strike. Government and public opinion are strongly opposed to interference with rail service. The union's freedom to strike is subordinated to the public interest.

Every step in bargaining takes into consideration the fact that the Government won't allow a national rail strike to go on beyond a few hours.

There is little real bargaining before a Presidential board is appointed under the Railway Labor Act, according to Prof. Herbert R. Northrup, of the University of Pennsylvania's Wharton School. Presidential factfinders complained of this in 1961 and again last year, sharply criticizing the parties' "failure to meet problems * * * without invoking the aid of outsiders."

The absence of real bargaining before a board is named insures the appointment of a large number of boards, according to Northrup. The frequency of boards lessens their effectiveness "in making public opinion an effective enforcement measure." And, he said, the delay in real bargaining until after the boards report "creates the actual emergency—if such can occur—after the emergency board has reported and is ready to bow out" rather than before, when Railway Labor Act procedures are operative.

Northrup believes "reform is in order," perhaps the substitution of compulsory arbitration (something neither side wants) for emergency board procedures, now accepted as a railroad bargaining way of life.

Prof. Jacob J. Kaufman, of Pennsylvania State University, also suggests that the Railway Labor Act's "cumbersome and ineffective" procedures should be changed. Kaufman would leave "vexing problems" to bargaining on individual railroads, taking the issues out of national negotiations and restoring the possibility of strikes without "the impact of a national strike" as a way of prodding the parties into meaningful bargaining.

Mr. MILLER. There are union charges that the Pennsylvania Railroad separated out too many firemen—helpers—with the result that a few months later they hired new ones instead of those who had been separated. Subsequently, I understand, this was rectified; but much friction was caused which might have been avoided. Additionally, there are charges that with too few firemen—helpers—available, trainmen have had to perform additional duties contrary to the arbitration award. Also that subsequent interpretations by the reconvened Board of Arbitration were ignored by the railroad regarding the separation of firemen—helpers—having over 2 years' service.

One of the most alarming charges is that the railroad has failed to pay separation allowances according to interpretations by the reconvened Arbitration Board.

I am quite sure that Congress could, by having a joint committee look into the implementation of Public Law 88–108, avoid many of the charges and countercharges, the volume of which seems to be increasing. Hardships to families which may have arisen due to misinterpretation of the Arbitration Board's rulings and interpretations should most certainly be avoided.

Let me conclude by saying that I am not such an optimist as to think that all manner and type of disputes can be looked into, let alone cleared up, by the establishment of such a committee. Some undoubtedly can be. What is even more important is that the Congress can and should see to it that the policies underlying the laws we have passed are in fact carried out—policies affecting the economic well-being and security of our country, which depends so greatly on our railroads. Now is the time to do this. Delay until March 31, 1966, could cause irreparable hardship.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 78) providing for the establishment of a joint committee of the two Houses of the Congress to study matters relating to the implementation of the award of the board established under Public Law 88–108 to arbitrate a labor dispute between certain carriers by railroad and their employees, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF AMENDMENT

Mr. PELL. Mr. President, I ask unanimous consent that the name of the senior Senator from Wisconsin [Mr. PROXMIRE] be added as a cosponsor of the so-called poll watcher amendment No. 167, submitted by the senior Senator from Hawaii [Mr. FONG] to the Mansfield-Dirksen amendment in the nature of a substitute for the voting rights bill.

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

ADJOURNMENT

Mr. PELL. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon on Monday.

The motion was agreed to; and (at 6 o'clock and 4 minutes p.m.), the Senate adjourned, under the order previously entered, until Monday, May 10, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 7, 1965:

NATIONAL CAPITAL TRANSPORTATION AGENCY

Walter J. McCarter, of Illinois, to be Administrator of the National Capital Transportation Agency.

THE JUDICIARY

Donald Frank Turner, of Massachusetts, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

U.S. ATTORNEYS

Justin J. Mahoney, of New York, to be U.S. attorney for the northern district of New York for the term of 4 years. He is now serving in this office under an appointment which expires May 5, 1965.

William T. Thurman, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years. He is now serving in this office under an appointment which expires May 5, 1965.

Joseph P. Kinneary, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years. He is now serving in this office under an appointment which expires May 15, 1965.

Lawrence M. Henry, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years. He is now serving in this office under an appointment which expires May 1, 1965.

STATE DEPARTMENT

John M. Leddy, of Virginia, to be an Assistant Secretary of State, vice William R. Tyler.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 7, 1965:

POSTMASTER

I withdraw the nomination sent to the Senate on January 29, 1965, of Lottie G. Moore to be postmaster at Durbin, in the State of West Virginia.

CONFIRMATIONS

Executive nominations confirmed by Senate May 7, 1965:

DEPARTMENT OF AGRICULTURE

John A. Schnittker, of Kansas, to be Under Secretary of Agriculture.

SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1970.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 10, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: Isaiah 58: 14: *Then shalt thou delight thyself in the Lord.*

Almighty God, we worship and adore Thee as the Lord of life and light, who alone can enable us to rise above all confusions and contradictions and rescue us from the trials and tribulations which so frequently beset us.

We rejoice that in our loneliness Thou dost walk with us, setting us free from weariness and fear, and girding us with power to remain unitedly steadfast and faithful.

May we understand that the fact of our human solidarity has never been more deeply felt or resolutely proclaimed than it is today.

If our civilization and democracy are to remain, then we must seek to organize society into a fellowship of friendship and fraternity, of good will, and charity.

Wilt Thou send us into the crowded ways of life with hearts of compassion and concern and may the members of the human family live together in honor and peace.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 6, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

amendment a bill of the House of the following title:

H.R. 7064. An act to amend the Foreign Service Buildings Act of 1926, as amended.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1796. An act to amend the Small Business Act to provide additional assistance for disaster victims.

BIRTHDAY ANNIVERSARY OF HON. CARL ALBERT

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

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

There was no objection.

Mr. STEED. Mr. Speaker, I have asked for this time for the pleasure of making a very happy announcement. I should like to inform the Members of the House that today is the birthday of our beloved majority leader, the gentleman from Oklahoma, CARL ALBERT. I want to join in wishing him happy returns of the day and express the hope that he will be here with us many more years for his very distinguished and useful service.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, may I join the distinguished gentleman from Oklahoma in wishing our distinguished majority leader, CARL ALBERT, our very best wishes on this birthday anniversary. We, on our side of the aisle, are proud to work with him. We are proud of the record that he has made in the Congress of the United States. CARL ALBERT is a real gentleman, an outstanding leader of the Democratic Party, and I am very proud and honored to call him a friend. He has our warmest regards and best wishes. We hope he has many more years of good health, happiness, and success.

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

Mr. STEED. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I just want to second what our very distinguished minority leader has said about CARL ALBERT. I have worked with CARL ALBERT through the years that we have been here together. He is one of the ablest, finest, and most distinguished gentleman I have known in my lifetime, always cooperative and always understanding. I wish for him many happy years in the future.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I would be amiss in the sentiment of friendship and of appreciation of the highest qualities of heart and brain in a colleague if I did not join in these happy birthday greetings to the distinguished majority leader. I have never known a more remarkable person than CARL ALBERT. Every day, since the tragic death of Mr. Sam called him to leadership, his stature has grown, and I am making a statement with which I am sure no one will disagree when I say he is recognized on both sides of the aisle as one of the alltime legislative giants of the House of Representatives of the Congress of the United States. I predict for our beloved and dedicated majority leader a future of ever-expanding brilliance in the service of our country and of the American people.

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

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

There was no objection.

Mr. EDMONDSON. Mr. Speaker, it is a pleasure to join today in extending birthday greetings to Oklahoma's most famous legislator, our beloved and able majority leader, CARL ALBERT.

Very few men in Washington bear a heavier load of responsibility than our distinguished colleague from McAlester, and certainly no one shoulders his responsibility with greater ability, seriousness of purpose, and genuine humility.

CARL ALBERT has grown in stature and following with every passing year of his remarkable public career, and his contribution to responsible and effective legislative action is acknowledged by all observers of the Washington scene.

Every Oklahoman is proud to salute this outstanding Sooner on his birthday, and I am confident every Member of this body joins in the hope that we can celebrate happy birthdays for CARL ALBERT for many years to come.

ADDITIONAL LEGISLATIVE PROGRAM

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the gentleman from Texas [Mr. TEAGUE] has advised that he will call up under unanimous-consent request tomorrow three bills unanimously reported by the Committee on Foreign Affairs; namely, H.R. 225, providing statutory authority for the Veterans' Administration to assist the President in his program of honoring the memory of deceased veterans by means of an appropriate certificate to be sent to the next of kin or other close relative or friend. This memorial certificate program is now in operation, and enactment of this bill would place it on a permanent basis; H.R. 2414, authorizing conveyance, without consideration, of approximately 47 acres of land situated in the reservation of the Veterans' Administration Hospital, Roseburg, Oreg., to that city; and H.R. 4421, authorizing the Administrator of Veterans' Affairs to convey to the city of Cheyenne, Wyo., without monetary consideration, for park and recreational purposes, approximately 27 acres of land, a portion of the Veterans' Administration reservation at the Veterans' Administration Center, Cheyenne.

EXPANDING AUTHORITY OF THE CANAL ZONE GOVERNMENT TO SETTLE CERTAIN CLAIMS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 720) to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

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

H.R. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of title 2, Canal Zone Code (76A Stat. 22), is amended to read as follows:

"§ 271. Claims arising from civil government

"(a) The Governor, or his designee, may adjust and pay claims for injury to, or loss of, property or personal injury or death arising from the activities of the Canal Zone Government.

"(b) An award made to a claimant pursuant to this section shall be payable out of any moneys appropriated for or made available to the Canal Zone Government. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by him of his claim against the United States, except that the Governor may make an interim partial award for humanitarian or compassionate reasons in a sum not exceeding $1,000.

"(c) This section does not apply to tort claims cognizable under section 1346(b) of title 28, United States Code."

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

AUTHORIZING TRANSFER OF CERTAIN CANAL ZONE PRISONERS TO CUSTODY OF THE ATTORNEY GENERAL

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 724) to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

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

H.R. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5003 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(b) The term 'State' as used in this section includes any State, territory, or possession of the United States, and the Canal Zone."

SEC. 2. (a) Subsection (b) of section 6503 of title 6, Canal Zone Code, is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

With the following committee amendment:

Page 1, line 5, delete "'(b)", and insert in lieu thereof "'(d)".

The committee amendment was agreed to.

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

REGULATING ARCHEOLOGICAL EXPLORATION IN THE CANAL ZONE

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 4528) to regulate archeological exploration in the Canal Zone, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

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

H.R. 4528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 2 of the Canal Zone Code, approved October 18, 1962 (76A Stat. 1), is amended by adding thereto a new chapter 54 embracing sections 741 to 747, and reading as follows:

"CHAPTER 54—ARCHEOLOGICAL EXPLORATION

"Sec.
"741. Archeological exploration declared subject to regulation.
"742. Unauthorized archeological activity prohibited.
"743. Permits authorized.
"744. Regulations authorized.
"745. Receiving items illegally obtained.
"746. Seizure of items illegally obtained; forfeiture.
"747. Punishment of violations.

"§ 741. Archeological exploration declared subject to regulation

"In order to preserve as a public heritage all items of prehistorical and historical value and to increase the knowledge of such items, archeological exploration in all lands and waters of the Canal Zone is hereby made subject to regulation in the public interest.

"§ 742. Unauthorized archeological activity prohibited

"No person shall excavate, explore, injure, destroy, or appropriate any prehistoric or historic ruin, site, wreck, or other thing of prehistorical or historical value except as authorized by the provisions of this chapter or the regulations prescribed hereunder.

"§ 743. Permits authorized

"Except as to military or naval reservations, the Governor is authorized to issue permits for—

"(1) the exploration for, or of, ruins, sites, wrecks, objects, or other things of prehistorical or historical value;

"(2) the excavation of archeological or historical ruins or sites; and

"(3) the gathering or salvage of objects or things of prehistorical or historical value

to reputable museums, universities, colleges, or other recognized scientific or educational institutions or societies in the United States or on the Isthmus of Panama, or to their duly authorized agents. The Secretary of each military department or his designee is authorized to issue such permits covering lands and waters within military or naval reservations.

"§ 744. Regulations authorized

"The President is authorized to prescribe regulations for the purpose of carrying out the provisions of this chapter.

"§ 745. Receiving items illegally obtained

"Whoever receives, transports, conceals, stores, barters, buys, sells, or disposes of any object, article, or thing of prehistorical or historical value, knowing or having cause to believe the same to have been obtained or taken without a permit, or contrary to the terms of a permit, or otherwise contrary to this chapter or the regulations prescribed hereunder, shall be punishable as provided in section 747 of this title.

"§ 746. Seizure of items illegally obtained; forfeiture

"Any object, article, or thing of prehistorical or historical value taken, removed, or appropriated without a permit, or contrary to the terms of a permit, or taken, removed, or appropriated in a manner otherwise contrary to this chapter or the regulations issued hereunder, may be seized whenever and wherever lawfully found by any person authorized to enforce this chapter or the regulations prescribed hereunder. Upon conviction of the offender or upon judgment of the United States District Court for the District of the Canal Zone that the property was taken, removed, or appropriated without lawful authority, the property shall be forfeited to the United States and disposed of in the manner provided by the regulations authorized hereunder, even though, when seized, the property may have been in the possession or custody of an innocent holder or purchaser. In instances in which the offender cannot be charged because absent from the jurisdiction or from any other cause, and in instances in which the taking of the property, though unauthorized, occurred under circumstances not constituting a crime, the United States attorney shall bring the matter before the district court by special petition seeking a judgment of forfeiture of the property, giving notice by publication of the right of any person claiming an interest in the property to oppose the petition.

"§ 747. Punishment of violations

"Any person who violates any provision of this chapter, or of the regulations issued hereunder, shall be punished by imprisonment in jail for not more than one year, or by a fine of not more than $10,000, or by both."

SEC. 2. The chapter analysis of part 2, title 2, Canal Zone Code, is amended by inserting the following item:

"54. Archeological exploration..... 741".

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

GRANTING INCREASED BENEFITS TO PERSONS RECEIVING CASH RELIEF UNDER THE PANAMA CANAL CASH RELIEF ACT AND EXTENDING CASH RELIEF BENEFITS TO WIDOWS OF RECIPIENTS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 5990) to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937, and to extend cash relief benefits to widows of recipients, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BONNER]?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that there will be no cost to the Federal Government as a result of this legislation?

Mr. BONNER. That is correct.

Mr. GROSS. This would not indirectly result in an increased cost in that the retirement benefits will be paid out of revenue from the operation of the Canal Zone?

Mr. BONNER. That is correct.

Mr. GROSS. Of course, if the Federal Government should augment payments for the operation of the Canal Zone, then this would result in no cost even in that event?

Mr. BONNER. That has never been necessary, I will say to the distinguished gentleman, and it is not likely that it will be necessary. With the receipts and the expectation of an increased utilization of the canal, it is hard to understand how that would be necessary.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 181(b) of title 2, Canal Zone Code, approved October 18, 1962 (76A Stat. 20), is amended to read as follows:

"(b) An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) of this section and shall be allowed without regard to the limitations contained therein."

SEC. 2. Section 181 of title 2, Canal Zone Code, is further amended by inserting new subsections (c) and (d) and by amending the existing subsection (c) and relettering it as subsection (e), the three subsections to read as follows:

"(c) The Governor of the Canal Zone may pay cash relief to the widow of any former employee of the Canal Zone Government who, until the time of his death, receives or has received cash relief under subsection (a) of this section or under the Act of July 8, 1937. The term 'widow' as used in this section includes only the following:

"(1) A woman legally married to such employee at the time of his termination for disability and at his death; or

"(2) A woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death.

Cash relief granted to such widows shall not at any time exceed 50 per centum of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.

"(d) The Governor of the Canal Zone is authorized to conduct an assistance program for the benefit of former employees and their widows who receive cash relief under this section. Such assistance may include medical and nursing services in the recipients' home, medicine, artificial limbs, eye glasses, outpatient treatment, and the repackaging and distribution of donated food and supplies, such as those obtained from the Cooperative for American Remittances to Europe organization. The funds appropriated for this assistance program shall not exceed $25,000 in any fiscal year.

"(e) Effective October 5, 1958, the Civil Service Retirement Act applies to those classes of employees of the Canal Zone Government and the Panama Canal Company who would have been eligible to receive benefits under the cash relief program if their services had been terminated by reason of disability prior to that date."

SEC. 3. This Act shall take effect on the first day of the month following that in which it is enacted.

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

AUTHORIZING APPROPRIATIONS TO SMITHSONIAN INSTITUTION TO CARRY OUT ITS FUNCTIONS UNDER THE ACT OF JULY 2, 1940

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 7059) to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7059

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That section 7 of the Act of July 2, 1940 (54 Stat. 725; 20 U.S.C. 79e), is amended to read:

"SEC. 7. There are authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, such sums as are necessary for the administration of this Act and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this Act."

SEC. 2. Section 4(g) of the Act of July 2, 1940 (54 Stat. 725), as modified by section 801 of Reorganization Plan Numbered 3, effective July 16, 1946 (60 Stat. 1101; 20 U.S.C. section 79b(f)), is amended to read as follows:

"(g) include in its annual report of its operations to Congress a statement of activities and operations during the preceding year."

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

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

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

There was no objection.

Mr. BOW. Mr. Speaker, the act of July 2, 1940, established the Canal Zone biological area as an independent Government entity with its own board of trustees and an annual appropriations limitation of $10,000. In 1946, the functions and authority of the independent board were transferred as a whole to the Smithsonian Institution by Reorganization Plan No. 3, and the Canal Zone biological area became an integral part of and an important center for the Smithsonian's programs in tropical biology. Although it was not the intent or effect of this transfer to place a $10,000 limitation on the Smithsonian's expenditures for tropical biology, it was not possible, using the Reorganization Act power, to remove this inappropriate portion of the original legislation. Consequently this legislation introduced in the Congress at the request of the Board of Regents, is proposed for the purpose of removing this limitation and making clear that the appropriations authority for Smithsonian activities associated with Barro Colorado Island is the same basic authority underlying appropriations for other longstanding Smithsonian research programs.

The passage of such legislation at this time is desirable in view of the Smithsonian's plans to establish an administrative unit to be known as the Institute of Tropical Biology, the purpose of which will be to coordinate and extend the research opportunities now afforded by the various Smithsonian programs in tropical biology, including the activities on Barro Colorado Island. The Smithsonian's efforts to respond with greater effectiveness and economy to its traditional obligations in field biology in the New World tropics, can thus move forward without any possible question as to its appropriations authority which might arise from a misconception of this earlier legislation framed in a more limited context.

Mr. Speaker, I feel it proper to advise the House regarding a breakdown of appropriations and trust fund expenditures of 1950 to 1966 and also a breakdown of current year budget showing the various objects of expenditure. Both as a member of the Board of Regents of the Smithsonian Institution and as a Member of the House I urge the passage of H.R. 7059.

Canal Zone biological area appropriations and trust fund expenditures, 1950–66

Fiscal year	Canal Zone biological area appropriation	Statutory appropriation limitation	Trust fund expenditures	Amount appropriated in addition to statutory limitation
1950	$5,000	$10,000	$10,835	----------
1951	18,000	10,000	8,721	$8,000
1952	16,647	10,000	10,744	6,647
1953	7,000	10,000	10,991	----------
1954	7,881	10,000	10,847	----------
1955	8,473	10,000	7,920	----------
1956	18,790	10,000	9,292	8,790
1957	30,274	10,000	7,004	20,274
1958	34,785	10,000	4,513	24,785
1959	61,768	10,000	11,018	51,768
1960	53,000	10,000	21,000	43,000
1961	52,000	10,000	20,000	42,000
1962	60,000	10,000	14,000	50,000
1963	97,000	10,000	10,000	87,000
1964	138,000	10,000	16,000	128,000
1965 [1]	159,000	10,000	15,000	149,000
1966 [1]	159,000	10,000	15,000	149,000

[1] Estimated.

Canal Zone biological area, fiscal year 1965

	Current annual salary
NM–14 (director)	$18,176
NM–12 (plant taxonomist)	13,100
NM–12 (zoologist)	12,745
NM–11 (administrative officer)	11,178
NM–7 (administrative assistant)	6,050
NM–4 (wildlife technician)	4,410
NM–4 (clerk typist)	4,139
NM–3 (game warden)	3,245
NM–3 (game warden)	3,245
NM–3 (wildlife technician)	3,037
MS–8 (foreman)	6,781
M–11 (electrician)	6,094
M–10 (launch operator)	5,013
M–10 (launch operator)	5,013
M–8 (cook)	3,162
M–8 (cook)	3,286
M–7 (carpenter)	2,766
M–5 (helper)	2,163
Total salary	113,603

(Key: NM=Nonmanual equivalent to general schedule; M=Manual equivalent to wage; MS=Manual supervisor.)

(NOTE.—Overtime, holiday, part time and temporary employment, and certain other premium pay differentials are not included.)

Personnel compensation (11)	$119,000
Personnel benefits (12)	8,000
Travel and transportation of persons (21)	6,000
Transportation of things (22)	2,000
Rent, communications, and utilities	4,000
Other services (25)	3,000
Supplies and materials (26)	12,000
Equipment (31)	5,000
Total	159,000

AUTHORIZING PRINTING OF ADDENDUM TO REPORT OF 44TH NATIONAL CONVENTION, DISABLED AMERICAN VETERANS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 257) and ask for its immediate consideration.

H. RES. 257

Resolved, That there shall be printed as an addendum to House Document Numbered 39,

Eighty-ninth Congress (the Report of the Forty-fourth National Convention, Disabled American Veterans), the following matter relating to the Disabled American Veterans: (1) financial statements and supplemental schedules for the year ended December 31, 1963, and accountants opinion; and (2) financial statements for the year ended June 30, 1964, and accountants opinion.

SEC. 2. The number of copies of the addendum printed pursuant to the first section of this resolution and the distribution thereof shall be the same as in the case of House Document Numbered 39, Eighty-ninth Congress.

The SPEAKER. The gentleman from Ohio [Mr. HAYS] is recognized.

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

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. Only a day or so ago, a Member of the House who is knowledgeable on the subject of the costs of printing told me that we are spending for our printing at the annual rate of about $5 million. He says this printing bill is increasing steadily. It would be my hope, and I have no quarrel with the resolutions that are to be considered this morning, but it would be my hope that the gentleman and his subcommittee would scrutinize very carefully all bills that pertain to printing that come before his subcommittee in the future.

Mr. HAYS. I can say to the gentleman, and I thank the gentleman for his comments, that the bills that come to the floor are not by any means all the bills that come before the subcommittee and the full committee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT NO. 175, OF THE JOINT ECONOMIC COMMITTEE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That there be printed for the use of the Joint Economic Committee five thousand additional copies of House Report Numbered 175, Eighty-ninth Congress, first session, entitled "Report of the Joint Economic Committee on the January 1965 Economic Report of the President With Minority and Additional views".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT A REVISED EDITION OF "THE CAPITOL"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 364

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document, with illustrations, a revised edition of "The Capitol"; and that four hundred and sixty-nine thousand additional copies shall be printed, of which four hundred and thirty-nine thousand copies shall be for the use of the House of Representatives and thirty thousand copies shall be for the use of the Joint Committee on Printing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF POCKET-SIZED EDITION OF "THE CONSTITUTION OF THE UNITED STATES OF AMERICA" AS A HOUSE DOCUMENT

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 383

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the pamphlet entitled "The Constitution of the United States of America" (pocket-sized edition), as revised and reprinted by the United States Department of Health, Education, and Welfare; and that there shall be printed sixty-four thousand five hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives and twenty thousand six hundred copies shall be for the use of the Senate. Such copies shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

With the following committee amendment:

On page 1, line 2, strike out all after the resolving clause through the word "Welfare" on line 6, and insert the following: "That there shall be printed as a House document 'The Constitution of the United States of America', as amended (pocket-sized edition);".

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS—SUPPLEMENT, JANUARY 4, 1965"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 27 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations sixty thousand additional copies of its committee print of the Eighty-ninth Congress, first session, entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965", a study prepared by the Legislative Reference Service of the Library of Congress for the Subcommittee on Intergovernmental Relations.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPRINTING OF HOUSE DOCUMENT 103, 88TH CONGRESS, ENTITLED "HOW OUR LAWS ARE MADE"

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 165) authorizing reprinting of House Document 103 of the 88th Congress, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 165) entitled "Concurrent resolution authorizing reprinting of House Document Numbered 103 of the Eighty-eighth Congress", do pass with the following amendment:

On page 1, line 8, strike out all after "printed" down to and including "Room." in line 12 and insert "one hundred sixty-three thousand additional copies of such document, of which one hundred thirty-two thousand shall be for the use of the House of Representatives and thirty-one thousand shall be for the use of the Senate.

"SEC. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective House and Senate Document Rooms."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HEALTH RESEARCH FACILITIES AMENDMENTS OF 1965

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes. After general debate,

which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH], and to myself such time as I may consume.

Mr. Speaker, House Resolution 355 provides for consideration of H.R. 2984, a bill to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes. The resolution provides an open rule with 3 hours of general debate, making it in order to consider the substitute amendment now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The present health research facilities program was initially authorized in 1956, and provided an authorization of $30 million annually for matching grants of up to 50 percent of the costs of construction of health research facilities.

When the program was initially authorized, total national expenditures for medical and health-related research were slightly over $300 million, as contrasted with $1.7 billion in 1964. The demand, in terms of approved applications for health research facilities construction has always exceeded the funds available. Present estimates are that the backlog of approved but unfunded health research facilities applications exceeds $80 million for the fiscal year 1965.

Under the Health Professions Educational Assistance Act of 1963, construction assistance is limited to facilities for the teaching of students; however, research facilities are an essential and integral part of any medical, dental, or health professions school. The expansion of medical education requires an expansion of research facilities, for without these facilities a new school cannot attract the faculty for the instruction and inspiration of high-caliber students.

Other demands for new research facilities arise out of the rapid changes taking place in the nature of medical research. Modern methods of research can bring to bear the full array of new techniques but these techniques often require more sophisticated instrumentation, and often involve higher standards of air conditioning and more precise environmental control.

The cost of meeting these needs is far outweighed by the cost to the health of the American people of impeding the progress of medical research through inadequate facilities. The continuation of this program is a minimal and essential step which must be taken to insure the continued progress of medical research.

H.R. 2984 would extend the present program for construction of health research facilities for 3 additional years, with an authorization of $280 million in the aggregate for matching grants for such facilities, in lieu of the existing $50 million annual appropriation authorization; provide a 3-year authorization, with a ceiling of $43 million, for the Public Health Service to enter into research contracts in lieu of the existing authorizations contained annually in appropriation acts; and authorize three additional Assistant Secretaries of Health, Education, and Welfare.

Mr. Speaker, I urge the adoption of House Resolution 355.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Florida [Mr. PEPPER] in my opinion has very ably explained the rule and the purpose of the bill. I agree with his statements and ask to be associated with them.

May I simply add that it is my understanding that this bill is here at the request of the administration. They originally asked for what might be called an open-end, no time limit on the extension. The committee in its wisdom felt that the Congress should review the program periodically and accordingly have placed a 3-year time limit on the extension.

The total cost of the program provided in the bill will be slightly in excess of $409 million over the 3-year fiscal period 1966 through 1968. An aggregate of $280 million in appropriations is authorized for health research facilities. Forty-three million dollars annually is authorized for the continuation of contract facilities. It is anticipated that the additional cost associated with the appointment of additional Secretaries will be minimal. The testimony before the Committee on Rules was to the effect that there will be three additional Secretaries. These individuals presently exist and are operating. The main purpose of the provision is that in holding various conferences and attending meetings and the like, if they had this authority their word might be more strongly accepted than if they were merely individuals in the Department. They state that it will not cost too much additional money.

Mr. Speaker, I do not know of any objection to the rule. In fact, I know of no objection to the bill. I urge the adoption of the rule.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether the $409 million is in addition to present appropriations for the Department of Health, Education, and Welfare or is a part of the appropriation that was approved by the House a few days ago?

Mr. SMITH of California. I would assume that it is part of the appropriations being made. The report states that the total cost of the programs provided in the program is $409 million for the 3 years.

Mr. GROSS. The question is, would this be additional to the amount since this represents new legislation?

Mr. SMITH of California. I wonder if the gentleman from Arkansas [Mr. HARRIS] would like to answer that question?

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

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. HARRIS. No, it is not a new program. It is not a new authorization. The bill extends two present programs that have been in existence for some time and that in my judgment and the judgment of the committee have proved their worth.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. So that the $409 million, as stated in the report, will not be additional to present appropriations for the Department of Health, Education, and Welfare, but will be absorbed by present appropriations? Is this what I understand from the gentleman from Arkansas?

Mr. HARRIS. No, I did not intend to leave that impression at all. The bill extends two existing programs for 3 additional years. To that extent the bill provides additional authorization for the next 3 years after the program expires this year.

Mr. GROSS. I see. Approximately one-half billion dollars?

Mr. HARRIS. Almost.

Mr. GROSS. Plus the cost of three additional secretaries and their retinues?

