate will do likewise.

The Committee on Commerce unanimously recommends that the nomination of Mr. Ross be confirmed.

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

Mr. PROUTY. I yield.

Mr. HART. Mr. President, I am delighted that the nomination of Mr. Ross comes to the floor with the unanimous recommendation of the Committee on Commerce for approval.

I share the very high opinion of Mr. Ross which has just been expressed by the Senator from Vermont.

I, too, hope that the nomination will be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. PROUTY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

On request of Mr. PROUTY, and by unanimous consent, the Senate resumed the consideration of legislative business.

## VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. ROBERTSON. Mr. President, this is the fourth time in 8 years that Congress has been called upon to give high priority to a civil rights bill to enable Federal officials to move in and regulate voting rights in the States.

On each of the three previous occasions, the advocates of those bills rode roughshod over the objections of a minority who sincerely believe that the Constitution makes the States the sole judges of the qualifications of voters.

As each of these three bills was signed into law, there were rosy predictions of how the path to the ballot box was being cleared for all citizens regardless of race.

But today, after the lapse of 8 years, we are told that all of the legal weapons we placed in the hands of the Attorney General in 1957, in 1960, and in 1964 are not enough. We are told that, unless we pass one more voting rights law, thousands of Negroes in the South will be denied the ballot.

I emphasize at the outset that I want to see every qualified citizen given the right to vote, without discrimination. I am glad that there is no evidence that my State of Virginia is practicing discrimination.

I do not deny that in some communities in the South misguided individuals have thrown obstacles in the way of Negroes attempting to register. Such actions are to be condemned. For such illegal actions, there are ample legal redresses.

Since 1957, Congress has clothed the Attorney General with ample legal machinery for dealing with any such obstructions to voting without stripping the States of the jurisdiction which the Constitution clearly gives them over voter qualifications, and making a mockery of the 10th Amendment, designed to preserve those rights.

The first two civil rights laws—of 1957 and 1960—were put forward by a Republican administration and passed by Democratic-controlled Congresses.

The 1964 act, and this pending bill, originated in a Democratic administration, but with widespread Republican support.

The conclusion is inescapable that both major parties are engaged in a contest to see which can outbid the other for the support of the Negro vote, especially in the big Northern States like New York, Ohio, and Illinois where this vote is decisive in presidential elections when it goes heavily to one party. Will passage of this iniquitous and unconstitutional civil rights bill end the matter? Certainly not. It will be quickly followed by other major demands, such as the suggested cash payment in the sum of $10 billion for alleged discrimination in the past.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Were we not told last year that with the passage of a broad, all-encompassing civil rights bill, which covered almost everything that the mind of man could conceive, there would not be any further need of a civil rights bill?

Mr. ROBERTSON. Absolutely.

Mr. TALMADGE. Does the Senator agree with me that there are 16 Federal statutes on the books guaranteeing the right to vote—both criminal and civil—and that they are ample in all respects to guarantee and protect the right to vote wherever discrimination exists?

Mr. ROBERTSON. That is true; and we already have State laws against illegal interference with voting in every State.

Mr. TALMADGE. Is it not true that the Attorney General has been authorized to bring a lawsuit for private individuals?

Mr. ROBERTSON. That was done in 1960. They said, "We will prove a pattern of discrimination. We will bring Federal referees in and take care of this matter." What do they say now? "That would take too much time. We cannot wait. We are going to let the Attorney General come in, without proving anything." It is a bill designed to hit six Southern States.

Mr. TALMADGE. Does the Senator believe that this procedure is aimed at circumventing judicial process and accomplishing its purpose by a Hitler-like decree?

Mr. ROBERTSON. That is correct. A distinguished gentleman from the State of the Senator from Georgia referred to this as lynch law—"We know they are guilty. We are not going through the time-proved process of trying them." That is what Mr. Bloch, a distinguished attorney from the Senator's State, said.

Mr. TALMADGE. Is not the Attorney General authorized to bring suits in behalf of private individuals and have entire counties in a State covered under the law?

Mr. ROBERTSON. That is correct, but, unfortunately, a man named King said "We cannot wait."

Mr. TALMADGE. Cannot the Attorney General under the 1964 act pick a three-judge tribunal, a hand-picked court, to try the lawsuit, and under the proposed bill he would go further still and require all such cases be tried in Washington?

Mr. ROBERTSON. That is correct. An accused cannot come before a court located in a State where the alleged discrimination arises for declaratory judgments or injunctive relief. He must come to Washington, before judges appointed in Washington, who know that any chance they have to get on the appellate court would depend on how they performed in the lower court.

Mr. TALMADGE. Is not the Attorney General also authorized to bring in a certain number of witnesses in a court of law to show a pattern of discrimination; and if it is shown, voter registration in that State can be taken over by Federal registrars?

Mr. ROBERTSON. That was provided in the 1960 act. It was said then, "The trouble is all over. We will correct all the injustices. We have passed the first civil rights act in 70 years."

Mr. TALMADGE. Could not the Attory General, under his own drafted bill, under his own procedure, appeal to the U.S. Supreme Court from his own handpicked three-judge court?

Mr. ROBERTSON. He can do so under existing law. We passed three such bills in rapid succession. We were told they would be enough, but now they say "We want one more."

Mr. TALMADGE. Does the Senator believe that that procedure should provide any competent Attorney General who diligently performed his responsibility and duty under existing law with ample authority to eradicate any voter discrimination that may exist in any fashion in any State of our country?

Mr. ROBERTSON. Absolutely, but Martin Luther King says they cannot wait for judicial action.

Mr. TALMADGE. Does the Senator believe there is any reason, or excuse whatever, no matter how or where it may be, to bypass the courts and judicial procedure and authorize some appointed official who has never been elected to any office in his life to issue a decree and do something that should ordinarily be done in a court of law?

Mr. ROBERTSON. There is both an excuse and a reason. They were given at Boston recently, when 18,000 demonstrators called on the mayor, who did not come out. They said, "We come to you now, but next time you had better come to us." This is a bill that Dr. Martin Luther King says "We demand." That is the reason—and an excuse for some people, but not for me.

Mr. TALMADGE. Would not this bill authorize, in a certain number of carefully selected States, to substitute for duly selected State officials certain appointed Federal officials as registrars?

Mr. ROBERTSON. It is somewhat similar to the time when Congress declared Virginia, the mother of States, to be incapable of self-government, and we were named Federal District No. 1, and Federal officials and carpetbaggers took charge of our State. This is somewhat similar and goes back to those bitter days of Reconstruction.

Mr. TALMADGE. Is there any more constitutional authority to discharge Virginia voting registrars and appoint Federal registrars in lieu thereof than to discharge the Virginia Governor and appoint a Federal Governor in his stead?

Mr. ROBERTSON. Certainly not. I have in my prepared speech quotations from the Constitution, from the debates at the Constitutional Convention, quotations from Rufus King, of Massachusetts, Oliver Ellsworth, of Connecticut, the Federalist Papers, Hamilton, and Madison. They made it crystal clear not only that the Constitution left to the States the exclusive right to fix the qualifications of their electors, but they said the States of Virginia, New York, Connecticut, and North Carolina would not have voted to ratify if they thought the Federal Government would under the Constitution be permitted to take charge of their elections.

Mr. TALMADGE. Has Congress any more constitutional authority to fire the State registrars of Virginia and supplant them with Federal registrars than it has to fire the General Assembly of Virginia and supplant them with appointed members of the legislature?

Mr. ROBERTSON. No. Congress has no more right to do that than to do what is proposed in this bill. It is unconstitutional, first, last, and always.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. If the Federal Government could discharge and supplant Virginia voting registrars by act of Congress, could it not also discharge and supplant Virginia's duly elected judges or duly appointed judges in that State?

Mr. ROBERTSON. I hope to see a new library building dedicated to the memory of the chief architect of the greatest instrument ever struck off by the hand and purpose of man, James Madison. I would like to see a hall dedicated to his memory. But if Congress adopts the provisions of this bill and if the Supreme Court upholds them—especially the poll tax provision—when the hall is dedicated to Madison, we should put a coffin in this hall dedicated to the memory of the chief architect of the arch of this Government, which has resulted in our national well-being and liberty, and prosperity, the greatest instrument ever struck off by the hand and purpose of man in the field of self-government, and erect above it a sign, "Dead, but not buried."

Mr. TALMADGE. Has the Supreme Court at any time in the entire history of our country ever held that a State could not prescribe the standards and qualifications for its electors?

Mr. ROBERTSON. The Supreme Court, going back to the Happersett case, down to the present, including a case decided March 1, has said that under the Constitution, only the States have that right, and no court has ever challenged or denied that right. It is proposed to put in the bill something as to which the Supreme Court would have to back down on anything it has ever said before.

Mr. TALMADGE. Would not this bill include as the target certain carefully selected States and suspend all the voter qualifications within those particular States?

Mr. ROBERTSON. Certainly it would; and the distinguished minority leader very thoughtfully had adopted in committee an amendment which would slow up this device; if we got busy and registered a few more people and voted a few more people, we could then get out from under its provision. But I understand that if he will agree to take that provision out, they will give him something else. I do not know what.

But as it now stands, the bill contains this triggering device, because the Judiciary Committee amended it, and it applies only to a part of Virginia's counties and cities but it is still aimed at six of our States.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from Virginia yield to the Senator from Georgia?

Mr. ROBERTSON. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Would not the bill deny to the States of Louisiana, Alabama, Mississippi, Georgia, North Carolina, and certain carefully selected counties in other areas the right to apply any literacy standards whatever for their voters?

Mr. ROBERTSON. The Senator is correct. New York would not be affected. New York has a higher literacy standard than we have ever imposed in Virginia. Last year, we wrote into a bill that if a literacy test did not go above the sixth grade, that would be all right. The North Carolina case, that went to the Supreme Court, the Lassiter case, involved a literacy test of about the sixth grade; and the Supreme Court said that was all right.

Yesterday, I placed in the RECORD an article entitled "The Poll Tax," written by Dr. Harley L. Lutz and published in the Wall Street Journal, in which he stated that if Congress decreed that no State could prohibit an illiterate from voting, perhaps a majority of illiterates could take over the Government. Then how long would it be before Congress prohibited—in order to prevent discrimination against those who claimed they did not have as much educational advantage as whites—any State from refusing a driver's license to an illiterate who could not read the direction signs, speed signs, or anything else on the highway?

Mr. TALMADGE. Does not the Senator agree that the bill would suspend the constitutional provisions in six States in the Union, while those same constitutional provisions would be applicable in 44 other States in the Union?

Mr. ROBERTSON. That is certainly correct. It was apparently designed carefully for that purpose.

Mr. TALMADGE. Does not the Senator agree with me that the Constitution of the United States is supposed to apply equally to all people, in all States, in all regions alike?

Mr. ROBERTSON. That is true. In addition, the framers of the Constitution delegated certain powers to the Federal Government and even provided that the exercise of such powers must be for the general welfare. It was intended that everything Congress did would be for the general welfare. Now, of course, we have a ruling of the Supreme Court that the general welfare is an unlimited grant of power; and if Congress passes an appropriation bill or an authorization bill it no longer states that it is for the general welfare. We appropriate for anything we please. We do not even bother any more to state that measures are enacted for the general welfare. But, even there, we do not deliberately discriminate, we do not deliberately—before the appearance of the pending bill—pick out just six States and say that in those States constitutional rights are wiped out, and that

their citizens shall not enjoy them any more.

Mr. TALMADGE. Would it not suspend the poll tax in those carefully selected six States as well as the right to prescribe moral standards for the voters?

Mr. ROBERTSON. Yes, and I might add that the poll tax is one of the fairest of taxes. The Romans had a poll tax in the days of the Caesars, because it was the best way to collect revenue from the provinces. It was a head tax. Virginia has a poll tax in order to support its public schools. It receives a revenue of approximately one and a half million dollars. It is all the tax some people ever pay for public education, although they may have six or eight children in their family, and it may cost from $400 to $600 a year to educate each child. But if it can be said that there will be no poll tax, no literacy test, the Federal Government can come in and wipe out our 21-year age limitation. It can say that Georgia allows its citizens to vote at the age of 18; therefore, Virignia is discriminating against its boys and girls, Virginia is frustrating them, and, therefore, they must be allowed to vote at 18. That right would be taken away from us. In nearly all States, a person must have resided in it for 1 year before he can vote. But citizens recently arrived may say, "We wish to move around. We have a new job, we have been here only 3 months, but why should we not be allowed to vote?"

If the pending bill should be enacted into law, we would have given notice to the States that the Constitution will mean nothing, that whenever there is sufficient pressure to change it, it will be changed and we expect the Supreme Court to uphold what we do.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Would not the bill open the door to potential election abuse, such as we have never seen before?

Mr. ROBERTSON. It might do that, but I am hopeful that the Senate will adopt the Williams amendment, which is national in its application, in that it hits at fraud in any Federal election, no matter where it occurs. It does not have to be in Atlanta, Richmond, Mobile, or other cities. If it occurs in New York, San Francisco, Chicago, Detroit, or any other great city which can be mentioned, it will come under this law. Fraud will be fraud. It will be a Federal offense. However, let us see what will happen.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. TALMADGE. Would not the bill, in the carefully selected six target States, suspend the right of a State to apply the standard of good moral character?

Mr. ROBERTSON. Certainly. I do not know of any State which has allowed convicted felons to vote. But on the theory of this bill, Congress might say that a felon can vote. I do not know of any State which permits the inmates of an insane asylum to vote, but Congress can assert that we cannot discriminate against them, that some of them are only a little cockeyed, and that they should be permitted to vote because they may know a good deal about some other things.

In other words, it is proposed to open the door to ultimate supreme control by the Federal Government, in violation of anything in the Constitution in the matter of elections.

If that is not going down the road to dictatorship, how would we get a dictator?

Mr. TALMADGE. Has the Senator heard of any scheme or plan which would, since the force bills of Reconstruction days, suspend the Constitution of the United States in certain States, while it would be applicable in other States?

Mr. ROBERTSON. I have not. This is the first time since Reconstruction days. To me, it is perfectly astounding; and yet, according to press, television, and radio, a majority of the people wish it done. I cannot believe they know what they are doing, or else they are blind to the ultimate consequences of the action they are urging us to take.

Mr. TALMADGE. I thank my distinguished friend the Senator from Virginia for yielding to me, and I congratulate him on making a very excellent and significant speech.

Mr. ROBERTSON. I always appreciate the observations and help of my distinguished friend the Senator from Georgia. He is an outstanding lawyer. He has been a great Governor of the State of Georgia. He is reflecting great credit upon the State he now represents in part in this body.

Mr. President, in waging this contest, leaders of both major parties in the North have no difficulty getting together on legislation which is aimed primarily at the South.

This practice was never so glaringly illustrated as in the original draft of this pending bill, which was adroitly drawn to hit six Southern States, but only a few scattered counties in the North.

I wonder whether it was just a coincidence that the 1960 and 1964 civil rights laws were put through at the start of presidential campaigns?

The pending bill comes in an off-year, probably because recent demonstrations in Alabama led northern politicians to decide some further promises must be made. Otherwise, this bill might have remained in the Justice Department incubator until 1966 or 1968.

If this bill becomes law, the States will have very little authority left to fix the qualifications of voters, beyond designating the age eligibility and the length of residence within a State or locality.

Who can say that we will not be confronted next year, or in 1968, with another bill, lowering the voting age to 18 in all States, or requiring the States to register an applicant after 6 months of residence instead of a year.

In behalf of such a bill it could be argued that, since Georgia and Kentucky have lowered the voting age to 18, Hawaii to 20, and Alaska to 19, the other 46 States are discriminating by keeping the limit at 21.

If such a bill should ever pass, following the one we are now considering, the process of nullifying the power of the States to fix voting qualifications would be almost complete.

Mr. TALMADGE. Mr. President, will the Senator from Virginia yield at that point?

Mr. ROBERTSON. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I hold in my hand volume 193 of the U.S. Supreme Court reports containing the case of Hope against Williams.

I now read a portion of the opinion in this case.

Mr. ROBERTSON. What is the date of that decision?

Mr. TALMADGE. Nineteen hundred and three. It has never been overruled in innumerable decisions which have been handed down time after time, as the Senator has pointed out, as late as March of this year. I quote from the opinion:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States.

Does not the able Senator agree with that statement?

Mr. ROBERTSON. I do. That opinion was written by Mr. Justice Peckham, I believe.

Mr. TALMADGE. Yes. Is it not the law of the land now, and was it not the law of the land then?

Mr. ROBERTSON. Of course, it was the law of the land then. It is supposed to be the law of the land now in all cases which it covers. We have been told time after time, after the decision in the segregation case was rendered by the Supreme Court in the spring of 1954, that this is the law of the land. Yet here is a decision that has stood much longer, and it certainly should likewise be the law of the land.

Mr. TALMADGE. I thank my able friend.

Mr. ROBERTSON. I thank my friend from Georgia.

At this point, I would remind my colleagues that the Constitution states plainly in two places that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This provision was in the Constitution as originally adopted, and as recently as 1913 it was repeated in the 17th amendment, providing for the direct election of Senators by the people instead of the State legislatures.

The Constitution also states, in the 10th amendment, that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The process of whittling away at State control over the qualifications of voters began in 1957, when we empowered the Attorney General to seek Federal court injunctions whenever an individual complained he or she was about to be deprived of the right to vote in national elections.

That measure was hailed as the first civil rights law to pass in more than 80

years. But, before it had been in operation very long, its supporters were back in the halls of Congress complaining that it was inadequate.

So, in 1960, we passed another law, stipulating that after the Attorney General won an individual suit brought under the 1957 law, he could ask the court to make a separate finding that a pattern or practice of discrimination existed in a given area.

The 1960 law authorized the courts to appoint voting referees to receive applications from persons seeking to register, take evidence and report their findings to the court. The court may fix a time limit of up to 10 days, in which State officials may challenge a referee's report. The referees would have the same power as court masters to subpena records, administer oaths, and cross-examine witnesses.

In any suit under the 1960 law, a State would be held responsible for the actions of its officials, and, in the event State election officials resigned and were not replaced, the State could be sued.

But even this detailed procedure for court relief was not considered enough, and along came the 1964 law, placing further safeguards around the right to register and vote. That law sought to prevent use of literacy tests as a means of discriminating.

It requires the States to apply the same standards and procedures to all applicants to vote in any Federal election. It declares that minor errors in filling out registration forms shall not deprive a person of voting rights. And it specified that if literacy became a relevant factor in any court proceedings, there would be a rebuttable assumption that any person who had completed the sixth grade is literate enough to vote.

In addition to the three laws passed since 1957, Congress during that period submitted a constitutional amendment banning the poll tax in Federal elections. It was ratified by the required number of States and is now in effect.

The 1964 Civil Rights Act was the most all-embracing measure ever proposed on this subject. In addition to the added weapons it gave Federal courts to protect voting rights, it included these far-reaching provisions:

A ban on discrimination in places of public accommodation, such as restaurants, hotels, and motels.

A ban on discrimination in the use of public facilities of a State or other political subdivision.

A title giving the Federal Government new powers to eliminate segregation in schools.

Comprehensive machinery, which will go into effect in July, to eliminate discrimination in employment.

A ban on discrimination in federally assisted State programs and facilities.

A section defining in detail the duties and functions of the Civil Rights Commission.

Authority for the Commerce Department to gather statistics on the voting population in such geographic areas as the Civil Rights Commission may recommend.

Establishment at the Federal level of a Community Relations Service to promote better race relations.

When this law was placed on the statute books last July, it was hailed as having provided the necessary machinery for solving all major phases of the civil rights problem.

Mr. President, while we were considering the 1964 act we were told over and over again by its supporters that its passage would take the civil rights issue out of the streets and into the courts. We were warned that, if the bill failed to pass, there would be more disorders in big cities during the summer vacation months.

During the presidential election campaign last fall, there was a lull in civil rights demonstrations. The civil rights leaders apparently felt that too much public agitation at that time might hurt their cause at the ballot box.

But once the election and inauguration were over and the new Congress had convened, the marching began again in Alabama, and, presto, out of the Justice Department came another proposed voting rights law.

This time the administration asked that the Attorney General be empowered to send Federal officials into a State to register prospective voters without any requirement that he show in a court of law that the action is justified.

Bear in mind that the 1960 law already authorizes the courts to appoint Federal voting referees. Therefore, the only excuse for the pending bill is an unwillingness on the part of the administration to submit its complaints of discrimination to a court.

During the Senate hearings on this bill, Senator ERVIN, Democrat, of North Carolina—who was an eminent jurist before coming to the Senate—pointed out that the only reason advanced for this bill is that it takes time to litigate a case in court.

Charles A. Bloch, a noted constitutional lawyer, was testifying against the bill at the time, and Senator ERVIN put this question to the witness:

I will ask you if that is not exactly the same argument, or rather the same justification, a mob uses when it lynches a man? It says, "We know this man is guilty, and we're not going to waste any time trying him, because it will take some time." Is that not exactly the argument of a mob?

Yes—

Replied Mr. Bloch—

this ought to be called a State lynching law, a law to provide for the lynching of certain States. And that is what it does.

Although the Senate Judiciary Committee made half a dozen major changes in the original bill, the committee did not deprive the Attorney General of the unprecedented authority he is seeking to send Federal examiners into a State or county without submitting to a court any proof of the need for his action.

It is true that the committee changed the bill so as to give the Attorney General a choice of proceeding either with or without court action, but this was a rather meaningless gesture. As a matter of fact, the 1960 law already authorizes him to ask a court to appoint voting referees.

Therefore, the essence of this bill is the right it gives the Attorney General to send in the Federal registrars on his own initiative.

The most sweeping change the Senate committee made was to undertake to repeal the poll tax which some States, including Virginia, still require as a condition to voting in the State or local elections. A House Judiciary subcommittee has taken similar action.

Despite its drastic nature, Mr. President, I am less concerned about this amendment than some of the other proposed changes, because I doubt that even the present Supreme Court, which has not hesitated to chip away at the powers of the States, would uphold this poll tax amendment.

Only a few years ago Congress decided that it would take a constitutional amendment to outlaw the poll tax in Federal elections, and it submitted such an amendment, which is now a part of the Constitution.

Mr. President, if Congress felt that it had to amend the Constitution to ban the poll tax in national elections, how can it be argued now that it can abolish that tax in State elections by a simple statute? I think it is significant that Congress did not attempt to interfere with State taxing power in local elections when it was voting in 1962 to amend the Constitution, even though it could have done so in a constitutional amendment.

As a matter of history, I should say at this point that in 1962 I not only opposed repealing the poll tax by statute—as I am doing today—but I also voted against the constitutional amendment to ban such a tax in national elections.