Mr. HARRIS. If the gentleman from California will yield further, I shall be glad to continue this discussion when we get in the Committee of the Whole and explain the matter as thoroughly as I can.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 98]

Abbitt	Giaimo	Passman
Adair	Gilligan	Patman
Andrews, George W.	Grabowski	Powell
	Green, Oreg.	Price
Andrews, Glenn	Gubser	Quillen
	Gurney	Reid, N.Y.
Annunzio	Halpern	Reifel
Ashley	Hamilton	Resnick
Ayres	Hanna	Robison
Battin	Hathaway	Rodino
Bell	Henderson	Rogers, Tex.
Berry	Holland	Roosevelt
Bingham	Jennings	St Germain
Blatnik	Laird	Saylor
Bolling	Landrum	Scheuer
Brademas	Lennon	Shipley
Broyhill, N.C.	Lindsay	Shriver
Buchanan	Long, Md.	Sikes
Cahill	McCarthy	Stephens
Chelf	McDowell	Sullivan
Clawson, Del	Macdonald	Sweeney
Cramer	Mackie	Talcott
Curtin	Mailliard	Teague, Tex.
Daniels	Martin, Ala.	Todd
Dent	Mathias	Toll
Dwyer	Miller	Tuck
Edwards, Ala.	Mink	Vanik
Edwards, Calif.	Moore	Watkins
Ellsworth	Morgan	White, Idaho
Erlenborn	Morse	Widnall
Fino	Morton	Wright
Flood	Mosher	
Fogarty	Nix	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall, 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HEALTH RESEARCH FACILITIES AMENDMENTS OF 1965

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2984, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this is a highly important piece of legislation. It would extend two existing programs relating to health legislation and authorize the appointment of additional Assistant Secretaries of the Department of Health, Education, and Welfare.

Briefly, the bill extends for 3 additional years the current program under which Federal matching grants of up to 50 percent of the cost of construction are authorized for the construction of health research facilities. Existing law authorizes $50 million annually in appropriations for this purpose and a substantial backlog of applications has built up which cannot be funded because of limitations on existing authorizations.

The committee proposes to deal with the problem as of today by extending the program for 3 additional years, and authorizing appropriations aggregating not more than $280 million over the 3-year life of this extension. Then the bill provides permanent authority for the Public Health Service to carry out its functions under the present language of section 301 of the Public Health Service Act through the mechanism of entering into contracts. The committee has provided that this contract authority will be limited to 3 years' duration.

Now, you may raise the question why we put a restriction of 3 years on these various programs that our committee has brought to you recently. Several years ago it was decided that due to open-end authorizations of certain programs, some of them have been extended rather rapidly and in the opinion of some, have gone beyond the authorization intended.

So the committee decided that because of the public interest involved, it would be advisable at least for the legislative committee to take a look at the progress of these programs at least once every 3 years. For that reason, these various programs have been extended, and some of the authorizations, with a limitation of 3 years or less on them.

Mr. Chairman, this is a pattern that was developed several years ago and that is the reason for this restriction today.

In addition, Mr. Chairman, we put another restriction insofar as concerns the contractual authority contained in the bill, and that is a limitation of $43 million to be obligated during any one fiscal year.

Mr. Chairman, this proviso will come in for some discussion. The committee received information that the present program was working very well and the amount of contractual authority for 1964 was $43 million. Since then, it has developed that this information was incorrect and that the NIH had entered into contracts obligating the total sum of $46,259,000, and for the entire program under the Public Health Service Act it was $57,419,000. For this fiscal year the total sum of all of these services for contractual authority is proposed to be at the level of $79,366,000. Therefore, we did not obtain the correct information on the extent of the program and even the present status of it but nevertheless the committee did include an amendment with this restriction which was offered by our distinguished colleague and ranking minority Member, the gentleman from Illinois [Mr. SPRINGER].

Mr. Chairman, it developed later that we did not have the proper information, but we decided that it would be better to proceed with it and this matter could be given further attention as the bill progresses through the Congress. We thought, or at least I thought, it would be better to go ahead with the legislation and that we could get more precise information on the program and straighten it up as we go along.

The Public Health Service has had this contract authority ever since 1957, obtained through "point of order" language contained in the annual appropriation bill. Therefore, this authorization provided through amendment to permanent legislation, actually constitutes an extension of existing law with limitations which are not today present in the language contained in the appropriation acts.

I intend to discuss this program at greater length later on in my remarks.

The third change in existing law made by H.R. 2984 is the authorization for additional Assistant Secretaries of Health, Education, and Welfare. Our committee has had bills providing for additional Assistant Secretaries before it for many years, but these bills have always proved extremely controversial. There are many reasons for this but I think it cannot be denied that the existing staff of the Secretary of Health, Education, and Welfare at the Under Secretary and Assistant Secretary level is greatly overburdened. I doubt if there are any men holding comparable status in any department in Washington who have as many different, complicated and highly important jobs as the current Assistant Secretaries of Health, Education, and Welfare.

As I mentioned, our committee has had bills proposing additional Assistant Secretaries for some time. It has been a question of some controversy. I have had some feeling about it myself. In the past I have been very reluctant to go along with the requests that we have had for additional Assistant Secretaries on the basis that the proper showing in my judgment had not been made.

Where the showings have been made in the request, we generally went along with them. Sometimes, unfortunately, we get into a fuss or controversy as to its being a patronage proposition. We felt that a showing was made this year, so the committee decided that responsibility should be placed with the proper people. We have seen the Department grow and expand and spread out all over the lot. We have seen the authorizations go from a little more than a billion dollars in 1953 to expand now to nearly $8 billion under existing legislation.

Under new legislation that has come with a bill passed by the House and Senate, and the President signed not long ago, and others, it is going to go to almost $10 billion. That is a lot of work, that is a lot of responsibility. No one man can keep up with this. The responsible people authorized to administer these programs are few. So we decided where there are tremendous programs, as this great Department has, we should have authority to select good and responsible people. The Secretary can delegate the responsibility to those who represent him, and not have to depend

on the Civil Service employee who does not have have the same responsibility to the Secretary. That is precisely the reason I have decided this is an appropriate request. It is, in my judgment, a reasonable request

We in the report discuss this matter at some length beginning on page 5. I call your attention to the fact we discuss there the problems and the duties of each of these Assistant Secretaries. The third one you probably will notice on page 10 presently carries the designation of a special assistant.

In other words, we are not increasing his duties and responsibilities, and we are increasing his pay only slightly. The others are not given substantially more money—practically the same money—but are being designated into a responsible position which he can be held accountable for by the Secretary. I would think this would be, in my judgment, the way we should establish this governmental program in an effort to carry out the responsibilities which we have given to this great Department.

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

Mr. HARRIS. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. It seems to me the gentleman from Arkansas has made quite an indictment of civil service employees. What reason would we have to believe there would be any more responsibility on the part of an Assistant Secretary than on the part of a top-grade civil service employee?

Mr. HARRIS. Let me hasten to say, there is no indictment or intended criticism of the civil service at all. But we do recognize that a civil service employee is a Federal employee under established civil service procedures and law. But when these political appointments are made, and the civil service appointments are not political appointments, they are people who have earned what they have under the law that this Congress has set up and they have earned it on the basis of merit and service. Here we have a responsible position where the Secretary can say to one of his assistants that we have a problem in Iowa or we have a problem in some other place—you go and represent me there and you be responsible for it as my assistant. Consequently, he can hold him accountable. There are other situations where assistant secretaries of the State Department, for example, or the Assistant Secretary of some other department of the Government are involved in a conference on a certain problem and it is a whole lot better, where equal responsibility exists, to have an assistant secretary to sit in on that same conference with the same status. That is the way I feel about it.

Mr. GROSS. The gentleman is not saying inversely that these proposed new assistant secretaries will not be appointed on the basis of politics?

Mr. HARRIS. Well, I would think that any administration regardless whether it is the present administration or the previous administration or any other administration will try to select people who are capable and can perform the duties and who are people they know sufficiently well to have confidence that they will cooperate. That is a part of our system and that is the way it should be. I think we have to hold people responsible and the appointing officer has to be satisfied that these people who are selected for these places are people who are highly capable. That is what we are trying to do. That is our duty, to see that this can work as it ought to work.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. There is absolutely no question in my mind about the wisdom of the chairman of the committee as to the need for the additional Secretaries or Assistant Secretaries to the Department of Health, Education, and Welfare. I would presume there have been adequate hearings, study, and determination about the workload and the job status and job descriptions as to warrant this.

Mr. HARRIS. The gentleman is correct.

Mr. HALL. I am interested, however, in the question of the changing of the one special assistant for health and medical matters to the Secretary to one of these Assistant Secretaries of the Department of Health, Education, and Welfare. I read carefully the report and even the hearings. The bill itself, it would appear to me that eventually as now written, the special assistant to the Secretary of Health, Education, and Welfare for health and medical matters will be phased out although the incumbent may remain as one of the special assistants to the Secretary. Is it the intention of the legislation before us to have a special assistant or an Assistant Secretary in charge of health, one in charge of welfare, and one in charge of education, or is that to be left entirely to the Secretary of Health, Education, and Welfare? I just want to establish a little legislative record, Mr. Chairman.

Mr. HARRIS. As the gentleman has read in the report, the current special assistant to the Secretary, and the gentleman from Missouri knows who he is and I think he is a very good man, will become the Assistant Secretary in charge of health and medical affairs. At the same time we will phase out this position that he holds. As a matter of fact, it is intended that it be abolished. Of the other two which are described on page 8, it is intended that one be named Assistant Secretary for Special Programs.

Those programs are, of course, listed on pages 8 and 9. They include mental retardation, as well as the Department's activities relating to the Economic Opportunity Act of 1964, youth crime and delinquency, special institutions, and so forth.

The other one proposed here would be assigned, as is explained in the report, as Assistant Secretary for Intergovernmental Relations.

I wish to say, in my position as chairman of this committee, that for the past few years I have had the experience of visiting with and talking with these people. Administering the Department of Health, Education, and Welfare has become one of the most difficult jobs in our Government. There are so many things involved in these programs developing. Our country is getting quite large. Our population is expanding, our economy is expanding, getting bigger and bigger all the time.

It appears to me that almost everything now becomes involved with other departments. I do not know how that can be eliminated. It is a simple fact in the operation of these huge departments in the Government today. Consequently, it requires an enormous amount of time even to correlate activity of HEW with, let us say, the Bureau of the Budget, along with the Commerce Department or the Interior Department or any other department, on any particular program. I know this, because I have been trying to help coordinate between departments in respect to one highly important program affecting education in this country, with the educational people in my district, trying to work out something satisfactory and acceptable. We have had a difficult time doing so. It has required a lot of time of the people in policymaking positions.

Mr. HALL. I agree with the gentleman. I am well aware of the fact that they must also have a liaison with the Congress. This in itself becomes a difficult problem of coordination and interdigitation, at least of various persons.

Mr. HARRIS. I should like to say that Mr. Wilbur Cohen has been made Under Secretary of Health, Education, and Welfare and has been handling that responsibility, along with some others in the Department, with the various divisions, bureaus, and so on within that Department.

It has been my experience that Mr. Cohen does a splendid job in advising Congress of the facts and providing information. We may disagree at times, but I believe he is one of the most efficient and well qualified men for this particular service with whom I have had experience in some time. He has always been fair. He has always honored anything that I would request of him. He has always endeavored to provide information which I requested. He has done a tremendous job.

Mr. HALL. If the gentleman will yield further, I would say that is a part of his opinion I do not share with him, but I can certainly disagree without being disagreeable. I am glad the gentleman made the statement about this former employee, who is now on leave to the Federal Government, I believe, from one of the great universities, as a professor of political science.

Is it understood by the distinguished Chairman, now in the well of the House, that he and/or the Secretary will, in addition to the Commissioner of Education and/or the Commissioner of Health and/or the Commissioner of Vocational Rehabilitation, or these other assistants, in addition to the Assistant Secretary for Special Projects and the Assistant Secretary for Legislative Liaison, and one at least pro tem until his appointment expires or runs out, will act for health

and medical matters, and that these things will be handled by the Secretary and the Deputy?

What worries me is that after the incumbent's appointment expires, under existing legislation there could no longer be anyone designated or bent into such responsibility for health and medical matters.

I submit to you that with medicare coming up to be administered by this Department, as it says in H.R. 6675, which passed this House, the original medicare for civilian dependents act continuing, with our new mental installations and with this very bill here today which is to be administered by them, if there was ever a time when we needed someone to head up these committees at the State level dealing with hospitals and to head up the new training program and the new mental health staff procurement program which we passed under the able leadership of the chairman in the well of the House and his committee, then this is the time. This is the time when we need someone designated who has special expertise not only in the consideration of these bills which become legislation but for their implementation and regulation. I hope that we might continue to have designated even a physician in this period who will serve on the staff of the Secretary and be responsible for these matters.

Mr. HARRIS. I share the gentleman's views with reference to the needs for specialists for particular programs. We are not attempting to interfere with that concept at all. All we are trying to do here is to get the organization set up in HEW where the Secretary can have someone that he can hold responsible, and that we in the Congress can hold responsible.

Having said that let me go further. It is the general consensus of our committee that the whole organizational structure of HEW ought to be gone into. With the cooperation and at the suggestion of the committee I have established a committee made up of members of our committee and have already obtained several staff members for the particular purpose of making a very thorough and objective study of the whole organizational setup of this great, sprawling Department, particularly with reference to those parts of the agency that come under our jurisdiction.

This, of course, will also be correlated with the jurisdiction of other committees as best we can. We feel an objective job can be accomplished to see that the organization itself is set up so as to carry out these various programs that Congress has provided. I think it is a feasible and justifiable attempt that we are making here. We will pursue it in an effort to bring about the best possible administration of these programs.

Mr. HALL. I compliment the gentleman. I am well aware of this special committee study going on in his Committee on Interstate and Foreign Commerce which does deal with all matters coming up in Congress affecting health except those involving the Committee on Ways and Means.

Mr. HARRIS. And the Committee on Education and Labor, among others. Of course, we will confer with them as we go along on these correlated programs.

Mr. HALL. I hope the distinguished committee keeps its jurisdiction and emphasizes the need for an assistant secretary designated to be in charge of health matters in these times when we are spreading the benefits of our knowledge relating to health to all of our people, as we probably should do.

I thank the gentleman.

Mr. HARRIS. I thank the gentleman for the comments and suggestions he has made here.

I believe from the responses that I have gotten from Members of the House as well as from others, that there are many persons who feel that such a study is long overdue, and will be extremely helpful. Among the matters that I expect the special subcommittee to look into will be the programs contained in this bill—that is, the program of assistance for construction of health research facilities; the program of contract authority, with some emphasis on the collaborative research programs conducted by the National Institutes of Health; and the functions, duties, and operations of the new Assistant Secretaries of Health, Education, and Welfare.

These matters will not, of course, be the only matters of concern to the subcommittee, since I expect that they will take a good hard look at all of the programs of the Department which affect matters within the legislative jurisdiction of our committee; however, I mentioned the establishment of the subcommittee in connection with this bill because I expect that the programs contained in the bill will be among those studied by the subcommittee.

HEALTH RESEARCH FACILITIES

Mr. Chairman, this bill authorizes an extension of the current health research facilities program. In 1956, this program was initially authorized. At that time, the total national expenditures for medical and health-related research were slightly over $300 million. In 1964 almost six times as much was spent throughout the United States for this purpose or a total of approximately $1.7 billion.

The demand for these facilities increases each year. Our report, on pages 24 and 25, shows the professional disciplines covered by projects awarded through December 31 of last year, and the types of institutions which have received these awards. The majority of the grants for the construction of these facilities insofar as concerns numbers of requests are by universities or colleges, which have received 325 projects during the life of the program, at a total cost in excess of $68 million. The second largest category of institutions which have received awards, and the largest in terms of dollar amounts, are schools of medicine, which have received 278 projects at a total cost to the Federal Government of $160 million. In addition, projects have been awarded to schools of dentistry, pharmacy, and schools of veterinary medicine, and other institutions.

A total of 179 projects have been awarded to hospitals and 113 to research institutes. There have been a total of 1,263 construction grants made under the program to date totaling $320 million. These awards have been made to 399 institutions in every State, the District of Columbia and the Commonwealth of Puerto Rico. For every Federal dollar that has been spent, more than $1.50 has been provided from non-Federal funds. The total cost of the research construction aided with assistance under this program has totaled $819 million, of which $320 million has been furnished through Federal funds.

This program is an extremely important and vital one, and our committee unanimously recommends its continuation with the modifications contained in the bill.

RESEARCH CONTRACT AUTHORITY

Section 3 of the bill, as I mentioned before, is an extension of the existing program under which the Public Health Service is authorized to enter into contracts to carry out the purposes of section 301 of the Public Health Service Act.

This section contains broad general authority to the Surgeon General to deal with his responsibilities under the act. It provides:

> The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, including water purification, sewage treatment, and pollution of lakes and streams.

The amendment made by section 3 of the bill will add a new subsection to section 301 which will provide that the Surgeon General may, in carrying out his duties, under section 301, use the mechanism of entering into contracts including contracts for research or development under authority similar to that possessed by the heads of military departments under title 10 of the United States Code. The sections of title 10 referred to are set out for the information of Members of the House on pages 19 and 20 of the committee report.

Under these sections, a contract for research could provide for acquisition or construction by, or furnishing to, the contractor of research facilities and equipment which the Secretary of Health, Education, and Welfare determines to be necessary for performance of the contract. The facilities that could not be readily removable or separable without unreasonable expense could not be installed unless special provisions were included in the contract to protect the interests of the United States. In addition, such contracts could also contain provisions to indemnify contractors against claims by third persons from risks that the contract defines as unusually hazardous and against loss of or damage to property from a risk defined as unusually hazardous.

Members may have noted that the authority in section 301, which is amended

by the bill, is extremely broad. In providing permanent authorization for contract authority, our committee has provided a limitation on this authority so that the administration will have to return in 3 years and justify the continuation of this program. In addition, we have placed an overall ceiling on the amount of obligations which may be incurred during any fiscal year pursuant to this new authority. I expect that the obligations under this contract authority both in the past and in the future will be looked into by the special subcommittee headed by the gentleman from Florida [Mr. ROGERS], and we will review the legislative authorization 3 years from now when we receive the expected request from the administration for the further extension of the program.

ASSISTANT SECRETARIES OF HEW

Section 4 of the bill provides for the appointment of two additional assistant secretaries and for the conversion of the existing position of Assistant to the Secretary for Health and Medical Affairs to the position of an Assistant Secretary of Health, Education, and Welfare.

As I have already mentioned, our committee report states on pages 6 to 10 the duties which it is presently planned will be assigned to the new Assistant Secretaries. We realize that the Secretary must retain flexibility in the assignment of duties to the Assistant Secretaries; therefore, this bill does not specify their their duties but leaves the assignment to be made by the Secretary from time to time as the needs require.

I do not think it can be denied that the Secretary of Health, Education, and Welfare requires additional top-level assistants. The Department was created in 1953. In the 12 years that it has been in existence it has turned out to be the fastest growing Department in the entire Federal Government.

Since the Department was created, there has been no change in the top level staff available to assist the Secretary in carrying out his very broad responsibilities under the law. Currently, there are two Assistant Secretaries and one Assistant to the Secretary for Health and Medical Affairs. In addition, there is an Assistant Secretary for Administration, whose position is not subject to Senate confirmation. This means that the Department has three Assistant Secretaries and one Special Assistant to the Secretary, who, in addition to the Secretary, constitute the entire top level staff of the Department, aiding and advising the Secretary. Since the Department was created in 1953, more than 125 laws have been enacted which either created new programs or expanded existing ones. Over 70 grant-in-aid programs currently administered by the Department have been adopted since 1953. Expenditures from the old age, survivors, and disability insurance trust funds have increased from $3.4 billion to $17.6 billion.

The most significant indicator of the growth in the Department's responsibility is found in the level of appropriations. In 1953, the Department's budget was $1.9 billion. The budget for fiscal year 1966 calls for total appropriations of $7.8 billion under existing legislation and $2 billion under new legislation for a total of $9.8 billion.

These facts make it abundantly clear that the Secretary's need for additional top level staff is urgent and, accordingly, we recommend the establishment of the Assistant Secretary positions called for by the bill.

CONCLUSION

Mr. Chairman, this bill was the subject of 4 days of hearings before our committee; was considered in great detail; was amended fairly substantially by the committee; and I might add, in my opinion, the amendments strengthened the bill greatly. The bill was ordered reported to the House by a unanimous vote of the committee. We recommend its enactment.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Minnesota.

Mr. NELSEN. I note from the committee report, the Wooldridge report, the review group, in its language indicated some dissatisfaction relative to contractual work that had been done. We discussed this in the committee and there is included in the report some recommendations. I wonder if you want to touch on that for the purpose of legislative history, which might be a little incentive to this operation, that is, to sharpen it up a bit.

Mr. HARRIS. I will be glad to discuss this.

We are, of course, aware that there has been some criticism of the research contract mechanism used by the Public Health Service. That is one of the reasons we provided a 3-year limitation on this authority and have placed a ceiling on the funds which may be obligated under this program.

In the summer of 1963, President Kennedy directed that the Office of Science and Technology implement an investigation of the National Institutes of Health. On February 17, 1965, the President made public the report of the NIH Study Committee which conducted this study, under the chairmanship of Dr. Dean E. Wooldridge.

As a part of this report, the committee expressed some criticism of the collaborative research programs conducted by the National Institutes of Health.

The review panel of the Committee which studied the NIH collaborative programs expressed some criticism of the contractual mechanism for research, directed in large measure to the administration of these contracts. The review panel, however, recognized that the research contract is desirable under some circumstances, and stated—page 88 of the Wooldridge report:

> In general, then, we recognize the usefulness of the contract mechanism for those situations in which a concerted developmental effort is indicated.

The committee expects to study the matters raised in the Wooldridge report in the near future, and particularly operations under the contract authority as carried out in the past and as extended in this legislation. Pending the completion of the committee's proposed study of this and other matters relating to the Public Health Service, the committee has extended the contract authority requested by the Department for 3 years at fiscal 1964 levels of appropriations utilized for the National Institutes of Health,

Mr. Chairman, the committee reported this bill unanimously, and we hope it will be adopted.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

In the year 1956, only 3 years after the Department of Health, Education, and Welfare was organized, a system of grants for health research facilities was instituted. Starting off modestly, it enjoyed such success with the universities, the medical schools, and the scientific community generally that by 1961 these grants amounted to $50 million a year. Research in the health field has always been an inherent activity where medical education was taking place. Most of the important medical discoveries of recent times have come from our universities producing graduate doctors. The principle has become so well accepted that no medical school is complete without a broad and meaningful research program.

The 88th Congress passed the medical education bill, the purpose of which was to provide more facilities for the education of doctors and other medical professionals. There is every indication that this program will pay off as planned. As more facilities are created for the education of doctors, more research facilities are also needed. At the present time there is a backlog of approved projects amounting to $80 million. As the bill came to the committee it contained no ceiling on expenditures and would have continued for 5 more years. In keeping with precedent, the committee limited the program to 3 years and placed an overall ceiling of $280 million for the period. This should take care of the bulge created by the expansion in medical education. Although it is generally understood, it should be said that the main purpose of health research facilities is not to give research experience to students and professors, but to produce basic knowledge and new procedures to combat the diseases of mankind.

The bill also provides for authority to make contracts for the conduct of research and other purposes. The Department has been exercising this kind of authority for several years by virtue of language in the appropriations bill. I am informed that the Appropriations Committee had given notice that this practice could not continue and that proper legislative authority should be obtained. The request itself was very simple, but trying to discover exactly how the authority had been used turned out to be very difficult. The budget language was so mushy that no specific figure could be determined. As far as one could tell from examination of the budget submission and the conclusion drawn by the Wooldridge report, the contracts authority had been used almost entirely for cancer research and the development of vaccines by NIH. A book

containing all of the outstanding contracts of this kind was submitted, and it appeared that $43 million would cover the activity. Later we discovered that the Department had intended to expand the use of the contract device and would spend over $60 million in the next year and about $90 million in the following year.

Examination of the report to the President, called "Biomedical Science and its Administration," otherwise known as "the Wooldridge report," disclosed that the use of the contract authority for health research projects is the weakest spot in NIH administration. It suggests further examination of the subject. It does, however, indicate that the use of this device to obtain health research has much to be said for it when properly handled.

A great deal of the research in the health area can be and is done through grants to institutions and individuals. The success of this device depends entirely upon the desire of the individual scientists or the group of scientists to pursue the line of research suggested. There are many kinds of activities which will require intensive and continuing research under the supervision and control of the Public Health Service. This can best be done by contracts with industry.

A good example of research activity conduct under contract is the operation of Oak Ridge for the Atomic Energy Commission by the Union Carbide Co. I do not feel that there is any need for concern at the present time about granting this authority. There does need to be more explanation and considerably more light on the entire subject. I have no doubt that this entire operation will now be well ventilated. Meanwhile the committee has recommended that the authority be reexamined in 3 years and that during this period the use of the contract authority for all purposes within HEW be limited to $43 million per year. This will avoid the possible cutting back of desirable projects already well underway, but will prevent any expansion in this area until we can learn more about it.

An entirely different and unrelated subject contained in this bill would allow for the appointment of three new Assistant Secretaries within the Department of Health, Education, and Welfare. I am sure there is some feeling within the Committee and elsewhere that the justification for these positions is weak. It has been demonstrated many times in Government that the right people with the wrong organization can do nearly anything, while the wrong people with the perfect organization accomplish little. There are strong arguments for the general proposition that HEW needs more leadership at the policy level. The Department has grown tremendously and the emphasis on health and education in the legislation of recent years has multiplied the workload of HEW by many times. This factor and a comparison with other departments would seem to justify the existence of policymaking personnel responsible to the Secretary. There has been some tendency in this particular Department, however, to use Assistant Secretaries as dumping grounds for assorted programs. There is a definite need for better compartmentalization and unification of related activities. We are willing to go along with the request, but we are watching with interest the way these new positions are used.

I recommend the passage of H.R. 2984.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this legislation. This extension of a program which the Congress has already wisely acted upon is needed to continue the success already accomplished through State and Federal cooperation. As a member of the Interstate and Foreign Commerce Committee, I have followed the measure before the House closely, and urge favorable House action on it.

H.R. 2984 does allow a 3-year extension of the health research facilities program instead of allowing a standing authority for annual appropriations of up to $50 million per year. It also allows for 3 years of authority of the Public Health Service to enter into research contracts instead of the existing authorizations now allowed each year.

This new basis should give clear direction in these programs, and set down guidelines of congressional intent in a positive way.

The increasing demands for medical research, along with the rapid changes in research methods, give logic for closer coordination between these programs and the Congress. I am hopeful that the Congress will support the committee's amendments as presented in this legislation.

Mr. CLEVELAND. Mr. Chairman, I am pleased to support H.R. 2984, which will extend the present program for construction of health research facilities for 3 additional years and provide the necessary new means for carrying out the program with the greatest efficiency.

The health research facilities program is administered by the Department of Health, Education, and Welfare, which was created by President Eisenhower in 1953. The health research program itself was created under the Eisenhower administration in 1956. The wisdom and foresight of this action is providing great rewards in the battle against disease and affliction. The demands for new facilities are rising at a rapid pace and it is proper that we now revise the program in keeping with present and future requirements.

Modern medical research is extremely complex and very expensive. Modern laboratories are miracles of engineering and modern experimental work requires controls and equipment of a precision unattainable only a few years ago. The refinements of research today are matched by the need for effective supervision and coordination. The old, rigid divisions of science are collapsing as we find underlying laws and principles applying to physics, medicine, biology, chemistry, and the other fields alike.

As on who served on the Select Committee on Government Research of the 88th Congress, I have an education on these problems unavailable to most laymen and I believe this legislation will help the Federal Government to improve its vital supporting role in scientific research. I congratulate the Interstate and Foreign Commerce Committee for the excellence of its work on this bill. I urge the House to pass it.

The CHAIRMAN. There being no further requests for time, pursuant to the rule the Clerk will read the substitute committee amendment printed in the report on the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2984

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 "Health Research Facilities Amendments of 1965".

HEALTH RESEARCH FACILITIES CONSTRUCTION GRANTS

SEC. 2. (a) Section 704 of the Public Health Service Act (hereinafter referred to as the "Act") is amended by inserting after "$50,000,000," the following: "and for the fiscal year ending June 30, 1967, and the two succeeding fiscal years, an aggregate of not to exceed $280,000,000,".

(b) Subsection (a) of section 705 of the Act is amended by striking out "June 30, 1965" and inserting in lieu thereof "June 30, 1968".

CONTRACTS FOR RESEARCH

SEC. 3. Section 301 of the Act is amended by striking out "and" at the end of subsection (g), by redesignating subsection (h) as subsection (i), and by inserting immediately before such subsection the following new subsection:

"(h) Enter into contracts during the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, involving obligations of not more than $43,000,000 for any such fiscal year, including contracts for research in accordance with and subject to the provisions of law applicable to contracts entered into by the military departments under title 10, United States Code, sections 2353 and 2354, except that determination, approval, and certification required thereby shall be by the Secretary of Health, Education, and Welfare; and".

ADDITIONAL ASSISTANT SECRETARIES OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, three additional Assistant Secretaries of Health, Education, and Welfare, who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of the Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretaries to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b) The office of Special Assistant to the Secretary (Health and Medical Affairs), created by section 3 of the Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(c) Paragraph (17) of section 303(d) of the Federal Executive Salary Act of 1964 (78 Stat. 418) is amended by striking out "(2)" before the period at the end thereof and inserting in lieu thereof "(5)"; and paragraph (95) of section 303(e) of such Act is repealed.

(d) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Special Assistant to the Secretary (Health and Medical Affairs) to act as one of the ad-

ditional Assistant Secretaries authorized by subsection (a) of this section, until that office is filled by appointment in the manner provided by such section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for Assistant Secretaries of executive departments.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to comment further on the limitation of $43 million on the expenditures for research contracts. I should like for just a moment to make some comparisons of the limitation with the current budget. Should the limit of $43 million that is placed on expenditures by the Public Service Act for research and development contracts during fiscal years 1966, 1967, and 1968 remain, the effect on the current public health service research program and on plans for the further development of these programs would be widespread and significant.

The figure $43 million represents the applications by the National Institute of Health for research contracts during fiscal year 1964. Since the proposed limit would apply to all bureaus of the Public Health Service and would apply to fiscal years 1966 through 1968, the limit would have the effect of forcing a major reduction in the public health service research contract programs.

I intend to obtain permission when we get back in the House to include at this point in the RECORD a table which will give the factual situation for our own use and information as this matter developed.

Then I will discuss the effect on the current contract program on the future program development; on the restriction of the choice of financing mechanism and the restriction on the use of industrial capability applicable to health programs.

It would be my purpose to have all this information in the RECORD because of the apparent misunderstanding to which I alluded earlier and the gentleman from Illinois [Mr. SPRINGER] referred to a moment ago, in order that we can have the factual information regarding this for such use as we might need it for as this matter progresses through the Congress.

I will also put into the RECORD at the appropriate place a full discussion, Mr. Chairman, of the research contract authority for these programs of the Public Health Service. I think it is important because the gentleman from Florida [Mr. ROGERS] and his special subcommittee will go into all of these problems. They are making an objective study of the entire organizational setup of the Department. In view of the fact that we had the Wooldridge report which the gentleman from Minnesota [Mr. NELSEN] inquired about, and other reports including several congressional committee reports, and in view of all of the work of this great and important Department of our great Government, we intend to conduct a full and thorough study of the problems. All this information should be made available in connection with the study and for our use as these programs are considered.

Mr. Chairman, I include the material referred to above at this point:

THE EFFECT ON PUBLIC HEALTH SERVICE RESEARCH PROGRAMS OF LIMITATION ON EXPENDITURES FOR RESEARCH CONTRACTS

COMPARISON OF LIMITATION WITH CURRENT BUDGET

If a limit of $43 million is placed on expenditures by the Public Health Service for research and development contracts during fiscal years 1966, 1967, and 1968, the effects on current PHS research programs and on plans for the further development of these programs will be widespread and significant. The figure of $43 million represents the obligations by the National Institutes of Health for research contracts during fiscal year 1964. Since the proposed limit would apply to all bureaus of the Public Health Service and would apply to fiscal years 1966 through 1968, the limit would have the effect of forcing a major reduction in PHS research contract programs.

The following table gives the total obligations for PHS-negotiated contracts [1] for fiscal year 1964, the estimated obligations for the current fiscal year, and estimated obligations for fiscal year 1966 based on the President's budget request:

[In thousands of dollars]

Public Health Service operating bureaus	Fiscal year 1964	Fiscal year 1965	Fiscal year 1966
Bureau of State Services:			
Community health	5,611	11,895	21,189
Environmental health	4,624	6,263	8,028
National Institutes of Health	46,259	60,090	63,398
National Center for Health Statistics	390	362	541
National Library of Medicine	535	756	976
PHS total	57,419	79,366	94,132

EFFECT ON CURRENT CONTRACT PROGRAMS

The cutback resulting from the proposed limitation would require curtailment or limitation of a number of current PHS research activities which are heavily dependent on research contracts. Prominent examples are:

1. The National Cancer Institute is currently launching a special program aimed at a systematic exploration of the possible virus-leukemia relationship. For fiscal year 1965, the Congress added a special $10 million appropriation to start this program. One possible payoff of this activity is the development of a vaccine effective against some types of leukemia.

2. The cancer chemotherapy program seeks to identify chemical agents which are effective against various forms of cancer. The program procures large numbers of chemical agents and tests them for anticancer effects. Contracts are used to support the drug development and evaluation phases of the program up to the clinical level.

3. The environmental health sciences program includes a group of contractual community studies on pesticides in which the communities were selected to provide a range of different pesticide exposure situations by geographical area, type of pesticide, method of application, and other factors.

4. The National Institutes of Allergy and Infectious Diseases utilized contracts in its virus reagents programs which has assumed increasing importance in the research effort against respiratory diseases of vital causation. This program makes available standardized reagents for numerous agents important in human infections including influenza. A contract has been awarded for the establishment of a reagent storage and distribution center. The NIAID also uses contracts in carrying out its program of vaccine development in the area of respiratory disease.

These are only a few examples of the many scientific and technical activities of the Public Health Service carried out largely through contracts.

Since the ceiling of $43 million is approximately $36 million below the current level of PHS research contract obligations, the PHS would be forced to cut off or drastically retrench the important activities described above, as well as in other valuable contract programs.

EFFECTS ON FUTURE PROGRAM DEVELOPMENT

As serious as the cuts in current programs would be, a more profound effect of the ceiling and its continuation through fiscal year 1968 would be the limitation placed on the ability of the Public Health Service to effectively exploit new opportunities presented by the advances in biomedical sciences and the potential application to health problems of new capabilities derived from the physical sciences and related engineering and technological fields. Some of the most exciting prospects for the application of scientific knowledge to the reduction of human death and suffering will depend on extensive use of the contract mechanism, especially when the use of industrial capability is involved.

The opportunities are particularly bright at this time because of the increasing interest of industrial firms in the aerospace and electronic fields in applying their sophisticated technology to problems in the health area. During the summer of 1964, senior NIH staff reviewed developmental research needs in the health area to identify specific projects which might put to high priority use the industrial R. & D. capabilities expected to become excess to Department of Defense needs. This effort was stimulated and coordinated by an interagency committee on Possibilities and Policies for Industrial Conversion, headed by Mr. Arthur Barber, Deputy Assistant Secretary of Defense for Arms Control.

The objectives of this effort were threefold: First, to encourage aerospace and other defense-oriented industries to diversify their interests, and thereby minimize the impact of defense cuts on individual companies and on the geographic area dependent on these companies for employment; second, to hold together the industrial, scientific, and engineering teams that had already contributed so much to the Nation and still offered unique competencies; and third (the basis for NIH participation), to improve the quality of existing Federal programs by bringing to them the insights and proven techniques of advanced industrial research—particularly the systems approach.

NIH scientists identified many promising uses for these R. & D. capabilities in the health research area. From the many proposals made, eight project areas involving a first-year expenditure totaling $17 million and a second-year level of $75 million plus were selected for submission to the Barber Committee. A more detailed description of these opportunities has been supplied to the House Appropriation Committee as a part of the hearings of the budget for fiscal year 1966. A listing of these projects is attached. The conduct of all of these activities was predicated on the use of research contract authority.

RESTRICTION ON THE CHOICE OF FINANCING MECHANISM

One of the serious effects of the ceiling on the use of research contracts would be

[1] Negotiated contracts are used for the procurement of property and services outside formal advertised bidding. Such negotiation is authorized under the circumstances enumerated in sec. 302(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260).

the restriction placed on program managers in choosing the financing mechanism most appropriate for effective conduct of a given research or development program. The rapid increase during recent years in the use of research contracts by the PHS is the cumulative result of individual program decisions that the contract was the preferable mechanism for carrying out the particular program purpose. This trend also reflected the maturing of the biomedical sciences as developmental opportunities, aimed at applying knowledge to health problems, became more common. The increased use of contracts also reflected the growing involvement of industrial capability in PHS programs.

If the use of contracts is restricted, the choice of mechanism may in fact be the determinant factor in program decisions. We believe that the missions of the PHS can be more efficiently carried out if the choice of mechanism results from rather than determines the program decision.

RESTRICTION ON THE USE OF INDUSTRIAL CAPABILITY APPLICABLE TO HEALTH PROBLEMS

The most specific and potentially the most serious problem presented by a limitation on the use of research contracts would be practical elimination of further involvement of industrial firms in the health-related programs which are the responsibility of the PHS. Since the pharmaceutical firms, the aerospace industries, and electronic and computer firms have so much to offer in the future evolution of the national medical research effort, and since the industries are expressing increased interest in applying their capabilities to these problems, the wisest course would seem to be to seek maximum utilization of this vast potential in achieving the health objectives set forth for the Public Health Service in its basic enabling legislation. Because the contract is the only mechanism appropriate for the financing of research in profitmaking firms, increased use of contracts by the PHS is totally consistent with present program trends and farsighted program direction.

The Public Health Service should be in a position to draw on the creativity of American free enterprise in seeking the solution to the health problems which have been given high priority by this administration and the Congress. In so doing, the PHS would be following the productive pattern of collaboration between Government and industry which is already firmly established in the other major fields of research and development receiving significant support from the Federal Government.

THE IMPORTANCE OF RESEARCH CONTRACT AUTHORITY FOR THE PROGRAMS OF THE PUBLIC HEALTH SERVICE

THE EXPANSION OF THE KNOWLEDGE BASE

In the first 15 years, a strong foundation of quality research activities in the sciences related to health has been developed, largely through the rapid rise in Federal support for health-related research. During this period, the major emphasis of Public Health Service research support programs has been the strengthening of the research and research-training capabilities of universities, medical schools, and other nonprofit research institutions in the health-related sciences. Federal research support directed toward the development and continued functioning of this broadly based research structure in the biomedical sciences has been provided primarily through the grant-in-aid mechanism. This instrument is most responsive to the initiatives and priorities set by the scientists in these non-Federal institutions.

THE EMERGING OPPORTUNITIES FOR DEVELOPMENTAL EFFORTS

The productivity of these non-Federal research programs, supported in the public interest by PHS funds, has contributed in many ways to our understanding of basic disease and life processes as well as our ability to alleviate suffering and forestall death. The progress in the advance of basic knowledge has created the potential for the undertaking of a variety of deliberate developmental and applied research activities. The development of vaccines for respiratory diseases, the furtherance of applied research in the viral etiology of cancer, and the design and development of artificial organs such as the mechanical heart and artificial lung, improved methods of hemodialysis to save lives threatened by diseased kidneys, and development of new means for coping with environmental hazards are examples of the current direction of research activities which progress in the basic sciences has made possible. The search for chemical agents which fight the spread of cancer, large coordinated studies aimed at identifying the causes of birth defects, the development of automated hospital systems, and the use of computers in clinical testing are other examples where hope exists that developmental and applied research activities can produce practical results.

In the areas just cited, information is at hand that will permit relatively precise definition and specification of the nature and dynamics of biological processes, both normal and pathological. With such specifications, it is possible to explore the development of support or replacement systems for physiological processes and organs on the one hand and on the other to pursue in a deliberate manner specific diagnostic and therapeutic approaches to certain disease problems. These approaches will involve intensive exploratory and advanced developmental effort before such concepts can be brought to practical result.

Another trend which creates the potential for productive developmental efforts is a growing awareness of the significance of advances in the physical sciences and related engineering and technological capability to medical research and health services. The scope of potential contributions to health and medicine from these fields is very broad, ranging from new materials, intrumentation, and electronics to the application of computer technology and systems analysis concepts. The current biomedical scene is marked by an accelerating interplay between the life sciences and the technology and concepts of the physical sciences. New areas of effort characterized as biomedical engineering, medical electronics, bioinstrumentation, etc., have emerged.

The stage of this development is such that opportunity for a major exploitation of this new capability in the furtherance of the medical sciences and clinical medicine seems clearly at hand. The conduct of programs of this character involves greater control over the course of technical activity and more coordination and integration of the various parts of the developmental program. These types of activities also require access to new levels of scientific and technical talent.

THE RESULTANT NEED FOR CONTRACTING CAPABILITY

In order to take advantage of the opportunities to improve the Nation's health, which are presented by these emerging fields, it is vital that the Public Health Service have access to adequate research contract authority. The contract enables the program manager to exert the necessary degree of control and coordination over the conduct of the parts of the developmental program. An example is the need to establish uniform protocols in a number of contracts which comprise a coordinated program so that meaningful comparisons can be made among the results of the various contracts. In the absence of adequate research contract authority, the program leader in important PHS activities is limited to the use of research grants to finance the desired research undertaking. Because the nature of the grant mechanism puts emphasis on the purposes and initiative of the non-Federal scientific investigator and provides terms and conditions most suitable for the free pursuit of new research leads, it is most appropriate for the support of unstructured research activities, such as those found in the academic environment. In these more fundamental research activities, the end result to be achieved is often unknown at the start of the research project, and any attempt to structure the research so as to reach a predetermined goal may involve a waste of effort since the goal itself is often a product of the course of the research project. For the financing, however, of developmental activities where the theoretical capability is already known, the contract is the superior instrument to the grant in aid. In fact, as the House Select Committee on Government Research has pointed out, the grant mechanism is already in need of being rescued from the morass of administrative detail in which it appears to be drowning, and should be restored to its intended function as a valuable research instrument. The broader and more critical use of research contracts by the PHS for financing developmental and applied research activities will preserve the important distinctions between the grant and the contract and their respective roles as instruments for Federal support of research.

THE IMPORTANCE OF ACCESS TO THE RESEARCH CAPABILITY OF PRIVATE INDUSTRY

The most effective conduct of these developmental efforts also requires the Public Health Service to draw upon new kinds of engineering and scientific talents of the type often found in industrial firms. As developmental opportunities evolve, the PHS will need to draw heavily upon the kind of technical capability industry has brought to bear in other fields, such as the aerospace and defense-related programs. A special interagency committee, chaired by Mr. Arthur Barber, Deputy Assistant Secretary of Defense for Arms Control, has already been looking into the possibilities of utilizing in other fields of Government interest the industrial research and development capabilities expected to become excess to Defense Department needs. The PHS has reviewed developmental research needs in the health area and has identified several projects which might utilize such capabilities, including such projects as development of artificial hearts, automated clinical laboratory systems, and the development of special facilities for use in hazardous work on viruses. Fruitful collaboration with the pharmaceutical industry is already being carried out in several fields related to cancer research. Since it is the considered policy of the Department of Health, Education, and Welfare, based on past experience, that contracts are the most desirable means of financing research activities in profit organizations, further PHS exploitation of industrial capabilities in health-related will require use of adequate research contract authority.

Contracts are also of increasing importance in the procurement of highly specialized substances, not ordinarily available in the open market, which are essential for the conduct of certain types of research and development activities. Such substances, which include viral reagents and chemicals synthesized to very specific standards, can be efficiently developed and produced through a contract, thereby freeing individual investigators from the laborious process of producing these substances in minute quantities for use in their own projects. Contracts are also the best means for procuring the data processing serv-

ices that have become an integral part of many research and development programs.

THE IMPORTANCE OF CONTRACTS IN THE RESEARCH PROGRAMS OF OTHER FEDERAL AGENCIES

The effectiveness of contracts in financing developmental and applied research activities can be illustrated by the extensive use of R. & D. contracts by other Federal research supporting agencies. Attachment A shows the extent to which other agencies use R. & D. contracts in that portion of their programs that represents health-related research. These agencies also have access to grant authority for the support of basic research (under Public Law 85-934), but the attachment shows that the program managers involved have made widespread use of contracts in carrying out the developmental and applied research missions of their agency. The importance of the health-related research supported by the PHS has been recognized by the Congress in the form of greatly increased appropriations over the past 15 years. In order to provide the directors of these programs with the flexibility necessary for the most effective utilization of these public funds, it is important to give them access to the type of contract authority that has proven so useful in the conduct of other Federal research programs.

PRESENT SOURCE OF PHS CONTRACT AUTHORITY

The Public Health Service Act as it now stands does not provide authority for the making of research contracts in the conduct of the Service's research programs. The research contract authority utilized by the Public Health Service is based on point-of-order language which appears annually in the appropriation statute. In order to take advantage of the opportunities presently existing for productive developmental and applied research programs, the PHS needs to have permanent research contract authority, which is adequate for the achievement of important health goals. In addition to basic authority to enter into research contracts, the PHS needs access to certain types of contract authority presently available to the Department of Defense in title 10 of the United States Code.

The first of these authorities would permit payment of the costs of construction determined to be necessary in the performance of a research contract. Some research contracts require highly specialized facilities as an integral part of the research program. A current example is the special protective facilities required for continued work with dangerous and infectious agents encountered in the important research effort investigating the cancer-virus relationship. Without such authority, these research contracts must be administered within restrictions based on superficial distinctions between temporary and permanent improvements. These artificial distinctions result in the expenditure of additional money with no productive effect on the performance of the contract.

The second authority would provide for the indemnification of contractors against claims which arise out of direct performance of the contract and which are the result of a risk which the contract defines as unusually hazardous. This type of contract provision is often required if a contractor is to be induced to undertake work which involves the handling of live viruses or the exposure to poisonous compounds.

Given these authorities, the Public Health Service will be in a position to make the choice of financing mechanism grow out of the program decision instead of being forced, through limitations in authority, to distort the program to fit the available mechanism. In the absence of adequate contract authority, the use by the PHS of the extensive research capabilities of private industry in the field of medical research, will be virtually denied.

ATTACHMENT A.—*Federal contract support for medical and health-related research, 1964 and 1965*

[In thousands]

Agency	Obligations for research contracts			
	1964		1965	
	Amount	Percent of agency support for extramural research	Amount	Percent of agency support for extramural research
Total	$177,303	22.8	$210,943	24.4
Atomic Energy Commission	72,157	100.0	79,618	100.0
National Space and Aeronautics Administration	23,700	69.7	42,800	78.4
National Science Foundation	10	0		
Veterans' Administration	1,050	96.1	907	97.6
Department of Agriculture	358	5.6	3,264	32.1
Department of Defense	29,167	92.3	27,209	91.9
Department of Health, Education, and Welfare	50,298	8.3	56,440	8.5
Public Health Service	(49,441)	(8.5)	(55,612)	(8.7)
National Institutes of Health	(41,845)	(7.7)	(45,006)	(7.6)
Department of Interior	224	100.0	255	100.0
Department of State	339	100.0	450	100.0

Source: National Institutes of Health 1964 survey of Federal agencies on obligations for medical and health-related research and development.

Public Health Service funds for negotiated contracts,[1] all programs

[In thousands of dollars]

Public Health Service operating bureaus	Actual, fiscal year 1964	Estimated, fiscal year 1965	President's budget, fiscal year 1966
Bureau of State Services:			
Community health	5,611	11,895	21,189
Environmental health	4,624	6,263	9,028
National Institutes of Health	46,259	60,090	63,398
National Center for Health Statistics	390	362	541
National Library of Medicine	535	756	976
Public Health Service total	57,419	79,366	94,132

[1] Negotiated contracts are used for the procurement of property and services outside formal advertised bidding. Such negotiation is authorized under the circumstances enumerated in sec. 302(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251-260).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment to the committee substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 7, strike all of line 16 through 23 and on page 8, strike all of lines 1 through 23.

Mr. GROSS. Mr. Chairman, the amendment is quite simple. It would strike out all the language in the bill pertaining to the addition of three additional Assistant Secretaries in the Department of Health, Education, and Welfare.

I will say that there is nothing at all modest in the asking on the part of this Department, when it comes to expanding its particular bureaucracy.

As the gentleman from Illinois [Mr. SPRINGER] suggested, it is unusual that they would ask for this number at one time.

The gentleman from Illinois also seems to argue that these three Assistant Secretaries are necessary for the purpose of keeping up with the Joneses. In other words, he cites the number of Assistant Secretaries in other Departments of Government and makes a point that there are fewer in the Department of Health, Education, and Welfare.

There are others who seem to want to justify this increase as a matter of prestige and status.

The gentleman from Arkansas [Mr. HARRIS] suggested, and I believe this is a hope with him that the adding of three Assistant Secretaries might make it possible to put some restrictions upon some of the programs of this Department which are expanding and proliferating all over the map.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Certainly I would share the gentleman's views as expressed with reference to the hope about the extent of these programs. I should like to emphasize the fact that since Congress has expanded the operation of this agency tremendously over the past 12 years, what I am trying to do is to give them the tools with which to work.

Mr. GROSS. I would say to the gentleman that they have been doing a pretty good job of getting rid of a lot of money with the tools they have. When I say "good" I do not mean it in the sense of approbation. They have been doing a job getting rid of a lot of money with the present Assistant Secretaries they have.

The gentleman from Missouri made a point a few moments ago in his colloquy with the gentleman from Arkansas that they have a number of commissioners in this Department, perhaps more than any other department of Government. They are directing geniuses of the status of Assistant Secretaries.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Ohio.

Mrs. BOLTON. I am interested in this, because I believe it has been evident to those of us who have had direct contact with the work of this Department

that they have been very overburdened. A man who is a good Assistant Secretary of Health will not necessarily be a good Assistant Secretary of Welfare or Assistant Secretary of Education. The three things are quite different.

I believe it is high time for us to give help to that Department. I have not studied the amounts of money involved, but I do know that many times when there is not sufficient watchfulness possible from the top a lot of money is extravagantly spent. I have not felt this was the case in that Department. The gentleman always knows more than I do on this subject, so I do not raise a question about it. I suggest that the work is in three different areas of life, and I believe should be headed up by three different kinds of men.

Mr. GROSS. That would be fine, if the test of an assistant secretary, among other things, was cutting down on extravagance, waste, and inefficiency. But the further we go into this Government of ours, with more assistant secretaries, deputy assistant secretaries, and assistants to the deputies and all that sort of thing, the further we go to more waste and inefficiency, and the bigger the payroll becomes. It does not follow, and it has not followed in the past, that merely by adding assistant secretaries in the State Department or anywhere else in this Government has there been any accomplishment with respect to the stopping of waste and extravagance, and in some cases corruption.

Mrs. BOLTON. That is probably so in respect to many departments, but they are not set up in the way the Department of Health, Education, and Welfare is set up. It never should have been one department, anyway. To me it is a very important and timely that we should have the divisions made.

Of course, there should be integrity in every department. Heaven knowns there is not, but it would be very good.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. GROSS. Mr. Chairman, all I am trying to say is that it is proposed here today to establish three Assistant Secretaries in the Department of Health, Education, and Welfare, in other words a 100-percent increase in the list of such secretarial appointments at $27,000 a year plus all of the camp followers that go with each Assistant Secretary. I have heard no estimate made today as to what it will cost for the retinue of employees that go with each of these individuals. I do not know whether a Cadillac will go with each Assistant Secretary. But at any rate you are adding another chain of expense and adding to the bureaucracy by increasing the number of Assistant Secretaries. I am opposed to this portion of the bill because I do not think that this Government and the taxpayers are in any position today to be financing an added bureaucracy.

Mr. Chairman, we hear wails on the House floor bemoaning the growth of the bureaucracy in Government. It will be interesting to note the vote by which it is proposed to increase by 100 percent the number of Assistant Secretaries in this one Department.

I urge the adoption of my amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

First, I would certainly like to congratulate the gentlewoman from Ohio [Mrs. BOLTON], for the points she made. I thought they were very well taken.

In reply to the gentleman from Iowa, I would point out that this Department handles more money and supervises more programs than any other Department of the Government with the exception of the Department of Defense and that their top-level staff is far less than that of any other Department in the Government. Let me explain this if I might. When this all started in 1953 the agency received appropriations of $1.9 billion. Its budget for this coming year will be around $10 billion, because of actions by the Congress. They did not do it. We did. The Secretary made this very pertinent statement as one of the main reasons for asking for this legislation. He said:

> If the legislation affecting the social security program goes into effect, this Department will then be responsible for trust funds and expenditures to the extent of $30 billion a year.

We are adding different burdens to the Department all the time. If you will look at the number of Assistant Secretaries they have there, you will see it is much smaller than other Departments, and yet the programs of the Department affect every American's life. It is because we did it and it is not because of their asking for it.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a correction?

Mr. STAGGERS. I will be glad to yield.

Mr. GROSS. I wish the gentleman would change his reference to the personal pronoun and exempt me from his inference that "we did this and we did that."

Mr. STAGGERS. I have to lump the gentleman from Iowa with the Congress, because he is a Member of Congress. Congress did it, and I speak of "we" as the Congress. Whether we are in opposition or not, it is always the majority that rules.

Mr. GROSS. Will the gentleman yield further?

Mr. STAGGERS. Surely.

Mr. GROSS. If we could get the kind of a setup over there that would put a stop to such business as studies of human behavior at cocktail parties and a study of the intrapersonal relationship of a husband and wife and that kind of drivel, I might be persuaded to go along with you for one assistant secretary. I cannot go along with three. Does not the gentleman agree they are able now, with the staff that they have, in the Department of Health, Education, and Welfare, to get rid of an enormous amount of money every year?

Mr. STAGGERS. In order to answer that question, you know that I would have to rephrase it.

Mr. GROSS. The gentleman would have to agree, would he not?

Mr. STAGGERS. Of course, but I would have to explain why. It is because we are the ones that forced those duties on them and increased their responsibilities almost ninefold without giving them the tools to do it. Yet we expect them to do a good job. If we do that, we must give them the personnel and the men with responsibility in order to hold them responsible. Let me read you what the Secretary said in regard to this:

> I have to keep staff working 12 to 14 hours a day, 6 to 7 days a week, day in and day out. I don't think that that is good management, particularly during the legislative sessions, which are long sessions.

That is one reason for it. As the chairman said a moment ago, we have set up a special committee in our Committee on Interstate and Foreign Commerce to study this Department.

Under the able leadership of the gentleman from Florida a thorough study will be made and if some of these things are not right—and since these matters are all handled by human beings and, like the gentleman and myself, they are not perfect—I am sure they will try to iron out any difficulties. I have been trying to explain why the Department needs these, and to my mind they do need them. That is why I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the committee as printed in the report of the bill.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2984) to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes, pursuant to House Resolution 355, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

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

The SPEAKER. The question is on passage of the bill.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 333, nays 4, not voting 96, as follows:

[Roll No. 99]

YEAS—333

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Baldwin
Bandstra
Baring
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boggs
Bolton
Bonner
Bow
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Collier
Colmer
Conable
Conte
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtis
Daddario
Dague
Davis, Ga.
Dawson
de la Garza
Delaney
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hanley
Hansen, Idaho
Hansen, Iowa
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Langen
Latta
Leggett
Lipscomb
Long, La.
Long, Md.
Love
McClory
McCulloch
McDade
McEwen
McFall
McGrath
McMillan
McVicker
MacGregor
Machen
Mackay
Madden
Mahon
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Mills
Mink
Mize
Moeller
Moore
Moorhead
Morris
Morrison
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, Ill.
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vigorito
Vivian
Walker, N. Mex.
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—4

Gross
Utt
Waggonner
Walker, Miss.

NOT VOTING—96

Andrews, George W.
Annunzio
Ashley
Ayres
Barrett
Battin
Berry
Bingham
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Broyhill, N.C.
Buchanan
Cahill
Carey
Casey
Celler
Chelf
Clawson, Del
Conyers
Cramer
Curtin
Daniels
Davis, Wis.
Dent
Dwyer
Edwards, Ala.
Edwards, Calif.
Ellsworth
Fino
Fogarty
Fraser
Giaimo
Gilligan
Grabowski
Green, Oreg.
Gubser
Halpern
Hamilton
Hanna
Hansen, Wash.
Holland
Jennings
Laird
Landrum
Lennon
Lindsay
McCarthy
McDowell
Macdonald
Mackie
Mailliard
Mathias
Miller
Minish
Minshall
Monagan
Morgan
Morton
Mosher
Multer
Nix
O'Neill, Mass.
Passman
Patman
Powell
Purcell
Quillen
Reid, N.Y.
Reifel
Resnick
Robison
Rodino
Roosevelt
St Germain
St. Onge
Saylor
Shipley
Shriver
Stephens
Sullivan
Sweeney
Talcott
Thompson, La.
Thompson, N.J.
Todd
Toll
Vanik
Watkins
White, Idaho
Widnall
Williams
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Fogarty with Mr. Laird.
Mr. O'Neill of Massachusetts with Mr. Widnall.
Mr. Multer with Mr. Minshall.
Mr. Dent with Mr. Ellsworth.
Mr. Jennings with Mr. Ayres.
Mr. Lennon with Mr. Broyhill of North Carolina.
Mr. St. Onge with Mr. Saylor.
Mr. Shipley with Mr. Mosher.
Mrs. Sullivan with Mr. Cahill.
Mr. Toll with Mr. Lindsay.
Mr. Giaimo with Mr. Mailliard.
Mr. Daniels with Mrs. Dwyer.
Mr. Brooks with Mr. Cramer.
Mr. Rodino with Mr. Halpern.
Mr. Roosevelt with Mr. Reid of New York.
Mr. Wright with Mr. Shriver.
Mr. Annunzio with Mr. Watkins.
Mr. Landrum with Mr. Berry.
Mr. Celler with Mr. Robison.
Mr. Macdonald with Mr. Del Clawson.
Mr. Carey with Mr. Fino.
Mr. White of Idaho with Mr. Quillen.
Mr. Morgan with Mr. Gubser.
Mr. Minish with Mr. Battin.
Mr. Monagan with Mr. Morton.
Mrs. Green of Oregon with Mr. Talcott.
Mr. Casey with Mr. Whalley.
Mr. Brademas with Mr. Reifel.
Mr. Barrett with Mr. Mathias.
Mr. Miller with Mr. Edwards of Alabama.
Mr. Thompson of New Jersey with Mr. Davis of Wisconsin.
Mr. Nix with Mr. Curtin.
Mr. Thompson of Louisiana with Mr. Buchanan.
Mr. St Germain with Mr. Holland.
Mr. Andrews of Alabama with Mr. Ashley.
Mr. Hanna with Mr. Powell.
Mr. McDowell with Mr. Sweeney.
Mr. Vanik with Mr. Williams.
Mr. Chelf with Mr. Edwards of California.
Mr. Grabowski with Mr. Brown of California.
Mr. Todd with Mr. McCarthy.
Mr. Bingham with Mr. Conyers.
Mr. Boland with Mr. Mackie.
Mr. Patman with Mr. Stephens.
Mr. Passman with Mr. Gilligan.
Mr. Fraser with Mr. Hamilton.
Mr. Purcell with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may extend their remarks in the RECORD at an appropriate place, on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mr. VIGORITO. Mr. Speaker, on rollcall No. 96 I was absent from the floor because of urgent business affecting my district. Had I been present I would have voted "aye."