I did not feel that Congress, even by constitutional amendment, should chip away any more of the control which the Founding Fathers reserved to the States to fix the qualifications of voters. We had already chipped away some of that jurisdiction in the civil rights laws of 1957 and 1960.

Someday I hope we build a much needed third Library of Congress building and dedicate it to the memory of the "chief architect" of the Constitution, James Madison. But if we include in the pending bill the proposed anti-poll-tax amendment, and if the Supreme Court upholds it, I would with all due deference recommend that when the Madison Memorial Room in the library building has been completed, we deposit in a coffin in that room the greatest instrument ever struck off by the hand and purpose of man and erect above it a sign "Dead, but not buried."

Nowhere is the infringement of powers reserved to State governments more direct than in the area of voting qualifications. Since 1939 there have been varying attempts at such encroachment made by anti-poll-tax bills. These proposals, by seeking to outlaw the poll tax, restrict State authority to defining voting qualifications. My conclusion now, as it has always been, is that in view of the unconstitutional nature of anti-poll-tax

legislation, the only proper course for abolition of the tax would be by State action or constitutional amendment.

If the imposition of a poll tax is a matter of the qualifications of a voter, it is controlled exclusively by the State under article I, section 2, and the Federal Government cannot under article I, section 4, prohibit the imposition of a poll tax under the guise of regulating the manner of the election.

Fortunately, the framers of the Constitution left us in no doubt on that subject, as the exclusive control of the States over voter qualifications is clearly shown in the Constitutional Debates and Federalist Papers.

DIFFERING QUALIFICATIONS OF THE STATES

A. THE CONSTITUTIONAL CONVENTION

At the outset, we should take note of the fact that in 1789 the States had rigorous and widely differing requirements for voting. These were summarized by Chief Justice Waite in his opinion in *Minor* v. *Happersett*, 21 Wall. 162 (1874) at page 172.

For example, the general requirement was ownership of property, usually real estate. In 1789 Georgia liberalized its requirements by extending the vote to those who had prepaid taxes, even though they did not qualify by property ownership. Other States followed suit. As the usual course, men of 21 years of age enjoyed the franchise. Residence restrictions sometimes existed.

These differences occasioned many debates in the Constitutional Convention on the possibility of uniform qualifications for voters. The dispute centered on whether the Constitution should limit the franchise to landowners or whether limitations should be left to the individual States. James Madison and Gouverneur Morris of Pennsylvania favored the former position. The argument was that landowners would be the safest depository of republican liberty. Moreover, they feared making qualifications dependent on the will of the States not because the States would unduly restrict the electorate, but because they would be too generous in extending the privilege.

As presented by Oliver Ellsworth of Connecticut, James Wilson of Pennsylvania, and George Mason of Virginia, the argument on the other side related to the diversity of existing State qualifications. They warned that the right of suffrage was a tender point carefully guarded in the State constitutions, and that tampering with it might wreck the new Government. They pointed out that it would be difficult to settle on a uniform rule for all States and that it would be awkward if the electors of the State legislatures and Congress were not the same—volume 5, Elliott's Debates, 385 (1866).

In addition, they argued that a power to alter the qualifications of voters would be a dangerous power in the hands of the National Legislature. Once the principle is established that the Congress can make such changes, the power used at one time to expand the electorate might be used at another to restrict it, and, theoretically at least, the restriction could be carried so far that there would result a despotism.

At the conclusion of the debate advocates of a ballot limited to freeholders were defeated by a vote of seven States to one, and the plan of the Committee on Detail was adopted without a dissenting vote. Its language was changed only slightly and it became that part of section 2, article I, of the Constitution which reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The words, "qualifications of the electors shall be the same from time to time," et cetera, had been omitted from the recommendation of the committee—volume 5, Elliott's Debates, 377.

It has been argued that this omission was for the purpose of preventing exclusive control over qualifications by the State legislatures, rather than by the people of States; and that the inclusions of "most numerous branch" of the State legislature was to assure a broad popular base. Undoubtedly this purpose was a real one, but the fact remains that as finally worded, section 2 of article I leaves to the States the choice of deciding the qualifications for the Federal electors, and for the reason that a uniform national requirement was found unworkable.

As has been indicated, the members of the Constitutional Convention were conscious of the need to satisfy the people of the various States sensitive on the subject of suffrage rights. It was therefore one of the subjects which received close attention in the Federalist Papers written at the time to convince State conventions to adopt the Constitution.

B. THE FEDERALIST

In No. 52 of the Federalist, it was pointed out that the Constitution made the qualification for Federal electors the same as those of the electors of the most numerous branch of the State legislature:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government.

The Federalist author continued:

> It was incumbent on the Convention therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

The following words of the paragraph should be noted:

> To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.
>
> The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to bridge rights secured to them by the Federal Constitution.

Then in the 54th Federalist, it was remarked:

> The qualifications on which the right of suffrage depend are not, perhaps, the same in any two States. In some of the States the difference is very material.

C. RATIFYING CONVENTIONS

Later, at the Massachusetts Ratifying Convention, in answer to a query as to whether Congress might prescribe a property qualification for voters, Mr. Rufus King, a member of the Federal Convention, said:

> The idea of the honorable gentleman from Douglas transcends my understanding; for the power of control given by this section extends to the manner of elections, not the qualifications of the electors.

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania Convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Those familiar with the Virginia Ratifying Convention know that Patrick Henry opposed the ratification of the Constitution on the ground that it gave the Federal Government too much power. One issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix those qualifications. If the latter, the Federal Government would merely determine the times, places, and manner, if it wished to do so, of holding those elections, but those who had the right to vote under the State law would then freely participate.

Wilson Nicholas, a member of the Virginia Convention, gave the members positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

Virginia agreed to ratify only on the assurance that the first session of the Congress would propose bill-of-rights amendments to the Constitution and even went a step further when the Convention named a committee, headed by Governor Edmond Randolph and including James Madison and John Marshall, to draft a form of ratification that would include certain reservations as to States rights.

The resolution reported by that committee and adopted by the Convention said:

> The powers granted under the Constitution being derived from the people of the United States, be resumed by them whenso-

ever the same shall be perverted to their injury or oppression, and at their will.

In explaining the voting plan to the North Carolina Convention, John Steel, like Wilson Nicholas, said:

Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors: The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

The significance of this history is reinforced by the fact that as late as 1912, when the 17th amendment was proposed by Congress, providing for popular election of Senators, language was used identical to that of article I, section 2. This amendment says:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It should be noted that these words were adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe operations of the newer poll taxes which were imposed between 1875 and 1908.

D. FEDERALIST INTERPRETATAON OF MANNER

The fourth section of article I reads:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The main purpose of this section was to enable both the State and Federal Governments to preserve themselves by the regulation of elections. See Nos. 59 and 60, Federalist Papers.

Also, discussing article I, section 4, in the Virginia Ratifying Convention, Mr. Madison explained:

It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution.

And, considering the State governments and General Government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

This, it should be remarked, deals only with the times, places, and manner of holding elections and not with qualifications of voters since, under the provision of article I, section 2, a State could not attempt to dissolve the General Government by disqualifying voters without automatically dissolving its own government. It is essentially a distinction between substance and procedure. This distinction was made by a concurring opinion in *Newberry* v. *U.S.*, 256 U.S. 232, 280 (1920).

Arguments have been made that manner does not refer merely to procedure of elections; but to accept that premise is to agree to what the entire thrust of the constitutional debates refute, that the Central Government could impose uniform franchise qualifications. Rather, Hamilton argues that once the States set up a qualification, the Central Government could insist that it be carried out, that is, that elections could be held. Hamilton's analysis was reinforced by the majority opinion in Newberry against U.S., where Justice McReynolds states that manner of holding elections does not mean power broadly to regulate them—at 256.

Moreover, this clause has been used as the author foresaw, to protect a Federal election from corruption, later referred to.

There is convincing evidence that the members of the Constitutional Convention and the Ratifying Conventions intended the Constitution to give to the States—and to the States only—the authority to prescribe qualifications for voters. The courts have consistently followed this interpretation.

THE MEANING OF THE 15TH AMENDMENT

I should now like to examine that of the 15th, which reads:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In *United States* v. *Reese*, 92 U.S. 214 (1875), the court construed a statute passed under Congress power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite the following statement is made:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress.

* * * * *

The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

See also *Guinn and Beal* v. *United States*, 238, U.S. 347, 362 (1915) where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, except, of course, as to the subject with which the amendment—15th—deals and to the extent that obedience to its command is necessary.

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendments. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Cong ess is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

Then followed the quotation from Breedlove against Suttles, which I quoted earlier.

The latter part of Butler against Thompson discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo* v. *Hopkins*, 118 U.S. 356, or under the 15th amendment as in *Lane* v. *Wilson*, 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2 of the Constitution of the United States.

The right of a sovereign State to fix nondiscriminatory prerequisites for voting as decided in the Butler case was fully confirmed no later than March 1 of this year, when, in the case of Carrington against Rash, the Supreme Court held:

There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and on accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. * * * In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

But a distinguished Senator from Massachusetts, an able and wonderfully fine man, but not a constitutional lawyer,

says in effect: "Don't let those decisions bother you. The Supreme Court can be prevailed upon to overrule them."

The present Attorney General has said he is somewhat concerned over the poll tax repeal clause in the revised bill. During a recent televised interview he said:

> If the poll tax section should be held unconstitutional, the decision would create some difficult, practical problems in carrying out this bill.

In order to aim this bill directly at the South, the authors made it apply to any State which maintained a literacy test and in which fewer than 50 percent of the persons of voting age were registered, or if fewer than 50 percent voted last November. The Senate committee added as another condition, if more than 20 percent of the voting-age population were nonwhite.

Not content with these triggering formulas, the Senate committee added an alternative yardstick, which says:

> Even if there was no literacy test and even if more than 50 percent of the eligibles voted last November, the Federal Government could still send in registrars if the Census Bureau found that less than 25 percent of the members of any racial group in the State failed to register.

These mathematical triggering devices are based on an assumption that when less than half of the adults in a State fail to register or vote it must be due to discrimination.

This reasoning overlooks completely the possibility that millions of Americans never get interested enough in politics to take the trouble to go to the polls.

Since the formulas in this bill exempt virtually all of the States of the North and West, we can assume that the sponsors believe there is some magic connected with a turnout of 51 percent of the voters which automatically purges a State of any suspicion of discrimination.

And, yet, while the great State of New York got 63 percent of its eligibles to the polls last year, it still used a literacy test which denied voting rights to many Puerto Ricans because they could not speak English, even though they may be highly literate in Spanish.

For the Nation as a whole the number voting in the last presidential election was only 60.5 percent of the voting age population. No one would seriously contend that nearly 40 percent of the adults in the Nation were kept away from the polls by literacy tests or any other devices.

Unfortunately, it merely means that millions of people are simply not interested enough to go to the polls. They will listen to the candidates berate each other on television, and they will even argue some of the issues with the next-door neighbor. But on election day they say, "Let George do it."

It is a well known fact that, since Reconstruction days, the Republican Party has been so weak in the South that winning the Democratic nomination for a major office has been tantamount to election in all but a few scattered congressional districts.

Under these conditions, what incentive has there been for large numbers to go to the polls on election day in most Southern States?

It is true that in recent years General Eisenhower twice carried a few Southern States, and that last year former Senator Goldwater carried five States in Dixie. But this reflected discontent among Democrats, not an upsurge of Republican strength.

If, in the Nation as a whole, only 60.5 percent of the eligibles bother to vote, why nullify State election laws in the South because that section falls 10 percentage points below the national average?

I used to think the Einstein theory of relativity was complicated until I saw the assortment of formulas in this bill as it came from the Judiciary Committee.

The original bill started out covering the entire State of Virginia because it has a simple literacy test, requiring only ability to read and write, and because fewer than 50 percent of the eligibles voted last November—even though more than 50 percent were registered and could have voted.

Then the committee added a requirement that an area would be covered only if more than 20 percent of its voting-age population was nonwhite in the 1960 census. This eliminated more than half of the political subdivisions in Virginia.

But the committee was not through. It adopted one more triggering device, which says that if less than 25 percent of the persons of voting age of any race or color in any State or political subdivision are not registered, that area is back in the bill.

Tables printed in the report of the majority indicate that these formulas would still enable the Attorney General to send Federal registrars into 40 of the 96 counties and into 13 of the 34 independent cities of Virginia.

While I am glad that some parts of my State would be spared this return to the Federal control of election machinery that was tried and abandoned in reconstruction days, it has not altered my opposition to the measure. It is just as wrong for Congress to usurp the constitutional functions of a State in half the counties as it would be statewide.

According to the 1960 census, no State succeeded in getting more than 80 percent of its people of voting age to the polls that year, and estimated population figures for 1964 show no State with a turnout on election day above 77 percent.

If Congress can authorize Federal examiners to go into a State at the 50-percent level, or, if a State is to be exempt only if it reaches the national average of about 60 percent, then we could also adopt any other arbitrary yardstick.

So, why not make this bill national in its application by sending Federal examiners into any State in which fewer than 80 percent of the eligibles vote?

Of course, I realize, Mr. President, that my suggestion would change this bill into a recruiting device, to draw out citizens who stay home on election day by choice and not because of any obstacles placed in their way.

And perhaps this job of arousing more citizens to become voters should be left to the political parties.

All I am trying to show is that the mere fact that only 49 or 59 percent of the adults in a State went to the polls last November does not automatically prove that discrimination kept the others at home.

What happened in my own State of Virginia last fall fully supports that statement. In November 1964, 1,311,023 Virginians—51 percent of the population of voting age—were registered. If they had all gone to the polls on election day my State would not be affected by this bill. We would then have been as fortunate as New York, which has a more stringent literacy test than Virginia, but is not covered by this bill because more than 50 percent of its adults voted.

But because 269,000 of the Virginians who were registered, and could have voted without interference from anyone, failed to make it to the polls. Virginia's vote total dropped to 41 percent of the voting age population.

This means that under the arbitrary formulas written into the original draft of this bill it would have been possible for the Attorney General to send Federal examiners into my State, despite the absence of any substantial evidence that any devices are used to prevent Negroes from registering in Virginia.

If the Dirksen amendment is retained, it would be possible for Virginia to obtain a court decision exempting it from this bill by persuading an additional 10 percent of its people to register.

For that reason, I believe the Dirksen amendment eliminates some of the unfairness from this bill, and I will support it.

Another amendment I am glad the Judiciary Committee adopted directs the Census Bureau to exclude aliens, persons in active military service and their dependents, in estimating the percentage of voting age population registered or voting in 1964.

I understand this amendment was offered by the distinguished Senator from Hawaii [Mr. FONG], whose State, like Virginia, has a large number of servicemen stationed within its borders. Most servicemen are eligible to vote in their home States if they meet the age requirement.

In Virginia the effect of the Fong amendment would be to exclude 157,000 servicemen; about 22,000 aliens, and at least 54,000 dependents of servicemen. The Census Bureau found in 1960 that, of the servicemen stationed in Virginia, 54,722 listed themselves as heads of families, so I have used that as a minimum number of dependents.

These groups add up to 234,576, and when they are deducted from the total adult population, Virginia's percentage of voters last November goes up from 41 to more than 45 percent of voting age population.

If it were possible to ascertain and deduct the thousands living in northern Virginia counties, adjacent to Washington, who vote in other States from the

Atlantic to the Pacific, Virginia would be close to, if not above, the 50 percent level in voter turnout.

Incidentally, what happened when the District of Columbia took part in its first presidential election last fall offers further proof that a low turnout of voting age population does not necessarily reflect discrimination.

They polled fewer than we polled in Virginia. Yet we are singled out and stigmatized as a State that discriminates against a minority race.

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

Mr. ROBERTSON. I yield.

Mr. TALMADGE. The bill does not provide for Federal registrars for the District of Columbia, does it?

Mr. ROBERTSON. Of course not. The District of Columbia was not in the list presented by Dr. Martin Luther King. His concern is directed at the Senator's State, my State, the State of Alabama, and other States to the south of us.

A Washingtonian was required only to sign a card vouching for the fact that he or she was a resident, and of the required age. This is substantially all that is required for a Virginian to vote in presidential elections, although a citizen of my State must still pay, for the benefit of public schools, a small poll tax to vote in local elections.

The amendment which Senate Republican Leader DIRKSEN got into the bill in the Judiciary Committee would enable any State to get out from under this measure whenever it can show in court that it is doing as well as the Nation generally in persuading its people to register and vote, and provided it can demonstrate it is not discriminating on the basis of race.

When we abolished the poll tax by the constitution in Virginia we had to find some way to determine what people were still living and who would really have the right to vote. In the past we have done that by requiring a poll tax before one was permitted to vote. The treasurer certified that fact to the clerk of the court, and the poll tax list went to the registrar. That list showed who was registered, who had paid the poll tax, and who was still living in Virginia.

In Virginia we have permanent registration. In New York, for example, which is supposed to be a model of everything that is fine, one must register before the election. At one time I ascertained that the registration in New York alone disqualified more people who failed to register than the Federal poll tax had in the entire State of Virginia.

But we had annual registration, and all one had to do was to sign the printed form and state his name, residence, and how long he had lived in the precinct, so that the election officials would know where he expected to vote.

What did the Supreme Court do yesterday? It threw out the requirement that one must give a certificate of residence so that the registrars and judges of elections could know that one living in Virginia would be entitled to vote in Virginia. They did so on the ground that was a relic of the past, an attempt to maintain the poll tax, when all that was intended was to try to find out who was legally a resident of Virginia, so that when the time came to make up the poll-tax voting list, the registrars would know who was eligible to vote in Virginia.

In Virginia, one cannot get on the list to vote later than 30 days before the election. Under the terms of the bill, a person could register to vote on the day of the election, if he so desired. There would be nothing to keep him from doing so. I do not know of any State that now allows a person to register and vote on the same day. If a person is not registered in time, he cannot register later. That is the case in New York, where a person must register before every election. If he is not registered, he is not entitled to vote; that is all there is to it. It is just that simple. That is still within the constitutional privileges of the great State of New York. All we are asking for Virginia is to preserve the same rights as are being exercised in New York—and New York, of course, is not covered by the bill.

In defense of his amendment, the Senator from Illinois [Mr. DIRKSEN] has said that Congress is trying only to see that rights created by the 15th amendment are protected and that "we should not seek to create conditions that will tie the hands of the States in the conduct of their elections for periods of time far beyond the time when discrimination in voting is abolished within a State."

But even this moderate amendment does not seem to be acceptable to Attorney General Katzenbach. When he was interviewed on "Meet the Press" recently, Mr. Katzenbach said the Dirksen amendment would take Louisiana, Georgia, and South Carolina from under the bill immediately, and a note of sadness seemed to creep into his voice as he added, "and I would suppose by the time the bill became effective it would have taken out the remainder."

The Attorney General was reminded that the Dirksen amendment had been strengthened to require a State not only to register 60 percent of its eligibles, but also to satisfy the court that it was not discriminating. He was asked if that made it acceptable. Mr. Katzenbach replied:

> I think that is helpful, but it is not totally acceptable because you run into the difficulty of what it means to say that they are not presently discriminating. Now, if that means they haven't discriminated in the past 6 months or year, or 2 years or something of that kind, then it might possibly be acceptable.

As I read the bill, it will mean that in the States to which it is applied voting qualifications will become a patchwork of State and Federal requirements. It could also be applied to one county or political subdivision of a State if the Attorney General concludes that a test or device has been used to interfere with registration of voters.

The bill as reported defines "test or device" as "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class."

Once the Attorney General has pointed his finger at a State or county, and said, "You are now under this new law," the registration of voters in that jurisdiction will henceforth be determined by some selected portions of the State law, plus a new set of requirements to be promulgated by the Civil Service Commission.

It is presumed, for example, that the Federal examiners from the Civil Service Commission will not change the State requirements as to age or length of residence.

But no one will know until the bill becomes law just what rules the Federal examiners will lay down to be complied with by the individuals who apply to them for registration.

The bill provides that "The times, places, and procedures, and form for application and listing" shall be promulgated as regulations by the Civil Service Commission. It also says that the Commission, after consulting the Attorney General, shall instruct the examiners concerning applicable State law "not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

Bearing in mind that the definition of "test bars any demonstration of ability to read, write, or understand any matter," one wonders what sort of form the Federal examiner will use.

Will the examiner be limited to filling out the application form for the registrant?

I suppose the answer will rest with the Attorney General, who, under the bill, will instruct the examiners. I suppose, also, that if the Attorney General decided that the simple form which a registrant in Virginia is asked to sign is not inconsistent with the Constitution and the laws of the United States, he could authorize the Federal examiners to retain that form.

But whatever procedure is adopted, the result will be a mixture of some State and some Federal regulations.

I was intrigued by one remark the Attorney General made during his recently televised interview. He was reminded of a provision in the original bill that, if a man placed on the voting roster by a Federal examiner failed to vote over a period of 3 years, his name would be dropped from the rolls. The Attorney General was asked why that was changed in committee to require that names be dropped only in accordance with State law.

His answer was that that "seemed to be a more uniform, more easily administered provision."

Mr. President, this answer left me with the impression that those who administer the act will follow State law only when it suits their purpose.

This is a far cry from the language in the Constitution, reserving to the States the power to determine the qualifications of voters.

Mr. President, I am opposed to the bill in its entirety because I am convinced that it is unconstitutional and is purposely drawn to apply only to one section of the Nation. But if it is going to pass, we should certainly strike out the section banning a poll tax in State or local elections. We should also retain the Dirksen amendment, which seeks only to free a State from this Federal control whenever it exceeds the national average in voter-turnout, or registers more than 60 percent of its voting age population.

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

Mr. ROBERTSON. I yield.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator from Alabama is recognized.

Mr. HILL. Mr. President, I regret to say that I have not been present to hear all of the speech of the Senator from Virginia. However, the part which I have heard has been very fine indeed. Did the Senator have an opportunity to discuss the provisions of the 17th amendment pertaining to the election of United States Senators?

Mr. ROBERTSON. I did not stress it. I mentioned it as one bit of evidence that Congress passed, proposed, ratified, and fully endorsed what was in the Constitution, in section 2 of article I, to give the States the right to fix the qualifications of electors, because it repeated it in the 17th amendment.

Mr. HILL. It repeated it verbatim, did it not?

Mr. ROBERTSON. The Senator is correct. In that way, it was fully ratified. I also cited numerous decisions going back to the early part of our history, to the time of the passage of the 15th amendment. These decisions show that the 15th amendment did not confer on anyone the right to determine qualifications for voting. They merely stated that those rights were left to the province of the States, and that the States could not discriminate by means of State law against a man because he was a nonwhite or a former slave.

Mr. HILL. Are there not many court decisions to that effect?

Mr. ROBERTSON. There are many decisions of the Supreme Court.

Mr. HILL. Is it not correct that some of our greatest judges have participated in those decisions?

Mr. ROBERTSON. The Senator is correct. I cited the decision of a three-judge court, headed by Judge Dobie, of the Federal Circuit Court of Appeals, which upheld the Virginia poll tax. This decision has gone unchallenged through all the succeeding years. A case was decided only March 1, 1965. In that case, all of the previous decisions concerning the right of the States to determine the qualifications of electors as their individual right were mentioned. This power does not belong to Congress under the Constitution. That has been the unanimous holding of the courts through the years.

I also cited the history of the section as set out very clearly by James Madison and Alexander Hamilton in the Federalist Papers. I also quoted from the ratifying convention to the same effect.

Mr. HILL. The various State conventions also had to ratify it. Is that correct?

Mr. ROBERTSON. The Massachusetts convention, the Virginia convention, and the Connecticut convention ratified it. There is no question about it being a constitutional law. It is a conclusion that one must reach.

The provisions that would outlaw any type of literacy test or poll tax are unconstitutional. That is just as clear as can be from the standpoint of a constitutional lawyer.

Mr. HILL. The Senator from Virginia is a great student of our history, and particularly our constitutional history. Does the Senator think that the Constitution of the United States would ever have been ratified or the Federal Union ever have come into being under the Constitution if this very provision had not been there, leaving to the States the right to fix qualifications of voters?

Mr. ROBERTSON. One of the greatest men the State of Virginia ever produced was George Mason. George Mason wrote the provisions of the declaration on which were based Jefferson's Declaration of Independence and Madison's Constitution.

In the Constitutional Convention, George Mason said that there was such diversity among the sovereign States concerning who could or could not vote, that if Congress were to attempt to provide that power and authorize it, the States would never ratify what the Convention did.

There was only one vote to provide Congress with that power.

Mr. HILL. All the other votes were to the effect that Congress should not have that power.

Mr. ROBERTSON. The votes provided that each State could do it, provided the State did not discriminate against the voters in election for Federal officials. The 15th amendment provided that we must not discriminate against a man because of his race, color, or previous condition of servitude. There was no provision which would touch the right of Congress to fix qualifications.

This bill is as unconstitutional as it can be.

Mr. HILL. Mr. President, can the Senator think of anything that would be more unconstitutional than this bill?

Mr. ROBERTSON. We might provide for the immediate repeal of the 10th amendment. This bill would practically do that.

Mr. HILL. That amendment ratified, affirmed, and confirmed the very thing the Senator said; namely, that the power to fix qualifications was to be absolutely and wholly within the power and authority of the States.

Mr. ROBERTSON. George Mason, Patrick Henry, and others claimed that Congress would eventually override the States and that the States would lose their power.

Virginia would not have ratified the Constitution but for the promise of George Washington, James Madison, and the great jurist John Marshall, that amendments would be offered. They spelled out 12 of the amendments.

One of the amendments was the 10th amendment, which provided that all powers not delegated to the Federal Government or denied to the States, would be reserved to the States and the people.

Virginia was the largest State in area and population. Virginia was the most powerful and richest State. When the State of Virginia entered the Union, it had more Members in the House than any other State. The largest city south of Philadelphia was Williamsburg. Think of that.

We would not have had any perfect Union without the 10th amendment. What kind of Union would we have if we were to pass this bill and take part of the 10th amendment out of the Constitution? That is what it would boil down to.

Mr. HILL. Mr. President, I congratulate my distinguished colleague for the very fine speech he made today.

Mr. ROBERTSON. I thank the Senator very much.

Mr. President, I yield the floor.

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## INCREDIBLE VIEWS OF FORMER SENATOR GOLDWATER ON WAR WITH CHINA

Mr. McGOVERN. Mr. President, I was appalled by the report in today's Washington Post of statements made by former Senator Barry Goldwater in Paris on yesterday. According to the distinguished Washington Post foreign correspondent, Waverly Root, Mr. Goldwater told newsmen at the Anglo-American Press Association luncheon that he "prays for Red China to provide provocations which would justify the United States in attacking her atomic installations, but he doesn't think she will."

As reported by Mr. Root, "the statement on China came in answer to the question of a British reporter who asked whether Goldwater would advocate attacking Chinese military, industrial, or atomic installation: 'Yes, if they give us provocation,' Goldwater answered. 'No, if they do not give us provocation. I rather pray that Red China would give us provocation to attack her military and atomic installations.'"

Asked what would constitute sufficient provocation for attacking China, Goldwater said "If China sends troops into South Vietnam or materiel in massive quantities."

In other words, Mr. President, what Mr. Goldwater is saying is that he hopes China will send troops into the Vietnamese conflict so that we will have an excuse to launch an attack on China.

Mr. President, this is the most incredible statement I have ever attributed to a prominent national figure. We can only speculate on the disastrous course our nation might have followed had Goldwater been elected to the Presidency last fall. Consider the impact on the rest of the world if a leading American figure openly praying that China will intervene

in the Vietnamese war so that we will have an excuse to launch world war III by attacking this largest of all nations on the face of the earth. That concept is almost beyond comprehension. It makes one shudder at the mere expression of the thought, particularly when it was expressed in a foreign country at the largest luncheon ever held by the Anglo-American Press Association.

We can be thankful that the American people in their wisdom elected to the Presidency Lyndon Johnson, who has not only given repeated assurances that he seeks no wider war in Vietnam, but has offered to proceed at anytime with unconditional negotiations.

I applaud the President's appointment of the distinguished W. Averell Harriman to represent us at the proposed conference on Cambodian neutrality. That conference, as our majority leader has repeatedly reminded us, can open the door to further discussions leading to a settlement on the Vietnamese war.

As I first indicated on April 1, I trust that the President will also interrupt the bombing of North Vietnam long enough to provide some breathing room for the regime in Hanoi to consider negotiations, because, as the Senator from Arkansas [Mr. FULBRIGHT] has said, it is very difficult to create a climate favorable to negotiations so long as attacks continue on both sides. I would like to believe that this Nation is big enough and great enough to break the cycle of blows and counterblows which is a formula for a larger and larger war.

I also hope that our great President would not hesitate to consider some arrangement under which the National Liberation Front fighting in South Vietnam can be represented at negotiating sessions. After all, the principal antagonists in Vietnam are the South Vietnamese Government in Saigon and the South Vietnamese Liberation Front, which speaks for the Vietcong guerrillas. Unless those two principal antagonists can work out some kind of a settlement, it seems to me we miss the main point.

Negotiations must take place so that these two groups can reach some kind of a settlement, if the fighting is to cease. We should not lose sight of the fact that however much Hanoi and Peiping encourage and support the Vietcong guerrillas, this has always been fundamentally an internal struggle involving the Government of South Vietnam on one hand, and the Vietnamese guerrilla forces on the other.

I further hope that if negotiations do go forward, we will consider the creation of a southeast Asian peacekeeping force composed primarily of forces supplied by Burma, Cambodia, Thailand, Laos, Malaya, and Vietnam, and other nations in the southeast Asia area. I think it has been one of the ingredients missing from the agreement of 1954. We have had no effective peace keeping force to bring into that area under the agreements at Geneva 11 years ago.

Such a regional force affiliated with the United Nations would be in a much stronger position to stabilize this area of conflict and tension than would a unilateral force of Americans operating 8,000 miles away from home in alien territory.

Mr. President, one of the tragic aspects of this war is the growing terrorism on both sides.

I suspect that one of the prices we pay for an undeclared war is that it stays outside the scope of the application of international law that is applied in international conflicts.

Americans have certainly felt a growing sense of uneasiness about the use of our weapons to burn villages, destroy the jungle foliage, and wreak havoc on the Vietnamese countryside. All of this, however, has been accompanied by mounting terrorist activity by the Vietcong guerrillas.

I ask unanimous consent to have printed at this point in the RECORD a list of 12 recent acts of terrorism on the part of the Vietcong guerrillas directed primarily at U.S. personnel.

I request further that the article by Waverly Root reporting on Mr. Goldwater's comments printed in this morning's Washington Post be inserted at this point in the RECORD.

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

INCIDENTS OF TERRORISM DIRECTED PRIMARILY AT U.S. PERSONNEL

1. On June 28, 1963, a bicycle bomb exploded near the wall of the MAAG compound in Saigon. A second similar incident followed by 10 minutes. Five U.S. personnel were injured.

2. On February 9, 1964, following a series of minor incidents, two bombs exploded under the bleachers of Pershing Field in Saigon. There were 2 U.S. personnel killed and 23 were injured.

3. A week later, on February 16, 1964, the U.S. movie theater in Saigon was attacked. The theater was heavily damaged. Three Americans were killed and 35 injured.

4. On August 12, 1964, a plastic bomb exploded on a bicycle at My Tho. Five Americans were wounded and three killed.

5. On August 25, 1964, the Caravelle Hotel in Saigon was bombed. There was extensive damage to the fifth floor but only one American was wounded.

6. On November 1, 1964, mortar fire delivered on the Bien Hoa Airfield killed 4 Americans and injured 72, while destroying many airplanes.

7. On Christmas Eve of 1964 the Brink Hotel in Saigon was bombed, killing 2 Americans and wounding 64 others. There was extensive damage and the hotel is now unoccupied.

8. On January 26, 1965, two time bombs exploded in MACV's secondary headquarters in Saigon but injured only one American.

9. On February 7, 1965, the Vietcong attacked the Pleiku compound killing 9 Americans and wounding 107.

10. On February 10, 1965, the Vietcong attacked the Qui Nhon U.S. enlisted men's billet. Twenty-three Americans were killed, 21 injured, and 7 Vietnamese were killed. The 4-story billet was destroyed.

11. On March 30, 1965, the U.S. Embassy in Saigon was bombed. Two Americans were killed and 48 wounded. Fourteen Vietnamese were killed and 106 wounded.

12. The most recent serious incident occurred on April 14, 1965, at Qui Nhon when an explosion was set off in U.S. ammunition storage. Thirty-one Americans were wounded in action, 13 of them by small arms fire which followed the explosion.

[From the Washington Post, Apr. 28, 1965]

BARRY SEES PEIPING FEAR OF ATTACK

(By Waverly Root, Washington Post foreign service)

PARIS, April 27.—Former Senator Barry Goldwater told 135 persons at the largest luncheon the Anglo-American Press Association has ever held today that he prays for Red China to provide provocations which would justify the United States attacking her atomic installations—but he doesn't think she will.

He also said he backed President Johnson's policy in Vietnam, that he did not expect nuclear weapons to be used there, and that while he doesn't expect to make another try for the presidency, he might run again for the Senate. But he said he found it rather pleasant to "stay home, play with my grandchildren, hunt and fish, humming 'Hail To The Chief.'"

The statement on China came in answer to the question of a British reporter who asked whether Goldwater would advocate attacking Chinese military, industrial, or atomic installations.

"Yes, if they give us provocation," Goldwater answered. "No, if they do not give us provocation. I rather pray that Red China would give us provocation to attack her military and atomic installations."

He added that "many peoples around the world would be happy to see China's nuclear capacity disappear."

RUSSIANS INCLUDED

He confirmed after his public speech that when he spoke of many peoples, he had Russians in mind among others.

Asked what would constitute sufficient provocation for attacking China, Goldwater said, "if China sends troops into South Vietnam or materiel in massive quantities."

He said this would not necessarily mean war. He said the United States could punish China from air or sea, where her strength is superior, but he would never favor sending ground troops in. "No country," he said, "can match China on the ground."

But he expressed the opinion that China will not provide provocation as he had defined it.

Asked by another British newspaperman how long the United States can keep China out of the United Nations, Goldwater said, "if it comes right down to it, I don't think we could keep her out very long."

He admitted the strength of the argument that a nation of 600 or 700 million is hard to ignore, but went on, "in the United States, this is a political question. If you want to get into trouble there, just advocate admitting Red China to the United Nations, or recognizing her."

"Do you agree with President Johnson's policy in South Vietnam?" Goldwater was asked.

JOHNSON SUPPORTED

"I have to say yes. My President has done the right thing, in the right way."

This came after Goldwater had introduced himself by saying, "If you don't know who I am, I'm the trigger-happy war-mongering * * * who proposed bombing the supply routes from North Vietnam. You're a statesman today when you propose that. I was a year too early."

Goldwater and Soviet Foreign Minister Andrei Gromyko were both on the town last night, playing an unperceived game of hide-and-seek, but so far as anyone knows their criss-crossing paths never intersected.

That was because they were pursuing widely different interests, both artistic. Gromyko was looking at the architectural gems of Paris and Goldwater was being tattooed.

LAST TATTOO

This took Gromyko to such magnificent sights of Paris as Notre Dame Cathedral and

the Place de la Concorde, with fountain playing full blast, both floodlighted.

It took Goldwater to a narrow street climbing up the Montmartre hill behind the Pigalle Quarter. This is where you have to go to find one of the world's most famous tattoo artists, known by the single name of Bruno, whose weird working hours are 5 p.m. to 2 a.m.

Goldwater went there to have a Hopi Indian insignia near the base of his thumb completed. Member of a white man's association interested in Hopi folklore, Goldwater already had the first insignia—two little points symbolizing a snake bite. He also had the two dots, one below the other, beneath the bite mark, each of which signifies participation in a dance. After that you can dance and dance, but you earn no more dots. However, Goldwater was notified while here that he had just been named an honorary chief, which gives him the right to a half circle over the snake bite. He had it added last night.

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

Mr. McGOVERN. I yield.

Mr. MORTON. I was not present in the Chamber and did not hear the early part of the Senator's statement. Did the Senator quote from what Secretary McNamara said or what former Senator Goldwater said?

Mr. McGOVERN. The quotation was from an article appearing in today's Washington Post, under the byline of Waverly Root, and is attributed to former Senator Goldwater.

Mr. MORTON. I thought that perhaps it might have been Secretary McNamara.

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

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Without objection, it is so ordered.

## VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. JAVITS. Mr. President, those of us who are proponents of the bill have found, in recent days, so much concentration of attention on the issue of the poll tax which, interestingly enough, is eliminated by bills pending in both this and the other body, that we thought it might be useful to discuss the matter again, to make our position clear on the RECORD, and to underline the fact that elimination of the poll tax would represent a really tangible and practical element of progress in the field of civil rights.

It is interesting to me that we have acted cautiously with respect to this problem in the past by adopting a constitutional amendment which eliminates it only as to Federal elections, but that we now find this half measure does not really cure the situation. For all practical purposes, the voter is still called upon to pay the poll tax.

I believe that it is fair to call the poll tax an anachronism. It is difficult to see how it can be defended by anyone except on the basis that the States should be permitted to do whatever they please in terms of defining as a qualification something which is not a qualification, or in terms of clinging to every vestigial institution, whatever it may be, including the poll tax, which places restrictions upon the voting right.

As a constitutional lawyer, it is my judgment—and I put into practice what I teach in theory, by introducing legislation to eliminate the poll tax by statute on previous occasions—that the poll tax can be eliminated by statute. This is central, I believe, to the theme of the majority on the Judiciary Committee which supported the amendment, that the poll tax in fact represents a burden on the voting right and an abridgment of the voting right within the context of the 15th amendment, and that as it has worked out it represents discrimination in favor of those who are economically able to pay and against those who are economically unable to pay.

(At this point Mr. TYDINGS took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, it has actually been used as an instrument to perpetuate abridgment of the right to register and vote, and therefore, both on the basis of law and practice—and the Supreme Court has always considered both—the poll tax should be abolished.

To those who would cite Breedlove against Suttles, which is the Georgia case which upheld a poll tax levied by a State, I would say two things: First, that case can be easily distinguished on the facts from the case now pending before the Supreme Court, Harper against the Virginia State Board of Elections, which will be argued this fall and undoubtedly decided reasonably soon thereafter. Second, the question of the 15th amendment was not even raised in Breedlove against Suttles.

Most of the States have repealed the poll tax. Only four States still have it.

The decisions by the Supreme Court in civil rights cases clearly indicate that the Court is interpreting the Constitution based upon the times in which the Constitution operates.

The case of Brown against the Board of Education, a landmark case, for all practical purposes reversed the separate-but-equal doctrine. This was also the case in sustaining the public accommodations section of the Civil Rights Act of 1964. This philosophy has been evident in other fields, in addition to the civil rights field.

If, on the contrary, we are to assume that the Supreme Court is static, we would still be citing the Dred Scott decision for basic propositions of law. However, the Supreme Court is not static, nor would the Constitution long survive if it were. Hence, I believe we are now reaching the point where there is real likelihood that the Court will declare the poll tax to be either an abridgement of the voting right under the 15th amendment, or a denial of equal protection of the laws under the 14th amendment—or both.

Mr. President, the question really is: Should Congress sit still with its hands folded, or should it not? I believe that it should not, and for this reason:

If we find that the poll tax is actually abridging the voting right—and I believe that is the burden of proof which must be borne by the proponents of the bill—I believe there is much more likelihood that the Court will sustain the action of Congress based upon its finding of fact than there is of a court proceeding academically based on facts in an individual case dealing with a poll tax to reverse the results of a previous decision.

I therefore conclude that there is a chance that the Court will hold that such a provision is constitutional. It is the duty of Congress to act, just as each of the three branches of government must do its duty.

This has been found to be the most practical plan under the Constitution. Where we are now seized again with leveling barriers to the voting right and as we again bear, without question, the burden of proof, Congress should do its duty.

I note the presence in the Chamber of the Senator from Massachusetts [Mr. KENNEDY], who made a magnificent speech on this subject at the very opening of the debate on the pending bill, in connection with which he sponsored an amendment, which some of us on our side had the honor to support in the Committee on the Judiciary.

With his permission I shall quote certain conclusions, without again proving them, with respect to which we must bear the burden of proof.

An examination of his presentation indicates, first, that we must bear in mind the historic fact that it was admitted freely—in fact, it was stated to be the policy—in the poll tax States that the purpose of the poll tax was to restrict the franchise. This operated to a substantial extent against those who could least afford to pay the tax, who in most cases were Negroes in the States which imposed the tax.

Second, I believe that the speech of the Senator from Massachusetts made it clear that the poll tax has been used as an instrument of discrimination. Indeed, the Senator gave classic examples of the fact that restrictions were imposed as to where a person paid his poll tax. Often if he were a white man, he paid it to a prowling deputy sheriff; if the person were a Negro, he was required to pay it directly to the sheriff in the sheriff's office, which likely would be closed. Of course if the poll tax were not paid, the prospective voter would be disqualified. Since it is a dangerous business for Negroes to be out at night in some States, we can well imagine what chance a Negro would have under those conditions to find a place where he could pay his poll tax.

Another important point that was made in the Senator's speech was with respect to the disparity between the average per capita income of white families and the average per capita in-

come of nonwhite families in the poll tax States. The smallest disparity is in the State of Virginia, where the difference between the per capita income of white families and nonwhite families is no more than half. In the States of Alabama, Mississippi, and Texas, the disparity is much wider, showing again that the utilization of the poll tax represents the greatest penalty against those who are least able to pay it.

Finally, I have argued—and did argue on in 1960 and in 1962—that the poll tax is not a qualification for voting. A poll tax does not tell anything about a man's ability or capability for voting, except that he can afford to pay the poll tax; and within our American system that is not a qualification with respect to whether a person should have the right to vote.

It was on that ground that I felt deeply, and still feel strongly, that the Supreme Court will sustain the constitutionality of our act in this respect. I derived considerable encouragement from the Supreme Court's announcement in the Harman case, which invalidated a section of Virginia law which substituted—and I shall explain in a moment why I use that word—for a poll tax in Federal elections a requirement for a witnessed or notarized residence certificate to be filed 6 months prior to the date of the election in order to qualify to vote.

The reason I use the word "substituted" is that this requirement was excused if the present State poll tax had been paid. The Supreme Court held it to be nothing but a substitute for the poll tax, which had been eliminated by constitutional amendment. It seems to me that the words used by Chief Justice Warren in respect to this matter are extremely pertinent. In the opinion by the Chief Justice, the Court held that the Virginia voting requirement is an illegal abridgment of the right to vote in Federal elections because it "exacted a price for the privilege of exercising the franchise."

It is very clear that this is the gravamen for the majority decision of the Court to sustain, based upon a finding of fact, the elimination of the poll tax in the pending bill. This proposition has had some support.

Let us remember that upon five occasions the House of Representatives has passed bills to eliminate the poll tax. In the Senate 37 Senators out of a Senate of 98 Members voted for a similar amendment in 1960. Thirty-four Senators—if we discount the technical situation, because they voted against a motion to table—voted for the same proposal in 1962. Many of the same Senators are still serving in the Senate and will be voting on the question again when it comes to a vote.

There remains one other point which I should like to make. We hear a great deal of talk in the corridors to the effect that the "liberals" are preparing to do something about a trade with respect to the poll tax and that perhaps they will trade it off against some other provision which does not suit them.

I am too old and have been too long in the Senate to make any rodomontade statements about trades. We know that every piece of legislation is the product of compromise. However, I take the greatest pride in the solidarity and effectiveness and the bipartisanship of those who have fought so long and so hard for this and other civil rights bills, and will continue to do so until an effective bill becomes law.

In saying what I do I merely evaluate what there is to trade.

In my opinion there is nothing to trade. A poll tax is an anachronism, a vestigial remnant of the past, which most Southern States do not care about. The State of Arkansas is in the process of eliminating it now. What could be more effective, in terms of meeting our responsibilities, than at long last to sweep it away and not allow it to survive a bill which is honestly seeking to level barriers to registration to voting.

Some are speculating that a trade will be made of the poll tax provision for the so-called 60-percent amendment. But as much as the 60-percent amendment was opposed, and will continue to be opposed in the Senate, the fact is that it carries a requirement that freedom from discrimination in voting must be shown before it could be used by any State or political subdivision to escape the provisions of the voting rights bill.

That at once puts the provision in a different category from the poll tax amendment. We are convinced that the poll tax would abridge and inhibit the exercise of the voting franchise, whereas at worst, if we should lose on the 60-percent amendment, there would still be a provision which would at least protect against current discrimination and denial of voting rights in a discriminatory way.

The point I wish to make is that these questions with which we are dealing are questions of deep conscience. We are dealing with a provision of law which inhibits voting by people in poor economic circumstances—on the whole, the very Negroes who have for so long been deprived of the right to vote—and we have the deep conviction that its elimination should become properly a part of the bill.

There should be no forensic and declamatory statements about deals. I cannot see why there should be any desire to trade off that provision against some other concession, for it is right and proper that the poll tax should be eliminated when we are trying to sweep away all the practices which have resulted in an abridgment of the 15th amendment voting right.

Mr. President, again I pay tribute to Senators in both parties who have been allied in the present struggle. I am confident that in every way they will endeavor to sustain the demands of conscience and really serve the fundamental purpose of the proposed legislation.