RUMANIAN INDEPENDENCE: A COMMEMORATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, today, May 10, 1965, we commemorate the anniversary of Rumanian independence.

Americans derive a special pleasure in paying tribute to other people in the world who have succeeded in asserting their own right of self-determination. This has always been the case, ever since we had won our own independence. During the 19th century Americans were the evangels of self-determination and constitutional democracy. Official documents of our Government, either in the form of congressional debates, of official State Department dispatches, or of proclamations and statements by the President, all reflect this profound national tradition that is deeply ingrained in our national attitudes.

It is not strange, therefore, that we in this Chamber should set aside our legislative duties for a few moments and pay our respects to this great nation and great people, the Rumanians.

Today it is even more urgent for us to commemorate Rumanian independence, because one of the central themes of Communist propaganda, a theme that they use unceasingly to attack the United States and its allies, is the charge of imperialism. According to the Communists, American democracy is the tyranny of the modern age. It is we who are held up to the world as the imperialist aggressors who seek to destroy the liberties of all people in the world.

By commemorating the independence of Rumania and all other countries who have been conquered by the Communists we are able to mount a counterattack against this fallacious charge.

It is communism and not democracy that is the plague of the modern age.

Communism is the enslaver of mankind, and democracy the greatest political force for the liberty and well-being of man.

Rumanians had no free choice in the government that was to rule them. Communists came to Rumania in the wake of the conquering Red army. Free elections were never held. Communist political power was imposed by force and terror. Rumania stands as one of the classic examples of the destruction of human liberty by communism. It is now a bitter reminder to us of what can happen in South Vietnam if American resolve is weakened.

Communism has conquered Rumania, but the hope of all is in the historic possibility that Rumanians may themselves conquer communism. This may not come in the form of any sudden revolution that itself could endanger the peace of Europe. But there is a real possibility that through the erosion of communism, the reassertion of traditional national Rumanian values, and the continuing orientation of its political and economic interests toward the West, the Rumanian people may consume the tyrant and the tyranny that have oppressed them since 1945. Great changes have taken place in Rumania and in Rumania's attitude toward the West in the past few years. This development may be but the beginning of a long evolving trend toward a Western alinement.

This is our hope; this is our expectation.

Whether it will come to pass is a matter of future history. But we do know that the assertion of Rumanian independence, as we have observed in the past few years, however limited it is in range, nonetheless, detracts from the total power assets of the Soviet Union and thus is a development that coincides with American interests as well as those of the Rumanian people.

In the final analysis our great hope is for a free and independent Rumania. Perhaps in the unfolding of future history we may be able to commemorate May 10 not only as the day of Rumanian independence from the Turks but also commemorate it as a day of independence from communism.

IMMIGRATION HEARINGS

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

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, hearings on pending immigration legislation, which were scheduled to resume on May 12, are now postponed to a later date, to be announced as soon as circumstances permit.

The postponement results from the fact the full Judiciary Committee has not completed action on the voting rights bill and the likelihood that the balance of the week and possibly longer will be required to complete that action.

I include at this point a letter from Congressman EMANUEL CELLER, chairman of the Judiciary Committee, together with my answer thereto, both of which are self-explanatory.

MAY 7, 1965.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building.

DEAR COLLEAGUE: This will acknowledge receipt of your letter of today's date suggesting that I postpone the public hearings on proposed changes in the Immigration and Nationality Act, scheduled to resume on May 12, until a final vote has been taken by the full committee on the pending voting rights bill.

I am making arrangements for a postponement of immigration hearings and will announce the postponement so that all interested parties may be advised.

As you know, I have cooperated fully in meeting the schedule set for full committee hearings and vote on both the Presidential inability bill and the voting rights bill, by postponing prior hearings scheduled by Subcommittee 1 on pending immigration legislation. There is no question about the immediate importance of action on that legislation, but I am sure you are aware that there has been misunderstandings about the reasons for delay in completing our immigration hearings. As matters now stand, some 20-odd national organizations in addition to interested individuals have made written requests to be heard on proposed changes in the immigration law.

It is my desire to conclude our immigration hearings as soon as possible by continuous hearings and to that end I will plan to resume our hearings immediately after final action has been taken by the full committee on the voting rights bill.

Sincerely,

MICHAEL A. FEIGHAN,
Chairman.

MAY 7, 1965.

Hon. MICHAEL A. FEIGHAN,
Chairman, Subcommittee No. 1, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR COLLEAGUE: In view of the importance of the voting rights legislation now before us and which the committee has been considering in full committee for a number of days, may I suggest that you postpone your public hearing on the proposed changes in the Immigration and Nationality Act until final vote on the pending Voting Rights Act of 1965 has been taken by the full committee.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

GOVERNMENTAL INTRUSION INTO A CITIZEN'S RIGHT TO PRIVACY

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

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

There was no objection.

Mr. HUNGATE. Mr. Speaker, I would like to share with my colleagues an editorial which appeared in the Vandalia Leader, Vandalia, Mo., under the authorship of Weldon H. Steiner. It relates to the invasion of the right of privacy through snooping and wiretapping.

I want to join with Mr. Steiner and Senator LONG and my fellow Representative from Missouri [Mr. HALL] in their concern about this threat of governmental intrusion into a citizen's right of privacy.

The editorial referred to follows:

[From the Vandalia (Mo.) Leader, Mar. 18, 1965]

EAVESDROPPING

Missouri's Senator ED LONG opened hearings last month on the controversial subject of Government eavesdropping. One of the days was devoted to the demonstrations of electronic devices that are available and currently in use for Federal agency snooping.

This display of devices was amazing and seemed to bring out the fact that nothing is private any more. Such things as olives in martini glasses, devices in packs of cigarettes, tiny concealed tape recorders. Reading the list of devices being used one came up with the conclusion that to maintain a tight lip at all times is the only assurance of security. This might not even be safe in the future. It wouldn't surprise the average U.S. citizen to learn of a device to determine what one is thinking.

Senator LONG's committee hearings indicated that many of these devices are purchased by the nonsecurity Federal agencies. The committee stated that it is recognized that the interest of criminal justice and our country's safety from foreign enemies must be maintained by the Federal officials who have the responsibilities. But, at the same time, the right to privacy that Americans have always guarded and cherished must be preserved against the threat of increasingly clever techniques of electronic snooping.

We couldn't agree more wholeheartedly.

CENTENNIAL OF THE FOUNDING OF ONE OF AMERICA'S OUTSTANDING PREPARATORY SCHOOLS

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

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

There was no objection.

Mr. MARSH. Mr. Speaker, Saturday, May 8, marked the centennial of the founding of one of America's outstanding preparatory schools. I refer to Augusta Military Academy located at Fort Defiance in Augusta County near Staunton, Va. This school for young men, that seeks not only to provide formal preparatory education, but also seeks to build character and attain physical excellence, is well known throughout the

Commonwealth of Virginia and America for its outstanding program of military instruction.

AMA, as it is known to the student body, area citizens, and graduates, has attained this reputation for excellence through the achievements of its alumni, its educational curriculums, the qualifications of its faculty, and the continuous leadership by its administration.

The history of Augusta Military Academy is part and parcel of the post-Civil War history of the South. It was founded in 1865 by a young veteran of the Confederate Army, Charles S. Roller, who, viewing the devastation of his native State and the Valley of Virginia that was his home, saw the need in the South for the establishment of educational facilities that had been destroyed by 4 hard, grinding years of war. The predecessor institution of Augusta Military Academy, a day school founded in 1742 by the Reverend John Craig, was burned to the ground by General Seigel of the northern army in this campaign through the valley.

It is a tribute to the leadership and ability of Charles S. Roller that Augusta Military Academy was able not only to survive but flourish and grow in the Reconstruction era.

The responsibility for the administration passed on the death of the founder to his two sons, Col. Thomas J. Roller and Maj. Charles S. Roller, Jr., who became better known as Major General Roller. The recent passing of Major General Roller was mourned not only at Augusta Military Academy, but throughout the State of Virginia; however, on his death, the school would remain a family school, inasmuch as the administration was vested in a family trusteeship including the widow of General Roller, Col. M. H. Livick, now principal, and Mrs. Livick, the form of management which continues today.

It is a privilege for me to pay tribute to the 100 years of public service by AMA, but the finest testimony to the contributions of Augusta Military Academy in the development of character and scholarship is to be found in the dedicated service of its alumni in leadership assignments in the Armed Forces of the United States during our Nation's wars as well as in countless fields of civilian endeavor.

THREAT OF NATIONWIDE BOYCOTT OF JAPANESE GOODS

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

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

There was no objection.

Mr. PELLY. Mr. Speaker, I am informed that the Congress of American Fishermen is organizing a nationwide boycott of Japanese goods. The dateline set for picketing of Japanese ships and U.S. merchants who carry Japanese goods for sale is June 1, or as soon as the Japanese fishing fleet begins netting American runs of Pacific red salmon on the high seas. This protest campaign is scheduled to break out, I am told, throughout the Nation, and signs such as "No Jap goods sold in this store" are already being printed, as well as bumper strips, and so forth, to incite public reaction against the unwillingness of the Japanese to cooperate with the United States in fishery conservation in the North Pacific Ocean.

Mr. Speaker, ever since World War II, I have sought the upbuilding of trade with Japan and have been gratified at the ever-growing exchange of goods between our two nations. I have nothing against Japan and want to see our trade grow, so it is with deep regret that I find, like a smoldering volcano, an eruption of ill will, economic harm, and bad feeling is in the making.

How serious this boycott could be, I doubt if anyone knows, but it appears that organized labor may well follow its tradition and support our fishermen and their various affiliated unions. This could tie up every Japanese vessel that comes into port and all Japanese imports that cross our docks.

The worst part of the boycott is that ill will and prejudice generated today cannot be shut off like an electric switch. The ill will and hurt will go on long after any settlement. Unfortunately, too, the wounds of Pearl Harbor will be opened anew and our two peoples will renew old hates.

So, as I say, I hope this boycott does not get started; but at the same time, if it does start, I intend to support our fishermen in every way possible. Ten years ago, Japan agreed by treaty to protect American red salmon on the high seas, and I, for one, will not stand quietly by and see the Japanese abdicate this position and destroy the runs of fish made possible by our fishermen through sacrifice for the sake of conservation.

The time is short, and I hope and pray that our Government can dissuade the Japanese from causing a trade war that will hurt both sides, and which both sides will regret.

"WORLD'S GREATEST COLLEGE WEEKEND"

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

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

There was no objection.

Mr. BRAY. Mr. Speaker, the "World's Greatest College Weekend" again has been celebrated on the Indiana University campus.

Springtime on Indiana campuses always is inspiring. The wholesome youth in our great Indiana colleges give hope in the future of our country.

Indiana University's "Little 500" is based on the great Hoosier 500-Mile Memorial Day Auto Race. It was commenced several years ago by Howdy Wilcox, who at that time was director of the Indiana University Foundation and who now is a member of the board of trustees of the university and general manager of the Arizona Republic and Phoenix Gazette. This colorful weekend not only includes tests of athletic prowess in the men's bicycle races and the coed's tricycle races, but adds color, pageantry, artistry, pulchritude, and the sheer effervescence of youth to an unforgettable weekend. The proceeds of the "Little 500" weekends have provided for almost 2,000 scholarships.

I am happy to say that the students on the campuses of the colleges of Indiana look quite different from the 17,000 "students" who demonstrated in Washington recently carrying signs attacking their country. I also am proud that as yet students on the campuses in Indiana have not emulated the students and faculty members in some eastern colleges, who sent a cablegram to Ho Chi Minh saying, in part, "You have our respect and sympathy." Nor have our students followed the lead of a group of students in a midwestern college who sent money to the "National Liberation Front" (the Vietcong). Neither have our students made a public demonstration of burning their draft cards in a bonfire, as occurred in a western university.

I still am proud of the youth of America despite the actions of some. We should not allow the actions of those few to cause us to lose faith in the future of America, which of course depends upon the youth of today.

In every generation there are some who are misfits. Some are guilty of treason. There are many more who are misguided, and in a frenzy of idealism lose perspective in viewing their own country.

Despite the extremism of a small fraction, the great majority of our youth are ready and willing to support their country and to defend freedom.

ARMED FORCES WEEK

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

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

There was no objection.

Mr. HALL. Mr. Speaker, at a multiservice dinner at the Sheraton Park Hotel in this city, last Friday evening, the Navy League, the Air Force Association, and the Association of the U.S. Army, "kicked off" our Armed Forces Week, which this Nation reverently and pensively celebrates in honor of those who dedicate their service, their lives, and their youth to the freedom of this Nation and other responsible nations who seek our help.

Gen. Harold K. Johnson, Chief of Staff of the U.S. Army, led off the three major uniformed military services, as greetings were sent to the servicemen and women around the world.

Predicated upon enhanced communication and increased ease of transportation, the general very wisely sums up the situation of the real world, while remarking that, just as in the case of individuals, nations must be "responsible," if deterrence, conference, and eventual

peace are to hold sway. General Johnson sums it up for the past, present and future by referring to our faith under the fatherhood of God, and the rights of individual peoples to be free. Based on political, geographic, technical and an additional shrinking of the world, requirements have never been greater for dedicated, well-trained talent and for equipment and unit combat readiness around the world.

I commend these remarks by one of our greatest chiefs to the careful consideration of my colleagues:

REMARKS BY GEN. HAROLD K. JOHNSON, CHIEF OF STAFF, U.S. ARMY, AT THE NATIONAL ARMED FORCES DAY DINNER, WASHINGTON, D.C., MAY 7, 1965

This Armed Forces Week finds our Nation and its Armed Forces team in a world that is shrinking: politically, geographically, and technologically. This world generates greater risks for our national security and greater demands on our Army, Navy, and Air Force.

In a political sense the world is shrinking because in many parts of the globe once dormant lands are emerging as restless new nations, anxious to come of age quickly, yet often inadequately equipped to protect themselves against covert or overt aggression. As the number of these nations swells, and so long as the Communist world pursues its avowed objective of communizing the world, there are likely to be more trouble spots where stability must be maintained or restored. Hence we may expect more, rather than fewer, places where freedom is on the line, and the speed with which we can move to the defense of freedom will be of growing importance.

In a geographic sense, the world is shrinking simply because we now calculate movement times in hours rather than days or weeks as they once were, of necessity; and the Army, as a strategic hitchhiker service continues to rely on air and sealift for the initial deployment of troops and equipment as well as resupply of those troops once we are in the area where the issue will be decided.

In a technological sense the world is shrinking as the fruits of research and development materialize and as ideas and information spread. Our knowledge of physical science is roughly double that which existed in 1950, and the price for failure to stay ahead or at least keep abreast of our adversaries in the scientific area may be measured not in time or dollars, but ultimately in cities and blood.

This shrinking world means for the United States more international involvement as well as more hazards; more military commitments to the defense of freedom, as well as more demands on our economic and military strength. Never before have the requirements been greater for dedicated, high-caliber talent in our Armed Forces, and for equipment and unit combat readiness which have no equal.

This represents the backdrop for the basic purpose of the Army within the defense team. Since June 14, 1775, the basic purpose for the Nation's landpower has not changed. However, the real world in which we must carry out that purpose is changing rapidly. Areas of potential and active turbulence are emerging in different parts of the world to disrupt, in various ways, the climate of order and stability so important to the peaceful adjustment of the changes underway.

Within these conditions of world change, it remains the role of the Army, with generous assistance from our Naval and Air Force comrades in arms, to carry out the landpower missions of the United States so that turbulence is reduced, stability is preserved or restored, and peace is achieved without destruction of the institutions of society which exist under the rule of law. These landpower missions run all the way from roadbuilding by a battalion of engineers in the hinterland of Thailand, and frontier development in Alaska, through support of counterinsurgency efforts in South Vietnam, to manning the ground defenses against limited or general attacks in NATO Europe. In accomplishing these missions the U.S. Army of over 950,000 men and women has deployed 41 percent of its strength in 101 countries. As the finest Army in our Nation's history, it provides a sound base on which to build for the future.

On this occasion of the Annual Armed Forces Day Dinner, I salute the sons of an earlier day who wore our uniforms and pioneered the way, the sons of today who unflinchingly are defending freedom's ramparts, and the sons of tomorrow who will inherit our mighty defenses, and our faith in the rights of peoples to be free.

Thank you.

THE AVENUE OF UNDERSTANDING

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

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

There was no objection.

Mr. ICHORD. Mr. Speaker, during the past week the communications media has utilized the Early Bird communications satellite in transmitting several programs of the public information variety across the span of the Atlantic Ocean. Those who have witnessed this tremendous innovation in television broadcasting certainly have seen history in the making.

I believe this achievement ranks with the laying of the transatlantic cable or the first transatlantic flight for now it is possible for the peoples of Europe and the United States to better understand each other through live television transmissions. Think of the heretofore unimaginable scope of events that now can be seen as they happen. The areas of politics and world affairs, music and art, and sporting events are but a few among the hundreds of subjects which may now be covered by the television media.

Hopefully, in the near future all nations of the world will be able to enjoy this advancement. I sincerely hope this remarkable feat will serve as the means to making transoceanic broadcasts the avenue of understanding.

All those who participated in this project are to be highly commended and congratulated, for they have made it possible to take a giant step forward in the march toward international understanding.

OUTSIDE MONEY INFLUENCING ELECTIONS

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

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

There was no objection.

Mr. DORN. Mr. Speaker, I am again today introducing a bill which would prohibit campaign contributions from crossing State lines to influence congressional primaries and elections and to influence election for electors of the President. I urge the Congress to conduct hearings and study the whole area of campaign contributions and campaign expenditures. The situation grows steadily worse.

Campaign contributions are sent from one State to another and even from foreign countries to influence elections. I maintain, Mr. Speaker, that the people within a congressional district and the people of a State should elect their Representatives to the Congress of their own free will without the influence of outside money. It is rapidly becoming impossible for citizens to offer for public office until they can first raise fantastic sums of money to finance a campaign. Often these finances come from far away places. Many Americans without personal wealth or financial connections find it impossible to offer for public office. This is making a fraud and a mockery of representative government.

In 1966, congressional elections will be held in every State of the American Union. In my own State of South Carolina, next year there will be campaigns for two seats in the U.S. Senate. To offer for the Senate in most States will cost from a half million to a million dollars. In some States it will cost more than a million dollars to make a statewide campaign. Should this trend continue, representation in Congress would become controlled by pressure groups and those who can raise the most money.

Should congressional races be influenced by huge sums of money pouring across State lines, the people would lose their representation to those who got there "firstest with the mostest." I urge the Congress to take action before the 1966 elections.

PROBLEMS OF THE HANDICAPPED

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

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

There was no objection.

Mr. DADDARIO. Mr. Speaker, on May 1, 1965, hundreds of dedicated persons from the 50 States of the Union and from a number of countries abroad, came to Washington for a several days' conference under the sponsorship of the President's Committee on Employment of the Handicapped to discuss the problems of the handicapped, and to discuss ways and means for further progressive and humane activity in their behalf.

At the meeting of May 1, 1965, our distinguished Speaker received from the President's Committee on the Employment of the Handicapped an unusual honor, "Citation for Exceptional Service," and as stated in the citation. "For a lifetime of dedicated service to the handicapped of America; for improving their welfare in the Halls of Congress; for instilling new hope and courage in

their hearts; for his compassion and support of his fellow Americans in need; he has earned the honor of the Nation."

On the occasion of the opening meeting of the conference on May 1, 1965, our distinguished Speaker, Mr. McCORMACK, addressed the immense gathering. I include in my remarks the address made on that occasion by Speaker McCORMACK:

ADDRESS BY SPEAKER McCORMACK AT A CONFERENCE SPONSORED BY THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Mr. Chairman, I am most appreciative of your recognition today. I accept it both personally and for the entire Congress, for although it bears my name, whatever I was able to do was because the Congress felt the same way.

It has been a rewarding experience to sit on the other end of Pennsylvania Avenue and watch how a dream has come to life and grown into a national program which has benefited so many men and women. I speak of the dream made real by the dogged persuasion of Paul A. Strachan and the gentle persistence of the dedicated Mildred Scott.

When I first talked to Paul about his dream of National Employ the Physically Handicapped Week, he was petitioning and buttonholing every Member of Congress who would listen to him, in the halls, in their offices, in the corridors outside the well of the House and Senate and on the street. With Paul, who could hardly hear a word you said, but who could read your lips remarkably well, except when you said "no," was Miss Scott, who acted as his "ears." Mildred, with her brace and cane, and Paul, with his aggressive insistence, gave life and breath to the American Federation of the Physically Handicapped. Together with the Disabled American Veterans, represented then by Millard Rice, they persisted, and "NEPH Week" was born. This fall we shall mark the 20th anniversary of that legislation and the 21st observance of the week. Their place in history is secure in the hearts and homes of the handicapped who have benefited by public attention focused on their job needs.

Two years after the Congress passed legislation proclaiming "NEPH Week" the President's Committee was born, also due in large measure to Paul Strachan, Bill McCahill and others. In the years that have followed, its first two chairmen, Vice Adm. Ross T. McIntire and Maj. Gen. Melvin J. Maas, have gone to their eternal rewards and are buried with the hero dead of our country at the western end of Constitution Avenue. It was the Navy Doctor McIntire who brought the Marine Reserve General Maas into the position of vice chairman as his successor. It was the Marine general who brought the former Army sergeant, Harold Russell, into the vice chairman position as his successor. The three volunteer chairmen of this President's committee have established a record for leadership and dedication which cannot be matched by any other volunteer group I know anything about.

For no less than 18 years we find Bill McCahill on the combat front of this, one of the noblest endeavors in the whole catalog of national and communal heroism for the handicapped. Colonel McCahill can make the heart work wonders in the field of concrete accomplishment.

It is not only the handicapped who owe those I have mentioned, with so many others, recognition for the efficacy of their workmanship, their talent for dealing with the great and the near-great on behalf of those who face the cold human shoulder in so many places in world society, but it is people like myself who feel immensely indebted to those living, and the memory of those no longer with us.

Legislation, as so many of you know, and executive action, must have besides a philosophy of decency, the working ingredients of soundness and durability. We legislate not only because it is right, but because concomitantly it is workable; it is rugged; it will stand up and hold its place firmly on the statute books of the Nation. What those I am speaking of, your McCahill, your Strachan, your Scott, your Rice, your ever so active Harold Russell, have done that is sensible and worthy, is to take the problem out of the area of merely do-goodism and put it in the area of good business as well. It is no little thing that every year as many as a quarter of a million handicapped placements are made by the public employment services.

This may not fulfill your final goal—and I, for one, hope it does not—but it is a brilliant record that deserves all kinds of applause. It shows that you have brought in sight at least the day when the handicapped-unemployed will cease to be a problem gnawing at the heart and the conscience of a nation that wants to fight every manner of poverty and injustice to which man is heir.

If those of little faith come to me and ask, What do you mean by the Great Society? I have only to point to you, to the National Employ the Physically Handicapped Week, and say: There you see one of the great pillars of that Society.

You can have no idea, as I speak to you now, how immensely proud I am of you and of the image—as they say these days—that people like you give to the portrait of our country. I can never forget some of the efforts I have seen you people, yourselves handicapped, make for the handicapped, for the American Federation of the Physically Handicapped, for the Disabled American Veterans, for your persistence with NEPH Week. Indeed, I remember your first two chairmen after Congress passed the NEPH Week legislation. Vice Adm. Ross T. McIntire was the first, to be followed by Maj. Gen. Melvin J. Maas. Both have since passed to their eternal reward, but not until they had established a remarkable record for leadership and dedication.

I know that there are volunteer groups and volunteer groups. But where, I ask, is there one to match this?

So, in accepting this recognition for my part in helping push forward with your wonderful work, I am happy to review a little bit of history for you and to predict that Harold Russell, a young man for whom I have great personal admiration, with the continued cooperation of Bill McCahill and others, will forcefully build on the foundation of Strachan, Scott, McIntire and Maas.

I predict that 10 years from now our past successes will seem small indeed compared to what will have been accomplished by the time the Nation celebrates the 30th anniversary of the week that is 52 weeks long, the week that lasts the whole year, the week that helps the handicapped to help themselves.

CLOSING OR CONSOLIDATING OF NAVAL SHIPYARDS

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

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

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, on November 19, 1964, the Secretary of Defense announced his intention to close or consolidate three naval shipyards.

These were: First, the merger of the Mare Island and San Francisco Naval Shipyards in California, under a single commander, during 1965; second, the closure of New York Naval Shipyard in Brooklyn; and third, the gradual phase-out of the Portsmouth Naval Shipyard, Portsmouth, N.H., prior to 1975.

Because of the possible implications of these actions on our national defense efforts, I am planning to set aside one day during our hearings on the fiscal year 1966 military construction bill to hear all Members of Congress who wish to be heard on the naval shipyard closures. I cannot yet state a firm date.

Those who desire to testify should notify the House Armed Services Committee, extension 4151, by Friday, May 14, 1965. We will be happy to accept statements for the record from those who do not desire to testify in person.

Mr. KEOGH. Mr. Speaker, will the gentleman yield to me?

Mr. RIVERS of South Carolina. I will be glad to yield to the gentleman from New York.

Mr. KEOGH. Mr. Speaker, permit me to commend the gentleman from South Carolina for the statement he has just made. It is the first ray of hope that the long-suffering people of Brooklyn have had in a long, long time.

Mr. RIVERS of South Carolina. I thank the gentleman.

MASS TRANSPORTATION ACT

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

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

There was no objection.

Mr. FINO. Mr. Speaker, today I have introduced legislation to clarify the Mass Transportation Act so that demonstration project funds under that act can be made available for bistate or tristate agency attempts to operate the passenger service of the New Haven or some other railroad.

This bill was prompted by the controversy over whether or not financial aid to a public authority aiding a railroad can qualify for a demonstration grant. My amendment to the Mass Transportation Act would remove any doubt that "new methods of continuing existing mass transportation services" qualify for demonstration project grants. This bill would, besides clarifying dubious language, serve to express congressional sentiments that Mass Transportation Act moneys should be applied to new ways of financially maintaining and restructuring railroad passenger service, as well as to technological experimentation.

In March, I introduced legislation to meet the rail crisis by setting up a Federal authority to subsidize uneconomic passenger service in the Northeast. I regret the fact that it looks like we can hope for only piecemeal solutions to the overall rail crisis, but something is better than nothing. Therefore, I am offering this bill to try and make sure

that Mass Transportation Act demonstration project funds are brought to bear on the New Haven and other railroad crises.

As far as I am concerned, the Congress has a duty to the commuters and other railroad users. It was recently announced by the White House that $8.7 million is being made available for the improvement of one railroad in Pakistan. The recent Presidential message accompanying the foreign aid report also mentioned our aid to Korean railroads. I am tired of the discrimination against American railroads, both at home and abroad. The hypocrisy behind dollars for foreign railroads and empty gestures and unkept promises for American railroads and commuters is one reason why I am abandoning my 12-year support of foreign aid. We can and should spare millions for American railroads before we subsidize foreign railroads.

LATIN AMERICAN TRADE: A TOTAL HEMISPHERE TRADE STRUCTURE?

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, the recent proposal for a Latin American common market made by four leading Latin American economists has brought us to the point of decision about the kind of trade relationships we wish to establish with the nations of this hemisphere. Some have endorsed the Latin common market proposal, adding that it should be tied to a broader scheme for hemisphere trade. Certainly, if the United States decides that a formalized Latin-United States trade arrangement is desirable, such an arrangement should include all nations of this hemisphere with the possible exception of Cuba. It must be total hemisphere trade structure created in the context of GATT, open to world trade and dedicated to promoting competition and efficiency in the hemisphere economy.