There is one other point that I should like to cover. It would be demeaning for the United States to lend itself to the collection of a poll tax as a condition of the right to vote. It is significant that in the original bill sent to the Congress by the administration that was exactly the responsibility imposed upon officers of the United States, the examiners specified in the bill, who would register for voting those who had been unlawfully denied the right to vote by States and their political subdivisions.

Mr. President, we were embarrassed by that provision. Every member of the committee who favors the bill on which I speak will state that we were literally embarrassed by the proposal that we enact a provision in which the United States would become the collection agent for the poll tax. Yet that was the dilemma in which we were cast, unless the tax could be eliminated.

So the bill before the Senate would end the embarrassment by cutting off the poll tax entirely. It is most significant, too, that in sustaining the administration position, the Attorney General argued the proposition that only 1 year's poll tax had to be paid by those registered by the examiners, notwithstanding how much in back poll taxes might be owed by such individuals, as computed under State law.

For example, under Virginia law there is a 3-year cumulative provision. It is my judgment that if under Federal law, in the judgment of the Attorney General, accumulated poll taxes imposed by State law could be reduced to 1 year's poll tax, the tax could be eliminated entirely.

The Attorney General justified his opinion on the ground that people had been denied the right to vote, and so they really did not owe a poll tax. But let us remember that it was the United States and not the State that was making that judgment. If the United States could make any judgment to reduce the poll tax, it could make a judgment to eliminate it.

I know that the President of the United States is very much in favor of the proposed legislation; but he said yesterday that his constitutional lawyers had some doubts about the constitutionality of what we are trying to do. I hope that he will consult those constitutional lawyers again. Having been a practicing lawyer for many years, I know that in the final analysis the client must make up his mind as to the businessman's risk, no matter what his lawyer advises him. In the final analysis the lawyer will tell his client, "If you really want to do this, I can tell you what the risks are. But, after all, you are the client, and if it is agreeable to you and it is ethical, you say so and we will do it."

I would hope that the President of the United States would think a little along that line. Since the poll tax amendment now seems to be a focal point of opposition to the bill, I would hope that the President would question his own constitutional lawyers, on the basis of the distinguished and very fine arguments which have been made, with factual background, by the Senator from Massachusetts [Mr. KENNEDY], the arguments which I made in the Senate in 1960 and in 1962, the fine argument by the Senator from Indiana [Mr. BAYH], the excellent argument by the Senator from Maryland [Mr. TYDINGS] and those made by other Senators, who, with all

respect to the Attorney General and his people, are fairminded lawyers, too.

In the final analysis I hope that the President will feel that the poll tax is such an anachronism, and that the proposed provision is so essential to the true spirit of what we are trying to do, with the encouragement that we are getting from the cases and the attitude of the Supreme Court—even in a case decided today—with the factual basis being so strong for the removal of the poll tax, and in view of the strange position of the Attorney General that the poll tax could be cut down to 1 year but could not be eliminated, that the President will feel justified in saying, "I shall make the businessman's decision. I will back the bill all the way and will stand with you for the elimination of the poll tax."

For those reasons I have taken the floor today. I have done so in order to lay out our case, as it were. There will be plenty of opportunity for the President to give consideration to all that we have said and argued here, in fairness to our position, which was not taken lightly and was taken out of deep conviction. Interestingly enough, it is borne out by the position taken by the House as well, without any consultation with us. The House likes to proceed independently, as we all know, and quite properly so. It seems to me that the case calls for supporting the bill as it is, with the poll tax eliminated. I hope very much that, upon giving the point consideration, the President will be with us on that issue as he is so thoroughly in all other aspects of the bill.

I yield the floor.

Mr. McCLELLAN obtained the floor.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Massachusetts [Mr. KENNEDY] without losing my right to the floor.

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

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the kindness of the distinguished Senator from Arkansas.

I rise to extend my very sincere congratulations once again to the Senator from New York [Mr. JAVITS], who has been in the forefront of the fight on the poll tax issue for many years, and before many of us entered this great Chamber. He fought for it equally well in the House of Representatives. I believe the Senator brings an experience, an understanding, and a commitment on this subject which are of great significance and importance. All of us who are identified in the present cause and in this fight appreciate his illuminating and constructive remarks on this question which has been open to many different understandings and many different interpretations. Once again, in the few minutes that have been permitted to him, the Senator from New York has expounded on the question with clarity and illumination. Once again he has made an effective presentation on an issue about which many of us in this Chamber feel strongly. I extend congratulations as well on behalf of other Senators on my side of the aisle who have worked with the Senator in constructing bipartisan support in the Judiciary Committee.

Mr. President, I believe that my colleagues in the Senate should take note of the decision by the Supreme Court yesterday, April 27, in the case of Harman against Forssenius. This was a case involving an attempt by the State of Virginia to undo the will of Congress and the States in outlawing the requirement of a poll tax as a prerequisite to vote in Federal elections. The State of Virginia attempted to cause a voter to file a notarized certificate of residence if he wished to exercise his constitutional right to vote in Federal elections without paying the poll tax.

The significance of this Supreme Court decision should be plain to those who have been questioning whether the Court would uphold congressional action to abolish all poll taxes that are tied to voting. The Supreme Court could have remained close to the specific issue at hand in the Virginia case, but significantly, it chose to delve deeply into the obnoxious nature of the poll tax.

In discussing the merits of the Virginia case, the Court again stressed that "the right to vote freely for the candidate of one's choice is of the essence of a democratic society and any restrictions on that right strike at the heart of representative government"—*Reynolds* v. *Simms*, 377 U.S. 533, 555. The Court went on to state that this voting right is fundamental "because preservation of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356.

It is meaningful to me, Mr. President, that in order to strike down a plain attempt to evade the 24th amendment the Court saw fit to discuss all poll taxes in terms of their origin and current effect.

In looking at the poll tax in Virginia and its origins, the Court found that such taxes had been made a condition of voting in an atmosphere filled with prejudice and a firm resolve to disenfranchise Negroes. As the Court stated:

> The Virginia poll tax was born of a desire to disenfranchise the Negro. At the Virginia Constitutional Convention of 1902, the sponsor of the suffrage plan of which the poll tax was an integral part frankly expressed the purpose of the suffrage proposal:
>
> "Discrimination. Why, that is precisely what we propose; that, exactly, is what this convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every Negro voter who can be gotten rid of legally, without materially impairing the numerical strength of the white electorate."

The Court plainly traced the long-frustrated attempts of Congress to act on such taxes in reaching yesterday's decision.

> Prior to the proposal of the 24th amendment in 1962 Federal legislation to eliminate poll taxes, either by constitutional amendment or statute, had been introduced in every Congress since 1939. The House of Representatives passed antipoll tax bills on five occasions and the Senate twice proposed constitutional amendments. Even though in 1962 only five States retained the poll tax as a voting requirement, Congress reflected widespread national concern with the characteristics of the tax. Disenchantment with the poll tax was many-faceted. One of the basic objections to the poll tax was that it exacted a price for the privilege of exercising the franchise. Congressional hearings and debates indicate a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.
>
> "While it is true that the amount of poll tax now required to be paid in the several States is small and imposes only a slight economical obstacle for any citizen who desires to qualify in order to vote, nevertheless, it is significant that the voting in poll tax States is relatively low as compared to the overall population which would be eligible. * * * The historical analysis * * * indicates that where the poll tax has been abandoned * * * voter participation increased." (H. Rept. House 1821, 87th Cong., 2d sess., p. 3.)
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> Another objection to the poll tax raised in the congressional hearings was that the tax usually had to be paid long before the election, at a time when political campaigns were still quiescent, which tended to eliminate from the franchise a substantial number of voters who did not plan so far ahead. The poll tax was also attacked as a vehicle for fraud which could be manipulated by political machines by financing block payments of the tax. In addition, and of primary concern to many, the poll tax was viewed as a requirement adopted with an eye to the disenfranchisement of Negroes and applied in a discriminatory manner.

Mr. President, I feel it most important to note that in this opinion it was made clear that the poll tax as tied to the constitutional right to vote has no standing before the Court when placed against the guarantees of the 14th and 15th amendments.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the decision by the Supreme Court of the United States in the case of Harman and others against Forssenius and others, decided yesterday, April 27, 1965.

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

A. M. HARMAN, JR., ET AL., APPELLANTS, *v.* LARS FORSSENIUS, ET AL.

(Supreme Court of the United States, No. 360.—October Term, 1964, on Appeal From the U.S. District Court for the Eastern District of Virginia, April 27, 1965)

Mr. Chief Justice Warren delivered the opinion of the Court.

We are called upon in this case to construe, for the first time, the Twenty-fourth Amendment to the Constitution of the United States:

"The right of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

The precise issue is whether section 24–17.2 of the Virginia Code—which provides that in order to qualify to vote in Federal elections, one must either pay a poll tax or file a witnessed or notarized certificate of residence [1]—contravenes this command.

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[1] Va. Code Ann. § 24–17.2 (1964 Supp.) provides:

"Proof of residence required; how furnished.—

"(a) No person shall be deemed to have the qualifications of residency required by § 18 of the Constitution of Virginia and §§ 24–17 and 24–17.1 in any calendar year subsequent to that in which he registered under either § 24–67 or § 24–67.1, and shall not be entitled to vote in any election held in this State during any such subsequent calendar year, unless he has offered proof of continu-

Prior to the adoption of the Twenty-fourth Amendment, the Virginia Constitution (Art. II, secs. 18–20) and statutes (Va. Code Ann. secs. 24–17, 24–67 (1950)) established uniform standards for qualification for voting in both federal and state elections. The requirements were: (1) United States citizenship; (2) a minimum age of twenty-one; (3) residence in the State for one year, in the city or county for six months, and in the voting precinct for thirty days; and (4) payment "at least six months prior to the election . . . to the proper officer all State poll taxes [$1.50 annually] assessed or assessable against him for three years next preceding such election."[2] The statutes further provided for permanent registration.[3] Once registered, the voters could qualify for elections in subsequent years merely by paying the poll taxes.

In 1963, in anticipation of the promulgation of the Twenty-fourth Amendment, the Governor of Virginia convened a special session of the Virginia General Assembly. On November 21 of that year, the General Assembly enacted two Acts[4] designated—

"(1) to enable persons to register and vote in Federal elections without the payment of poll tax or other tax as required by the 24th Amendment to the Constitution of the United States, (2) to continue in effect in all other elections the present registration and voting requirements of the Constitution of Virginia, and (3) to provide methods by which all persons registered to vote in Federal or other elections may prove that they meet the residence requirements of Section 18 of the constitution of Virginia."[5]

No changes were made with regard to qualification for voting in state elections. With regard to federal elections, however, the payment of a poll tax as an absolute prerequisite to registration and voting was eliminated, and a provision was added requiring the federal voter to file a certificate of residence in each election year or, at his option, to pay the customary poll taxes. The statute provides that the certificate of residence must be filed no earlier than October 1 of the year immediately preceding that in which the voter desires to vote and not later than six months prior to the election. The voter must state in the certificate (which must be notarized or witnessed) his present address, that he is currently a resident of Virginia, that he has been a resident since the date of his registration, and that he does not presently intend to remove from the city or county of which he is a resident prior to the next general election. Va. Code Ann. sec. 24–17.2 (1964 Supp.). Thus, as a result of the 1963 Acts, a citizen after registration may vote in both federal and state elections upon the payment of all assessable poll taxes. Va. Code Ann. sec. 24–17 (1964 Supp.). If he has not paid such taxes he cannot vote in the state elections, and may vote in federal elections only upon filing a certificate of residence in each election year. Va. Code Ann. sec. 24–17.1, 24–17.2 (1964 Supp.).

The present appeal originated as two separate class actions, brought by appellees in the United States District Court for the Eastern District of Virginia, attacking the foregoing provisions of the 1963 Virginia legislation as violative of Art. I, section 2, of the Constitution of the United States, and the Fourteenth, Seventeenth, and Twenty-fourth Amendments thereto. The complaints, which prayed for declaratory and injunctive relief, named as defendants (appellants here) the three members of the Virginia State Board of Elections and, in one case, the County Treasurer of Roanoke County, Virginia, and, in the other, the Director of Finance of Fairfax County. The jurisdiction of the District Court was invoked pursuant to 28 United States Code 1331, 1343, 2201 (1958 ed.), and a court of three judges was convened pursuant to 28 United States Code 2281, 2284 (1958 ed.)

The District Court denied the State's motion to stay the proceedings in order to give the Virginia courts an opportunity to resolve the issues and interpret the statutes involved. The court further denied the State's motions to dismiss for failure to join indispensable parties, for failure to state a claim on which relief could be granted, and for want of a justiciable controversy.[6] On the merits, the District Court held that the certificate of residence requirement was "a distinct qualification" or at least an "increase [in] the quantum of necessary proof of residence" imposed solely on the federal voter, and that it therefore violated Art. I, section 2, and the Seventeenth Amendment, which provide that electors choosing a Representative or Senator in the Congress of the United States "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." The court rejected the argument that the residency certificate was merely a method, like the poll tax, of proving the residence qualification which is imposed on both federal and state voters. Accordingly, the District Court entered an order declaring invalid the portions of the 1963 Virginia legislation which required the filing of a certificate of residence and enjoining appellants from requiring compliance by a voter with said portions of the 1963 Acts. We noted probable jurisdiction. 379 U.S. 810.

We hold that section 24–17.2 is repugnant to the Twenty-fourth Amendment and affirm the decision of the District Court on that basis. We therefore find it unnecessary to determine whether that section violates Art. 1, § 2, and the Seventeenth Amendment.

I

At the outset, we are faced with the State's contention that the District Court should have stayed the proceedings until the courts of Virginia had been afforded a reasonable opportunity to pass on underlying issues of state law and to construe the statutes involved. We hold that the District Court did not abuse its discretion in refusing to postpone the exercise of its jurisdiction.

In applying the doctrine of abstention, a federal district court is vested with discretion to decline to exercise or to postpone the exercise of its jurisdiction in deference to state court resolution of underlying issues of state law. *Railroad Comm'n* v. *Pullman Co.*, 312 U.S. 496.[7] Where resolution of the federal constitutional question is dependent upon, or may be materially altered by, the determination of an uncertain issue of state law, abstention may be proper in order to avoid unnecessary friction in federal-state relations, interference with important state functions, tentative decisions on questions of state law, and premature constitutional adjudication. E.g., *Railroad Comm'n* v. *Pullman Co., supra.* The doctrine, however, contemplates that deference to state court adjudication only be made where the issue of state law is uncertain. *Davis* v. *Mann*, 377 U.S. 678, 690; *McNeese* v. *Board of Education*, 373 U.S. 668, 673–674; *Chicago* v. *Atchison, T. & S. F. R. Co.*, 357 U.S. 77, 84.[8] If the state statute in question, although never interpreted by a state tribunal, is not fairly subject to an interpretation which will render unnecessary or substantially modify the federal constitutional question, it is the duty of the federal court to exercise its properly invoked jurisdiction. *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379. Thus, "recognition of the role of state courts as the final expositors of state law implies no disregard for the primacy of the federal judiciary in deciding questions of federal law." *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416.

The state statutes involved here are clear and unambiguous in all material respects.[9]

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ing residence by filing in person, or otherwise, a certificate of residence at the time and in the manner prescribed in paragraph (b) of this section, or, at his option, by personally paying to the proper officer, at least six months prior to any such election in which he offers to vote, all State poll taxes assessed or assessable against him for the three years next preceding that in which he offers to vote. Proof of continuing residence may only be established by either of such two methods.

"(b) Any person who shall offer proof of continuing residence by filing a certificate of residence as provided in paragraph (a) of this section, shall file with the treasurer of his county or city not earlier than the first of October of the year next preceding that in which he offers to vote and not later than six months prior to the election, a certificate in form substantially as follows:

"I do certify that I am now and have been a resident of Virginia since the date of my registration to vote under the laws of Virginia, that I am now a resident of _____ (city or county), residing at _____ (street and number, or place of residence therein), and that it is my present intention not to remove from the city or county stated herein prior to the next general election.

"_____

"Witnessed: _____, or

"Subscribed and sworn to before me this _____ day of _____, 19_____.

"_____,

*"Notary Public."*

[2] Members of the Armed Services are exempt from the poll tax requirement. Va. Code Ann. § 24–23.1 (1950).

[3] Va. Code Ann. §§ 24–52—24–119 (1950). Registration, effected by filing an application showing that the statutory requirements had been met (§ 24–68), was permanent. Thereafter, in order to qualify for subsequent elections, the voter merely had to pay the assessed poll taxes (unless, of course, his name had been removed from the registration lists for, *inter alia*, failure to meet the statutory and constitutional requirements (§§ 24–94—24–96)).

[4] Va. Acts, 1963 Extra Sess., cc. 1 and 2. Chapter 2 is now codified in Title 24 of the Virginia Code. Chapter 1—Applicable to 1964 elections only—has not been codified.

[5] Va. Acts, 1963 Extra Sess., c. 2, § 1(a).

[6] The motion to dismiss for failure to state a claim on which relief could be granted and for failure to set forth a justiciable controversy was directed solely at the complaint of appellee Henderson, who was registered and had already paid his poll tax. The District Court was patently correct in rejecting the State's argument that appellee Henderson lacked standing to maintain this action. *Gray* v. *Sanders*, 372 U.S. 368, 374–376; *Baker* v. *Carr*, 369 U.S. 186, 204–208.

[7] See *Hostetter* v. *Idlewild Bon Voyage Liquor Corp.*, 377 U.S. 324, 328–329; *Baggett* v. *Bullitt*, 377 U.S. 360, 375; *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416.

[8] To the same effect, see *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 415–416; *United Gas Pipe Line Co.* v. *Ideal Cement Co.*, 369 U.S. 134, 135–136; *Spector Motor Service, Inc.* v. *McLaughlin*, 323 U.S. 101, 105.

[9] The only ambiguity discussed in the briefs of the parties or developed during argument concerned the question whether § 24–17.2 required the voter to secure a prepared certificate of residence from local election officials or whether he could personally prepare one "in form substantially" as set forth in the statute. We do not regard this as a material ambiguity having any effect on the constitutional question and accept, for the purposes of this decision, the State's assertion that the voter may secure such a

While the State suggests that the Virginia tribunals are "unquestionably far better equipped than the lower [federal] court to unravel the skeins of local law and administrative practices in which the Appellee's claims are entangled," [10] the State does not point to any provision in the challenged statutes which leaves "reasonable room for a construction by the Virginia courts which might avoid in whole or in part the necessity for federal constitutional adjudication, or at least materially change the nature of the problem." *Harrison* v. *NAACP*, 360 U.S. 167, 177.

In spite of the clarity of the 1963 legislation, the State argues that the District Court should have abstained on the ground that if the certificate of residence requirement were found to be a qualification distinct from those specified in the Virginia Constitution, it would be invalid as a matter of Virginia law and "a crucial federal constitutional issue would accordingly disappear from the case." We find little force in this argument. The section of the Virginia Constitution (Art. II, sec. 18) on which the State relies expressly limits the franchise to citizens who have met certain residency requirements.[11] The statute in issue, section 24–17.2, requires the voter to certify that he meets those residence requirements. It is thus difficult to envisage how section 24–17.2 could be construed as setting forth a qualification not found in the Virginia Constitution.[12]

In addition to the clarity of Virginia statutes in issue, support for the District Court's refusal to stay the proceedings is found in the nature of the constitutional deprivation alleged and the probable consequences of abstaining. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 229; *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379. The District Court was faced with two class actions attacking a statutory scheme allegedly impairing the right to vote in violation of Art. I, sec. 2, and the Fourteenth, Seventeenth and Twenty-fourth Amendments. As this Court has stressed on numerous occasions, "the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." *Reynolds* v. *Sims*, 377 U.S. 533, 555. The right is fundamental "because preservative of all rights." *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370. In appraising the motion to stay proceedings, the District Court was thus faced with a claimed impairment of the fundamental civil rights of a broad class of citizens. The motion was heard about two months prior to the deadline for meeting the statutory requirements and just eight months before the 1964 general elections. Given the importance and immediacy of the problem, and the delay inherent in referring questions of state law to state tribunals,[13] it is evident that the District Court did not abuse its discretion in refusing to abstain. *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 229; *Baggett* v. *Bullitt*, 377 U.S. 360, 375–379.[14]

Reaching the merits, it is important to emphasize that the question presented is not whether it would be within a State's power to abolish entirely the poll tax and require all voters—state and federal—to file annually a certificate of residence. Rather, the issue here is whether the State of Virginia may constitutionally confront the federal voter with a requirement that he either pay the customary poll taxes as required for state elections or file a certificate of residence. We conclude that this requirement constitutes an abridgement of the right to vote in federal elections in contravention of the Twenty-fourth Amendment.

Prior to the proposal of the Twenty-fourth Amendment in 1962, federal legislation to eliminate poll taxes, either by constitutional amendment or statute, had been introduced in every Congress since 1939. The House of Representatives passed anti-poll tax bills on five occasions and the Senate twice proposed constitutional amendments.[15] Even though in 1962 only five States retained the poll tax as a voting requirement, Congress reflected widespread national concern with the characteristics of the tax. Disenchantment with the poll tax was many-faceted.[16] One of the basic objections to the poll tax was that it exacted a price for the privilege of exercising the franchise. Congressional hearings and debates indicate a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.[17]

"While it is true that the amount of poll tax now required to be paid in the several States is small and imposes only a slight economical obstacle for any citizen who desires to qualify in order to vote, nevertheless, it is significant that the voting in poll tax States is relatively low as compared to the overall population which would be eligible. . . . [T]he historical analysis . . . indicates that where the poll tax has been abandoned . . . voter participation increased." H.R. Rep. No. 1821, 87th Cong., 2d Sess., p. 3.

Another objection to the poll tax raised in the congressional hearings was that the tax usually had to be paid long before the election—at a time when political campaigns were still quiescent—which tended to eliminate from the franchise a substantial number of voters who did not plan so far ahead.[18] The poll tax was also attacked as a vehicle for fraud which could be manipulated by political machines by financing block payments of the tax.[19] In addition, and of primary concern to many, the poll tax was viewed as a requirement adopted with an eye to the disenfranchisement of Negroes and applied in a discriminatory manner.[20] It is against this background that Congress proposed, and three-fourths of the States ratified, the Twenty-fourth Amendment abolishing the poll tax as a requirement for voting in federal elections.

Upon adoption of the Amendment, of course, no State could condition the federal franchise upon payment of a poll tax. The State of Virginia accordingly removed the poll tax as an absolute prerequisite to qualification for voting in federal elections, but in its stead substituted a provision whereby the federal voter could qualify either by paying the customary poll tax or by filing a certificate of residence six months before the election.

It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking Co.* v. *Railroad Comm'n of California*, 271 U.S. 583. "Constitutional rights would be of little value if they could be * * * indirectly denied," *Smith* v. *Allwright*, 321 U.S. 649, 664, or "manipulated out of existence." *Gomillion* v. *Lightfoot*, 364 U.S. 339, 345. Significantly, the Twenty-fourth Amendment does not merely insure that the franchise shall not be "denied" by reason of failure to pay the poll tax; it expressly guarantees that the right to vote shall not be "denied or abridged" for that reason. Thus, like the

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form from local election officials or prepare one according to the statutory description. Post, p. 13.

[10] The State also argues that since the States are empowered by Art. I, § 2, Art. II, § 1, and the Seventeenth Amendment to create voter qualifications for federal elections, the question whether a state statutory enactment creates a voter qualification must initially be referred to the state tribunals. True, "[t]he States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50. *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335. The right to vote, however, is constitutionally protected, *Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 664; and the conditions imposed by the States upon that right must not contravene any constitutional provision or congressional restriction enacted pursuant to constitutional power. *Carrington* v. *Rash*, — U.S. —, —; *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50–51; *United States* v. *Classic*, 313 U.S. 299, 315. The question presented in this case—whether the Virginia statute imposes a condition upon the franchise which violates the United States Constitution—is thus quite clearly a federal question. The precise nature of the condition imposed is, of course, a question of Virginia law. However, the statutory requirement is clear and unambiguous, and the sole question remaining is whether the state requirement is valid under the Federal Constitution.

[11] Va. Const., Art. II, § 18, sets forth as a qualification for voting: residency in the State for one year, in the city or county six months, and in the voting precinct thirty days.

[12] Moreover, the State cites no Virginia decisions in support of its contention that the requirement might constitute an impermissible "qualification" according to Virginia law.

[13] See *Baggett* v. *Bullitt*, 377 U.S. 360, 378–379; *England* v. *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 425–426 (Douglas, J., concurring).

[14] The State also asserts that the District Court erred in denying its motion to dismiss for failure to join indispensable parties. The argument is that the relief requested in the complaints was an injunction against the enforcement of all provisions of the 1963 legislation, which included a system for separate registration of State and Federal voters. Va. Code Ann. §§ 24–67, 24–67.1 (1964 Supp.). Since registration in Virginia is entrusted to local registrars, the State argues, their joinder was essential in order to effect the relief requested. *Williams* v. *Fanning*, 332 U.S. 490, 493–494.

While the State is correct in asserting that the complaints were phrased broadly enough to encompass all portions of the 1963 Acts, the District Court was certainly warranted in concluding that the basic aim of the complaints was to secure relief from the certificate of residence requirement. The named defendants were clearly capable of effecting this relief and hence the District Court did not err in denying the motion to dismiss. *Ceballos* v. *Shaughnessy*, 352 U.S. 599, 603–604. Moreover, even accepting the State's broad construction of the complaints, it is apparent that, given the State Board of Election's power to supervise and to insure "legality" in the election process (Va. Code Ann. §§ 24–25, 24–26, 24–27 (1950)), the local registrars were not indispensable parties. See *Louisiana* v. *United States*, — U.S. —, —, n. 10.

[15] H. R. Rep. No. 1821, 87th Cong., 2d Sess., p. 2.

[16] See generally Ogden, The Poll Tax in the South (1958).

[17] See, e.g., Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on Amendments to Abolish Tax and Property Qualifications for Electors in Federal Elections, 87th Cong., 2d Sess., 14–22, 48–58 (hereinafter cited as House Hearings); Hearings before a Subcommittee of the Senate Committee on the Judiciary on S.J. Res. 29, 33 (hereinafter cited as Senate Hearings).

[18] See, e.g., House Hearings 14–15. See generally Ogden, supra, note 16, at 44–52.

[19] See Ogden, supra, note 16, at 59–110.

[20] See House Hearings 14–22, 26–27, 48–58; Senate Hearings 33.

Fifteenth Amendment, the Twenty-fourth "nullifies sophisticated as well as simple-minded modes" of impairing the right guaranteed. *Lane* v. *Wilson,* 307 U.S. 268, 275. "It hits onerous procedural requirements which effectively handicap exercise of the franchise" by those claiming the constitutional immunity. *Lane* v. *Wilson, supra;* cf. *Gray* v. *Johnson,* 234 F. Supp. 743 (D.C.S.D. Miss.).

Thus, in order to demonstrate the invalidity of section 24–17.2 of the Virginia Code, it need only be shown that it imposes a material requirement solely upon those who refuse to surrender their constitutional right to vote in federal elections without paying a poll tax. Section 24–17.2 unquestionably erects a real obstacle to voting in federal elections for those who assert their constitutional exemption from the poll tax. As previously indicated, the requirement for those who wish to participate in federal elections without paying the poll tax is that they file in each election year, within a stated interval ending six months before the election, a notarized or witnessed certificate attesting that they have been continuous residents of the State since the date of registration (which might have been many years before under Virginia's system of permanent registration) and that they do not presently intend to leave the city or county in which they reside prior to the forthcoming election. Unlike the poll tax bill which is sent to the voter's residence, it is not entirely clear how one obtains the necessary certificate. The statutes merely provide for the distribution of the forms to city and county court clerks, and for further distribution to local registrars and election officials. Va. Code Ann. section 24–28.1 (1964 Supp.). Construing the statutes in the manner least burdensome to the voter, it would seem that the voter could either obtain the certificate of residence from local election officials or prepare personally "a certificate in form substantially" as set forth in the statute. The certificate must then be filed "in person, or otherwise" with the city or county treasurer. This is plainly a cumbersome procedure. In effect, it amounts to annual re-registration which Virginia officials have sharply contrasted with the "simple" poll tax system.[21] For many, it would probably seem far preferable to mail in the poll tax payment upon receipt of the bill. In addition, the certificate must be filed six months before the election, thus perpetuating one of the disenfranchising characteristics of the poll tax which the Twenty-fourth Amendment was designed to eliminate. We are thus constrained to hold that the requirement imposed upon the voter who refuses to pay the poll tax constitutes an abridgment of his right to vote by reason of failure to pay the poll tax.

The requirement imposed upon those who reject the poll tax method of qualifying would not be saved even if it could be said that it is no more onerous, or even somewhat less onerous, than the poll tax. For federal elections, the poll tax is abolished absolutely as a prerequisite to voting, and no equivalent or milder substitute may be imposed. Any material requirement imposed upon the federal voter solely because of his refusal to waive the constitutional immunity subverts the effectiveness of the Twenty-fourth Amendment and must fall under its ban.

Nor may the statutory scheme be saved, as the State asserts, on the ground that the certificate is a necessary substitute method of proving residence, serving the same function as the poll tax. As this Court has held in analogous situations, constitutional deprivations may not be justified by some remote administrative benefit to the State. *Carrington* v. *Rash,* — U.S. —, —; *Oyama* v. *California,* 332 U.S. 633, 646–647. Moreover, in this case the State has not demonstrated that the alternative requirement is in any sense necessary to the proper administration of its election laws. The forty-six States which do not require the payment of poll taxes have apparently found no great administrative burden in insuring that the electorate is limited to bona fide residents. The availability of numerous devices to enforce valid residence requirements—such as registration, use of the criminal sanction, purging of registration lists, challenges and oaths, public scrutiny by candidates and other interested parties—demonstrates quite clearly the lack of necessity for imposing a requirement whereby persons desiring to vote in federal elections must either pay a poll tax or file a certificate of residence six months prior to the election.

The Virginia poll tax was born of a desire to disenfranchise the Negro.[22] At the Virginia Constitutional Convention of 1902, the sponsor of the suffrage plan of which the poll tax was an integral part frankly expressed the purpose of the suffrage proposal:

"Discrimination! Why, that is precisely what we propose; that, exactly, is what this Convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate." [23]

The poll tax was later characterized by the Virginia Supreme Court of Appeals as a device limiting "the right of suffrage to those who took sufficient interest in the affairs of the State to qualify themselves to vote." *Campbell* v. *Goode,* 172 Va. 463, 466, 2 S.E. 2d 456, 457. Whether, as the State contends, the payment of the poll tax is also a reliable indicium of continuing residence need not be decided, for even if the poll tax has served such an evidentiary function, the confrontation of the Federal voter with a requirement that he either continue to pay the customary poll tax or file a certificate of residence could not be sustained. For Federal elections the poll tax, regardless of the services it performs was abolished by the 24th amendment. That amendment was also designed to absolve all requirements impairing the right to vote in Federal elections by reason of failure to pay the poll tax. Section 24–17.2 of the Virginia Code falls within this proscription.

The judgment of the district ocurt is affirmed.

Mr. Justice Harlan agrees with this opinion insofar as it rests on the proposition that the 24th amendment forbids the use of a State poll tax for any purpose whatever in determining voter qualifications in all elections for Federal office. He also agrees that this is not a case for application of the abstention doctrine.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts for his customary graciousness. He has brought much talent, energy, and new blood to this fight.

Mr. KENNEDY of Massachusetts. I thank the Senator from New York.

I appreciate the kindness and understanding of the Senator from Arkansas in yielding to me.

Mr. McCLELLAN. Mr. President, although Arkansas was mentioned in the remarks of the distinguished Senator from New York [Mr. JAVITS] in connection with the poll tax, the RECORD should show that the Civil Rights Commission, which made its investigation throughout the Nation in 1957, reported with respect to Arkansas, among some other States, as follows:

> Negroes now appear to encounter no significant racially motivated impediment to voting in 4 of the 12 Southern States.

Among the four States mentioned is Arkansas. I wish to emphasize that so far as Arkansas and the poll tax issue are concerned, the poll tax proposal is somewhat of a carryover from the feeling of antagonism to the tax and to the States that had it for several years before the constitutional amendment was adopted.

Having the poll tax provision in the bill cannot make the bill much worse than it is. We might as well have it in the bill as a bad feature among the other bad features in the bill. It merely contributes to making the bill a bad bill. Leaving it out would not improve the bill greatly.

Mr. JAVITS. I shall not endeavor to debate the Senator at this moment; but the Senator from Arkansas might enlighten us if he would tell us the reason for the elimination of the poll tax by the State of Arkansas by a constitutional amendment. The argument made to the people of the State must have been persuasive to induce them to do that.

Mr. McCLELLAN. There was no real inducement other than the attitude in Congress to pass a joint resolution to submit an amendment to the Federal Constitution. It was not that important to Arkansas. Our poll tax was used primarily to educate the children of Arkansas. Every poor child, about whom many crocodile tears have been shed concerning education, was able to get the benefit of an education by means of the poll tax. Every penny of the tax went into the common school fund; and the common school fund was allocated on the basis of school population.

So all that has been accomplished in Arkansas by removing the school tax has been to deprive the common school fund of that much money. Nothing else has been accomplished so far as voting is concerned. The Negro voted before the abolishment of the poll tax, as he will do in the future. I am speaking with respect to discrimination. No white person voted without the payment of his poll tax; no Negro voted without the payment of his poll tax.

I do not believe that any great sin or great breach of individual liberty is committed by requiring a citizen to make some contribution to his government in order to have the right to vote. The Senator from New York [Mr. JAVITS] disagrees with me. I do not believe it is

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[21] See, e.g., the testimony of Judge William Old before the House Judiciary Committee, defending the poll tax as enabling Virginia "to avoid the burdensome necessity for anual registration." House Hearings 81. See also id., at 98–99 (Attorney General Button); CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 4532 (Senator BYRD); CONGRESSIONAL RECORD, vol. 108, pt. 4, p. 4641 (Senator ROBERTSON); R. 73, 76 (Governor Harrison).

[22] See 2 Virginia Constitutional Convention (Proceedings and Debates, 1901–1902) 2937–3080.

[23] Statement of the Honorable Carter Glass, id., at 3076–3077. This statement was characteristic of the entire debate on the suffrage issue; the only real controversy was whether the provisions eventually adopted were sufficient to accomplish the disenfranchisement of the Negro. See id., at 2937–3080.

an oppression to say to every citizen, "Contribute something to your government if you want to have a voice in it." The payment of $1 to a common school fund to educate children was the minimum contribution we could think of that should be required as a financial contribution.

But Arkansas no longer has a poll tax. It does not matter. I merely point out that in Arkansas the poll tax did not operate as the opponents of poll taxes claim it does.

Merely because of the national clamor, which was a great deal of fuss and feathers about practically nothing, so far as Arkansas was concerned, we have repealed the poll tax. Arkansas no longer receives that revenue.

But Congress has passed a bill to provide Federal aid to education to make up the deficit. A few people will not pay, but they will vote, and their vote will cancel the votes of people who are energetic and who do pay to support their schools. Their votes will cancel the votes of those who have an interest and who make their contributions. That is what will happen if the poll tax is abolished.

The poll tax has been abolished in Federal elections. Now it is necessary to come to the Federal Treasury to obtain funds for education. In all probability, the national debt will have to be increased to finance the very activity from which we have taken support by the abolition of the poll tax.

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

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, may I ask the Senator from Arkansas whether he believes that the reason for the elimination of the poll tax was the fact that it was considered impractical to use the poll tax in State elections since it was barred in Federal elections by a constitutional amendment?

Mr. McCLELLAN. That fact did make it more complicated. However, we were not wedded to using the poll tax as an instrument of discrimination. It was not used for that purpose.

In my campaign I urged people to pay their poll tax and vote. Everyone knows my position on these issues. We conducted campaigns to urge people to pay their poll tax and come out to vote.

The practice of discrimination has not prevailed in Arkansas. If so, it was in some very isolated community or area, not in the State as a whole, and not by the State leaders or responsible State officials.

With that little preliminary comment, I shall now proceed to discuss the bill. Actually, there is no necessity for this arbitrary, unjust, vindictive, punitive, and unconstitutional measure to be before the Senate.

The opportunity to vote in Arkansas is available to all qualified citizens. They not only have the opportunity to vote in any and all elections, but they are solicited and urged to do so. Even when we had the poll tax as a qualification for voting, people of all races were encouraged to qualify and to participate in every election. We no longer have the poll tax. We no longer require the payment of a poll tax as a prerequisite to voting. We now have in my State a new registration law which requires only the voter's name, his legal residence, place and date of birth, the voter's signature, or mark or cross if he is unable to sign, and an affirmation that the voter has all the qualifications that the Arkansas law requires.

The Arkansas registration law is most liberal, more generous toward the individuals' right to vote, and more considerate of that right from the standpoint of a liberal philosophy than are the laws of a number of States which are not affected by the bill as it is now written, or the laws of a number of States whose Senators are here undertaking, by the provisions of this bill, to drag Arkansas into a situation in which Federal registrars and examiners can be sent to one or two counties in Arkansas.

That is the reason I say that the bill is an arbitrary, unjust, vindictive, and punitive measure. If we were consciously trying to have uniform voting requirements in the United States, with the same qualifications prevailing in Pennsylvania, Ohio, Illinois, and other States that prevailed in Arkansas or any Southern State, we would have written some provision into the bill to include those States, rather than seek to place provisions in the bill which are calculated to reflect upon the section of the country from which I come.

The attitude of the people of Arkansas on the right to vote is reflected by their adoption of this new registration law. Styled "Voter Registration Without Poll Tax Payment," the new requirements were in the form of an amendment to the Arkansas Constitution. It provides a simple means of permanent registration for all legally qualified voters in our State, without a literacy test.

I have no objection to literacy tests. I believe there should be literacy tests. I do not believe that morons or criminals should have a right to vote. People who violate the law of the land and commit high crimes—and particularly those who are habitual criminals—in my judgment, forfeit their right to vote, if equity and justice is to prevail.

In Arkansas, we do not even require a literacy test. People do not even have to be able to read or write. However, literacy tests are required in some States which, by reason of the statistical mechanism of this bill, are exempted from the provisions of the bill.

This new law became effective on January 1 of this year. I hope that the Senate will look with favor upon an amendment to be offered later by my distinguished colleague the junior Senator from Arkansas and myself, to suspend, so far as Arkansas is concerned, the operation of the pending measure for a sufficient period of time to allow Arkansas an opportunity to test its new registration law.

If there is any sense of fairness and equity about this proposal, a State which has already gone almost to the extreme to place itself beyond any possible justification of criticism, a State that has the voting record that Arkansas has, a record of nondiscrimination, ought not to be singled out and penalized and held up to ridicule as the provisions of this bill propose to do.

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

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, do not 21 States, out of the 50 States of the Union, have literacy tests?

Mr. McCLELLAN. Mr. President, I think that my distinguished friend is correct. He is more familiar with it than I am. He has made a deeper study of it.

Mr. ERVIN. Mr. President, can the Senator from Arkansas reconcile with common fairness and common justice, the proposition contained in this bill that literacy tests be outlawed in 7 Southern States, but permitted in 14 Northern and Western States?

Mr. McCLELLAN. It cannot be rationalized unless, as I said, the bill is intended to be punitive.

Mr. ERVIN. I would like to ask the Senator if the Supreme Court of the United States has not held in a number of cases that the United States is a union of States of equal dignity and power.

Mr. McCLELLAN. That was the letter and spirit and intent of the Constitution adopted by our Founding Fathers, but the letter, intent, and spirit of our Founding Fathers have been frequently, as in this instance, disregarded.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he agrees with the Senator from North Carolina in this proposition: That there is no constitutional way in which one can reconcile forbidding 7 Southern States to use a literacy test and permitting 14 Northern and Western States to so?

Mr. McCLELLAN. I agree with the Senator, but that is the way we are proceeding in this instance. As I pointed out, this is an arbitrary measure. It is not intended to be equal all over the Nation. If it were, there would not be any interest, of any consequence, on the floor of the Senate over this measure. There would not be this effort if the measure attempted to equalize the situation all over the Nation. That is not the purpose of the bill. The one purpose is to single out a few States in the Union in an attempt to hold them up to public ridicule. Remove that, and there is no motivation behind the bill that would bring it to the status it is in today.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he agrees with the Senator from North Carolina that there is no way in which one can reconcile depriving 7 States of the right to use literacy tests and permitting 14 other States to use literacy tests with the constitutional doctrine that the United States is a union of States of equal dignity and power.

Mr. McCLELLAN. The Senator is eminently correct, but there are those who do not want the South to be equal in dignity and power. Therefore, we

have this effort to try to single out the South and try to enact a law which is calculated to embarrass them. I refuse to be embarrassed; I do not care what kind of law is enacted. I know that, in order to do this, an unconstitutional law must be enacted. I would rather be right on the issue and refuse to be embarrassed than to have the dubious victory that the proponents of this measure possibly will achieve.

Mr. ERVIN. I ask the Senator from Arkansas if he does not agree with the Senator from North Carolina that the decisions of the U.S. Supreme Court interpreting the Constitution make it plain that this bill is inconsistent with several provisions of the Constitution.

Mr. McCLELLAN. I do.

Mr. ERVIN. I ask the distinguished Senator from Arkansas if the bill does not propose to suspend the constitutional powers of the State to levy poll taxes and to employ literacy tests.

Mr. McCLELLAN. That is what the bill seeks to do. Therefore, as I have said before, and will say again in this discussion, it is usurpation of powers that were reserved to the States, and never delegated to the Federal Government. They were powers that were reserved to the people. Yet, we propose to arrogate to the Congress the legislative authority to enact this character of legislation to interfere with powers that were reserved to the States and to the people thereof.

Mr. ERVIN. I ask the Senator from Arkansas if he agrees with the Senator from North Carolina that there is not a single provision in the Constitution of the United States which authorizes the Congress to suspend for even a moment a provision of the Constitution of the United States.

Mr. McCLELLAN. I do not believe Congress has any power to suspend it, but I am not sure that the Supreme Court would not undertake to uphold that authority, because it has gone so far astray in this particular area of government, and in the field of the authority and power of the jurisdiction of the States, that I would not be surprised at any decision that might be made involving an action of Congress in transgressing the rights of the States and arrogating to itself the right to usurp the powers of the States that were reserved to them by the Federal Constitution.

Mr. ERVIN. I ask the Senator from Arkansas if he does not agree with the Senator from North Carolina that the bill is absolutely inconsistent with the statement of Chief Justice Salmon P. Chase in Texas against White that the Constitution in all its provisions looks to an indestructible Union composed of indestructible States.

Mr. McCLELLAN. That is the theory upon which this Republic was founded, but that theory is being perverted in practice. It is being accomplished by this character of legislation.

The constitutional amendment adopted by the people of Arkansas last year also provides that all persons may register who:

First, are qualified electors and who have not previously registered;

Second, or will become qualified electors during the 20-day period immediately prior to the next election scheduled within the county; or

Third, are qualified electors but whose registration has been canceled or is subject to cancellation as provided by the new amendment.

In addition, the amendment provides that eligible voters may register at any time after the effective date of the amendment at the office of the permanent registrar and at any other place or places within the county as are designated by the permanent registrar. Provision is also made for registrars to call upon the residences of persons eligible to register but unable to do so in person because of sickness or physical disability. Also, provision is made for all persons in the Armed Forces, who are otherwise eligible, to vote without registration by absentee ballot. General absentee balloting is permitted.

Mr. President, the new registration law of Arkansas is simple and liberal, and I would hope that we would be given a chance to implement it without Federal interference.

As I pointed out, this registration law permits voting with less restriction in my State than is the case with respect to requirements and restrictions imposed in other States, from which States certain Senators are clamoring to pass a bill which would single out my State, along with others, in an effort to impose the will of the majority here upon the people there. Instead of that kind of punitive action toward the people of Arkansas, those people should be commended, not condemned or punished, as this voting rights bill as amended by the Judiciary Committee seeks to do.

The pending bill as amended in committee by motion of the senior Senator from New York is a specific effort to punish Arkansas—and a few other Southern States not covered in the original bill—despite the good faith shown by our present registration law. And despite the fact that the Commission on Civil Rights reported that:

> Negroes now appear to encounter no significant racially motivated impediments to voting in Arkansas (Commission on Civil Rights, Report on Voting, 1961, p. 22).

The amendment, adopted on motion by the senior Senator from New York, provides that if the Director of the Census determines by a survey made at the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or subdivision is less than 25 percent of the total number of all persons of such race or color of voting age residing in such State or subdivision, then the penalties of this bill shall apply. According to figures compiled by the Civil Rights Commission—which I am confident are very inaccurate with respect to Arkansas—seven counties in Arkansas would be covered by this amendment, provided, of course, that a subsequent survey substantiated the Commission's figures.

Five of the seven Arkansas counties that would apparently be caught in the net of this amendment had more than 23 percent—and this is according to the report of the Civil Rights Commission, not based on any facts—of its colored eligible voters registered, so it is obvious that this provision was contrived deliberately out of prejudicial motivation and animosity against the South.