On April 29 I expressed these and other thoughts in a letter to Senator JOHN SPARKMAN, chairman of the Joint Economic Committee's Subcommittee on Inter-American Economic Relationships, of which I am a member. In my letter I urged that the Inter-American Subcommittee examine thoroughly the proposals for change in hemisphere trade relationships in the context of U.S. hemisphere and world trade goals. I also expressed my conviction that the Executive should take leadership in proposing creative alternatives to the Latin proposals. Clearly the United States is obligated to heed Latin America's calls for change, if only by the special relationship the United States has for over a century claimed with the nations of this hemisphere. The United States cannot, at this turning point in hemisphere economic and political relations, afford to let the initiative drop from its hands. We must help decide what hemisphere economic system will build the soundest hemisphere relationships, yet at the same time comply with the broader objectives of the United States and with international development.

But I think it necessary to warn that we cannot immediately consider that a special hemisphere trade system can by itself solve the serious economic development problems shared by most Latin nations. I would also caution that it may not be in the interests of world development to freeze the historic economic relationships that exist between European countries and Africa, and North America and Latin America. Let us at least consider removing the present special economic ties between industrial and developing nations, and replacing them with a world trading system in which each developing country's trade problem is considered individually.

In closing I wish to compliment Senator SPARKMAN and the staff of the Joint Economic Committee's Subcommittee on Inter-American Economic Relationships. Senator SPARKMAN has made this subcommittee a respected forum for discussion and deliberation on Latin economic policy. All the members of the subcommittee have benefited from his guidance and from the excellent and thorough work of the staff of the subcommittee.

The text of my letter to Senator SPARKMAN follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTIVES,
Washington, D.C., April 29, 1965.

Hon. JOHN J. SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: The proposal for a Latin American Common Market announced in Mexico City on April 12 has brought into focus a series of developments in Western Hemisphere economic and political relations which have been in process for years. These events concern me deeply as a member of your Subcommittee on Inter-American Economic Relations.

The Latin American Common Market proposal itself is filled with uncertainties—its precise terms are yet unknown. But it deserves the closest study. And, should the proposal be found feasible and in keeping with our national objectives, it should have the unhesitating support of the United States. In this regard I would like to recall Senator JAVITS' comments to the Senate on April 13 and emphasize his concern that a Latin American Common Market should not exclude the United States and Canada, but that Cuba should not be included until political changes take place there.

The purpose of this letter, however, is to express my concern about the relationship of a Latin American Common Market to other world trading groups and to the General Agreement on Tariffs on Trade, and to explore broader problems of hemisphere trade policy. To this end, a brief examination of elements of the current situation is useful.

Latin American nations particularly have been active in formulating the proposals for change in world trading relationships recommended in July 1964, by the United Nations Conference on Trade and Development. Latin proposals were incorporated in the so-called Charter of Alta Gracia, agreed to by the majority of Latin nations last spring and reaffirmed in the fall of 1964 before the Inter-American Economic and Social Council's (IA-ECOSOS) third annual review of the Alliance for Progress at Lima, Peru.

Broadly, the Alta Gracia recommendations call for:

1. Trade preferences for entry of developing nations' manufactured products into industrialized countries.
2. International agreements to stabilize commodity markets and to support prices.
3. Flexible international funds to compensate developing countries for losses from deteriorating terms of trade.
4. Immediate standstill and gradual abolition of all tariff and nontariff barriers on primary exports from developing countries.
5. Progressive reduction of all developed-country subsidies on primary products.
6. Modification of present developed-country agricultural price-support policies.
7. Application of internationally agreed criteria to the disposal of agricultural surpluses.
8. Curbs in the development of new synthetic industries by advanced nations.
9. A plan for giving developing nations a greater share in the growing world shipping business, reduction of freight rates by established maritime nations, and new U.N. machinery to coordinate future cooperation between developing and developed countries in shipping matters.
10. Establishment of domestic insurance and regional reinsurance schemes in the developing nations as a means of reducing invisible charges.

At the Lima IA-ECOSOC conference these preferential proposals were countered by the U.S. delegation, which emphasized that Latin nations must improve their own export promotion efforts and must attempt to diversify exports to sell to wider foreign markets. The problem of trade was, after considerable dispute, referred to the year-old Inter-American Committee on the Alliance for Progress for study and recommendations.

Nonetheless, at the end of the IA-ECOSOC meeting, 19 Latin nations formed a new group to carry on the work they began at Alta Gracia. They established the Special Coordinating Committee for Latin America (CECLA), which will meet before the next IA-ECOSOC Alliance for Progress Review, to be held in Argentina next fall. CECLA's job is to maintain a Latin American "united front" on trade policy.

These developments signaled to U.S. observers at Lima that Latin America would not abandon claims for preferential trade treatment by the United States.

There are significant reasons for this Latin attitude:

1. Latin American nations feel at a disadvantage in world markets when competing with African nations, which have special trading ties to the European Economic Community. Other special trade arrangements, such as those of the British Commonwealth, also exclude Latin America. Thus, in a speech at Philadelphia on April 10, Panamanian Ambassador Ricardo Arias said:

"The consequences of the European policy (of discrimination against Latin America) leads us to believe that Latin American countries, which for geographical and historical reasons share with the United States responsibility for the future of our continent, might well consider it a just aspiration that their exports be given preferential treatment in the U.S. market."

The comment of the U.S. Chamber of Commerce representative to the Lima IA-ECOSOS meeting is also instructive:

"With hopes for an Atlantic Community dimming, Europe toying with restrictions on U.S. investment and refusing to relax its own commercial ties to Africa; Japan competing increasingly for Asian markets, even Latin American buyers eyeing more hungrily the offers of favorable Japanese and European credits, conversations at the Lima confer-

ence turned frequently and seriously to the 'natural' need for a hemispheric trade agreement."

2. While the terms of Latin America's trade with the rest of the world improved by an estimated 2 to 3 percent in 1964, predictions are that in 1965 and succeeding years advance cannot be maintained. Thus Latin pressure for special consideration for its exports in foreign markets will increase.

3. Latin nations claim to be concerned about signs of U.S. protectionism. They cite the imposition of restrictions on beef imports, and President Johnson's unwillingness to consider freeing the U.S. quota system on imports of residual oil. The Latin reaction is to want to secure an assured place for their products in U.S. markets.

4. Obvious progress of the current round of GATT negotiations has been slow, and Latins are impatient. Although GATT members adopted in January 1965 a new "chapter" intended to give greater consideration to less-developed country trade needs, so little "Kennedy Round" progress has been made that Latins are impatient to obtain immediate relief from their trade ills through the new United Nations Trade and Development Board.

Clearly the United States is obligated to head Latin America's calls for change, if only by the special relationship the United States has for over a century claimed with the nations of this hemisphere. The Latin American Common Market proposal should be considered at the highest levels of the Johnson administration in light of the great pressures for change in Latin America. The administration should take this opportunity positively to respond to a proposal by four of Latin America's most respected economists and leaders—not necessarily by accepting the plan outright, but building on it constructively. Under Secretary Mann has shown ability in dealing with Latin American problems. Let us hope that he will lead our Government in a positive, creative response to these issues.

To those in the State Department and Executive Office who will formulate the U.S. response, I suggest that a suitable and positive response to the Latin Common Market proposal would be a total hemisphere trade structure. This could take the form of a free trade area of a common market. But it would incorporate all nations in this hemisphere.

But I do not propose that the United States, Canada and Latin nations immediately abolish all intragroup tariffs. Such a plan is clearly not feasible. Latin nations almost surely would have difficulty competing with the developed economies to their north in such an environment.

In addition, I have serious reservations that geographic barriers, aggravated by lack of postal and telegraphic communication and by inadequate intracontinental transportation, will impede the growth of a true Latin American Common Market. South America is divided naturally into two areas. The nothern area, including Venezuela, Colombia and Panama, is separated by the Amazon and its vast tropical riparian areas from the southern area, including Brazil, Uruguay, Argentina, Chile and Peru, Paraguay and Bolivia. The countries of Central America and the Caribbean thus form with northern South America a natural area for commercial exchange, while the southern area remains isolated, a natural unit unto itself.

This wide natural barrier to a true hemisphere common market would seem to be a prima facie reason for opposing its formation. Latin nations must overcome this barrier—by developing adequate air, land, and coastal transport. Hopefully the removal of tariff barriers among all Latin nations would create incentives to purchase from each other and would require adequate transportation networks. The development of the United States as a unified market was not prevented by the existence of the Mississippi River or the Rocky Mountain Range—even in the absence of the Panama Canal gold prospectors found their way to the goldfields of the West, and this demand for transportation led to the development of efficient and relatively quick land and sea transportation.

In addition, it is necessary to warn that a new hemisphere trading relationship will not by itself solve the serious economic development problems shared by most Latin nations. These problems of taxation, social reform, private capital growth and investment, and urban development can only be solved by the increasing efforts of these nations themselves. But we cannot forget the many serious obstacles to Latin economic growth that a Latin American common market or other arrangement cannot hope to easily solve.

I would identify at least the following further conditions for a total hemisphere trading plan:

1. It must be based on an underlying agreement that the plan's purpose would be to promote competition. Greater efficiency, diversification, specialization and economic integration would be its goals.

2. It must be created within the context of GATT. GATT exemption from application from the most-favored nation requirement would be obtained. The United States would not attempt to abandon a multilateral approach to freer trade.

I have spoken in this letter of a Latin American common market and a free trade area almost as if they are interchangeable. Of course, they are not. Common markets and free trade areas are utterly distinct, though each can be modified for use in different circumstances. We must give serious consideration to the relative desirability of these basic multilateral arrangements in the context of Western Hemisphere needs and our GATT obligations.

I wish to end this letter with a reservation to my proposals and with a caveat. It may not be in the interest of world development that we freeze the historic economic relationships that exist between European countries and Africa, North America and Latin America, or those economic relationships that now exist or may develop in Asia. Rather, it may now be in the interests of world development to further economic relations among the world's regions. Let Africa develop better economic relationships with the United States and let Latin America develop better economic relationships with Western Europe. Let us consider removing the present special economic ties between industrial and developing nations, and replacing them with a world trading system in which each developing country's trade problem is considered on individual merit by all countries.

It is time that Congressmen, congressional committees and the Executive study these problems. Certainly it is imperative that the Subcommittee on Inter-American Economic Relations examine them thoroughly, hopefully some time this year. We must help decide what hemisphere economic system will build the soundest Western Hemisphere relationships, yet at the same time comply with the broader objectives of the United States and with international development.

Sincerely,

THOMAS B. CURTIS.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RUMSFELD. Mr. Speaker, today, the 10th of May, marks the 88th anniversary of the traditional national holiday of the Rumanian people who, after centuries of subjugation and oppression by foreign powers, proclaimed their independence on May 10, 1877, which was confirmed by the Congress of Berlin in 1878. For 70 years Rumania prospered as a free nation and enjoyed social, economic, and political progress, but this freedom was short lived—and today the country suffers the fate of other captive Eastern European nations which have become victims of the Communist tyranny.

It is tragic indeed that this anniversary of Rumanian independence cannot be observed openly by the people in Rumania without inviting harsh retribution from their Communist authorities. Those of us who cherish the privileges and responsibilities of freedom share the hopes and confidence of these people for the future independence of their country and express for them their fervent and undying belief in religious and political freedom and in the rights of individuals. We know that as long as there is any suppression of the right of self-determination, the world cannot hope for a secure and durable peace. We assure them that we will not submit to the illusion that the victory of communism is inevitable—on the contrary, we will never forget that freedom is man's birthright and that its survival and triumph are inevitable.

RESIDUAL OIL—BOOMING COAL SALES BELIE CALLS FOR CONTINUED QUOTAS

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, some of our colleagues, driven by understandable regional zeal, have been painting an inaccurate picture of gloom in the coal industry as a reason for continuing restrictions on the importation of residual fuel oil. To listen to them, one would think that coal was battling for its life against desperate odds stacked up against them by residual oil. Such is not the case; coal is making tremendous profits, and its future is sound Coal interests are big interests and so are the Appalachian States in which big coal is based. These big interests have gained the ear of the Great Society. Hearkening to the call of economic and political power, the Great Society is pouring out special favors for Appalachia in the form of a billion-dollar-plus special program of public works just for Appalachia.

On top of this, the masters of the Great Society in March overruled the

Secretary of the Interior and directed that strict controls on residual oil be continued. Although the Secretary himself recognized the injustice of the import restrictions, and acknowledged that they unfairly cost the consumers of New England upwards of $40 million a year, and had worked out a carefully drawn relaxation of the quota system, on the eve of action, his work was rudely brushed aside from above. The White House again had responded to the siren call of politics represented by the economically powerful and vote-rich region of Appalachia.

What is the truth? The truth is that the big coal interests are prospering mightily and that their prosperity bears little relation to residual oil. Of course, residual oil competes with coal. So does natural gas and so does atomic power in a smaller but growing way.

To substantiate my claim of coal's prosperity, I draw the attention of the House to the May 1 issue of Forbes magazine, which follows these remarks. It will be seen from this that coal is meeting its competition in the best American traditions. As a result, which we all applaud, big coal is making big profits and the profits are growing. This article should make it plain that coal needs no special protection from the Federal Government. Also apparent is the gross unfairness to the users of residual fuel in continuing the import stranglehold on this vital commodity.

With Appalachia receiving so much Federal bounty, paid for in part by the taxpayers of New England, and with the coal industry enjoying such great prosperity, it is patently unfair to continue these restrictions.

I hope every Member will have the time to peruse the Forbes article:

COAL'S PROGRESS: BUSINESS IS GOOD FOR THE TOP COAL COMPANIES, AND THE CLOSER THEY ARE TO THE UTILITIES, THE BETTER THEY FARE

The fortunes of the coal industry have improved notably in the last 4 years. Since 1960 bituminous coal output has risen 16 percent, from 415 million tons to 482 million. Behind this growth lies the $1.5-billion utilities market, using about 6 percent more coal each year. Coal's other big market—steel—has been of little help, increasing its consumption an average of only 2 percent a year since 1960.

Coal's position with the utilities is solid. Despite the growth of natural gas meantime, it still supplies 66 percent of the energy used to generate electricity, just as in 1950. But the battle remains fierce. Foreign residual oil offers real competition on the east coast. So, in other areas, do natural gas and atomic energy. But coal is today an aggressive contender.

To keep the offensive, coal's strategy is to sign the utilities to long-term contracts running as long as 30 years. This assures the utilities of stable energy costs, something they cannot count on from oil. The risks are great—to get the utilities to sign, the coal companies must offer attractive prices, often depending on unrealized gains in mine productivity. Confided one eastern coal executive: "All of these contracts have escalation clauses in case wage or other costs get out of hand. But when I think of some of the prices quoted, the escalations seem small comfort."

Yet the strategy seems necessary to coal's survival. Said F. Stillman Elfred, Peabody Coal Co.'s peppery chairman, "When you get a customer to take your coal for 20 years, you know exactly where you stand. Then you can make the investment in the machinery you need to produce at the price you have set. And in the meantime you have frozen out the competition."

THE STANDINGS

All the big coal companies did well last year. The more closely they were linked to the utilities, the better they did. Peabody Coal, for example, came up with a 24-percent gain in net over 1963 on an 18-percent sales increase. (See table.)

Close to 90 percent of Peabody's operations are in strip mining, the cheapest way to dig coal. Peabody does 75 percent of its business with utilities, most of it under long-term contracts. In its midwestern market Peabody has little competition from residual oil or atomic energy. Its mines are located near their markets, and half its output can be shipped by cheap water transport, in barges in which Peabody often has a part interest.

Consolidation Coal Co., the biggest coal company (in sales), showed impressive earnings gains of 16 percent last year and nearly 50 percent since 1960 on a smaller sales rise than Peabody's. But with only 8 strip mines out of a total of 32, Consol's gains in net have come less from its own mines than from tax reductions and credits, joint coal operations with others and dividends from its 3 million Chrysler shares.

Among Consol's problems is competition from oil in eastern markets. In addition it sells the steel companies some 24 percent of its output. Said President G. Albert Shoemaker, "There is no real growth in steel. Any expansion in steel will be compensated by greater efficiencies in the use of coking coal."

But Consol is also the richest coal company, with net working capital of $104 million, and a 3.7 to 1 current asset ratio versus an average of 1.7 to 1 for the other four companies on the table. These liquid assets, said Shoemaker, "will enable us to make a long-term deal of any proportion with any customer."

Among the other major coal producers, Island Creek Coal Co. gets practically all its income from coal, while Pittston Co. and Eastern Gas & Fuel Associates get less than half. But all three have this in common: They increased their coal earnings sharply last year, Island Creek by 33 percent, Eastern by about 60 percent, and Pittston by about 80 percent.

Anyone who still thinks of coal as a sick or dying industry would do well to ponder these figures.

Coal's performance

Company	1964 sales (millions)	1963–64 change (percent)	Earnings per share		
			1964	1963–64 change (percent)	1st quarter 1964–65 change (percent)
Peabody	$188.7	+18	$2.16	+24	+5
Consolidation	297.3	+4	3.17	+16	+19
Island Creek	112.0	+20	2.38	+33	+10
Eastern Gas & Fuel [1]	170.3	+13	6.43	+83	+84
Pittston [1]	257.1	−2	4.90	+10	(2)

[1] Diversified.
[2] Not available.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. BOLTON. Mr. Speaker, May 10 marks the anniversary of Rumanian independence. On this day, Clevelanders of Rumanian descent will gather to observe the occasion. Regrettably similar celebrations will not take place in Communist Rumania. Yet in the hearts of the people, we are confident, this event is cherished. It remains the symbol of their permanency and perserverance through woes and hardships to reach the ultimate goal of freedom and well being.

Ruthless foreign domination now oppressing the Rumanian nation has not been able to extinguish the people's devotion to May 10. Liberty is not so easily defeated.

Freemen everywhere should pause and reconsider all that they take for granted. Such an event as this helps remind us of our blessings.

So it is my privilege and honor to stand side by side with my Rumanian-American friends in observance of this day, awaiting with strength and courage the return of freedom to Rumania.

RUMANIAN INDEPENDENCE DAY

Mr. McDADE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, it is particularly significant in this turbulent time of aggression against freedom in many parts of the world that we pay tribute to the spirit and courage of the Rumanian people.

This 10th of May traditional national holiday celebration is a living symbol of perseverance in seeking freedom while facing tremendous obstacles.

The free world takes a monumental pause today to honor the history of Rumania where its people can no longer commemorate this date behind the Iron Curtain.

Although tragic circumstances silence the people in Rumania, we in the free world send them assurance that a time of independence must ultimately be achieved.

We join with Rumanians, who are captive in their homeland and must celebrate today in their hearts, in hoping for the dawn of a new time when freedom will return to their country.

EULOGY TO FORMER U.S. SENATOR OREN E. LONG OF HAWAII

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

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

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, it is with extreme sadness that I rise to inform the House that the State of Hawaii mourns the loss of one of its outstanding citizens, former U.S. Senator Oren E. Long, who passed away in Honolulu on Thursday, May 6, 1965. He was 76 years of age.

Senator Long's sudden death means a deep personal loss to me. He was a very dear friend of mine, and I was privileged to enjoy his friendship over a long period of years. Like thousands of others who attended the public schools in Hawaii, I came to know Oren E. Long by his reputation many years before the start of our friendship. He had actually given the public school system in Hawaii a lifetime of outstanding service before commencing a career in politics which he completed with equal distinction and dedication.

Honest, courageous and able, Oren E. Long was above all a kind and thoughtful person. He was just as much interested in the problems of schoolchildren as he was in the affairs of state. Behind a quiet and unassuming demeanor, Senator Long possessed a remarkable quality of being able to get things done. He himself once alluded to the fact that while he disdained shouting and pounding on the table, he was, in his own way, able to obtain the desired results.

Oren E. Long was born in Altoona, Kans., on March 4, 1889. He received his early education in Kansas and Tennessee. He received graduate degrees from the University of Michigan and from Columbia University.

He journeyed to Hawaii in 1917. After serving his initial island assignment as a social worker, Oren Long became vice principal of McKinley High School, which was then one of the few high schools in Honolulu.

After a period of study in the continental United States, he returned to the public education field in the then Territory of Hawaii. From 1925 to 1934 he was deputy superintendent of public instruction, before becoming the head of the department.

As superintendent of public instruction, he was sincerely interested in giving the best possible education to all of Hawaii's children of heterogeneous races. He guided the public school system to a place of excellence.

Thousands of our citizens remember Oren E. Long best for the many years in which he headed the school system in Hawaii. During this period, the number of senior high schools increased from 9 to 24.

In 1946, he was named Secretary of Hawaii, the Territorial counterpart of the present Lieutenant Governor's office. He became Hawaii's Governor in May 1951.

When Hawaii achieved statehood in 1959, Democrats nominated him for the U.S. Senate and he defeated his Republican opponent for the 2-year term.

In 1962, Senator Long voluntarily retired and stepped aside for DANIEL K. INOUYE, Hawaii's distinguished first Representative to Congress, in whom he had, in the Senator's own words, "a special interest."

Mr. Speaker, as a citizen of Hawaii and a close friend of the late Oren E. Long I am deeply grieved by the passing of this great American. He leaves behind him indelible footprints in the sands of time. To his beloved widow Geneva Long, I extend deepest sympathy from Helene and myself.

FOREIGN AID IS GOOD BUSINESS

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

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

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, when we take a close look at how our foreign aid is stimulating our economy, the conclusion is inescapable that our aid to the developing countries of Asia, Africa, and Latin America, is not only the right and humanitarian thing to do, but it is also good business.

Under the "buy American" policy of our aid program, 86 percent of all the goods we financed today are bought right here in the United States. This, in turn, has opened up new export markets for us, by acquainting the people of the developing countries with American-made products.

In fiscal 1964 alone, our economic assistance programs were translated into $1,008 million worth of export business for American industry. American shipping lines were paid another $80 million to carry these goods to their destinations. Other AID dollars went to pay American colleges, businesses, consulting firms, and nonprofit associations who hold $450 million worth of AID contracts for technical assistance overseas. Still more AID dollars went to pay American engineering and construction firms to design and to build about $4 billion worth of capital projects the United States is helping to finance in the poorer countries—irrigation works, power dams, fertilizer factories—the kinds of things that will give these countries a chance to expand their own output.

Any way you look at it, our foreign aid program means a lot of business for American business and industry today. In 1964, it meant $157 million in export business for American iron and steel product manufacturers; $310 million in exports of machinery ranging from electric motors to draglines; $97 million in chemical exports; $83 million for motor vehicles from American factories; and $49 million in railway equipment exports.

These were all exports to countries that were unable to buy much from us because of shortage in foreign exchange. The AID program finances a large share of U.S. exports to these markets and a very large share of total exports in many areas. For example, AID pays for 31 percent of all exports of iron and steel mill products, 37 percent of railway transportation equipment, and 46 percent of fertilizers.

In our military assistance program, practically every dollar of the billion-dollar budget is spent to buy American military hardware.

From a long-range viewpoint, we find that our AID program is now playing the same role in the developing countries of Asia, Africa, and Latin America that the Marshall plan played earlier in Western Europe by developing the economies of countries that could become good U.S. customers, and by acquainting them with U.S. goods and services in the process.

Our biggest present export customers are former aid recipients, now the developed countries of Western Europe, and Japan, where AID financing is no longer necessary or furnished. In the period from 1950 to 1962, our exports to Europe doubled. Our exports to Japan have tripled in the past decade.

A striking example of how the aid program has led to the creation of new export markets is demonstrated by U.S. coal sales abroad. Before World War II, U.S. coal was not normally exported to European markets. Under the Marshall plan, however, large amounts of coal were exported to Europe under foreign aid financing. Aid financing of coal exports has long since been reduced virtually to zero. But the markets have remained.

The Coal Exporters Association of the United States points out that 28 million tons of the 40 million tons of U.S. coal exported in 1962—approximately $285 million worth—was a result of export business established as a consequence of our foreign aid program. This is a classic case of U.S. aid paving the way for new markets which thrive after aid is discontinued.

The developing countries in Asia, Africa, and Latin America which we are aiding today represent a potential market for American exports—four times the size of our present major oversea market in Western Europe.

There are already signs that in some developing countries, trade is beginning to follow aid, as it did in Europe. For example, there were increases in non-aid U.S. commercial exports over the past 5 years of 14 percent to Taiwan, 28 percent to Colombia, and 76 percent to Israel.

The foreign aid program in the recipient countries is also helping to establish sound fiscal budgetary and monetary policies which is proving conducive to private investment and economic growth. It is evident that our aid program is influencing public policies and private actions in dozens of countries around the world in the direction of progress and freedom.

The fact that it is good business is a valid reason for continued support of our foreign aid program. But it is not the only reason. The bulk of the world's population still live under conditions of

hunger, poverty, and disease. It is not simply a matter of sound business for us to help overcome these conditions. It is also a matter of fundamental humanitarian concern. Thus, we have one of those rare and fortunate instances where self-interest and the right thing to do actually coincide. Let us continue this worthy program.

THE NEED FOR JUNIOR COLLEGES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 30 minutes.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks including a table.

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

There was no objection.

Mr. COLLIER. Mr. Speaker, if ever there has been a single phase of higher education in this country which has been neglected, it is in the area of the junior and community college. Looking ahead a few years, it becomes more and more evident that this year much greater emphasis must be placed if we are to solve the problem of overcrowded campuses and educational opportunity for a greater number of deserving students.

About 1.4 million young people who will receive their high school diplomas in the next few weeks are seeking college entrance in September. It is estimated that more than 100,000 of these who are scholastically qualified will not gain admittance.

State universities that once welcomed out-of-State students can no longer do so because most have a serious problem in accommodating those students residing in their own States. Higher tuitions and more stringent scholastic requirements have necessarily been placed upon out-of-State applicants.

In my home State of Illinois, more than 5,000 students who sought admission had to be turned away in September of 1964. This number will increase in growing proportions in the years ahead unless something is done at a community level to absorb greater numbers of these each year. The prime problem in most cases is inadequate facilities. There is a need for congressional action to provide incentives at a community level to expand junior colleges and community college facilities. In fact, conservatively speaking, there is a need for at least doubling the number of junior colleges now in operation over the next 10 years.

There are many obvious advantages to expanding this type of facility in the field of higher education. As a matter of simple economics, one must realize that the average cost of attending a junior college is about $1,600 per year less than it costs a parent to send a son or daughter to a college or university away from home. In the light of the sharply increasing expense in attending the private colleges, Government funds just cannot provide the answer on the scale that is demanded.

A few months ago, I polled several hundred of these private colleges and found that the increase in enrollment has in no manner kept pace with the increase in tuition, construction of new facilities on these campuses, or the sharp increases in faculty salaries. While the survey was made of this type of institution across the country, let me cite the results of some of those in my own State which are indeed significant. One showed a decrease in enrollment over 8 years of approximately 7 percent while the tuition cost increased 104 percent and new construction soared over $3.5 million, 17 percent of this cost coming from Federal funds.

During this same period, faculty salaries increased by 80 percent. Another college with an enrollment of approximately 1,400 students showed an increase of 24 percent in enrollment while tuition increased over 100 percent and faculty salaries in excess of 60 percent. Still a third showed an increase in enrollment of 6 percent with tuition expenses soaring by 72 percent and faculty salaries by 50 percent. The same institution spent approximately $4 million in new construction during the same period of time.

While I am not critical of either the need for new buildings nor the increase in faculty salaries, the fact remains that the increasing number of dollars is not going to expanding the educational opportunities for a greater number of students. If tuitions continue to soar each year on most college campuses, the burden of providing a college education is becoming more and more difficult for families with modest incomes whose sons and daughters are not able to get into their State colleges and universities because they are overcrowded and have constant student housing problems.

An expanded system of junior and community colleges would also take great pressure off of the student loan programs for certainly the need for student loans would be minimized where the same students could spend 2 years in a junior college, for example, before going on to a larger college or university. There is one other very important reason why expansion of the junior college program is essential in the field of higher education today.

Countless thousands of students who enter an institution of higher learning each year either wash out at the end of the first or second grading period or flunk out by the end of the year. In many cases, it is because the growing demand upon college students today and the higher standards of education at this level are part of the educational progress in the society in which we live. Many students fail because they are just not equipped to cope with these demands either because of improper study habits or inability to acclimate to college life and to compete academically with other students. Thus, the junior and community college system affords a sort of screening process. It seems to me that it makes good sense to find out that a student cannot do college work satisfactorily before he goes off to a campus many miles away from his home.

It is not unlikely that the cost of a college education will continue to increase in the years ahead. It is a certainty that the number of high school graduates who seek college entrance will continue to rise at a greater pace than they have in recent years. While we have made advances in providing college housing in the past decade, this will continue to be a serious problem, too.

All of these factors, it seems to me, establishes the need for greater and greater emphasis upon the expanding program I have recommended. The incentive to build new junior colleges must be provided as part of the Higher Education Facilities Act which was woefully inadequate in this field. And, this is where one could expect an increase in enrollment of college students more in line with the dollars which are spent for new construction in the field of higher education. Now, it seems to me, is the time that the Congress should look at this problem objectively and from a long range point of view for it holds the key to accommodating the primary demand this Nation must meet in the field of higher education in the years ahead.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, today's study of foreign governments' purchasing practices deals with Latin American countries, including Venezuela, whence most of the foreign oil used in east coast military installations originates.

While Venezuela has erected impenetrable obstacles to foreign supplies and equipment for government use, our own Department of Defense is literally tied to the uncertainty of foreign sources of energy in east coast bases. Although obviously such imports would not be available in an emergency, the State Department objects—for so-called diplomatic reasons—to any prohibition whatsoever on shipments of foreign fuel.

As you are well aware, the use of coal produced in Pennsylvania and other mining States instead of alien oil would be advantageous to America's balance-of-payments position and at the same time help to reduce coal industry unemployment. These factors should be taken into consideration as you review No. 7 in a series of documents which I present for publication in the RECORD.

LATIN AMERICAN FREE TRADE ASSOCIATION (LAFTA)

Unlike the various European regional economic treaties, the Treaty of Montevideo establishing the Latin American Free Trade Association (LAFTA) does not contain any specific provision for the elimination of, or any provisions which could form a direct

basis for action to eliminate, legislative, regulatory administrative provisions, practices and policies of the contracting parties discriminating against foreigners and foreign products in the field of public contracts.

The treaty was signed on February 18, 1960, by Argentina, Brazil, Chile, Mexico, Paraguay, Peru, and Uruguay. All the signatory governments deposited their instruments of accession on May 2, 1960, except Paraguay (June 21, 1961). Colombia and Ecuador acceded by instruments of accession deposited on September 30, 1961, and November 3, 1961, respectively. Article 58 of the treaty leaves the way open for accession by any other Latin American country but thus far only Venezuela appears to have given serious consideration to acceding.

Basically, the treaty provides for the creation of a free trade area during the 12-year period following the entry of the treaty into force by the gradual and progressive elimination by the members of LAFTA, "in respect of substantially all of their reciprocal trade", of such duties, charges and restrictions that may be applied to imports of goods originating in the territory of any contracting party. The contracting parties have also agreed to attempt to harmonize their import and export regimes, to establish consistent treatment for capital, goods and services entering the free trade area, and to coordinate their plans for industrial development. Until 1973 each contracting party will continue to set its own tariffs against nonmembers, but at that time all the contracting parties will review what they have created, and, if the results justify such action, they have agreed to multilateral negotiations to adapt the treaty to a new stage of economic integration.

The treaty establishes three interrelated devices by which the contracting parties will reduce tariffs and other barriers to interarea trade. Those devices are (1) annual negotiations of reciprocal concessions on particular products; (2) triennial negotiations of a "common" list of products that the parties irrevocably agree will circulate free of all barriers by no later than 1973; and (3) negotiations from time to time by two or more contracting parties of so-called "complementation" or "integration" agreements providing for preferential treatment for particular products or for the products of particular industries.

The supreme organ of LAFTA is the Conference of the Contracting Parties, which "shall adopt all decisions in matters requiring joint action". The permanent organ of LAFTA is the Standing Executive Committee, which acts as the executive branch. Its membership consists of a permanent representative from each Contracting Party, which has a single vote, and a Secretariat headed by an Executive Secretary.

The theme which is expressed in the preamble to the Treaty and runs throughout the Treaty is the desire of the Contracting Parties to pool their efforts to achieve the progressive complementarity and integration of their national economies on the basis of an effective reciprocity of benefits. Conceivably, application of that theme in the course of the evolution of the free trade area toward full operation in 1973 may give rise to action to eliminate national discriminations in the field of public contracts. For example, although "dumping" is not referred to in the Treaty, the Second Session of the Contracting Parties adopted a resolution (No. 65 (II)) declaring "dumping" and other unfair commercial practices in international trade to be incompatible with the Treaty and containing an undertaking by the Contracting Parties to use all their power to prevent such practices and to enact national legislation to that end.

Thus far, however, no action appears to have been taken in the field of public contracts, although all the Contracting Parties discriminate in one way or another against foreigners and foreign products in the letting of public contracts.

Principal sources

(1) Association of the Bar of the City of New York, Committee on Foreign Law, Economic Integration in Latin America, 17 Record (Supplement, June 1962).

(2) Business International, Latin America's Merging Market: The Challenge of Economic Integration (New York, 1964).

(3) Hoagland, The Latin American Free Trade Association, in Surrey and Shaw (eds.), A Lawyer's Guide to International Business Transactions (Philadelphia, 1963).

(4) United Nations, Multilateral Economic Co-operation in Latin America, Vol. 1: Text and documents (1962).

(5) Wionczek, Latin American Free Trade Association, International Conciliation, No. 551 (January 1965).

ARGENTINA

(Member of LAFTA)

The basic Argentine legal provision relating to public supply and public works contracts is Chapter VI of the Accountability Law (Ley de Contabilidad) (Decree-Law No. 23,354 of 1956), as last amended by Decree No. 2554 of April 4, 1961 (Boletín Oficial, April 7, 1961). The Decree-Law is regulated by Decree No. 9,400 of August 12, 1957 (Boletín Oficial, August 23, 1957), to which are attached the General Specifications for Public Tenders, Private Tenders and Direct Contracting—General Clauses.

Article 55 of the Decree-Law establishes the general principle that every purchase or sale for the account of the Nation as well as every contract concerning the giving on lease (locación), and the taking on lease (arrendamiento), of works or supplies shall be made after public bidding (licitación pública). Article 50 authorizes private bidding (licitación privada) for small contracts and direct contracting (contratación directa) in 13 cases, including the case in which, for urgent reasons, there is no time for tendering. The exceptions are capable of being broadly construed. All contracts exceeding 5,000,000 pesos (about $33,000 in January, 1965) must be approved by the Executive Power.

Paragraph 40 of the Regulations under Article 61 provides that as a general rule bidders must be enrolled in the Register of State Suppliers maintained by the General Administration for State Supplies under the provisions of Paragraph 1. Under Paragraph 41, however, enrollment is not necessary in the case of foreign firms which do not have representatives or agents in Argentina. In order to comply with technical tender requirements and procedures, however, it is almost imperative that a foreign firm have a representative or agent in Argentina.

The quotation of each bidder must, under Paragraph 47, specify whether products of Argentina or foreign industry are involved and Article 48 implies that bids contemplating products to be imported will be accepted only if so provided in the bid proposal.

Paragraph 68 of the Regulations under Article 61 provides that the most advantageous (más conveniente) offer shall be accepted, it being understood that such offer, quality being equal, is the one that is lowest in price. Nevertheless, the way is left open for discrimination against foreign materials by providing exceptionally that the contracting authority may award the contract to a higher bidder if it is determined that the quality of his product is better. Moreover, Paragraph 69 permits the rejection of all bids.

The General Conditions attached to the Regulations require that bidders establish legal domicile in Argentina.

A strong "Buy Argentine" policy is in effect by virtue of Decree-Law No. 5340 of July 1, 1963 (Boletin Oficial, July 5, 1963), as amended by Decree-Law No. 6672 of August 9, 1963 (Boletin Oficial, August 16, 1963). An unofficial translation from Spanish of Decree-Law No. 5340, as so amended, is attached hereto.

Article 1 of Decree-Law (page 4 of the translation) requires all Government departments, agencies, autonomous State entities, State enterprises, public service concessionaires and their contractors to purchase only merchandise, materials and products of Argentine origin when available at "reasonable" prices. Article 13 provides for the extension of the policy to the provinces.

The Decree-Law is complemented by a circular of the same date of the Central Bank of Argentina to commercial banks which states that, in order to put domestic suppliers on a more competitive footing with regard to credit terms, the Bank will finance up to 80 per cent. of the payments contracted by national and provincial agencies for periods of up to five years.

The criteria set forth in Article 3 (pages 5–7 of the translation) for price comparison purposes are obviously discriminating against foreign bidders and foreign products. Particularly discriminating is the provision that an amount equivalent to the sales and profits taxes shall be included in the price of the imported product, even though the latter is destined for the importer's own use and hence is not subject to those taxes.

Moreover, Article 4 gives a distinct advantage to products originating elsewhere in the Latin American Free Trade Association over products originating elsewhere.

Principal sources

(1) Airgram No. 177 dated August 14, 1963, from the United States Embassy in Buenos Aires.

(2) Letter dated November 12, 1964, from the Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, "Basic Data on the Economy of Argentina," Overseas Business Reports, No. OBR 63–84 (1963).

(4) United States Department of Commerce, Establishing a Business in Argentina, Overseas Business Reports, No. OBR 64–33 (1964).

ARGENTINA DECREE-LAW NO. 5340 OF JULY 1, 1963

(Boletín Oficial, July 5, 1963)

(Unofficial translation from Spanish)

Whereas in order to promote the general welfare, which is one of the essential aims of the Government, measures may be enacted, which are conducive to the prosperity of the country and to the advancement and welfare of all the provinces, for the promotion of the existing industries and the introduction and establishment of new industries through laws for the protection of these purposes, as expressed in the Preamble to the National Constitution and its Article 67, paragraph 16;

Whereas it is considered absolutely essential and urgent to take certain measures to promote domestic activities for the production of goods;

Whereas purchases abroad of goods which could be acquired in the domestic market unnecessarily increase the deficit in the balance of international payments of the Republic, since they require payments in foreign exchange which can be avoided;

Whereas the larger the sales on the domestic market, the more employment there will be and the larger the degree to which the causes for employment will be eliminated;

Whereas a larger volume of sales is generally accompanied by a reduction in cost,

which in turn is reflected in a reduction of sales prices;

Whereas a strengthening of the domestic market encourages new investments and, consequently, creates an element of competition which is the basic mechanism for improving production and lowering the costs thereof;

Whereas purchases to be made by the public administration, the agencies, departments and economically independent and self-governing entities, the State enterprises and public service enterprises operating under license represent a very large volume;

Whereas it is essential to take measures to insure that the purchasing potential of the State, of the State organizations and of those rendering public services is directed toward the domestic market by acquiring to the largest extent possible products, merchandise and materials of domestic origin where their price level is reasonable compared to similar products, merchandise and materials acquired abroad;

Whereas the customs duties and exchange surcharges on imports tend to establish a balance between the prices for domestic products and for imported products within reasonable margins and in consideration of the convenience of the establishment of certain production activities;

Whereas since the public administration, the State organizations and enterprises and the public service enterprises operating under license are, in some instances, exempt from payment of customs duties and import surcharges and, in other instances, are granted financial facilities for payment thereof, there naturally exists a tendency to acquire imported materials, merchandise and products;

Whereas for these purposes it seems the most appropriate to establish absolute preference in favor of materials, merchandise and products of domestic origin for direct or indirect acquisitions by the public administration, the State organizations and enterprises and public service enterprises operating under license where the price is reasonable, a reasonable price to be deemed a price which is not higher than that of the imported materials, merchandise or products after computing all exchange surcharges, duties, imposts, taxes and charges which a non-privileged importer would have to pay, i.e., a person who cannot claim the exemptions or privileges of the State;

Whereas in this manner, the same policy is followed which the industrialized countries have adopted and which secured for their own industries a market for public investment;

Whereas with the establishment of this system, the National Government proposes to secure permanently an important sector of the domestic market for supply with production of domestic origin, without disregarding the commitments under the Treaty of Montevideo which established the Latin American Free Trade Association; and now therefore,

The President of the Argentine Nation decrees with force of law:

Article 1. The Public Administration, the agencies, departments, economically independent or self-governing bodies, the public service enterprises operating under license and the State enterprises shall exclusively acquire materials, merchandise and products of domestic origin, provided the price be reasonable.

Under the same obligation shall be persons who enter into works or services contracts with the public administration, the agencies, departments, economically independent or self-governing bodies and State enterprises.

Article 2. For purposes of Article 1, it shall be understood that a material, merchandise or product is of domestic origin when it is:

(a) a mineral extracted from mines situated within the national territory and processed within said territory;

(b) a farm product produced within the national territory;

(c) an industrial product manufactured in the Argentine Republic for the finishing of which raw materials, semi-finished products or parts produced in the national territory are used;

(d) an industrial product manufactured in the Argentine Republic for the finishing of which raw materials, semi-finished products or parts produced abroad and which are not, or cannot be, produced within the national territory at reasonable prices are used;

(e) an industrial product manufactured in the Argentine Republic by industrial plants which are developing a plan of industrial integration approved or established by competent authority, even though the product may not comply with the requirement of paragraph (d) above.

Article 3. The cost shall be considered reasonable when the price of the materials, merchandise or products of domestic origin is not higher than the price of imported materials, merchandise or products which, for purposes of price comparison only, shall include:

(a) value c.i.f. Argentine port (cost, insurance, freight);

(b) the exchange surcharges established for import of the materials, merchandise or products in question which must be paid by a non-privileged importer; the minimum surcharge shall be computed at 25 percent if the established surcharge should be less or should not exist;

(c) the imposts, duties and customs charges which would have to be paid by a non-privileged importer;

(d)[1] all remaining imposts, duties, taxes or charges which are payable by a non-privileged importer, and an amount equivalent to the sales and profitable activities tax, even though the import may consist of goods intended for the personal use of the importer;

(e) any interests, commissions and financial charges which the purchaser must pay if term payment for the imported materials, merchandise and products may have been offered, in the amount which may exceed the current percentage in the country of origin for financed exports, on the value of the delivered materials, merchandise and products; there shall also be computed in this context the income tax payable on remittance of interest abroad where it is imposed on the purchaser.

Article 4. On materials, merchandise and products originating in countries belonging to the Latin American Free Trade Association, only the surcharges and customs tariffs in force on the Argentine national list shall be computed.

Article 5. If the Ministry of Industry and Mines, upon request by an interested party or ex officio, should validly determine that the price in the internal market of the country of origin of the imported material, merchandise or product which may have been offered is at least 10% higher than the export price and provided that there does not exist an established index price, the price C.I.F. Argentine port shall be substituted, for purposes of price comparison, by the current price in the internal market of the country of origin, increased by the factors necessary to determine the value C.I.F. Argentine port.

Article 6. For purposes of the price comparison provided for in Article 3, if the amount of all the taxes on the imported finished product which the non-privileged importer would have to pay should be less than the total amount of taxes paid on the imported component parts of the domestic finished product, that difference shall decrease the price of the material, merchandise or product of domestic origin included in paragraph d) and e) of Article 2. That amount shall be determined by the Ministry of Industry and Mines, and the lesser amount determined shall be applied to each one of the various similar materials, merchandise or products of domestic origin offered in public bid if imported raw materials, semi-finished products or parts had been used to differing extents in the finishing.

Article 7. A certificate by the Ministry of Industry and Mines to the effect that a material, merchandise or product is of domestic origin pursuant to the provisions of Article 2 and stating the amount determined in accordance with Article 6 shall be a prerequisite for the application of the regulations established. The Ministry of Industry and Mines shall issue the certificates within 10 business days from the date of request, and the certificates shall be permanently valid as long as they are not rectified or modified ex officio or at the request of an interested party.

Article 8. The official banks may grant credits, endorsements, or guarantees for the financing of the purchase in foreign countries of materials, merchandise, or products by the provincial or municipal public administrations, departments, economically independent or self-governing bodies or State, provincial, or municipal enterprises only after issuance of the joint resolution to which Article 12 refers.

Article 9. Exemption from exchange surcharges or customs duties requested by the provinces, municipalities, or any other public body for the import of materials, merchandise or products shall not be granted if the conditions established in this decree do not prevail.

Article 10. The regulations established are hereby declared of public order, and any contracts entered into in violation thereof are declared absolutely null. Nullity may be declared ex officio or at the request by an interested party, considering as such also a party offering materials, merchandise or products of domestic origin.

Article 11. There is hereby established, under the jurisdiction of the Ministry of Economy, an Honorary Advisory Commission formed by representatives of State organizations and private activities, which shall supervise compliance with the provisions of these regulations by advice to said Ministry. An internal regulation to be issued shall establish the number of members, the organizations represented and the procedure under which it must discharge its assignment.

Article 12. Upon receipt of advice from the Commission to be created, import permits may be granted by joint resolution of the Ministry of Economy and the Ministry of Industry and Mines in the following cases:

(a) Where the provisions of the regulations established by this decree have been complied with and the price C.I.F. Buenos Aires for the imported materials, merchandise or products is more advantageous in accordance with the criterion for comparison established under Article 3.

(b) Where the object on which international public bids have been made is protected by an exchange surcharge in excess of 25 percent and, after a cost study, including a reasonable profit for the Argentine manufacturer, the conclusion was reached that the existing protection exceeds the protection that would be necessary for purposes of the comparison mentioned in Article 3, paragraph (b), the surcharge may be reduced to the extent of the amount in excess and

[1] As amended by Decree Law No. 6672, dated August 9, 1963, published in the Boletín Oficial of August 16, 1963.

the new charge shall under no circumstances be lower than 25 percent.

(c) Where there is an urgent reason and it is validly proven that the local suppliers are not in a position to deliver the product involved within the required time.

(d) Where imports from countries which are members of the Latin American Free Trade Association are involved and it is believed that a specified import will promote exports in other sectors.

(e) Where operations financed by foreign governmental agencies or international credit organizations are involved, provided that, after the corresponding economic studies have been undertaken, the production or work to be financed is considered of high priority and that, as a consequence thereof, a correlative increase in general domestic activities and an adequate participation by the Argentine industry will occur.

(f) Where it is validly proven that the quality of the domestic product is not satisfactory or that the technical specifications demanded by the purchasing entity substantially differ from those of the domestic product and cannot be adapted to those of the domestic industry without serious detriment to the buyer.

(g) Where the previous business transactions of the domestic supplier have, in the judgment of the Commission, not been satisfactory as to his ability to comply with the terms and conditions of his offer.

(h) Where the bidder, by virtue of the benefits granted by the State, has committed himself to operate at a level of protection below that which is established by these regulations.

Article 13. The Ministry of the Interior shall invite the provincial governors to enact standards similar to those of these regulations in their respective jurisdictions.

Article 14. The provisions of this decree shall not apply to comparisons to be made in international tenders undertaken under financings already agreed upon with foreign government agencies or international credit organizations in which the corresponding contingencies had especially been provided for.

Article 15. This decree shall be countersigned by the Ministers and Department Heads in the Departments of Economy; Public Works and Services; National Defense; and Interior, and signed by the Secretaries of State for Energy and Fuels; Industry and Mines; Commerce; and Finance.

Article 16. To be communicated, published, passed on to the Office of the Director General of the Official Bulletin and Printing, and deposited in the archives.

GUIDO.—José A. Martínez de Hoz.—Horacio J. Zubiri.—José M. Astigueta.—Osiris G. Villegas.—Jorge Bermúdez Emparanza,—Luis Gottheil.—Juan B. Martín.—Eduardo B. M. Tiscornia.

BRAZIL

(Member of LAFTA and GATT)

Article 244 of Decree No. 4536 of January 28, 1922, as amended, containing the General Regulations for Public Accounts establishes the basic principle that contracts for supplies or the furnishing of services exceeding 5,000,000 cruzeiros (about $2,825 in January 1965 at the free rate) and all public works contracts exceeding 10,000,000 cruzeiros (about $5,650) must be awarded through public tendering (concorrência publica) in accordance with Chapter I of Title VII of the Decree.

Notices of calls for public tenders must be published in the official newspaper (Diário Oficial) of the Federal Government or the official newspapers of the States. Article 750 contains the somewhat unusual provision that all bids must be published in their entirety in the same official newspaper or newspapers in which the notices were published.

Restricted tendering (concorrência administrativa) is permitted in cases of "emergency" and for contracts the amount of which are less than those stated above. That method is subject to the same rules as public tendering except for the publication of notices and bids. Written notices must, however, be delivered or mailed to all suppliers of the article desired.

In the case of ordinary supplies the procurement authorities may effect direct purchases through what is called standing tendering (concorrência permanente). Under this method suppliers file in advance their names and other details, the prices at which they are willing to sell the supplies and information as to quality, delivery, etc.

The contracting authorities have the legal right to cancel any call for tenders as well as to reject bidders not deemed to be suitable (idoneidade). Under Article 743 the contract must be awarded to the lowest bid (a proposta mais barata), however small the difference between such bid and any other bid.

Preferences

Article 742 of the Accountability Decree provides that Federal Government departments shall always prefer domestic bidders, conditions being equal (em igualdade de condições).

Article 744 of the Decree provides as follows (unofficial translation from Portuguese):

"Article 744: It is permitted that the Government stipulate a second condition which, in the case of absolute equality between the two proposals, with right to better classification, will serve to decide to which falls the preference."

A check made by the United States Embassy in Rio de Janeiro of government tenders published in the Diáro Oficial during January 1965 showed that, when conditions were stipulated under Article 744, first preference was given to bidders of Brazilian nationality. For example, in a tender published by the Ministry of Aviation, the condition was as follows:

"In cases of equality of prices, the decision will obey the following preferential order (Art. 744 of R.G.C.P.):

"1. National bidder;

2. Reduction of prices;

3. Supplier of article or labor during the past year;

4. Drawing [i.e., by lot]."

Another tender for sale of used equipment stated that, in the event of equality of offers between a national firm and a foreign firm, preference would be given to the former.

According to information supplied by the United States Department of Commerce and the United States Embassy in Rio de Janeiro, the Government and its agencies and autonomous entities are required to purchase articles of domestic origin similar to foreign articles (artigos de produção nacional similares aos estrangeiros), rather than making purchases abroad, if the products are included in the list of equivalent domestic products ("similars") determined by the Customs Policy Council. Articles so included are automatically ineligible for exemption from, or reduction of, import duties, and are, moreover, transferred to the least favorable category of exchange.

Basic exemptions from, or reductions of, import duties are regulated by Decree-Law No. 300 of February 24, 1938, as supplemented by Law No. 3244 of August 14, 1957, which established a new tariff system listing items according to the Brussels nomenclature. Additional exemptions or reductions are granted by other laws and decrees, either permanently or temporarily, for specified articles, but all exemptions or reductions are dependent upon the fact that the imported article has no equivalent produced domestically in a quantity sufficient to supply the market. Moreover, Article 3 of Law No. 3244 provides that the Customs Policy Council may increase by a maximum of 30 per cent. the import duty on items of a type registered as "similars".

The basic provisions relating to the determination of "similars" are contained in Chapter XXVI of Decree-Law No. 300. The Commission on Similars established under its provisions was superseded by the Customs Policy Council under the provisions of Law No. 3244.

The basic regulation requiring the use of "similars" in public procurement, unless special permission is obtained, is reported by the United States Embassy in Rio de Janeiro to be Circular No. 7 of February 26, 1942, of the Director of Customs Revenue, which reads as follows (unofficial translation from Portuguese by the Embassy):

"In accordance with a decision rendered by his excellency the Minister of Finance in a document filed with the Treasury Department as No. 9,159 of this year, which resulted in the issuance of Official Memorandum No. PL/53/561.1(P.1.1.176) of January 29, 1942, from the Federal Foreign Trade Council, I hereby inform all Customs Inspectors and other Customs Boards of the country, for their guidance and necessary action that, in accordance with recommendations made by His Excellency the President of the Republic, preference should be given to the national similar products in all purchases made by the Public Administration of the Country."

Preference for products of the products of the Volta Redonda steel plant of the National Steel Company is provided by Circular No. 36 of December 18, 1947, of the Director General of National Finance, which reads as follows (unofficial translation from Portuguese by the Embassy):

"The Director General of the National Finances, taking into consideration the resolution of His Excellency the President of the Republic, to be implemented by order of the Minister of Finance, recommends to all chiefs of departments and services of this Ministry, as well as all autonomous agencies, that in their operations they shall not purchase from other sources those products manufactured by Volta Redonda steel plant of National Steel Company [Cía Siderúrgica Nacional].

"It is further declared that the National Steel Company has already been requested to provide a list of products which it manufactures and that this list will be published so that the importation of similar products for use by government agencies can be completely discontinued."

The Government regularly encourages both its own entities and Brazilian private industry to develop national "similars". As an example, Petrobras, the Government petroleum monopoly, as a special division for developing information on, and specifications for, "similars".

Principal sources

(1) Letters dated December 16, 1964, January 22, 1965, and February 10, 1965, from the United States Embassy in Rio de Janeiro to Cravath, Swaine & Moore, New York.

(2) Letter dated November 12, 1964, from the Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) Foreign Service Despatch No. 1635 dated June 16, 1955, from the United States Embassy in Rio de Janeiro, entitled "Protection Against Imports of 'Similar' Products".

(4) American Chamber of Commerce for Brazil, São Paulo, Supplement No. 28 dated October 9, 1957, entitled "Registration of Similars".

(5) United States Department of Commerce, Establishing a Business in Brazil,

Overseas Business Reports, No. OBR 63-149 (December 1963).

(6) United States Department of Commerce, Foreign Trade Regulations of Brazil, Overseas Business Reports, OBR 63-150 (December 1963).

(7) Harvard Law School (World Tax Series), Taxation in Brazil (Cambridge, 1957).

CHILE

(Member of LAFTA and GATT)

In principle, Chilean law requires that public supply and public works contracts be awarded through public tendering, but there are many exceptions.

The two most important procurement agencies are the State Purchasing Department (Dirección de Aprovisionamiento del Estado) and the Ministry of Public Works. Under the provisions of Article 1 of Decree with Force of Law No. 353 dated April 5, 1960 (Diario Oficial, April 6, 1960), the Purchasing Department, a public organism dependent on the Ministry of Finance, is in charge of the purchase, storage and distribution of all materials, machinery and other equipment required by the Government, including the armed forces, as well as of office supplies, material and equipment required by semi-governmental institutions, regardless of the origin of the funds with which the purchases are made. Under the provisions of Article 1 of Law No. 15,840 of November 2, 1964 (Diario Oficial, November 9, 1964), the Ministry of Public Works is charged, among other things, with the construction, improvement and repair of public works financed by the Treasury. Under Article 2 Ministries which have legal power to construct works, the State institutions and Government enterprises (such as the State Railways) and the municipalities can entrust to the Ministry the construction, etc., of works, agreeing with it on the conditions, the methods and the financing thereof.

Article 2 of Decree with Force of Law No. 353 requires that, as a general rule, the State Purchasing Department make its purchases through public or private tendering (licitación pública o privada). Public tendering may be omitted, however, in a number of specified cases, including those involving a purchase of not more than 5,000 escudos (about $2,100 at the official rate) and in urgent and emergency cases.

Article 50 of Law No. 25,985 provides that public works shall be executed by means of contracts awarded through public bids. The Article provides, however, for a number of exceptions which permit works to be executed by direct negotiation (por trato directo), by contracts awarded through private tendering (por cotización privada), by administration (por administración) or by delegated administration (por administración delegada), all as determined by the Regulations. Works executed by administration are carried out by the department or entity concerned. Those executed by delegated administration are carried out as a rule by contractors on a cost plus fixed fee or cost plus percentage basis, or a combination of the two.

There are a number of legal provisions which contain preferences for Chilean bidders and Chilean products and materials. Article 4 of Decree with Force of Law No. 353 provides as follows concerning purchases of the State Purchasing Department (unofficial translation from Spanish):

"The Department shall give preference in the purchases which it makes to materials, supplies, and equipment of domestic manufacture, price and quality being equal and giving protection to the national [fiscal] interest.

"Conditions being equal, the manufacture of materials, furniture, fixtures, and equipment by national [i.e., Government] factories will be preferred."

By virtue of the registration requirements of the Regulations for Public Works Contracts approved by Decree No. 1,240 of June 6, 1961 (Diario Oficial, October 14, 1961), as amended by Decree No. 539 of March 7, 1963 (Diario Oficial, May 8, 1963), and Decree No. 2,193 of August 27, 1964 (Diario Oficial, September 22, 1964), contracts for public works can be awarded only to Chilean firms that are enrolled in the General Register of Contractors or in the Registers of Minor Works and Specialized Works maintained by the Divisions of the Ministry of Public Works. Contractors are enrolled in the General Register according to one or more principal specialties and are also classified in five categories according to the maximum amounts of the contracts which they are deemed qualified, ranging from the First Category of 2,000,000 escudos (about $840,000) to the Fifth Category of 100,000 escudos (about $42,000).

In order to be registered in the First Category of the General Register, a corporation must be organized by public instrument and its constitutive document must require that at least one of its directors be a professional Chilean civil engineer. Less restrictive requirements apply to the other Categories but at least one director must enjoy specified professional status. The Regulations also provide for numerous other technical and financial qualifications.

A Special Register is maintained for contractors deemed qualified to execute a work amounting to more than 1,000,000 escudos. The prerequisites for registration are fixed for each work by the officials of the Ministry; hence, the possibility exists for the registration of foreign contractors. Even if the amount is less than 1,000,000 escudos, a Special Register may be established, if the technical characteristics of the work justify it.

Decree No. 1,250 of October 20, 1964 (Diario Oficial, November 18, 1964), an unofficial translation from Spanish of which is attached hereto as Schedule A, requires all governmental and semi-governmental entities to purchase domestic metallurgical products or parts in preference to similar imports.

Article 2 provides that domestic metallurgical products "of equal price and quality" must be given preference over similar imports and that, for purposes of price comparison, the amount of the duties levied by the customs authorities shall be added to the price of the goods of foreign origin, even though the purchasing entity may bear such duties. According to reports from the United States Embassy in Santiago, the Chilean Metallurgical Trade Association (ASIMET) takes the position that such duties must be included, even though the purchasing entity may be exempt from paying such duties.

Reasons for purchasing foreign metallurgical products must be certified to the Department of Industry and Commerce in the Ministry of Economy. The certification must show that there are no equivalent domestic products, that no bids for similar domestic products were received, or that there exist acceptable reasons justifying metallurgical imports. A maximum amount of domestic components should be incorporated in the imported products, if the complete product is not available domestically. Preference must be given to foreign offers of equal "price" and "quality" which would permit maximum incorporation of domestic components in the final product.