To show that these figures are not accurate and that very little care was used in obtaining them, one of the counties out of the seven counties in Arkansas proposed to be brought in under the provisions of the amendment, Crittenden County, is shown to have had 13.8 percent of its qualified Negroes as voting; Cross County is shown as having had 23.1 percent of its qualified Negroes voting; Independence County was shown as having 23.4 percent of its qualified Negroes as voting; Lee County is shown as having 24.1 percent of its qualified Negroes as voting; Poinsett County was shown to have 23.3 percent of its qualified Negroes as voting; Pope County was shown as having 24.3 percent of its qualified Negroes as voting; and Washington County was shown as having 3.9 percent of its qualified Negroes voting.

I point out the inaccuracies in the report, because in Lee County, where the report shows only 24.1 percent of its Negroes as voting, I give the figures accurately. In Lee County in 1964, 2,946 white people and 2,212 colored people were registered. That makes a total of 5,158 people in the county who were registered and eligible to vote. A total of 4,011 voted in the presidential election—50 or 60 more than that voted in the Governor's election—4,011 voted in the presidential election. Assuming that every one of the 2,946 white persons who were eligible to vote actually did vote—they did not, of course—it would still leave 27 percent of the Negroes voting.

At least 35 or 40 percent of those people voted. Yet under the terms of the bill, particularly the statistical provisions, that county would be caught in the dragnet.

I do not know about Washington County. That is the county in which my colleague lives. I have never heard of a Negro being denied the right to vote in that county. I have not checked it. I do not know whether the percentages stated are correct. I am sure that my colleague from Arkansas would have more information about that than I have. But I have pointed out that there are five counties that the sponsors of the bill wish to drag in, counties in which the percentage is less than 2 percent of the margin stated, even according to the Civil Rights Commission, which obviously is wrong, as I pointed out with relation to one of the counties for which I obtained figures.

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

Mr. McCLELLAN. I yield to my colleague from Arkansas.

Mr. FULBRIGHT. I thoroughly approve of what the Senator has said about Arkansas. He knows there have been other critical remarks about other counties in the State which were not based upon fact.

Mr. McCLELLAN. I have shown one county about which the record is so obviously incorrect that anyone who can calculate with second- or third-grade arithmetic—add, multiply, and subtract—would know that it was incorrect.

Mr. FULBRIGHT. I agree with the Senator.

Mr. McCLELLAN. I believe that the members of the Commission would also. I do not know where they got their figures. I suppose someone supplied them. I am sure they did not go to any pains to make their own independent determination, or they would have reached a different conclusion.

The bill, as amended in committee, would not even afford Arkansas an opportunity to reply to a charge of voter discrimination. All this material carries with it a presumption that we have been discriminating against these people merely because 25 percent of them did not vote, whereas apparently more than 25 percent voted.

The bill simply states that because a certain arbitrary number of people failed to vote in several Arkansas counties in the last presidential election, the State—my State—therefore must be legislatively—not judicially—adjudged guilty without formal charges, accusations, or a trial.

We would merely make a statistical and legislative judgment of guilt of discriminating against the Negro because more than 25 percent, or allegedly more than 25 percent, of the Negroes in a given county did not vote.

In fact, this amendment, sponsored by the senior Senator from New York, represents an absolute denial of the right to be heard before guilt is pronounced and sentence is passed.

But before I get into the provisions and lack of merit of this bill, I would like to review the brief history of this legislation.

The President advised a joint session of the Congress that he would send down a "law"—not a bill, not a message, not a request—but he would send down a "law" designed to eliminate barriers to voting. He demanded that Congress enact a law which he had not yet formulated and the majority of Congress, caught up in the emotion of the moment, which persists still, indicated that it would pass whatever law the President had in mind.

No matter that the redress for the cited wrong subverted other constitutional provisions; notwithstanding that it denied fundamental due process; and despite the fact that it was unconstitutional; for all that mattered then—and now—is that something be done under the label of "Voting Rights."

On March 18, 1965, the bill was introduced and the Senate referred it to the Committee on the Judiciary with instructions to report it back to the Senate not later than April 9, 1965. Never mind whether the committee had an opportunity to give this measure the consideration or study it needed to perform its legislative function, or if even its proponents did not thoroughly understand all the ramifications of the bill. There was no concern about all the grave constitutional questions raised by the far-reaching language of the pending measure. Disregard all those things, said the Senate to the Judiciary Committee, just see that the measure is reported back by the magic day of April 9. In other words, the Senate said, "Do not bother us with the facts."

I just pointed out that the bill is premised on false information in some respects. The Senate said, "Do not bother us with the facts, or trying to develop any facts, just report this bill back by April 9." And because the Senate had spoken with a predetermined mind, the Judiciary Committee had no recourse but to send the bill back as per instructions. What a perfunctory gesture. What a mockery of due deliberation and judicious consideration. What a travesty on legislative procedure and due process. It is a demeaning and extreme measure unjustly employed to carry out the punitive intent that motivates this effort. And it raises a question of whether the Senate can any longer be validly referred to as the last great legislative deliberative body of the world.

This then established the warped ground rules under which this bill must be processed, and from this sad state of affairs, the situation deteriorated. The committee, doing its very best to accede to the demands of the Senate, held public hearings for 9 days and executive sessions for 4 days. Thus, while the committee had only 16 actual working days on this bill, it considered it for 13 of those days, although it certainly did not have the time to prepare for these hearings that is normally allotted bills of far less import.

Those brief, restricted hearings resulted in a report that states simply that the committee considered numerous amendments and that the amendments agreed to by the committee are set forth in the bill as reported to the Senate. Of course, the committee could do no more than state those simple facts in its report if it was to stay within the imposed deadline. There simply was not time to fashion a report. And as members read the complex provisions of this bill I am sure that many will regret that the Senate saw fit to deny a committee the opportunity to explore fully all the aspects of this measure and write a meaningful report on its contents.

Following public hearings on the administration's version of this measure, and not until the first day of executive sessions, a heretofore undisclosed new substitute proposal was unveiled. A version more vicious and dogmatic, more unjust and oppressive, than the original measure. And it was this substitute, not the one on which public hearings were held, that was further amended, in a peremptory steamroller fashion by the zealous proponents of this bill on the Judiciary Committee.

The original text of the bill—the bill the President sent down to Congress—was bad enough but the substitute measure, as amended, now before this body, is even worse. For it would extend and compound the evil and punitive intent inherent in the original bill.

To my mind both the original and the amended substitute are unwarranted—cruelly punitive and unconstitutional measures. The bill is regional in scope, and its primary object is to humiliate the South and cast aspersion and scorn on its people.

Mr. President, the Supreme Court's school desegregation decision of 1954—*Brown* v. *Board of Education*, 347 U.S. 483, 349 U.S. 294—marked the initial stages of the erosion of the true meaning of the Constitution. That decision provided the thrust away from the anchoring gravity of the Constitution, and the pending measure represents the second stage of our rocketing course away from sound constitutional concepts. For the pending measure perverts and makes a sham of the Constitution.

I never thought I would see the day when America's chief legal officer would support legislation designed to short circuit the concepts of the due process, and prostitute the judicial system of this Nation. This bill indicts some of the Southern States, and then in an exercise of gross effrontery closes all courthouses in the United States to them except the courts in the District of Columbia. It forecloses all the judicial talent of the country in favor of a few judges in the District of Columbia. The Attorney General said this was necessary in order to achieve uniformity of decisions. What a reflection upon the integrity and courage and wisdom of the rest of the Federal judges of the Nation, especially those of the South. But the proponents of this measure would sacrifice the judicial process for expediency in this instance.

This merely typifies some of the peculiar and diabolical thinking behind this measure.

It is often said that our Constitution was cast in the mold of durability. It surely needs this characteristic, for the pending bill represents yet another effort to distort it and reshape it to suit the supposed needs of the hour, and to accommodate those harboring prejudices against my section of the country.

It seems particularly unfortunate that more often than not those who purport to be aiding the minority groups are the very ones who appear bent on remolding or destroying the Constitution, a document truly designed for the protection of all Americans, collectively and individually.

I would remind those who cast the mold according to today's exigencies that they may find it unsuited for the demands of tomorrow.

Mr. President, this is a dangerous and a vicious bill. It emanated from emotion, prejudice, and hate. It was prepared in haste, and it will be passed in the heat of passion. What a sad commentary on the state of the Great Society.

Mr. President, if someone had contended that Congress had the power to nullify an act by the Texas legislature levying local sales taxes, and replace it with one of its own notion, I am sure all Members would have been astounded by such a preposterous proposition. Yet the pending measure embraces this very concept.

By the use of an arbitrary arithmetical formula, the bill would nullify other-

wise valid literacy laws in some Southern States and subdivisions, and replace them with Federal rules and regulations.

As an example, the bill provides that if a State had an otherwise valid literacy test and less than 50 percent of its citizens of voting age were registered on November 1, 1964, or less than 50 percent of such citizens voted in the 1964 presidential election, then such States are covered by the bill, regardless of the reason for the lack of voter participation. This particular formula was contrived to apply only to the South. The bill is predicated largely on unwarranted assumptions of fact and is repugnant to the authority reposed in the States by the Federal Constitution.

The bill has no provision to determine if mere voter apathy, or failure to try to register, was the reason for the low figures of voter participation. It merely assumes that someone discriminated against someone else because he was colored. It merely provides that if less than 50 percent voted in a State having a literacy test, which my State does not have and has never had, voter discrimination has occurred. It is difficult to explain how voter discrimination occurred in a State like that but did not occur in the District of Columbia, where there is a predominant Negro population, yet only 38.4 percent of its voting-age population voted in the last general election. If apathy is given as the reason for the low voting figures in the District of Columbia, then I suggest that apathy might also account for some of the low voting figures in the South, where a predominant one-party system prevails. Senators from the North know how the doldrums of apathy can settle on a campaign, even in a strong two-party State. Certainly this condition is magnified in the South, where the Republican Party has not enjoyed any significant success.

I warn Senators that if Congress usurps this constitutional function of the States, a function expressly reserved to the States under the Constitution, then by the same logic—or a lack of logic—it could nullify a State tax law in Montana or Minnesota and replace it with one of its own making, or perhaps authorize the Attorney General to replace it at his will, as the bill undertakes to do in its grant of discretion to him.

To those who say that cannot happen, I say, "Read the bill again." To those who say it will not happen, I say that when the bill is passed and Federal regulations replace some valid State literacy laws, it will have begun.

To those who say, "Well, the bill affects only the South," let me remind them that tomorrow it could be those in the North, the East, or the West.

The deplorable dispatch with which the bill was drawn has been exceeded only by the lamentable manner in which it has been delivered to the Senate.

The proponents of the measure seek to still the voices of those who would criticize by saying that we are dealing with a great moral issue. In fact, the whole case for the proposed legislation has been rested on constitutional and moral principles. Certainly no one could ordinarily quarrel with such a solid base. But the problem here is that the remedy proposed by the advocates of this measure would subvert the very Constitution it seeks to enforce. Thus, we are presented with and asked to pursue an immoral approach to resolve what is alleged to be a moral issue. I submit that the proposed remedy is more painful, harmful, and objectionable than the disease it seeks to cure, even if the diagnosis is correct.

The pending measure is styled as a bill to enforce the 15th amendment, and again none can quarrel with the power of Congress to prevent violations against the rights protected by that provision. However, the quarrel I have with the bill is that it does not stop there, but goes on to abolish valid literacy tests in certain States and allows the Federal Government to replace such tests with those of its own notion. This strikes me as a very unusual way of resolving a "moral issue," since such action is diametrically opposed to the very Constitution which the proponents of this legislation say they are seeking to enforce.

Senators need not be reminded that the first article of the Constitution expressly authorizes the States to determine the qualifications of their voters, and the courts have repeatedly reaffirmed this principle at every opportunity.

The 15th amendment was not intended to—and did not—repeal the States right to determine the qualifications of voters under article I, section 2. That amendment merely was designed to prevent the States from denying or abridging the right to vote. It did not empower the Congress to replace any offending law with one of its own making. That the States retain their power to determine who had the right to vote was reaffirmed by the 17th amendment, passed some 40 years after the adoption of the 15th, and reiterating the same provisions of article I relating to voters, to wit:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Thus, it cannot be seriously contended that the 15th amendment repealed article I, section 2 by implication, because by the same logic, if it did, the 17th amendment revived and reaffirmed it, for it uses the identical language of the first article.

And it is just as specious to base the case for this legislation on the sheer morality of the issue since the very means employed exude immorality.

And this immorality is further compounded by the bill which calls for application of its provisions under the terms of double standard—a standard that is tailored to humiliate the South and blandly ignore the rest of the country.

The bill would abolish the literacy test in some States, thus allowing an illiterate to vote, while permitting other States to retain its literacy test and thus denying the vote to an illiterate citizen of that State. No one can explain this discrimination and favoritism on moral grounds. Nor do I know how the Congress, acting in an aura of morality, can deign to pass legislation containing such irrational regional rules.

The bill does not prove or show a rational relationship between the means used and the stated end. In fact, the statistics show that there is no such rational relationship. In truth, the bill simply lays an unproven premise that the use of literacy tests in some States, ipso facto, results in voter discrimination, while the use of literacy tests in other States, ipso facto, does not show voter discrimination.

I find it difficult to believe that the proponents of this measure are so bent on answering the moral call, from whence this legislation allegedly emanated, that they would ignore the constitutional provisions for equal protection and due process and turn justice into a mathematical percentage. The bill would say to a citizen in some States that his qualifications to vote would depend on how many of his fellow citizens voted, while in a sister State, a voter could ignore this new-fashioned justice by mathematics.

Again, I say where is the morality in such a peculiar arrangement? What happens to the cardinal principle of equal protection and treatment when the law is measured by percentages?

Congress can act under the 15th amendment to prevent the United States or any State from denying certain people the right to vote on account of their race or color. But, just as clearly, the 15th amendment does not empower Congress to confer upon anyone the right to vote. The United States has no voters; only the States have voters. The elected officers of the United States are all elected by State voters. Under article I, section 2 of the Constitution, the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 15th amendment did not deprive the States of their constitutional power to determine who had the "right to vote" under article I, or under any other provisions of the Constitution. The amendment merely prevents the States from using its power to deprive or abridge the right to vote on account of race or color. And, as indicated, the authority of the States to determine the qualification of voters was reaffirmed by the 17th amendment, which has not since been changed.

At the time the Constitution was adopted, each State made its own determination regarding the right to vote, and in no State were all citizens permitted to vote.

Violations of the 15th amendment can be prevented by the Federal courts. But neither those courts nor Congress can by affirmative action replace an offending law.

The second clause of article II of the Constitution reserves exclusive power to the State legislatures to direct the manner in which the electors of President or Vice President shall be appointed, and to my knowledge that power was not diminished by either the 15th or any other amendment.

In support of this measure the Attorney General referred to the case of *Guin* v. *The United States,* (238

U.S. 347, 1915), where the court held invalid certain voter qualifications. But what he failed to add was that that case does not stand for the proposition that the court or the Congress could substitute a new law for the one struck down. In that case, the court said:

> The 15th amendment does not, in a general sense, take from the States the power over suffrage possessed by the States from the beginning, but it does restrict the power of the United States or the States to abridge or deny the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude. While the 15th amendment gives no right to suffrage, as its command is self-executing, rights of suffrage may be enjoyed by reason of striking out of discrimination against the exercise of the right.

The Guin case was cited in the 1959 case of *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 50, in connection with the proposition that a State "may apply a literacy test to all voters irrespective of race or color" and that the "States have long been held to have broad powers to determine the conditions under which the right to suffrage may be exercised."

In the Lassiter case it was said that—

> While the right of suffrage is established and guaranteed by the Constitution * * * it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restrictions that Congress acting pursuant to its constitutional powers has imposed.

I wonder how the Supreme Court is going to get around its own language, its own decision, its own interpretation of the Constitution of the United States? Will it say again, "We were wrong. We are going to reverse ourselves. The exigencies of the situation today demand that we simply go along with the times."

Mr. President, what is the Constitution for? If that is the way the Constitution is to be applied, if that is the force it is to have, the whole fabric of liberty we enjoy today is resting on a very weak support.

The theory of this bill is contrary to those cases because it provides that if Congress decides that a State imposes standards which are discriminatory then Congress may divest that State of its constitutional power to determine the conditions upon which the right of suffrage may be exercised; that it may substitute its own conditions, and that it may do all of that retroactively.

The bill also confers the power of veto in the Attorney General over the State legislatures.

And I am aware of no provision in the Constitution giving Congress the power to delegate, or vest a veto power over the States in the Attorney General.

Even if it is proved beyond the shadow of a doubt that there has been a flagrant denial of the right to vote under a State law, this would not give the Congress the power to strike down those laws and enact one of its own choosing to supplant the State law.

And in the pending bill we are dealing not with uncontradicted iron-clad proof of voter discrimination, but rather with a shadowy presumption standing on the shaky foundation of an arbitrary percentage and an arbitrary date called up from the past.

It is no wonder that our able colleague, the senior Senator from Virginia [Mr. BYRD] characterized the provisions of this legislation as "iniquitous in effect and contemptible in design," and I wholeheartedly agree with his appraisal. Imagine, if you will, the Congress of the United States saying that it will divide the several States into two groups—good States and bad States. And the determination as to the division of the 50 States into good States and bad States, will be based on such arbitrary and unconstitutional guidelines as: first, an arbitrary date; second, an arbitrary percentage; and, third, and arbitrary events.

The Attorney General said:

> The premise of section 3(a)—
>
> Of the original bill—
>
> is that the coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices. That this premise is generally valid is demonstrated by the fact that of the six States in which tests and devices would be banned statewide by section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia, and other forms of racial discrimination, suggestive of voting discrimination, are general in both of these States.

I wonder why the Attorney General didn't seek to rectify the situation in the courts if voting discrimination is no flagrant and widespread. It was my impression that Congress had furnished the Attorney General with ample power to act under the recent rash of civil rights bills.

In 1957, Congress enacted a civil rights law embodying voting provisions. In 1960, it strengthened it and in 1964, it enacted another one. That is three in 7 years. The Attorney General of the United States has had the authority to institute civil action for preventive relief whenever any person has engaged, or there are reasonable grounds to believe that any person has engaged, in any act or practices which would deprive any person of his right to vote.

One must also wonder at the rationale of a bill that was drawn to apply to a State where 52 percent of the population voted, but not to apply to Texas where only 44 percent voted. The reason for the distinction and for this favoritism given by the proponents of the bill, and the distinction written into the original bill, is that one has a literacy test and the other does not. Now, if that were the case, you would expect to find that of the above two States, Texas, having the lower voter participation, must therefore be the bad State with a literacy test.

But no, Texas does not have a literacy test. Although only 44 percent of its eligibles voted, it is, by the standards of the original bill a good State. Whereas, the State that voted 52 percent of its eligibles is by the standards of the original bill, a bad State, simply because it has a literacy test. All of which means that it does not follow at all that literacy tests have an effect on the number of people voting, and therefore, there is no rational basis for the so-called triggering device set forth in the bill submitted by the administration.

What keeps the people from voting in Texas? My colleague, the Senior Senator from North Carolina, was equally perplexed about this matter, and he asked the Attorney General about it. The latter replied that he assumed the poll tax was the reason for the low turnout. And when reminded that the poll tax was abolished in Texas in presidential elections by amendments to the Constitution, the Attorney General said the people in Texas apparently had not found out about it.

I do not believe that he should reflect on the people of Texas. I am quite sure that, when a constitutional amendment was adopted, the people would know about it. But that is the answer the Attorney General gave. I suggest that it is about as sound and logical as some of the other justifications made for this legislation.

All of which caused the senior Senator from North Carolina [Mr. ERVIN] to wonder what a pity it was that the people of Texas were not required to read and write so they could have found out about it in the newspapers.

I relate this incident not to reflect on the good people of Texas, because I do not think it is so, but rather as a plain and demonstrated acknowledgment of the irrational reasoning behind this obnoxious bill.

Suppose for example that a State had a literacy test which requested a person to read a section of the Constitution. Up to this hour such a test is valid. I do not know what will happen when the question gets back to the Court again. The Court can change its position so easily, without any provocation, that I do not know what it would decide.

Under existing law and court decisions it is valid for a State to have such a requirement. But, if in the administration of that otherwise valid law, an election official should refuse to register a colored person who had complied with the State requirement, then, as I understand it, the Attorney General would have the right to file suit against that official who had failed to comply with the law.

But in the same situation, Congress has no right to step in and enact a statute the replace that valid State law, for that is not appropriate legislation under the 15th amendment since Congress simply is not vested with the power or authority to fix voter qualifications.

Congress, if it enacts this pending bill, will be declaring that if the Census Director determines that 50 percent of the persons of voting age in a given State or subdivision having a literacy test were not registered on November 1, 1965—regardless of the reason—or that 50 percent of such persons did not vote in the election of 1964—regardless of what reason—or if less than 25 percent of the persons of any race were not registered in any State or subdivision—again regardless of what reason—then that State or county is presumed guilty of violating the 15th amendment.

Yes, under this obnoxious bill that State is—

Presumed guilty—not innocent.

Presumed guilty—with no chance to rebut in a court of law.

Presumed guilty—and its literacy law abolished.

Presumed guilty—and the powers of its legislature to enact new registration laws literally suspended for 5 years.

Presumed guilty—and placed under the supervision of the courts and the shadow of the Attorney General's veto power for 5 years.

Presumed guilty—and thus opening its territory to Federal examiners and poll watchers.

To me, a presumption of guilt is a dubious and untenable doctrine to inject into the so-called moral issue at hand. Certainly, a presumption of guilt is an enemy to due process. I cannot understand the liberals adopting such a provision even for the sake of expediency.

Mr. President, these provisions are contained in the pending bill.

Mr. President, I submit that the mere fact of nonregistration of a given percentage of persons, without division between races, and without inquiring into the reason for such nonregistration, and without showing any attempts to register, proves absolutely nothing, except that those who advocate this measure are willing to go to any length to place a stigma on the people of the South.

I might add that the States are prohibited from keeping separate registration and voting records for whites and Negroes, so I do not know how anyone can tell how many either registered or voted in the last election. Therefore, I do not see how the provision added by the Judiciary Committee which will purportedly cover seven counties in Arkansas can be implemented. But I know from the prevailing winds in the administration and the Congress that an effort will be made in that direction.

By way of a sop, the bill does provide that a State, under an irrebuttable presumption of guilt, may seek to prove its innocence in a three-judge court in the District of Columbia by showing that there was no voter discrimination within its territory during the past 5 years. But in most of the affected States, this is plainly impossible as the proponents of the measure well know. For if a State had only an isolated incident of voter discrimination in just one of its 75 counties, it could not even get into court. It is bad enough that the bill closes the door to all courthouses, save one, to the States convicted by this measure. But then, to go further and say we cannot even get into that one lone courthouse for 5 years is a denial of traditional American justice, and is symbolic of the raw power inherent in a dictatorship.