Most unfinished metallurgical products manufactured in Chile are already protected by prohibited lists or high surcharges.

Finally, Circular No. 30 dated August 4, 1961, of the Ministers of Economy and the Treasury, an unofficial translation from Spanish of which is attached hereto as Schedule B, contains instructions to State enterprises (empresas del Estado), such as the State Railways, concerning the letting of bids and provides that, in cases where there exists domestic production of the article required, bids should be limited to Chilean suppliers.

Principal sources

(1) Letters dated November 9, 1964, and January 15, 1965, from the United States Embassy in Santiago to Cravath, Swaine & Moore, New York.

(2) Letter dated February 5, 1965, from Dr. Gustavo Serrano M. of Price Waterhouse Peat & Co., Santiago, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, Market for U.S. Products in Chile (December 1961).

(4) United States Department of Commerce, Licensing and Exchange Controls—Chile, World Trade Information Service, Part 2, No. 62-18 (May 1962).

SCHEDULE A. CHILE

Decree No. 1250 of October 20, 1964, concerning preference to be given to the National Metallurgical Industry in public bids

(Diario Oficial, November 18, 1964)

(Unofficial translation from Spanish)

(No. 1250)

SANTIAGO, *October 20, 1964.*

Today the following has been decreed:

Whereas it is necessary to stimulate the development of the national metallurgical industry, for which purpose it is appropriate to broaden its internal market;

Acquisition of its products by the public sector will furthermore diminish the outflow of foreign exchange; and in view of:

The provisions contained in Articles 1, para. (b), and 4, Nos. 15 and 18, of the Decree with Effect of Law No. 88, dated May 12, 1953; Article 1 of Decree No. 1,272, dated September 7, 1961, which established the definitive text of the Law concerning Exports, Imports and International Currencies;

I decree:

Article 1. In addition to those special provisions which may apply in each case, acquisitions of machinery, tools, equipment and appliances made by governmental and semigovernmental institutions shall be governed by this Regulation.

Article 2. Where equality of price and quality exists and the interests of the purchasing institution have been safeguarded, domestically produced goods shall be given preference.

For the purposes of price comparison, the amount of duties levied by the Customs Authorities shall be added to the price of the goods of foreign origin, even where the purchasing institution may bear such duties.

Article 3. If an offer for sale of goods of foreign origin is accepted, it must be stated that, in accordance with information received from the Department of Industry and Commerce, no adequate domestic production exists and that no offers for goods of domestic origin had been submitted, or the reasons for which offers that had been submitted were not accepted must be given.

Article 4. In the absence of an adequate domestic offer, preference shall be given to that foreign offer which, where equality of price and quality exists and the interests of the purchasing institution have been safeguarded, offers to integrate the largest proportion of its value with parts or elements of domestic production.

Article 5. The value of the foreign offer referred to in the previous article shall be only that part which relates to the price offered for machinery, tools, equipment or appliances. Thus, the price for assembling, for construction on the land and other work of a secondary nature shall be excluded.

Article 6. For the purposes of Article 4, a part or element of domestic production shall be understood to be a part or element in which the principal raw material originates in Chile and those with respect to which,

although they are of foreign origin, the aggregate value in Chile produced by their processing is at least equal to 50% of the price offered for the finished product. That percentage must be proven in the offer by the bidder.

Article 7. For the effects of controlling the quality and uniformity of specifications between parts and elements of domestic production and of foreign origin which must be integrated, the Quality Standards to be used for such control must be specified in the conditions of the bid.

Article 8. The foreign bidder whose offer may be given preference pursuant to Article 4 must guarantee the material, efficiency, production and quality of the final products of the entire integrated project.

To be recorded, communicated and published.

J. ALESSANDRI R.,
MANUEL PEREIRA Y.,
Minister of Economy, Development and Reconstruction.

What is transcribed is for your information.

Very truly yours,
CARLOS GREBE HERNÁNDEZ,
Undersecretary of Economy, Development and Reconstruction.

SCHEDULE B. CHILE

Circular No. 30 dated August 4, 1961, of the Ministers of Economy and the Treasury

(Unofficial translation from Spanish)

Bearing in mind:

(a) The need for avoiding in so far as possible the outflow of foreign exchange from the country;

(b) The advisability of stimulating the development of national industry, improving its competitive position with relation to foreign industry;

(c) The intentions of the Government of acquiring the greatest volume of national products without detrimentally affecting the consumer;

(d) The importance of progressively substituting imported products with those of national origin;

The Government has decided to give the following instructions to State Enterprises [Empresas del Estado] concerning the handling of bids:

(1) In the case where there exists domestic production of the article required, bids should be limited to domestic suppliers.

(2) In such bids all quotations should be requested on the basis of the normal conditions of payment utilized by the Enterprise for domestic purchases, but in no case may payment be extended beyond date of delivery of the merchandise.

(3) Whenever performance of the preceding clause brings about financial difficulties to the purchasing Enterprise, it should advise the Budget Division of its additional financing requirements.

(4) The Enterprise should place special emphasis on the requirements of quality that the material must meet, indicating them with the greatest preciseness at the time that bids are called for.

(5) At the same time that bids are called for, the Enterprise should take the necessary steps to determine the international market prices for similar articles. In determining the price of the imported article, there should be taken into account, in addition to freight, insurance and taxes and import and export duties, all the expenses, such as import deposits, which a private individual would incur if he himself had effected the operation.

(6) Should the cost of the domestic product prove to be greater than that of the imported product, calculated on the basis established in paragraph No. 5, the Enterprise should send the record to the Budget Division. This organization will advise as to the financial implications of the transaction, with special relation to paragraph 3 of this circular. The Budget Division will answer within a maximum of 10 days. In case that no answer is received within 10 days, the Enterprise will be free to request bids with the participation to foreign suppliers.

Should the Enterprise run into legal obstacles in the application of these instructions, it is requested that the Minister of Economy be advised concerning the particular point as soon as possible.

We communicate this to you with the certainty that it will be strictly observed by the Enterprise under your direction.

JULIO PHILIPPI,
Minister of Economy.
EDUARDO FIGUEROA,
Minister of the Treasury.

COLOMBIA

(Member of LAFTA)

Article 21 of the Fiscal Code establishes the general principle that contracts shall be awarded only through public tendering (licitación pública). Direct contracting with a selected firm is authorized, however, in a number of cases. The most important is when the Council of Ministers has approved a declaration of urgency to the effect that there is insufficient time in the particular case to carry out the tendering procedure.

Various specific laws and decrees also permit deviation from the general principle. Decree No. 2880 of October 24, 1959 (Diario Oficial, November 10, 1959), relating to the National Supply Service, permits the use of private tendering (licitación privada) for the awarding of contracts which involve the procurement of goods or supplies for national defense or those which by virtue of their nature or the service for which they are intended are not appropriate for public tendering.

Also, Law No. 4 of September 30, 1964 (Diario Oficial, October 6, 1964), which relates to the awarding of public works contracts by the Nation, the Institutes, the decentralized public undertakings or establishments and other government and semi-government entities, authorizes public tendering to be dispensed with in the awarding of very small contracts (less than 200 pesos) and in cases of imminent paralyzation or suspension of, or damage to, a public service. Those circumstances must be verified, however, by a declaration of the Council of Ministers, if national works are involved, and otherwise by a "motivated" resolution of the entity concerned.

Under Colombian law and practice the contract is awarded to the person whose bid is most advantageous (más conveniente), which is not necessarily the one that is lowest in price. Law No. 4 of 1964 provides that the Government will regulate the form in which, in addition to the amount of the bid, there should be weighed the equitable distribution of work, the technical capability, experience, organization, economic responsibility and the equipment and facilities of each bidder, in order that those factors may be taken into account in the award.

Colombian public contract law is characterized by two unusual features: (1) all contracts exceeding 100,000 pesos (about $8,000) are subject to review and revision by the Council of State and (2) the complete text of all contracts must be published in the official newspaper.

The basic discrimination in favor of domestic bidders and domestic products stems from Colombia's import policy, which is aimed not only at conserving foreign exchange but also at protecting domestic industries. The policy applies as a rule to all Government and semi-Government agencies as well as to the private sector of the economy.

Imports are classified in three lists: (1) free, (2) prior license, and (3) prohibited. So-called free imports are considered essential and may be imported without quantitative restriction. The prior license list includes a vast number of items which may be imported only upon the issuance of a license by the Superintendency of Imports. They include iron and steel products and most machines and equipment. Prohibited imports are those that are considered luxuries and nonessentials or those that are produced in Colombia and in quantities sufficient to meet demand.

As an example, a Government agency can obtain a license to import foreign steel for a construction project only if it obtains a certificate from the Government steel plant that the particular steel product is not produced by it or is produced by it in quantities insufficient to meet domestic demand.

Various laws and regulations specifically discriminate against foreign firms and foreign products. Thus, Article 14 of Law No. 4 of 1964 provides as follows (unofficial translation from Spanish):

"The construction industry and the engineering and architectural callings in all their branches are activities useful and necessary for the economic development of the country, for which reason the State ought to stimulate and protect domestic natural and juridical persons devoted to them.

"The Government will regulate the form in which this protection and stimulus should be given and that which should be encompassed within the term 'domestic juridical persons' for those purposes."

Article 25 of Decree No. 2880 of October 24, 1959, requires persons who wish to enter into public supply contracts to be registered with the Supply Division of the National Supply Service and with the Ministries and Administrative Departments authorized to make special purchases. Registration requires compliance with the following prerequisites:

(1) Proof of registration in the Public Commercial Register (which, for a foreign corporation, entails almost the same formalities as the incorporation of a Colombian corporation);

(2) If a juridical person is involved, proof of its constitution, existence and legal representation; and

(3) Establishment of antecedents of good commercial reputation by means of a certificate of a bank or the National Federation of Distributors or the National Association of Manufacturers.

Upon being registered, the registrant, under the provisions of Article 26, must submit to the Supply Division and the Ministries and Administrative Departments price lists of the goods, or merchandise which it wishes to sell and must inform the same entities, in a permanent fashion, concerning variations in such prices. Compliance with the requirement is indispensable if the bids of the registrant are to be taken into account in any class of purchases.

Compliance with the foregoing requirements is obviously very difficult for any foreign corporation which has not already established a branch in Colombia and complied with the registration provisions.

Furthermore, Article 42 of the Fiscal Code provides that all contracts made by the Government in Colombia with foreign persons are subject to Colombian law and the jurisdiction of the Colombian courts and that such contracts must contain a clause stating that the foreigner subjects himself to the Colombian courts and laws and waives the right to make a diplomatic claim, except in case of denial of justice. Such a denial is not considered as existing if the remedies allowed by Colombia were available to the foreigner.

Principal sources

(1) Letter dated November 10, 1964, from the United States Embassy in Bogotá to Cravath, Swaine & Moore, New York.

(2) Vidal Perdomo, Derecho Administrativo General [General Administrative Law] (Bogotá 1961).

(3) Sarría, Derecho Administrativo [Administrative Law] (4th ed., Bogotá, 1962).

(4) United States Department of Commerce, Colombia: A Market for U.S. Products (1964).

(5) United States Department of Commerce, Foreign Trade Regulations of Colombia, Overseas Business Reports, OBR No. 64-3 (January 1964).

MEXICO

(Member of LAFTA)

Article 134 of the Mexican Constitution provides as follows (unofficial translation from Spanish):

"All the contracts which it is necessary that the Government enter into for the execution of public works will be awarded by competitive bidding through notice in order that proposals may be submitted in sealed envelopes which will be opened in public."

In practice, however, open public tendering is used only infrequently, largely because of the absence of adequate implementary legislation. Most contracts are awarded through private invitations for offers or by direct negotiation.

According to the U.S. Embassy in Mexico, there is a wide divergence among government agencies in the procedure for inviting bids, which, by virtue of the registration requirements described below, is almost never done by advertisement. Some agencies inform all registrants of a proposed contract or order. Others select only a few registrants and give them invitations to bid. In either case, once the bids have been received, the contracting authority is not required to accept the lowest bid.

Under the provisions of the Presidential Decree of January 13, 1959 (Diario Oficial, January 29, 1959), an unofficial translation from Spanish of which is attached hereto, all Mexican ministries and departments of state, decentralized federal entities and enterprises with state participation are required generally to acquire goods, equipment, materials and merchandise that are of Mexican origin and are permitted to acquire articles of foreign origin only in exceptional cases. Imports of foreign origin are permitted only in cases in which the material is unavailable in Mexico or is not available in sufficient quantity or satisfactory quality.

The Decree establishes a Committee on Government Imports composed of the Director General of the National Foreign Trade Bank as Chairman and representatives of four ministries and the Bank of Mexico for the purpose of screening all requests for imports by government agencies. Only those imports which are authorized by the Committee are permitted.

National credit institutions which extend financial assistance, either themselves or through guarantees of the Federal Government, to state and municipal governments which are intended for acquisition of goods of foreign origin are required by Article 11 of the Decree to prescribe as a condition precedent that the provisions of the Decree are satisfied.

Under the provisions of the Presidential Decree of April 27, 1962 (Diario Oficial, May 22, 1962), all natural and juridical persons which desire to enter into public works and supply contracts with the Federal Government, must register once a year in the Register of Contractors and Suppliers of the Federal Government maintained by the Department of National Property (Secretaría del Patrimonio Nacional).

In order to be registered, foreign corporations must obtain the authorization of the Department of Industry and Commerce after complying with the following requirements:

(1) Proof that they have been legally constituted according to their domestic laws.

(2) Proof that their Articles of Incorporation and other constitutive documents are not contrary to the precepts of public order established by Mexican laws.

(3) Registration in Mexico as a foreign corporation or the appointment of an agent in Mexico.

Foreign corporations must also comply with other requirements. For example, in an announcement issued in the Fall of 1963 by the Department of Public Works outlining procedures for qualifying for bidding for contracts for machinery and other equipment during the remainder of 1963 and 1964, the following requirements were specified:

(a) Registration in the Public Commercial Register of the City of Mexico (which entails compliance with the same requirements or those for registration in the Register of Contractors and Suppliers) as well as registration in the latter Register.

(b) Permission of the Secretary of Foreign Relations to operate in Mexico, in accordance with Article 33 of the Law of Nationality and Naturalization, which requires an agreement by the corporation to consider itself as Mexican for the purposes of any contract awarded to it and an undertaking not to invoke the protection of its government in any dispute.

(c) Compliance with Mexican legal formalities for the appointment of any agent. To be effective the power of attorney must be legalized and stamped and recorded in the Public Commercial Register of the City of Mexico. If the agent is a foreigner, he must demonstrate his legal status in Mexico in accordance with the procedures established by the General Law of Population.

The situation is summarized in the following excerpt from a letter dated February 15, 1965, from the United States Embassy in Mexico:

"It is believed that the registry of the Secretariat of National Property consists exclusively of persons or companies resident in and/or organized under Mexican law. Foreign companies are represented on the list through local firms organized in accordance with Mexican law and domiciled in Mexico. No foreign companies domiciled outside Mexico are on the registry. Foreign firms wishing to be registered must apply through a Mexican firm (usually a subsidiary or affiliate) or buy into a local firm which is or can be registered.

"Having one's name on the registry merely permits a supplier or contractor to compete with other firms. Except where international contracting requires the receipt of competitive bids, the letting of contracts is usually handled on a restricted basis, with only domestic firms entering the bidding."

Principal sources

(1) Letter dated February 15, 1965, from the Commercial Officer, United States Embassy in Mexico, to Cravath, Swaine & Moore, New York.

(2) Foreign Service Despatch No. 684 dated January 27, 1959, from the United States Embassy in Mexico, entitled "Mexican Government Entities Required to Purchase Mexican Goods in Preference to Imports."

(3) Foreign Service Despatch No. 1104 dated May 19, 1959, from the United States Embassy in Mexico, entitled "Government Controls; Establishment of Register of Suppliers and Contractors to the Mexican Federal Government."

(4) Foreign Service Despatch No. 1157 dated May 29, 1959, from the United States Embassy in Mexico, entitled "Data Regarding Conditions and Requirements Confronting Foreign Contractors and/or Engineering Firms Desiring to Operate in Mexico."

(5) Foreign Service Despatch No. 952 dated February 29, 1960, from the United States Embassy in Mexico, entitled "Procurement Policies and Practices of Foreign Governments."

(6) Airgram No. A-430 dated October 8, 1963, from the United States Embassy in Mexico, entitled "Mexican Government Invitations to Bid—Procedures for Qualifying."

(7) United States Department of Commerce, Establishing a Business in Mexico, Overseas Business Reports, No. OBR 64-82 (July 1964).

(8) Gabino Fraga, Derecho Administrativo [Administrative Law] (9th ed., México, 1962).

(9) Marentes, Contratos Administrativos [Administrative Contracts] (México, 1962).

MEXICO

Decree of January 13, 1959, providing for the establishment of a Committee of Imports of the Public Sector

(Diario Oficial, January 29, 1959)

(Unofficial translation from Spanish)

THE EXECUTIVE,
DEPARTMENT OF THE INTERIOR.

Decree: for the establishment of a Committee on Imports of the Public Sector, which shall be in charge of resolving on the exceptions for import or purchase in the country of articles of foreign origin which the Ministries and Departments of State, decentralized organizations and enterprises with State participation must make, in the discharge of their duties, of goods, equipment, materials and merchandise.

In the margin, a seal with the National Coat of Arms, which reads: Mexican United States. Presidency of the Republic.

To all Ministries and Departments of State:

Whereas purchases of articles of foreign origin made by the entities of the public sector have rapidly increased to the point where they represent a high proportion of the total imports of the country;

Acquisitions of domestic products by the State, the decentralized organizations and the enterprises with State participation must contribute to the stimulation of internal production and to the development of the domestic market;

The scattering of the purchases of the public sector and, in particular, the lack of uniformity in demand and supply vis-a-vis foreign countries limit the buying capacity and affect the negotiation possibilities of the country in foreign markets;

The absence of a mechanism which would permit an adequate channelling of imports of the public sector has to date prevented an adjustment of such purchases to the real needs and to the financial potential of the State;

In order to have acquisitions of the public sector stimulate to a larger extent the domestic production and keep them from exercising unjustified pressures on the trade balance, it is imperative to use flexible instruments which will contribute to a better use of available foreign exchange;

The strengthening of the domestic economy demands, not only the ever increasing cooperation by individuals, but the better organization and larger responsibility of the State:

I have seen fit to enact the following

Decree:

1. In the discharge of their duties, the Ministries and Departments of State, decentralized organizations and enterprises with State participation must, in general, acquire goods, equipment, materials and merchandise produced in the country. Articles of foreign origin may be acquired only in exceptional cases, provided that the requisites established in this Decree and applicable both to direct imports and to internal purchases of articles of foreign origin are fulfilled.

2. In order to study and resolve on the exceptional cases referred to in Item 1, there shall be created a Committee on Imports of the Public Sector presided over by the Director General of the National Foreign Trade Bank and consisting also of a representative

of each of the following entities: Ministry of Foreign Affairs, Ministry of Finance and Public Credit, Ministry of National Property, Ministry of Industry and Commerce and the Bank of Mexico, S.A.

3. The Ministries, Departments, decentralized organizations and enterprises with state participation must request from the Committee authorization for direct imports and local purchases of articles entirely of foreign origin, or of articles assembled, bottled or packaged in Mexico which, in the opinion of the Committee, contain a high proportion of foreign products.

Said information shall be submitted to the National Foreign Trade Bank and contain the following data:

(a) Amount of imports proposed to be made, including purchases to be made within and outside of the country of articles of foreign origin described under Item 3, as well as their volume or the number of units which it is proposed to import;

(b) Name and firm name of suppliers, indicating, where applicable, existing previous commercial transactions and the reasons for which a specified supplier is preferred;

(c) Technical and commercial specifications of the products;

(d) Chronological account of the dates of purchase, deliveries of the articles and their utilization;

(e) Unit prices of the products;

(f) Country or countries of origin of imported goods;

(g) Forms and terms of payment;

(h) Financing and sources of payment for the purchases;

(i) Proof, at the discretion of the Committee, for the effects of paragraph (e) of Item 4, that the articles which it is proposed to import are not produced in the country or are produced in a quantity which is insufficient, or a quality which is unsatisfactory, for supplying the national market;

(j) Reasons justifying the need for direct imports or purchases in the country of articles of foreign origin.

4. The Committee shall decide on the applications which are presented to it, taking into account, in addition to the requisites listed in the preceding item, the following:

(a) General trends of production, employment and prices in the country and abroad;

(b) Foreign trade trends and the commercial policy of the country;

(c) The balances of trade and payments;

(d) The possibilities of effecting offsetting barter or exchange transactions and the arrangements or measures of a commercial or financial character which the Federal Government may be projecting or negotiating with other countries;

(e) The potential production and supply, by domestic companies, of the articles which form the subject of the petition;

(f) The capacity for payment and financial situation of the Federal Government and of the public sector in general;

(g) The availability of assets in the possession of entities which form part of the public sector, as well as the possibility of a better use of said assets, especially where capital assets are involved;

(h) The productivity of the investments, their economic and social importance, and the degree of urgency of making the purchases for which authorization is requested.

5. For the purpose of facilitating as much as possible the supply with products of foreign origin to the department, decentralized organizations and enterprises with State participation, and so that the procedure established by this Decree may be as effective as it should be, import applications shall be decided according to the following system:

(a) The applications must be made on special forms which the Committee will approve for this purpose and which the National Foreign Trade Bank will distribute;

(b) The Committee shall make its decisions and shall notify the applicants thereof within 15 days, counting from the date on which the applications are submitted or, where applicable, from the time at which the respective file may have been duly completed, in the discretion of the Committee;

(c) The decisions of the Committee shall be made by a majority of votes. In case of tie, the Chairman will have the deciding vote;

(d) The Committee shall meet as frequently as it may deem convenient to fulfill its functions with the highest degree of efficiency, and shall establish the working procedures and operating rules that it may deem most expeditious and efficient;

(e) The Chairman of the Committee shall have the power to convoke the Committee as often as may be necessary and must propose the administrative organization and the rules and procedures required for effective compliance with this Decree.

6. Where imports included within the investment program of the public sector are involved, once the steps referred to in the previous articles have been concluded, the National Foreign Trade Bank must obtain from the Department of the Presidency a confirmation to the effect that said investment program has been approved.

In every case in which transactions involving the acquisition of foreign products are authorized, these transactions must be carried out through, and with the intervention of, the National Foreign Trade Bank, which shall be the only institution authorized to open and establish credits and to participate in the resulting financial arrangements.

7. The Ministry of Finance and Public Credit and, where applicable, the Ministry of National Property shall not authorize within their respective jurisdictions expenditures for the acquisition of goods which the Agencies of the Federal Executive or decentralized organizations or enterprises with State participation may acquire, if the requisites of this Decree have not been previously met.

The Ministries mentioned in the preceding paragraph as well as the Department of the Presidency must contribute, through the functions of planning, coordination and supervision legally vested in them, to the accomplishment of an application of this Decree to the fullest extent.

Customs offices shall not process any customs declaration for the import of goods acquired abroad until the interested agency submits to them proof, issued by the National Foreign Trade Bank, of the fact that such import has been authorized.

8. The national credit institutions shall make financings which they grant to the Federal Government, to decentralized organizations and enterprises with State participation, and to accredited individuals, or to associations and corporations of any kind formed by them, subject to the terms of this Decree, in so far as they may cause purchases of articles of foreign origin.

9. The Cabinet Ministers, Heads of Departments, counsellors, commissioners, directors, managers, officials and employees of the decentralized organizations, national credit institutions and other enterprises with State participation shall be directly responsible for non-compliance with the terms of this Decree, within their respective spheres of action.

The Committee concerned shall be informed of all cases of non-compliance referred to in the preceding paragraph, and shall propose to the President of the Republic the measures which it considers appropriate to ensure complete compliance with this Decree.

10. The preceding provisions shall be applicable also in the case of direct imports or purchases in the country of articles of foreign origin made by the Federal Government, decentralized organizations and enterprises with State participation within the free perimeters or zones.

11. In order that the National Credit Institutions may grant financings, either of their own or guaranteed by the Federal Government, to the Governments of the States and Municipalities, which are intended for the acquisition of goods of foreign origin, they must demand as a prior requisite that the rules established in this Decree are satisfied.

12. The National Foreign Trade Bank shall be in charge of the preparation and management of the budget of the Committee.

The annual budget of expenditures as well as any amendments thereto shall be submitted, after authorization by the Committee, for the approval of the Ministry of Finance and Public Credit, which shall propose to the President of the Republic the form in which the expenses brought about by the application of this Decree shall be covered.

Done in the Palace of the Federal Executive, in Mexico, D.F., on January 13, 1959, The President of the Republic, Adolfo Lopez Mateos. [Here follow the signatures of fifteen Ministers and three Chiefs of Departments.]

PERU

(Member of LAFTA and GATT)

Peru has no central procurement agency for government purchases, and the various government industries, agencies, and entities are generally free to purchase their own requirements. Competitive bidding is required where possible, but there are many exceptions.

The general regulations for bidding and contracts for public works were promulgated by Supreme Decree No. 36 of October 6, 1961. Article 4 provides for a Register of Public Works Contractors in which contractors are classified according to financial capacity. Registration entails compliance with numerous formalities and only those who are registered may submit bids for most public works contracts. All invitations for bids must be published in the Official Gazette ("El Peruano") and in other media. Contracts usually are awarded to the lowest bidder.

Article 55 of the Industrial Development Law (No. 13270 of November 30, 1959) contains the following preferential provisions (unofficial translation from Spanish):

"The Government, branches of the public administration, including quasi-governmental, municipal, and benevolent organizations, and any institution receiving financial support from the Government, may not buy foreign articles similar to those manufactured in the country. If domestic production is not sufficient, acquisition of imported articles will be in order, but only for the balance [required], which will be authorized in each case by the Bureau of Industries and Electricity [of the Ministry of Development and Public Works]."

Article 17 of the Peruvian Constitution of 1933 provides as follows (unofficial Pan American Union translation from Spanish):

"Art. 17. Commercial companies, national or foreign, are subject, without restrictions, to the laws of the Republic. In every state contract with foreigners, or in the concessions which grant them in the latters' favor, it must be expressly stated that they will submit to the laws and courts of the Republic and renounce all diplomatic claims."

Principal sources

(1) Letter dated February 10, 1965, from Dr. Luis Echecopar Rey, attorney of Lima, Peru, to Cravath, Swaine & Moore, New York.

(2) Letter dated November 12, 1964, from the American Republics Division, Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(3) United States Department of Commerce, Market for United States Products in Peru (July 1961).

(4) United States Department of Commerce, Establishing a Business in Peru, World Trade Information Service, Part 1, No. 62-78 (1962).

URUGUAY

(Member of LAFTA and GATT)

The basic Uruguayan law concerning the awarding of public contracts is Law No. 9,542 of December 31, 1935, as amended by Law No. 11,185 of December 20, 1948. The 1935 Law establishes public invitation for offers (licitación publica) as the basic method for the awarding of contracts by the Government and the autonomous entities and decentralized services relating to public works or the investment of funds (except where the amount involved is small). If the contract does not relate to a public work or the investment of funds or if it falls within one of the special exceptions provided for by the Law, then the contracting authority may award the contract by direct negotiation.

The 1935 Law also recognizes the use in some cases of the restricted invitation for offers method (licitación restringida), in which invitations for tenders are issued only to selected firms.

In the case of both public and restricted tendering, the contracting authority has the duty of accepting the offer which it deems the most advantageous (más ventajosa), which is not necessarily the one which is lowest in price. Moreover, if all the offers are deemed unsuitable, the contracting authority can reject all of them and order a new invitation for offers.

Law No. 11,232 of January 8, 1949, specifically provides that in all public works the acquisition of all materials, apparatus, fixtures, installations, etc., and the procurement of services therefor shall be effected by means of a public invitation for offers, except as provided in the 1935 Law and with three further exceptions.

Article 374 of Law No. 13,032 of December 7, 1961 (Diario Oficial, December 22, 1961), contains the following preferential provision (unofficial translation from Spanish):

"In all tenders or direct purchases to be performed by the Executive Power, Departmental Governments, Autonomous Public Enterprises and the Decentralized Public Service Departments, preference shall be given to locally produced goods, products, machinery, equipment and articles, always provided that this procedure should not become inadvisable as a result of duly justified technical considerations or that their price does not exceed by more than 40% similar offers from foreign sources.

"The same procedure shall be followed in case that only part or parts of the locally produced goods, products, machinery, equipment or articles, offered by the bidders, were manufactured in the country. If this should occur, the tolerance in the price margin shall only be calculated on said part or parts.

"The protection accorded by this article is with regard to the surcharges which the Administration might impose on [imported] goods, products, machinery and articles, in use of the faculty granted to it under the Law of December 17, 1959."

Principal sources

(1) Sayaqués, Enrique, Tratado de Derecho Administrativo [Treatise on Administrative Law] (Montevideo, 1953).

(2) Information supplied by the Bureau of International Commerce of the United States Department of Commerce.

VENEZUELA

Venezuela has no general statute governing public contracts and there is no central procurement agency. The various ministries and agencies and autonomous entities and establishments generally make their own purchases. Public bids tenders are usually invited by advertisement for supplies and materials and for the execution of government works in accordance with the requirements of Article 427 of the Finance Law of March 17, 1961 (Gaceta Oficial, March 17, 1961). Article 427 exempts from those provisions contracts involving national defense, those relating to technical services and those not amounting to more than 10,000 bolívares (about $2,200 at the free rate in January 1965).