Incidentally, the reason given for having all these cases heard by one court in the District of Columbia is so that we may have uniformity of decisions. What an intolerable and unjust way to seek enforcement of the Constitution, closing the courts—the Federal courts—in the affected States. Closing them to the States, but leaving every courthouse in the country open to the Federal Government, is a mockery of judicial process.

Regardless of the reason presented for this proposed corruption of our judicial system, I believe that it clearly reflects on the Federal judges of the South. For the implication is as clear as if the proponents had said that no Federal judge outside the District of Columbia—and especially no Federal judge in the South—can be trusted to deal with this matter. And I deeply resent such an implication.

Apparently the drafters of this bill were so enthusiastic in their zeal to fashion legislation that they also ignored the prohibitions against bills of attainder found in article I, section 9, of the Constitution.

As Members well know, legislative acts that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial, are "bills of attainder" and, as such, are clearly prohibited by the Constitution.

Certainly the pending measure seeks to inflict punishment on an easily ascertainable group of States, and just as certainly, the bill runs squarely into the prohibition against a bill of attainder.

For the pending measure says that if a State has a literacy test and has not registered 50 percent of the voting age population, or if that many did not vote on the magic date of November 1964, or if just less than 25 percent of any race or color has been registered, then the State is guilty by fiat of Congress. If that does not fall within the proscribed bill of attainder clause of the Constitution, then I know nothing that does or could.

This is much worse than a mere bad bill, Mr. President. Efforts to bring it into harmony with the Constitution in committee were peremptorily rejected by an inconsiderate majority. Efforts to maintain some semblance of due process, efforts to stay within the bounds of reason, efforts to uphold the constitutional rights of the States, efforts to do all that, and more, were all in vain. They were all tried but summarily and arbitrarily rejected.

Moreover, this measure which sacrifices constitutional principles in the name of voting rights, also added a prohibition against a poll tax, even though Congress in 1962 determined that such action required a constitutional amendment, not mere legislation. Arkansas has no poll tax, Mr. President, so this provision will not affect my State. I mention it to show how far afield the proponents of this proposed legislation have been carried in their zeal to get everything on the books about voting rights that they believe can be rushed through a Congress caught in the grip of emotion, fear, and frustration.

It is little wonder that in such a deplorable legislative atmosphere a bill so bad, a bill so vicious and so punitive as the pending measure has been wrought and presented.

Mr. President, I am a realist, and I know that the proponents of this proposed legislation have the votes to pass practically any version of a voting rights bill they choose to pass, unconstitutional or otherwise.

But, I remind them that as they act in haste to pass this measure that is so fraught with constitutional defects and dangers they are, among other things, eliminating vital elements of our long-established due process procedures in our system of justice and moving us toward compulsory and regimented voting in the United States. These changes, these innovations, in our system of government are totally incompatible with the concepts of liberty, justice, and democracy that are our heritage.

The enactment of this bill will constitute a willful usurpation by the Congress of powers reserved to the several States and to the people thereof by article I, section 2 of the Constitution and by the 10th and 17th amendments thereto. The provisions of this measure arbitrarily adjudicate guilt by legislative decree, deny a hearing and right of trial to the alleged offenders, and impose penalties and conditions of hardship without any right of review or redress for wrongs inflicted.

Mr. President, I oppose and protest with all of my strength the passage of this bill. I shall vote against it. The evil in it threatens the integrity and security of constitutional government in our Nation. It is dangerous and devastating in its potential consequences. It should be defeated.

Mr. President, I have made reference to and commented upon some of the basic provisions and purposes of the bill, purposes and provisions which are contrary to the fundamental principles upon which our Republic was founded.

At a later time, during the progress of debate, I propose to speak again and point out other major defects and of objectionable provisions which will, if enacted into law and enforced, usurp powers not delegated to this body or to either of the other branches of the Federal Government, but which are reserved to the States of the Union and the people thereof.

Mr. President, we are treading on dangerous ground. We are taking steps—if we enact this bill—which we shall never be able to retrace until it is too late. We shall have established a precedent which will carry force and weight henceforth into other areas of government, in other realms of liberty, where laws can be just as devastating to justice and right as this proposed measure.

## DUAL DISTRIBUTION

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, three bills relating to the subject of dual distribution.

The PRESIDING OFFICER. Without objection, the three bills will be received and appropriately referred.

The bills, introduced by Mr. LONG of Louisiana, were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 1842. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices

against independent producers and distributors;

S. 1843. A bill to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, and for other purposes; and

S. 1844. A bill to amend the Clayton Act to prohibit vertically integrated companies from engaging in anticompetitive pricing practices.

Mr. LONG of Louisiana. Mr. President, two of them are the now familiar bills I initiated in the 87th Congress and reintroduced in the 88th. These bills have the short titles, the "Antitrust Vertical Integration Amendments" (S. 1842) and the "Dual Distribution Reporting Act" (S. 1843). The third bill is new. Its short title is the "Antitrust Dual Distribution Amendment" (S. 1844). This new measure has also been introduced today in the House of Representatives by Representative JAMES ROOSEVELT (H.R. 7706), and I acknowledge with appreciation that he is the originator of the fresh approach it represents. Specifically, the substance of this original bill was first proposed in recommendation number 2(c) of the recent report of the House Small Business Committee on the very thorough study of dual distribution by Mr. ROOSEVELT's subcommittee.

The problem with which these three bills seek to deal has concerned the Congress generally and, in particular, the small business committees of the Senate and the House for many years.

Dual distribution is a term coined some years ago to describe competition by suppliers with their own customers. As early as 1953, dual distribution in the automotive tire industry was described in a staff report to the Senate Small Business Committee. Subcommittees of that committee have held hearings on dual distribution in the flat-glass industry—1958—and the tire industry—1959. The study of the flat-glass industry was conducted by the Subcommittee on Monopoly, under my chairmanship. The tire hearings were conducted by a subcommittee chaired by then Senator HUBERT H. HUMPHREY, now the Vice President. Reports were issued in connection with both studies. I shall append to this statement a fuller citation of the publications I am mentioning.

During the 88th Congress, Subcommittee No. 4 of the House Small Business Committee made the first congressional inquiry into dual distribution on a multiple-industry basis. That subcommittee, chaired by Mr. ROOSEVELT, compiled 9 printed volumes of testimony and materials, including much academic and governmental testimony of a general nature and also information from and about 46 separate industries. The report issued by the subcommittee and approved by the full committee at the conclusion of the study deserves careful attention from all Members of Congress.

At some risk of oversimplification, it is fair to say that the studies of the Senate and the House Small Business Committees have established that, while dual distribution is not inherently and always harmful, and may even be beneficial in some circumstances, it contains many possibilities for harm to competition. The three bills that I am introducing today are intended to deal with four specific aspects of dual distribution that have been most frequently mentioned by small businessmen as representing a threat to competition and as a threat to their existence.

THE EQUALITY OF SUPPLIES BILL

The chief evil at which the Robinson-Patman Act of 1936 was aimed was price discrimination. The Robinson-Patman Act says to sellers, "You must not give a special price break or other favors to one of your customers if you do not give all of your other customers, who compete with him, the same break, on proportionally equal terms." That is, of course, a very crude paraphrase of the language of the act itself, and it does not cover the qualifications and provisos; but that is the essence of what this law says. After nearly 30 years on the statute books, the Robinson-Patman Act is still hailed by most independent entrepreneurs as the "Magna Carta" of small business.

But the rapid growth of vertical integration and dual distribution is eroding the significance of the Robinson-Patman Act, because the act does not cover dual distribution situations. A seller company that competes with its own customers through a captive establishment may give any kind of special price favoritism it likes to its own affiliate. Also, in times of short supply, the vertically integrated concern may, if it wishes, cut off entirely its independent customers and channel all of the available goods to its related establishment. Where concentration exists in the affected industry, either of these practices can result in destruction of nonintegrated firms by their integrated supplier-competitors.

My bill, entitled the "Antitrust Vertical Integration Amendments" (S. 1842)—which could also be fairly described as "the equality of supplies bill"—is directed at these two classes of power abuse by dual distributors. The bill would make applicable to plants, warehouses, and stores that are owned by supplier-competitors, all of the prohibitions against price discrimination that the Robinson-Patman Act presently imposes in connection with sales to independent customers that compete with one another. If S. 1842 were enacted, the law would say to an integrated company, "You must charge your captive establishment that competes with your independent customers the same prices that you charge the independents for goods of like grade and quality." All of the same tests for establishing a violation, and the same defenses, that are presently found in the Robinson-Patman Act would be carried over into this law, which would be made a new section of the Clayton Act.

In another section, the antitrust vertical integration amendments would provide for fair treatment of independent customers in shortage situations. This bill would require dual distributors, in effect, to "ration" essential products in short supply in fair proportions among their company-owned establishments and their independent customers that compete with those establishments. The bill would establish a presumption of fairness in the "rationing" formula if the supplier determined the percentage of its total output of the scarce product that had gone to captives and to independents during the year preceding the shortage, and allocated shipments on those same percentages while the scarcity continued. Prohibitions against favoritism to company-owned establishments with respect to speed of shipments in a shortage situation are also contained in the bill. These provisions would, I believe, greatly lessen the chance that integrated concerns might use their power unfairly and destructively against their independent customers. It is my impression that many of the Nation's great vertically integrated companies today impose upon themselves standards of behavior very similar to those this bill would write into law. Such concerns should welcome legislation that would impose upon their less scrupulous competitors the same standards of competitive equity and fairness that they have accepted for themselves without the sanction of statute.

Today's bill, the "Antitrust Vertical Integration Amendments of 1965"—S. 1842, 89th Congress— is, in all respects but the year mentioned in the short title, identical to my S. 1107, 88th Congress—and Mr. ROOSEVELT's H.R. 3562, 88th Congress—and to the original version, S. 2641, 87th Congress, which I introduced on September 26, 1961. Mr. ROOSEVELT has also reintroduced it today in the House, H.R. 7705, 89th Congress.

THE "REPORTING BILL"

My second bill, the "Dual Distribution Reporting Act"—S. 1843—is intended to overcome one of the chief points of objection that has been raised against the "equality of supplies bill." The point so mentioned is that, notwithstanding a statutory requirement that selling prices to captive and independent competitors be the same, a vertically integrated concern still has the option to operate at little or no profit at one level of operations by increasing prices—and profit—at another. The nonintegrated competitor has no such option. When a dual distributor increases the prices it charges as supplier and holds or reduces prices it charges as competitor, it engages in what economists call a price squeeze. My second bill and also the new, third bill, are both aimed directly at the price squeeze; but they take different approaches.

The theory of my second bill—the "reporting bill," S. 1843—is that the law should not prohibit the price squeeze; but those who engage in dual distribution should be required to disclose to the public the extent to which they subsidize low-profit or no-profit or loss operations in one level of business by raising prices at another level. The "reporting bill" would require companies engaged in dual distribution to—

Publish a separate annual operating statement for each establishment of that company which (1) receives from any other establishment of that company any product

of that company distributed by dual distribution, and (ii) is engaged, in any line of commerce, in direct competition with one or more independent establishments, customers of that company, in the sale or resale of that product or any other product derived in whole or in part through the use or consumption of that product.

These annual published statements would have to identify the establishments, separately, on which they reported. They would have to show at least the following information:

(1) total annual net sales of the establishment, with sales or transfers to related establishments and sales to independent establishments itemized in separate subtotals; (2) cost of goods sold, with costs itemized to identify separately (i) cost of products purchased or received from related establishments, (ii) cost of products purchased from independent establishments, and (iii) labor costs, if any (value added within the reporting establishment before addition of markup); (3) operating overhead; and (4) net profit or loss from operations.

The annual statements for each reporting establishment would also have to show the value of benefits received by the establishment but charged to other parts of the company, as well as additions to or subtractions from the capital investment of the company in the establishment.

In addition, this bill would require "every company engaged in dual distribution"—defined in the bill to exclude smaller concerns having no substantial market power—to—

Publish annually statistical information disclosing, for each product produced by that company and distributed by dual distribution: (1) the aggregate dollar amount of that company's net sales of that product during the year to all independent establishments; and (2) the dollar amounts or values of net sales or transfers of that product from the producer thereof to each related establishment, identifying the establishments separately by name or other designation and location, and the respective amounts of sales or transfers of the product to each.

Were this bill enacted, a company engaged in dual distribution would not be prohibited from utilizing the devices of the price squeeze and "subsidization" of no-profit operations for predatory reasons; but it would be required to do it out in the open, where both its customers and competitors, and the antitrust agencies of the Government, could make a determination whether its conduct amounted to actionable violation of the antitrust laws.

The Dual Distribution Reporting Act of 1965, S. 1843, which I have introduced today, is identical in all respects but the title to my 1963 version, S. 1108, 88th Congress. That bill, in turn, was substantially identical to the first version of this bill introduced in either House, my S. 2640, 87th Congress.

I take pride in the fact that the House Small Business Committee, in its recent important report on dual distribution, recommended that this proposed legislation receive early consideration from the Congress. I am also pleased and proud that Mr. ROOSEVELT has introduced this bill—following the text of S. 2640, 87th Congress—in both the 88th and 89th Congresses: H.R. 3559, 88th Congress; and H.R. 1578, 89th Congress.

Consideration of the equality of supplies and the reporting bills by the appropriate legislative committee of the Senate—the Judiciary Subcommittee on Antitrust and Monopoly—has been urged by the Senate Small Business Committee in its 12th, 13th, and 14th annual reports.

THE "ADEQUATE DIFFERENTIAL BILL"

My third bill, Mr. President—the one suggested by the recent House Small Business Committee report—has the short title, the "Antitrust Dual Distribution Amendment of 1965"—S. 1844. It could also be described, informally, as the "adequate differential bill." It attacks, as does the "reporting bill," the problem of the price squeeze; but it does it in a more direct way: it simply prohibits the price squeeze, if the effect of the squeeze may be substantially to lessen competition or to tend to create a monopoly. The test employed, as antitrust scholars will be quick to note, is in language identical to that of section 7 of the Clayton Act, the well-known Celler-Kefauver antimerger statute. Like the substantive provision of the "equality of supplies bill," the substance of the "adequate differential bill" would be made an amendment to the Clayton Act, thereby entitling those harmed by infractions to file private civil actions for treble damages or injunctive relief or both. The House Small Business Committee, in its dual distribution report, recommended consideration of legislation of this type—by implication—as an alternative to the "equality of supplies bill." I am most happy to sponsor this bill in the Senate, for discussion and consideration either as an alternative to the "equality of supplies bill" and the "reporting bill" or, perhaps, as a supplement to either or to both.

This new "adequate differential bill" would say to dual distributors—I am again paraphrasing, of course—"if you act as both a supplier and as a competitor, you must maintain a fair and adequate differential, or spread, between the prices you charge as a supplier and the prices you charge as a competitor. Your price spread will not be fair and adequate if it is so small that it may substantially lessen competition or tend to create a monopoly."

Mr. President, in introducing these bills today, as in the past, I want to make it clear that I do not regard them as necessarily the final or best solution to the difficult, very complex problems that arise under vertical integration in our competitive, free enterprise economy. Indeed, the "equality of supplies" and the "adequate differential" bills may be, in part, mutually exclusive. I am fully aware that these bills have far-reaching implications, not all of which are now foreseen by me. They represent, admittedly, a quite drastic remedy for what has been represented as a quite serious ailment in our competitive system. I cannot in good conscience say that I am now in possession of sufficient economic evidence to justify passage of any of these bills. I can and do say that there is more than sufficient indication that thousands and thousands of small businessmen think that some additional legislation along these lines is needed if they are to survive and grow. These small businessmen deserve a hearing from a committee that has power to report bills to the floor. It seems to me to be the duty of the appropriate legislative committee to afford them a hearing on these bills. The Senator from Michigan [Mr. HART], distinguished chairman of the Senate Judiciary Subcommittee on Antitrust and Monopoly, has assured me that a hearing of his subcommittee will be scheduled. When it is, the duty will shift to the small business supporters of this legislation to come forward with evidence that would justify the passage of one, two, or all three of these bills, as introduced, or with amendments.

In this connection, I think it is promising that there has been formed a national "association of associations," an interindustry conference on dual distribution, with headquarters here in Washington. Among its announced functions is the marshalling of evidence in support of these measures. If that conference does its work well, we can be hopeful that legislative hearings on these bills, when the Antitrust and Monopoly Subcommittee is able to fit them into its busy schedule, may quite possibly provide a firm and final answer to the question whether or not any or all of them would now be a necessary and desirable addition to the antitrust laws of the United States.

Mr. President, I ask unanimous consent that the text of the "adequate differential bill," which is brief, and a partial bibliography of congressional bills and materials relating to dual distribution be printed in the RECORD at this point, followed by a telegram and some letters that have been received by me, or received by or referred to the Senate Small Business Committee. These communications illustrate the nature of the problem and the desire of independent business for remedial legislation.

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

EXHIBIT 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Antitrust Dual Distribution Amendment of 1965."

SEC. 2. (a) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after Section 2 thereof, the following new section:

"SEC. 2A. It shall be unlawful for any person engaged in commerce who, in the course of such commerce, engages in competition in the sale of commodities with those to whom he sells such commodities, or a major ingredient or component thereof which is processed by the purchaser into such commodities, to fail to maintain adequate and fair differentials between those prices charged as supplier to such purchasers and those prices charged as a competitor of such purchasers, where in any line of commerce in any section of the country, the effect of such failure may be substantially to lessen

competition, or to tend to create a monopoly."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7 and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 2A, 3, 7, and 8".

SEC. 3. The amendment made by this Act shall take effect on the first day of the seventh month beginning after the date of its enactment.

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EXHIBIT 2

PARTIAL BIBLIOGRAPHY OF CONGRESSIONAL MATERIALS (HEARINGS, REPORTS, BILLS, COMMITTEE PRINTS, FLOOR STATEMENTS) ON THE SUBJECT OF DUAL DISTRIBUTION, 1953–64

(NOTE.—The materials here listed are those directly relating to the aspects of dual distribution treated by the Long-Roosevelt "equality of supplies," "reporting," and "adequate differential" bills, and the approaches to the dual distribution problems represented by those bills. Consciously omitted from this list are numerous other bills and materials taking other approaches to the problems of vertical integration and dual distribution, e.g., bills expressly prohibiting dual distribution in specified industries, or attacking inequities in the tax structure that pertain to or stem from dual distribution. A comprehensive bibliography would also have to include, as this does not, bills and materials on such closely related subjects and proposals as functional discounts, franchising practices, and refusals to sell.)

Committee print, "Problems of Independent Tire Dealers," staff report to the Senate Select Committee on Small Business, 83d Congress, 1st session (1953).

Hearings before a subcommittee of the Senate Select Committee on Small Business on dual distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors ("Competitive Problems of Independent Flat-Glass Dealers"), 85th Congress, 2d session (1958).

Senate Select Committee on Small Business, report on dual-distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors, together with individual views (Senator Andrew F. Schoeppel of Kansas) and staff report (Raymond D. Watts, subcommittee counsel), ("Studies of Dual Distribution: The Flat-Glass Industry"), Senate Report 1015, 86th Congress, 1st session (1959).

Committee print, "Appendix to a staff report entitled dual distribution methods of flat-glass producers and competitive problems of independent flat-glass dealers and distributors," Senate Select Committee on Small Business, 86th Congress, 1st session (1959).

H.R. 2729, 86th Congress, 1st session, a bill (by Representative Alvin M. Bentley, of Michigan) to amend the Federal Trade Commission Act so as to prohibit certain practices in commerce by any manufacturer or producer who distributes his product in commerce through his own retail outlets, direct to consumers and also through other retail outlets (1959).

Hearings before a subcommittee of the House Committee on Interstate and Foreign Commerce on H.R. 2729, supra, 86th Congress, 1st session (1959).

Senate Select Committee on Small Business, 9th annual report, Senate Report No. 6, 86th Congress, 1st session, pages 30–34 (1959).

Hearings before a subcommittee of the Senate Select Committee on Small Business on dual distribution in the automotive tire industry—1959, in two parts: part 1 (hearings), 86th Congress, 1st session (1959); part 2 (supplemental materials), 86th Congress, 2d session (1960).

Senate Select Committee on Small Business, 10th annual report, Senate Report 1044, 86th Congress, 2d session, pages 42–47 (1960).

S. 2641, 87th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana), to amend the Clayton Act to prohibit vertically integrated companies from engaging in discriminatory practices against independent producers and distributors, short-titled the "Antitrust Vertical Integration Amendments of 1962" (the first Senate "equality of supplies bill" and the first such bill in either House to take a Robinson-Patman Act approach) (1961).

S. 2640, 87th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana) to require certain companies engaged in dual distribution to disclose separate annual operating data on each of their establishments which compete with independent customers of such companies in the sale and industrial use of their products, short-titled the "Dual Distribution Reporting Act of 1962" (the first "reporting" bill) (1961).

Remarks in the Senate by Senator RUSSELL B. LONG upon the introduction of S. 2641 and S. 2640, supra, "Dual Distribution and Fairplay," September 26, 1961, CONGRESSIONAL RECORD, volume 107, part 16, page 21407 (1961).

Senate Select Committee on Small Business, 12th annual report, Senate Report 1491, 87th Congress, 2d session, pages 31–35 (summarizes S. 2641 and S. 2640 and recommends hearings thereon by the appropriate legislative committee) (1962).

H.R. 3562, 88th Congress, 1st session, a bill (by Representative JAMES ROOSEVELT, of California): counterpart of S. 2641, 87th Congress, 1st session, supra (1963).

H.R. 3559, 88th Congress, 1st session, a bill (by Representative JAMES ROOSEVELT, of California): counterpart of S. 2640, 87th Congress, 1st session, supra (1963).

S. 1107, 88th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana): counterpart of S. 2641, 87th Congress, 1st session, supra (1963).

S. 1108, 88th Congress, 1st session, a bill (by Senator RUSSELL B. LONG, of Louisiana): substantially identical to S. 2640, 87th Congress, 1st session, supra (1963).

Remarks in the Senate by Senator RUSSELL B. LONG upon the introduction of S. 1107 and S. 1108, supra, "Dual and Distribution and Fairplay," March 15, 1963, CONGRESSIONAL RECORD, volume 109, part 4, page 4319 (1963).

Senate Select Committee on Small Business, 13th annual report, Senate Report 104, 88th Congress, 1st session, pages 50–53 (1963).

Committee print, "Studies of Dual Distribution: The Automotive Tire Industry," report of the Subcommittee on Retailing, Distribution and Marketing Practices to the Senate Select Committee on Small Business, 88th Congress, 2d session (1964).

Senate Select Committee on Small Business, 14th annual report, Senate Report 1180, 88th Congress, 2d session, pages 68–71 (1964).

Hearings before a subcommittee of the House Select Committee on Small Business on the impact upon small business of dual distribution and related vertical integration, 88th Congress, 1st session (9 vols., 1963–64).

House Select Committee on Small Business, "The Impact Upon Small Business of Dual Distribution and Related Vertical Integration," House Report 1943, 88th Congress 2d session (1964).

House Select Committee on Small Business, final report, House Report 1944, 88th Congress, 2d session, pages 9–10, 159–182 (1964).

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EXHIBIT 3(A)

NEW ORLEANS, LA.,
*March 10, 1965.*

Hon. RUSSELL LONG,
*Senate Office Building,*
*Washington. D.C.:*

We enthusiastically support the legislation wherein you intend to introduce a bill which will give some measure of protection to small independent firms providing that vertically integrated companies must maintain definite price spread between prices at which they sell raw material and finished products. This bill is very desirable from our viewpoint as a small manufacturing company. We have been concerned about the problem of dual distribution by the giant integrated producers as this problem has become worse from year to year.

SOUTHEAST STEEL & WIRE CORP.

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EXHIBIT 3(B)

SHARP & BOGAN,
*Washington, D.C., March 18, 1965.*

Mr. RAYMOND WATTS,
*Senate Select Committee on Small Business,*
*Old Senate Office Building, Washington, D.C.*

DEAR MR. WATTS: The law firm of Sharp & Bogan represents the Independent Wire Drawers Association, a trade association of over 30 independent wire drawers and fabricators.

The U.S. steel wire and wire products industry is a classical dual distribution situation. During the past 10 years the independent wire drawers and fabricators have experienced a series of single and double price squeezes applied by the vertically integrated steel companies, which forced the independent wire drawers and fabricators to purchase foreign steel wire rod as a matter of economic survival.

The legislation sponsored by Senator RUSSELL B. LONG to eliminate unfair trade practices in dual distribution industries has the full support of the Independent Wire Drawers Association.

We look forward to working with you in seeking the enactment of this much needed legislation.

Sincerely,

ALAN D. HUTCHINSON.

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EXHIBIT 3(C)

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS,
*Kansas City, Kans., February 19, 1964.*

Mr. HAROLD J. BUOY,
*Legislative Assistant to the International President, Washington, D.C.*

DEAR HAROLD: I wish to bring to your attention two bills presented by ROOSEVELT and two bills presented by LONG. I believe LONG's bills were presented to the 87th Congress.

Two things are important to me; first, what, if any, action has been taken by organized labor regarding these bills, H.R. 3559, H.R. 3562, S. 2640, and S. 2641.

These bills will have a very beneficial effect on some of our smaller manufacturing and fabricating, and pipe mill plants. At the present time the large steel companies in direct competition are underbidding independent pipe and culvert firms because of their ability to underwrite some of the steel costs to themselves. Of course, this same cost is not allowed our fair dealing independent operators who are forced to pay top prices for steel. The bills mentioned would force the large steel companies to declare all costs in this respect and would, therefore, place our operators in a more competitive position. None of our operators object to paying a published list cost on raw material, feeling only that the big steel companies should also pay this cost.

Any help you may be able to give me and the fair dealing operators of our area, as well as the other small fair dealing operators throughout the country will be sincerely appreciated.

Please forward to me any information which may be of benefit to us in our efforts to gain the passage of the aforementioned bills. Senator WAYNE MORSE has had correspondence on this, I know.

Will see you at the Shipbuilding Legislative Conference in Washington, D.C., on the 26th of March. Perhaps you could arrange an audience with some of our Representatives there who may assist in our efforts.

Fraternally yours,

E. L. ANGELL,
*Business Manager.*

EXHIBIT 3(D)

ROYCE ALUMINUM CORP.,
*Taunton, Mass., December 2, 1964.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR KENNEDY: Our industry, which is aluminum extrusions, is quickly reaching a disastrous stage. As you probably know, our source of extrusion ingot supply must come from the primary producers; i.e., Alcoa, being the largest producer in the country, Kaiser Aluminum, and Reynolds Metals. We, in turn, extrude the material, then go into the marketplace and compete with these giants.

In recent months there have been several price increases on raw material. As we have had to pay these increases, the primary producers have in turn reduced their selling price of extrusions with each increase of raw material. Obviously, the handwriting is on the wall.

There is no doubt in my mind, nor in the minds of other independent extruders, that this is a frontal attack to drive the small businessman out of business and thereby monopolize the extrusion market.

We have been in business for 10 years and have never witnessed such a direct assault upon the independent extruders who are performing a valuable service in a more or less localized area and operating for a nominal profit.

We employ approximately 75 people who are dependent upon the existence of this company for the livelihood for themselves and their families and this flagrant violation of selling below cost jeopardizes their future employment.

We have a case in point where today's price of extrusion ingot is being sold to us at $0.263 per pound and in turn the prime producers are selling extrusions to our customers at $0.31 per pound—a difference of $0.047 per pound. Approximately 1 year ago extrusion ingot was being bought for $0.228 per pound and the selling price to this same account was $0.36 per pound (prior to the prime producer's intervening) which gave us a normal profit.

When asked why we cannot negotiate the price of extrusion ingot as they do with our customers, the answer is that extrusion ingot is too close to the basic metal (aluminum pig) which is the "gold standard" of the industry, and nothing will be done to upset that price. Of course, all the producers quote the exact same price for extrusion ingot. It is obvious that they are using the profits derived from the pig, or ingot, to subsidize their extrusion plants.

We recently have had an entry of a new primary producer, Phelps Dodge who, in order to get a foothold in the market, is also using their great advantage of producing primary metal by slashing extrusion prices.

Recent Department of Commerce figures report that 62 percent of all soft alloy extrusions sold in this country is produced by nonintegrated extruders. I believe that this figure in itself demonstrates the terrific marketing and selling job the nonintegrated extruders have performed.

All things being equal, we can compete with these giants, however, under the existing conditions outlined above we have nowhere to turn for help but to you.

We must have your help and assistance to combat forces which are beyond the control of small businessmen, for I still believe that the backbone of the economy of this country is based on the survival of the small businessman.

Anything you can do in our behalf as an official of our great State will be greatly appreciated.

Very truly yours,

EDWIN ROSENBERG,
*President.*

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

Mr. LONG of Louisiana. I am glad to yield to the Senator from Michigan.

Mr. HART. Mr. President, the distinguished Senator from Louisiana, our majority whip, spent many years as an active member of the Senate Small Business Committee. His expertise developed there is evidenced in the three bills concerned with distribution problems which he introduced today.

These bills seek to correct practices which have a substantial effect upon the ability of small and medium size businesses to prosper—or indeed, to survive. As the Senator has indicated, these practices are often referred to as "dual distribution" and "vertical price squeeze." Hearings held by the Senate and House Small Business Committees reveal that these problems exist in numerous industries.

The Robinson-Patman Act has been in effect nearly 30 years. It was designed to help smaller firms survive in their battle with their larger, more integrated rivals. However, it does not reach the difficulties facing smaller business concerns resulting from the growth of vertical integration in many of our industries. It does not protect the smaller businessman in his efforts to compete with the manufacturer who is engaged in both manufacturing and distribution, and who therefore, becomes the competitor of his own customers.

It is not an effective restraint on the vertically integrated manufacturer selling raw or semifinished materials to a fabricator with whom he is competing in the sale of the finished product.

I do not pretend to know today either the extent of the problems or the proper legislative approach to their solutions. These bills, however, do provide a vehicle by which a fuller understanding of the problems can be gained as they appear to exist in many of our industries.

As the Senator from Louisiana [Mr. LONG] stated, it is my intention to schedule hearings by the Antitrust and Monopoly Subcommittee on these measures. I say this now to afford the industries affected full opportunity to prepare factual and specific data—rather than general statements—on the extent and effect of the practices in those industries affected. Only through such comprehensive hearings can a sound legislative solution be formulated.

The Senator from Louisiana is to be commended for his determined efforts to insure we do respond to the problems he has discussed today, and I thank him.

Mr. LONG of Louisiana. I greatly appreciate the statement of the Senator from Michigan, who is chairman of the subcommittee which is now holding hearings on this subject with a view to recommending legislation. It has been the feeling of the Senator from Louisiana that these small concerns often find themselves in a position in which their suppliers, who are also competitors, hold a virtual life and death sentence over their business. It is not too bad that a competitor might graciously permit them to stay in business, but when their competitor who is also their supplier decides to exercise the death sentence over them, it creates a pitiful situation indeed.

I am hopeful that the Senator from Michigan and his subcommittee will carefully study the situation and see if it is not possible for them to report back proposed legislation that would adequately protect the small businessman against those concerns, which I believe to be in the minority, who have very little regard for their small competitors who are also customers for their product.

## TRIBUTE TO EDWARD R. MURROW—THE SHADOW CAST BY CIGARETTES

Mrs. NEUBERGER. Mr. President, I rise to add my voice to that of others who lament and grieve over the death of Edward R. Murrow at the age of 57. Many of us who will forever hear that wonderful voice coming to us with the news through our televisions in our living rooms will more intimately associate it with a spiral of smoke from his ever-present cigarette.

The Senate Committee on Commerce is now completing action on bills that have brought forth great discussion about the relationship between the use of cigarettes and their effect on the health of people. I often wonder, if Ed Murrow could have been here to comment to us, what he might have said about the use of the cigarette.

I ask unanimous consent that an article entitled "Washington: Farewell to Brother Ed," by James Reston, published in today's issue of the New York Times, be printed in the RECORD.

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

WASHINGTON: FAREWELL TO BROTHER ED

(By James Reston)

WASHINGTON, April 27.—Edward R. Murrow lived long enough before he died this week to achieve the two great objectives of a reporter: He endured, survived, and reported the great story of his generation, and in the process he won the respect, admiration, and affection of his profession.

The Second World War produced a great cast of characters, most of whom have been properly celebrated. Roosevelt, Churchill, and Stalin are gone. Chiang Kai-shek is now living in the shadow of continental China, which he once commanded, and only De Gaulle of France retains power among that remarkable generation of political leaders formed in the struggle of the two World Wars.

The great generals of that time too, like MacArthur and Rommel, have died or, like Eisenhower and Montgomery, have retired; but in addition to these there was in that war a vast company of important but minor characters who played critical roles.

THE IRONY OF HISTORY

History would not have been the same without them. They were the unknown scientists, like Merle Tuve, who invented the

proximity fuse and helped win the air war, and Chiefs of Staff like Bedell Smith, and the Foreign Service officers like Chip Bolen and Peter Loxley of Britain, and on the side, the Boswells of the story, like Ed Murrow of the Columbia Broadcasting System.

It was odd of Ed to die this week at 57—usually his timing was much better. He was born at the right time in North Carolina—therefore he was around to understand the agony of the American South. He went west to the State of Washington as a student and therefore understood the American empire beyond the Rockies; and he came east and stumbled into radio just at the moment when it became the most powerful instrument of communication within and between the continents.

A REMARKABLE GROUP

He was part of a remarkable company of reporters from the West: Eric Sevareid, Ed Morgan, Bill Costello whom Murrow recruited at CBS; Hedley Donovan and Phil Potter, out of Minnesota; Elmer Davis, Ernie Pyle, Tom Stokes, Bill Shirer, Raymond Clapper, Wallace Carroll, Webb Miller, Quentin Reynolds, Wally Deuel, the Mowrers, and many others, including his dearest friend, Raymond Gram Swing, who played such an important part in telling the story of the Old World's agony to America.

THIS IS LONDON

But Murrow was the one who was in London at that remarkable period of the Battle of Britain, when all the violence and sensitivities of human life converged, and being sensitive and courageous himself, he gave the facts and conveyed the feeling and spirit of that time like nobody else.

It is really surprising that he lived to be 57. He was on the rooftops during the bombings of London, and in the bombers over the Ruhr, and on the convoys across the Atlantic from the beginning to the end of the battle. Janet Murrow, his lovely and faithful wife, and Casey, his son, never really knew where he was most of the time but somehow he survived.

In the process, he became a symbol to his colleagues and a prominent public figure in his country, and there was something else about him that increased his influence. He had style. He was handsome. He dressed with that calculated conservative casualness that marked John Kennedy. He was not a good writer, but he talked in symbols and he did so with a voice of doom.

It is no wonder that the British, who know something about the glory and tragedy of life, knighted him when they knew he was dying of cancer at the end. Their main hope in the darkest days of the German bombardment of London was that the New World would somehow understand and come to the rescue of the old, and if anybody made the New World understand, it was Murrow.

THE RAT RACE

He hated the commercial rat race of the television networks, and fought their emphasis on what he regarded as the frivolities rather than the great issues of life, and talked constantly of escaping back into the small college atmosphere from which he came. He never made it, and probably wouldn't have liked it if he had.

Those who knew him best admired him most. He was a reporter of the old school and a performer of the new. In radio and television, only the memory of other people remains, and the memory of Ed Murrow will remain for a long time among people who remember the terrible and wonderful days of the Battle of Britain.

## RAIL COMMUTER SERVICE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial entitled "The Commuter Rail Solution," published in the New York Times for today, April 28, 1965.

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

THE COMMUTER RAIL SOLUTION

In all the many years in which New York, New Jersey, and Connecticut have fumbled their way toward a remedy for the railroad commuter problem, never has a governmental solution been so specifically endorsed by a group of business leaders as it was this week by the newly organized Businessmen's Committee for Action on the Commuter Railroad Problem.

The committee's statement was noteworthy for two reasons: Although from a broad cross section of financial institutions, manufacturing concerns, department stores, publishing, advertising, insurance, and utility concerns—whose prevalent outlook would be generally conservative—it conceded that only Government could successfully operate and modernize the commuter lines; furthermore, it was the first time within memory so many top spokesmen for corporate management in this city had taken constructive, positive initiative on a major State and local issue.

The action represents a salutary break with the deplorable tradition of aloofness from the political marketplace. For too long have many of these chief executives of the business world left government on State and city level to the politicians and, except for sporadic participation in various civic agencies, stayed out of the fray.

While starting with an acknowledged reluctance to invade the field of private enterprise with Government subsidy, the new committee finds any solution lacking such aid to be "demonstrably beyond the private capital resources of the railroad companies." A "single public agency or cooperating State agencies" must be put in charge. The short-line, commuter service must be separated from the long-distance problem. Coordination of services is one of the essentials. There is "no reasonable alternative" to preserving commuter service; "in terms of cost and public convenience, the replacement of rail service by bus and private car is unthinkable."

These are all conclusions that we reached in a series of three editorials published in the Times late last year. Reluctantly too, after watching commuter service dwindle through the years while the States individually or in concert proposed first one piecemeal "solution" after another, we concluded that there was no future in mere "rescue," that the only genuine promise lay in coordination, modernization, expansion, making all equipment eventually compatible, abolition of costly turn-around at dead-end terminals, fusion with the city subway system, new trans-Manhattan loops—all manifestly beyond the capacity of private enterprise and attainable only by what amounted to government ownership.

The precedent exists in the city-owned New York transit system, in the Port Authority revitalization of the Hudson & Manhattan, and looms with the Rockefeller plan for State takeover of the Long Island. Without the security of tri-State agreement on such policy of government operation, enlargement and improvement of rail service, only periodical crises, relieved by palliatives, lie ahead.

The support of sound policy by these business executives could be the turning point in an hour when great decisions must be made. The danger, as in the past, is that the politicians will be satisfied with the making of small plans.

Mr. JAVITS. Mr. President, the editorial ties in with a statement I made yesterday, as appears at page 8550 of the RECORD, under the title "Public Rail Agency" and shows large business support for Government participation in the operation of commuter rail service in the New York area in a coordinated way.

Mr. President, we must put every possible effort and inducement before the State governments and the Federal Government. The State governments concerned are those of New York, New Jersey, and Connecticut, and perhaps Rhode Island and Massachusetts, as well. This seems to be the moment in which the great breakthrough in respect to rail commuter transportation can take place.

When anyone thinks of the number of automobile highways that would have to be constructed for only the 200,000 commuters who enter the city of New York each day, he knows that that would be impossible; we cannot go that route. The rail solution is the only way.

It is gratifying to observe that the business community, notwithstanding its deep feeling about private enterprise, is at last understanding that the solution must be a partnership of private and public enterprise—mixed enterprise, as I have called it—to do the job.

## ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to be transacted, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 29, 1965, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate April 28, 1965:

DIPLOMATIC AND FOREIGN SERVICE

Charles W. Adair, Jr., of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

William R. Tyler, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

Henry J. Tasca, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Henry A. Hoyt, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

## CONFIRMATIONS

Executive nominations confirmed by the Senate April 28, 1965:

DEPARTMENT OF THE TREASURY

Joseph W. Barr, of Indiana, to be Under Secretary of the Treasury.

Merlyn N. Trued, of New Jersey, to be an Assistant Secretary of the Treasury.

CIVIL AERONAUTICS BOARD

John G. Adams, of South Dakota, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1970.

FEDERAL COMMUNICATIONS COMMISSION

James J. Wadsworth, of New York, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

FEDERAL POWER COMMISSION

Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission for the term expiring June 22, 1969.

DEPARTMENT OF COMMERCE

Alexander B. Trowbridge, of New York, to be an Assistant Secretary of Commerce.

COMMUNICATIONS SATELLITE CORP.

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp., until the date of the annual meeting of the corporation in 1968.

IN THE COAST GUARD

The nominations beginning Cecil Warren Allison to be ensign, and ending Gerald Joseph Zanolli to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 21, 1965; and

The nominations beginning Philip P. Coady to be lieutenant, and ending William Chestnutt to be chief warrant officer, W–2, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 1965.

# EXTENSIONS OF REMARKS

## Hon. Oren Harris

EXTENSION OF REMARKS
OF
## HON. WILLIAM L. SPRINGER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1965*

Mr. SPRINGER. Mr. Speaker, this week the American Good Government Society honored one of our most dedicated and able colleagues by presenting its 1965 George Washington Award to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Unfortunately, because of a longstanding commitment for a speaking engagement, I was unable to be present at the dinner at which our good friend, the gentleman from Arkansas, OREN HARRIS, received this award. However, in making the formal presentation, our former colleague, the Honorable Harold O. Lovre, quoted a tribute which I paid to our chairman of the occasion of the hanging of his portrait in the committee room.

What I said then is still true. OREN HARRIS has been a chairman of tremendous balance and judgment whose fairness is a hallmark of his character that has been noted time and again by every member of our committee whether he sits on the majority or the minority side of the committee table.

This is borne out in the presentation speech of Harold Lovre, a former Republican Congressman, which I include here under leave to extend my remarks:

I am delighted to have the singular privilege of presenting one of the 1965 George Washington Awards to a grand American who epitomizes sound constitutional government in its finest form.

My pleasure is enhanced by having known him personally since 1949, and having served with him in the Congress of the United States. Over those year, I have watched him in action in the committee room and on the floor, and I earnestly believe him to be one of the greatest legislators and public servants of our time.

He has achieved this high standing largely because of his unswerving dedication to the principles laid out for us long ago by the revered founders of this glorious Republic. He is sincere of purpose. He is loyal to his people and his country. He drives himself to the limits of his endurance, and he has an uncommon capacity for looking objectively and in great depth at all sides of an issue. His judgments, when finally passed, reflect logic, a keen sense of fair play and, above all, the courage of his convictions.

Born in Arkansas, he received his law degree in 1930 from Cumberland University in Tennessee. Three years later he became deputy prosecuting attorney of Union County in Arkansas. Then he was elected prosecuting attorney of the 13th Judicial District of Arkansas, where he served until 1940.

In that year, the people of his district elected him to represent them in the Congress of the United States and they have been reelecting him ever since.

He currently is in his ninth year as chairman of the important 33-member House Committee on Interstate and Foreign Commerce. Established in 1795, this is the oldest continuous committee of the Congress, and has the broadest jurisdiction of any committee in the House.

Among other things, this great committee deals with legislation affecting communications, securities, petroleum, natural gas, and public health.

It also handles all matters relating to commerce and transportation, which are the lifeblood of any nation, and under his chairmanship we have developed a remarkable transportation system that is the envy of all the world.

Chairmanship of such a committee is a man-sized job, but the gentleman from Arkansas does not stop there. He also directs the activities of four subcommittees and, in addition, heads the special investigative subcommittee which looks into and exposes such things as rigged TV quiz shows, payola, and similar unfunny funny business.

His work has carried him all over the world. In 1957, for example, he headed a study and investigation in connection with the International Geophysical Year which took his delegation to both the North and South Poles, including a week in Antarctica observing the scientific expedition of the National Science Foundation, which was established by his committee. More recently, the committee took a leading role in the authorization and development of the Telstar communications satellite.

He has been given awards and accorded honors too numerous to mention, so we are by no means the first group to recognize his outstanding service.

While he is human enough to cherish all of these awards, I suspect that he might be most proud of something that was said about him some time ago on the occasion of a presentation of his portrait to the committee. Among those who volunteered a few remarks that day was the Honorable WILLIAM SPRINGER, a ranking Republican on the committee.

BILL SPRINGER's remarks that day paint a vivid picture of the gentleman we honor tonight, and here is what BILL said:

"I came on the committee some 8 years ago. OREN at that time was about third, or fourth, and I was sitting at the small table down near the end.

"As the years passed, I came to have a tremendous respect and admiration, for not only the mind of this man, which is keen in itself, but also for his thoughtfulness in his treatment of the other members of the committee, and, especially since he has been chairman, of those of us who have been across the aisle.

"I think our committee has been in many respects a nonpartisan committee. I don't know that I could use the word 'bipartisan,' although we seem to bring a lot of legislation the the floor which comes with the approval of both parties * * * but certainly it has been a nonpartisan committee * * * and largely through the chairmanship of OREN HARRIS, we have made exceptional progress in the past 3 or 4 years.

"It takes that kind of chairman, if you are going to get real legislation coming out of a committee where the economics of American life and the competition between the various economic segments is so keen. Only a chairman with tremendous balance and judgment could accomplish what he has in the time he has been chairman of this committee."

In those few words, BILL SPRINGER just about said it all, and I shall make no effort to gild the lily.

Therefore, I shall now exercise what I consider a very high privilege and present on behalf of the American Good Government Society the 1965 George Washington Award to the Honorable OREN HARRIS of Arkansas.

## Victory Memorial Hospital in Brooklyn Continues To Provide Unexcelled Services After 60 years

EXTENSION OF REMARKS
OF
## HON. HUGH L. CAREY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1965*

Mr. CAREY. Mr. Speaker, for many years the Bay Ridge community in Brooklyn has been considered one of the most underhospitalized areas in the city.

One of the leaders in the struggle against sickness and suffering has been Victory Memorial Hospital, Bay Ridge's