Article 428 contains the following provision concerning the awarding of contracts (unofficial translation from Spanish):

"The award shall be made to the bid which offers bigger advantages [mayores ventajas], these conditions being stated in the record. If it is determined that none of the bids fulfills the required conditions, the bidding shall be declared void."

The various ministries and agencies generally require that local manufacturers or dealers and agents of foreign suppliers who wish to qualify as bidders must first register. In order to be registered they must, among other things, establish that they are current in the payment of Venezuelan taxes and that financially and technically they are qualified to participate in government bidding.

Under the rules and regulations for bidding on government contracts for public works adopted by Resolution No. 623 of August 12, 1964, of the Ministry of Public Works (Gaceta Oficial, August 13, 1964), all contracts must be let through public bidding (licitación pública), except those amounting to not more than 1,000,000 bolívares (about $220,000 at the free rate in January, 1965). Exceptions are also provided in the case of emergency works necessitated by public calamities, such as earthquakes and floods, and those involving state security or national defense, subject to the approval of the Cabinet. The Minister of Public Works is also authorized to dispense with the requirement of public bidding in situations which, according to his determination, affect the public or social interest.

Subject to the applicability of the other exceptions, if the amount of the contract is more than 200,000 bolívares (about $44,000 at the free rate in January 1965) but less than 1,000,000 bolívares, it must be awarded by means of private bidding (concurso privado) with the participation of at least three firms enrolled in the Register of Public Works Contractors.

The rules and regulations provide for a Tender Commission (Comisión de Licitación) for each contract for the purpose of selecting eligible bidders from among those enrolled in the Register, the filing of bids, the selection of the successful bidder and the awarding of the contract. Provision is made for the rejection by the particular Commission of unqualified bids. Of the remaining bids, the contract must be awarded (Article 34) to the bid determined to be, all things considered, the most beneficial (más conveniente) to the interests of the Nation. Article 35 requires the Commission, in making that determination, to take into account not only the lowest price but also the experience, technical capability and economic status of the bidder, thereby permitting the exercise of considerable discretion and possible discrimination against foreign bidders.

Article 53 contains detailed provisions as to the prerequisites for enrollment in the Register of Public Works Contractors maintained by the Ministry.

Obstacles are placed in the way of foreign bidders not only by the prior registration requirements of the various ministries and agencies but also by the fact that all firms submitting bids on government contracts must be domiciled in Venezuela. In the case of foreign corporations, that requirement entails domiciliation under the provisions of Articles 354 through 358 of the Venezuelan Commercial Code. Those provisions require, among other things, the filing of certified copies of the articles of incorporation (or corresponding documents) and the by-laws of the foreign corporation and the translation into Spanish and publication of the articles of incorporation, as well as the appointment of a representative in Venezuela with full powers to act in Venezuela for the foreign corporation, except the power to dispose of the business of the corporation.

Accordingly, foreign corporations which are not already registered with a ministry or agency and are not domiciled in Venezuela are at a substantial disadvantage, particularly if the period allowed for the submission of bids is relatively short.

The protection of existing national industry and the encouragement of new industries is the declared policy of the Venezuelan Government. In furtherance of that policy, the "Buy Venezuelan" Decree of January 9, 1959 (Decree No. 512, Gaceta Oficial, January 13, 1959), a copy of an unofficial translation from Spanish of which is attached hereto, requires all government departments and agencies and autonomous entities and establishments to purchase Venezuelan products, provided the domestic price is not over 25% greater than that of the imported product.

Principal sources

(1) Foreign Service Despatch No. 328 dated November 3, 1961, from the United States Embassy in Caracas, entitled "EXPORT: Government Tenders".

(2) Airgram No. A-171 dated September 18, 1964, from the United States Embassy in Caracas, entitled "Rules and Regulations for Bidding on Government Contracts for Public Work".

(3) Airgram No. A-217 dated October 7, 1964, from the United States Embassy in Caracas, entitled "Venezuelan Law Governing Bids on Government Contracts".

(4) Letter dated November 12, 1964, from Bureau of International Commerce, United States Department of Commerce, to Cravath, Swaine & Moore, New York.

(5) United States Department of Commerce, Venezuela: A Market for U.S. Products (1964).

VENEZUELA

Decree No. 512 of January 9, 1959

(Gaceta Oficial, January 13, 1959)

(Unofficial translation from Spanish)

The Government Junta of the Republic of Venezuela, in exercise of the authority conferred upon it by its Constitutive Act, in Council of Ministers,

Whereas one of the major obstacles for our industrial and economic development consists in the insufficient capacity of the internal market;

Whereas a large part of the national consumption is vested in the Public Administration; and

Whereas as part of the protection policy which the National Government has developed in favor of the production of the country, the adoption of measures to channel the purchases of the Public Administration towards the market of national products is necessary;

Decrees:

Article 1. The Public Administration shall not be allowed to acquire goods abroad at prices which, added to the corresponding duties which regular import causes, plus a surcharge up to 25 percent ad valorem, will be higher than, or equal to, the prices paid for similar articles or adequate substitutes in the internal market. Prices for the goods to which this article refers shall be determined in the corresponding port of entry into the country.

Article 2. Acquisitions of nationalized goods shall be subject to the provisions of

the preceding article. In that case, only the surcharge provided for shall be applied to the price of said goods in the internal market.

Article 3. The Autonomous Official Institutes and Establishments of the Public Administration shall expressly be subject to the provisions of this Ordinance.

Article 4. The Industrial Council shall determine the goods to which this Decree shall be applied and the surcharges in each case.

Article 5. The provisions of this Decree shall not be applicable to cases in which the acquisition of goods produced abroad will be a particular necessity in the judgment of the Ministry of the branch in question. For this purpose, the Ministry which may have ordered or authorized the acquisition must state to the office of the Controller of the Nation the reasons on which it bases its resolution.

Article 6. When inspecting ["Al fiscalizar"] the acquisition of goods pursuant to the Law, the Office of the Controller of the Nation shall apply the provisions contained herein.

Article 7. Decree number 131 dated May 20, 1949, is hereby repealed.

Article 8. This Decree shall become effective 120 days after its publication.

Palace of Miraflores, Caracas, the ninth of January of nineteen hundred fifty nine. The 149th Year of the Independence and 100th Year of the Federation.

The Government Junta,

EDGARD SANABRIA,
President.

CENTRAL AMERICAN COMMON MARKET (CACM)

The five Central American countries—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua—are parties to a number of agreements which comprise or relate to the Central American Economic Integration Program. The two main agreements—the General Treaty of Central American Economic Integration signed on December 13, 1960, and the Multilateral Treaty on Free Trade and Central American Economic Integration signed on June 10, 1958—deal specifically with eliminating trade barriers within the group (the "common market" or CACM), and generally with the whole problem of economic integration.

Article XVI of the General Treaty contains the following provisions with regard to national treatment for construction enterprises (unofficial United Nations translation):

"The Contracting States shall grant national treatment to enterprises of other Signatory States engaged in the construction of roads, bridges, dams, irrigation systems, electrification, housing and other works intended to further the development of the Central American economic infrastructure."

Article III of the General Treaty contains the following provision with regard to national treatment of goods (unofficial United Nations translation):

"Goods originating in the territory of any of the Signatory States shall be accorded national treatment in all of them and shall be exempt from all quantitative or other restrictions or measures, except for such measures as may be legally applicable in the territories of the Contracting States for reasons of health, security or police control."

To encourage investment, the concept of "integrated industries" has been developed. Integrated industries are regulated by the Multilateral Agreement of June 10, 1958, which was validated by Article XVII of the General Treaty. An integrated industry is one that, even at minimum capacity, must have access to the entire Central American market in order to operate under reasonably competitive conditions. An integrated industry is granted a number of special incentives. Article VII provides in part that "the Government and other State bodies shall also give preference in their official imports to the products of the Central American integration industries."

Like LAFTA, CACM has an Executive Council consisting of a representative from each member country, and a permanent secretariat that carries out the administrative functions. The latter is under the direction of a Secretary General. Unlike LAFTA, the supreme authority of CACM is the Central American Council, consisting of the Ministers of Economy of the five member countries.

Principal sources

(1) Association of the Bar of the City of New York, Committee on Foreign Law, Economic Integration in Latin America, 17 Record (Supplement, June 1962).

(2) Business International, Latin America's Merging Market: The Challenge of Economic Integration (New York, 1964).

(3) Duvall, Latin American Integration Developments, 9 International and Comparative Law Bulletin 34 (December 1964) (published by Section of International and Comparative Law, American Bar Association).

(4) Nattier, The Central American Program of Economic Integration, in Surrey and Shaw (eds.), A Lawyer's Guide to International Business Transactions (Philadelphia, 1963).

(5) Pincus, The Central American Common Market (U.S. Department of State, Agency for International Development, Washington, D.C., 1962).

(6) United Nations, Multilateral Economic Cooperation in Latin America, Vol. 1: Text and documents (1962).

STRONG SUPPORT FOR ACTION TAKEN BY OUR GOVERNMENT IN VIETNAM AND IN THE CARIBBEAN OPPOSED BY CERTAIN ELEMENTS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Florida [Mr. ROGERS] is recognized for 60 minutes.

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, 5 days ago today, the House of Representatives indicated its strong support for the action being taken by our Government in the Vietnam situation, as well as in the Caribbean, when we adopted legislation appropriating additional funds for the conduct of military operations in these two areas of the world. Now that the Congress is again on record in support of the President and our military leaders, it would be well to take note of some opposition to this course which became evident during the spring recess, while Members were away from Washington.

On April 17, 1965, a "march on Washington" was staged to protest our Vietnam policies and was attended by thousands of college students and others saying they are in opposition to the U.S. aggression in Southeast Asia.

While some of those in attendance may well hold sincere beliefs that U.S. action is wrong, let no one believe that this demonstration was spontaneous or merely the identical reaction of an impartial group of young American students. The evidence clearly indicates that this march was fostered and promoted by the Communist elements in this country which are hard at work to undermine the efforts of our Government in the conduct of our foreign affairs.

Six groups, in addition to the Communist Party, U.S.A., seem to have been most interested in the April 17 demonstrations. They are the Progressive Labor Party; the May 2d Movement; the Committee for Nonviolent Action; the Socialist Workers Party; the Workers World Party, and the Students for a Democratic Society.

Some members of these organizations and others who took part in the Washington demonstration, do so from personal conviction and not as followers of the Communist Party line. But that they do lend their support to the efforts of the Communists is cause for concern.

Most of those participating in the Washington demonstration were college students. It would be well for every parent who has a son or daughter in college to advise their children of the real purposes they serve when they participate in such activities. Too often the parents are not familiar with the activities of their youngsters while at college. And many students apparently feel that if they are in agreement with the aims of some organization they can join in activities sponsored by these organizations, without adequate study of the real motives of these acts and their possible consequences.

The organizations which participated in the April 17 march on Washington deserve careful study.

The organization, Students for a Democratic Society, was the prime mover in the April 17 demonstration in Washington, as well as the Easter vigil at the L.B.J. ranch in Texas.

The society is the youth affiliate of the League for Industrial Democracy, the successor to the Inter-Collegiate Socialist Society which was organized in 1905 with the purpose to mobilize college professors, students, and graduates to teach socialism and collective ownership of property. The National Office of the Students for a Democratic Society is located at 119 Fifth Avenue, New York City, and the organization claims a membership of 1,700 in 44 chapters.

The society has demonstrated that it will render support to or receive support from any organization, subversive or otherwise, which has common goals with the society.

As of February 24, 1965, Charles Clark Kessinger, Jr., was national secretary of the society. In 1963 he was a student of the University of Wisconsin and made arrangements for the guest appearance of Herbert Aptheker, a member of the National Committee of the Communist Party, U.S.A.

On February 20, 1965, the society cosponsored and participated in demonstrations in Chicago and at the White House, protesting the war in Vietnam. On March 5, they cosponsored a demonstration in front of the Armed Services Recruiting Station at Philadelphia. On April 5, they picketed a lecture delivered at Johns Hopkins University by Presidential Adviser McGeorge Bundy. And,

on April 17, in Washington and Johnson City, Tex., they demonstrated again against U.S. policies in Vietnam.

It is my understanding that they soon will bring a number of university faculty members to Washington to challenge administration officials to a debate on Vietnam policy.

Progressive Labor Party is another group participating in current demonstrations, including the one of April 17. It is extremely militant, along the Marxist-Leninist or Chinese Communist Party lines. Their magazine, Challenge, of February 9, 1965, said:

> If we demonstrate, if the organizations we belong to demonstrate, if we show that we will not support it—if we demand in one voice that the war be ended—then Johnson will not be able to get away with it.
>
> We can stop the war. For our own sake, we must. End the war in Vietnam. Bring the troops home.

This group was formerly known as the Progressive Labor movement, formed in 1962 by dissident elements of the Communist Party, U.S.A., led by Milton Rosen and Mortimer Scheer, both of whom held positions in the New York district of the Communist Party, U.S.A. Rosen is president and Scheer is a vice president, along with William Epton. Epton, a former Communist Party, U.S.A., member, left the party because he felt it was no longer a revolutionary power. He was instrumental in forming another Progressive Labor Party front group, the Harlem Defense Council, during the summer of 1964. He was arrested and charged with advocacy of criminal anarchy.

In addition to the Challenge, the Progressive Labor Party also publishes the magazine Progressive Labor, 500 copies of which are reportedly sent to the People's Republic of China each month. A former editor of this publication has stated that organization members have been involved in trips to Cuba in violation of a State Department ban on travel to that Communist country.

The May 2 movement also took part in the April 17 Washington demonstration. It was organized in the spring of 1964 and planned and executed a demonstration in New York City in that year demanding the withdrawal of U.S. troops from Vietnam. Currently, the movement is attempting to influence students to demonstrate for more freedom on various college campuses. The national chairman is Russell Stetler, a student at Haverford College, Pennsylvania.

This group has a film entitled "Heroic Vietnam 1963," which was reportedly made by the Vietcong and smuggled into the United States from Cuba. It contains anti-U.S. propaganda and has been shown recently at Drew University, University of Cincinnati, University of Pennsylvania, and Pennsylvania State University. Of the May 2 movement, Progressive Labor has said:

> The role of the May 2 movement is to oppose American imperialism throughout the world.

According to the February 8, 1965, issue of Spark, a newspaper issued by the Progressive Labor Party on the west coast, the May 2 movement is circulating and obtaining signatures to a declaration from young men of draft age, stating the "U.S. participation in the war is for the suppression of the Vietnamese struggle for self-determination and national independence. We herewith state our refusal to fight against the people of Vietnam." Also in February, a panel discussion was held at the Student Union Building, Michigan State University, sponsored by the Young Socialist Club where Stetler stated that the May 2 movement had obtained hundreds of signatures on one campus alone on a petition that the students would not allow themselves to be drafted for a war in Vietnam.

Committee for Nonviolent Action is another group which has been most active in protesting U.S. action in Vietnam. It has been supported by the Progressive Labor Party. It was formed in 1957 and its leaders and most of its members reportedly are ardent pacifists. While nonviolent action is the stated effort of this organization, it is interesting to note that its national chairman, A. J. Muste, was an observer at the 16th National Convention of the Communist Party, U.S.A. in New York City in 1957. He has long fronted for Communists and has in the past circulated an amnesty petition calling for the release of Communist leaders convicted under the Smith Act.

This committee also sponsored the Quebec-Guantanamo Walk for Peace which culminated in Florida in 1964, when Government authorities seized the boat which this group intended to use to travel to Cuba. The group distributes literature calling on individuals to quit their jobs in war industry, refuse to serve in the Armed Forces, refuse to pay part of their income taxes for defense and especially to speak to any and every organization through which they can gain a platform for greater publicity. They are also distributing a document entitled "An Appeal to the Conscience of America," which claims that torture is used by our side in Vietnam, that the Vietcong are not supplied by the North Vietnamese or Red China.

Socialist Workers Party also took part in the April 17 demonstration in Washington. They follow the Trotsky line and their youth branch is known as the Young Socialist Alliance. Both have manifested their opposition to U.S. presence in Vietnam, in their publications and on college campuses and in demonstrations. They were active in a march in Boston earlier this year, protesting the Vietnam policies of this Government and also helped in the promotion of the April march in Washington. Three national leaders of the Socialist Alliance toured college campuses in the East, South, Midwest, and Far West to urge students to join the march.

Workers World Party, and its youth affiliate, Youth Against War and Fascism, have also been active. This group was formed in 1959 from a splinter group that left the Socialist Workers Party. It reportedly has branches in Buffalo, Youngstown, Seattle, and Los Angeles and maintains headquarters in New York City. They had a delegation in Washington to participate in the April demonstration.

The Communist Party, U.S.A. exhibited its extreme interest in the April 17 demonstration by front page articles devoted to the event which appeared in the Worker. In a directive to all party districts dated March 31, 1965, the Communist Party, U.S.A. national office described the march as the "major point of concentration" in the campaign in the withdrawal of U.S. forces from Vietnam. The party districts were told that the main task was to get maximum participation in the demonstration. An estimated 15,000 individuals participated in this demonstration, including known Communist Party members from throughout the Nation. They included Arnold Johnson, public relations director and Michael Zagarell, National Youth Director of the Communist Party, U.S.A. and George Meyers, a member of the party's national committee. At the time of the Washington march, in Johnson City, Tex., 45 individuals, many identified as past or present members of the Communist Party, maintained a vigil at the President's ranch.

While all of these groups except the Communist Party itself include among their members and followers individuals who are undoubtedly well-meaning, the facts are indisputable that the denunciation of present U.S. policy in Vietnam is in accord with the Communist objectives and contrary to the best interests of the United States.

It is paradoxical that the followers of these organizations apparently place a greater trust in the propaganda emanating from Communist sources than they do in the policies of their own country. It is alarming that so many young people from our colleges could be gathered together for these demonstrations without realizing they are being used by the forces which would see us destroyed.

Sincere Americans have every right to protest any action of their Government with which they disagree. We live in a free country where every citizen has that right. Nor are we insinuating that every organization or individual who protests is an agent of the Communist Party. But knowingly or not, they are participating side by side with Communists working to bury us. That they are being used by agents of the Communist movement is apparent, and every effort must be made to acquaint the American people with the real motives behind large group actions against U.S. policies in Vietnam. No doubt we will soon see similar demonstrations regarding our stand in the Caribbean, and elsewhere, any time we stand up to Communist threats anywhere in the world. We must identify those behind these movements, call them to the attention of every citizen and make every effort to acquaint American students with the threats which are posed to the very freedoms they promote.

RUMANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from Ohio [Mr. FEIGHAN], is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the 10th of May has been observed as Rumanian Independence Day for the past 87 years. Rumania as a nation won recognition of her national independence at the Congress of Berlin on May 10, 1878, but only after bloody sacrifices and heroic deeds in the war between imperial Russia and the Ottoman Empire. Significantly, and ironically in light of present events, the Rumanian people turned back to the Ottoman Turks after they had inflicted two critical defeats on the imperial Army of Russian Grand Duke Nicholas. Rumania's reward was recognition of her national independence by the great powers of Europe.

It was 20 years ago last March 6 that the new imperialism of Moscow seized the Rumanian nation by fraud and violence and robbed her people of freedom and national independence. In typical Russian style, Vishinsky, an agent of the Kremlin, announced that the Rumanian Government no longer existed and that it had been replaced by a new regime, a regime of Communist puppets. This action was backed up by the tanks and guns of the Red army and occurred only after a Russian campaign of terror and violence among the Rumanian people.

From this it is obvious that the Russians have no respect for history, that to help them in their hour of crisis is to invite their ungrateful and deceitful actions at a future date. That is the lesson we learn from the events of 1877–78 when Rumania held back invasion of imperial Russia by the Ottoman Turks and the events of 1945 when imperial Russia robbed the Rumanian people of their national independence.

The United States has had its share of harsh experiences with the imperial Russians. In 1917–18 we provided Russia with military supplies and funds to defend itself against imperial Germany. From 1918 to 1921 we provided the food to prevent famine in Bolshevik Russia—hoping to win their friendship. As a reward our humanitarian program was branded as a spy operation and disbanded as soon as the threat of famine had been defeated.

In 1939 the imperial Russians and Nazi Germany made a secret pact to launch World War II and to divide all of Europe between the tyrants. When the Nazis later invaded the Russian empire, we rushed to the aid of imperial Russia and embraced her as an ally. We poured out over $20 billion in loans and lend lease—all to save the imperial Russians from certain defeat. We fought to liberate all of Europe from the tyrants whip only to defeat Nazi Germany and then to be immediately confronted with wholesale Russian subversion and aggression directed at the conquest of all of Europe.

Every American is aware of Russian directed subversion and aggression in Korea, Vietnam, Africa, Cuba, the Dominican Republic, and elsewhere since the end of World War II. Despite this record there are people who call out for more efforts to win the friendship of the Russians. There are even people who still believe that we can win Russian friendship if we remain quiet about the fate of the people in the captive nations of Europe and Asia. But the record shows the only possible friendship with the Russians is based upon submission to their demands.

The people of Rumania know the full meaning of friendship—Russian style. They have lived under that forced friendship for 20 years. During that time they have seen the Russians liquidate their Rumanian quislings, those Rumanians whose friendship was based upon the alleged bond of Communist ideology. Communist ideology is always subservient to the demands of the Russian empire. They have experienced the plans and schemes of the Russians to change the character of the Rumanian people by remaking them into Soviet people. In other words, they have lived through the 20th century Russian nightmare and there is every reason to believe the character, the spirit, and the rich traditions of Rumanian life remain alive in the hopes and aspirations of her people.

How else can we account for recent developments in Rumania? There is no denying the fact that the Rumanian people are becoming more bold and outspoken in their opposition to Russian domination of their homeland. Popular feelings on this issue have reached such a stage that even leading members of the imposed Communist regime have made anti-Russian statements and have also made attempts to create the public impression that they are not wholly owned agents of Moscow. It is reasonable to conclude that the Russians with their reactionary system of colonizing other nations, have become so unwanted that even their trained quislings are attempting to disassociate from them.

No effort on the part of the imposed Communist regime in Rumania to convince the Rumanian people that their country is free and independent can succeed. The people know they are not free and that their national independence has been robbed by Moscow. The people of Rumania will not be satisfied until they are complete masters of their destiny, until traditional Rumanian culture is allowed to flourish and until full and open relations with the Western World are resumed.

World events are moving in a direction favorable to Rumania and the other captive nations. Russian instigated aggression through so-called wars of national liberation, such as is taking place in Vietnam and as was attempted in the Dominican Republic, has aroused the free world from its temporary slumber. Cuba has provided our people with a striking example of the end results of such wars of national liberation. That Russian base of operations in the Western Hemisphere now threatens many countries in Latin America. President Johnson's action in both Vietnam and in the Dominican crisis serves notice that we will not stand idly by while Moscow robs more nations of their freedom and independence.

Meanwhile, imperial Russia is charging the United States with imperialism for defending the freedom and independence of Vietnam and the Dominican Republic. Our actions to defend human freedom have been labeled by Moscow as acts of aggression. It is time that we exposed the nature of Russian imperialism and the manner in which the mythology of communism is used to expand the empire of Moscow.

Congress can provide the forum for that long overdue exposure by authorizing a Special House Committee on the Captive Nations. Such a committee could put the labels of imperialism and aggression where they properly belong—on the unchanging Russians. The one remaining empire in the world cannot stand the test of full exposure. Such an exposure would renew the hopes and aspirations of millions of non-Russian people throughout the captive nations. It would serve notice that we have not forgotten them and would be a certain assurance that we do not seek Russian friendship at the expense of continuing enslavement of the captive nations. Moreover, it would put imperial Russia on the defensive as the seat of the last vestige of colonialism and reactionary exploitation of nations and people.

The 10th of May is not being officially celebrated in Rumania today. Moscow would not permit it and the Communist regime in Bucharest could not endure the consequences. But the people of Rumania will remember this day and they will observe it in their own way despite the commands of Moscow or the counterplans of the Rumanian Communist regime. Today is Rumanian Independence Day. And it will be so observed long after the Russian nightmare is ended.

Mr. HOWARD. Mr. Speaker, today, May 10, we commemorate the anniversary of Rumanian independence. After centuries of domination by the Ottoman Empire, the people of Rumania had at long last achieved their freedom. It is fitting that we in this Chamber, Mr. Speaker, take a few moments in our busy schedule of legislation to pay tribute to Rumania and to her people on this great national holiday.

The Rumanian people today, as they were before declaring their independence from the Turks, are a people living in a state of national oppression. Since 1945, Rumanians have known nothing else but the tyranny of communism and all its evil works. At the close of that last great war it was the hope of all freemen that there would no longer be any other dominating tyranny in the world. It was the hope of many who had fought in that great and terrible war that a new age had dawned for mankind.

But we were all mistaken. Our hopes were soon dashed when we observed with bitter anguish the envelopment of all eastern Europe by a new world tyranny, communism. Rumania, Poland, and all the other states of Eastern Europe fell under the coercive ideology of communism. Freedom was destroyed, and all hope for a better future and a future in freedom was dissolved.

In the past few years great changes have taken place in the Communist world. Forces of diffusion have been at work, eroding away the once total power

that the Soviets had once held over Eastern Europe. One of the states that has experienced the full impact of these changing currents of history has been Rumania. During these years Rumania has exerted to a remarkable degree its independent role within the Soviet bloc. It has insisted upon a separate economic future quite apart from the rigidly imposed structure established in Moscow. It has played off with great skill the Chinese against the Russians in the interplay of intrabloc politics, and thus have been able to establish some degree of independence from Moscow. Russian influence is on the way out in Rumania. Even the learning of the Russian language is no longer compulsory, and Western languages are gaining their pre-1945 favor in the Rumanian education system. Moreover, Rumania has been establishing greater ties with the West.

These are considerable changes. There can be no mistake about that. But it would be a mistake to read too much into these changes; for Rumania remains Communist and its government is intolerably totalitarian. Nonetheless, Rumanians are exerting greater independence from the bloc than ever before, and this in itself constitutes a diminution of overall Soviet strength in Europe.

On this anniversary of Rumanian independence, it gives satisfaction to witness these changing events in Rumania. Let us all hope that the trend will enlarge to a degree that at some time in the future Rumania and her people will at long last be free from communism itself.

Mr. McGRATH. Mr. Speaker, the steadfastness with which the Rumanian people continue to defy their Soviet masters is emphasized by the fact that although yesterday, May 9, is decreed their national holiday, Rumanians continue to celebrate May 10, their traditional national holiday, in their hearts.

Today, the good wishes and heartfelt support of all Americans go out to the Rumanian people—those within Rumania clandestinely marking this triple observance, and those outside their homeland who are free to mark this occasion.

On May 10, 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania, thus founding the Rumanian dynasty. Eleven years later, on May 10, 1877, the principality of Rumania proclaimed her independence from the Ottoman Empire, and 4 years later, on May 10, 1881, Charles I was crowned King of Rumania.

During the ensuing years, Rumanians have cherished the 10th of May as their national holiday, and today it remains the symbol of their perseverance to reach their ultimate goal of freedom and well-being. Even the oppressive Soviet rule which they have lived under since 1947 has not been able to alter the significance of this date, despite the fact that the present government decreed that May 9—the anniversary of the Soviet victory over Nazi Germany—as the official Rumanian national holiday.

To these valiant people—our allies in two World Wars, we extend our good wishes on this holiday of their hearts, and hope with them for the day when all Rumanians may again celebrate May 10 openly.

Mr. KREBS. Mr. Speaker, from time to time we have unusual opportunities to reflect on the sad fate that has befallen some of the older nations of the world. This day Rumanian people throughout the free world are pausing to commemorate the independence of Rumania on May 10, 1877. But unfortunately the people of that nation are today not free to celebrate an independence from rule established without consent of the governed.

As a nation that during two world wars saw action alongside the Allied Powers, Rumania has to this day retained a zeal for independence and freedom. While there is presently little opportunity for genuine expression of that independence in Rumania, I am sure my colleagues will agree that no nation can long be forced to suppress its rightful goal of independence from foreign domination.

I therefore want to join my fellow Members of Congress in saluting the Rumanian people on this anniversary. And I take this opportunity also to assure the people of Rumania that the United States still remembers the gallantry of its service with the Allies and to wish them a quick return to earlier days of freedom and independence.

Mr. MULTER. Mr. Speaker, throughout its history Rumania has been at the crossroads between East and West. Partly for this reason, and partly because of the fact that the country is both fertile and rich in natural resources, Rumania remained divided among her powerful neighbors for nearly 400 years up to the latter half of the 19th century. During all that time, since its conquest by the Ottoman Turks in the 15th century, Rumania was part of the Ottoman Empire, and Rumanians were subjected to the oppresive rule of Ottoman sultans. Through Turkish misgovernment and misrule Rumanians suffered greatly, but they never gave up their ideals, and they worked hard for the attainment of the national goal, their freedom.

In the middle of the last century, after the Crimean War, they attained part of their goal. In 1856, Rumania secured autonomous status, and its only direct tie with the Ottoman sultan was the payment of annual tribute to the sultan's treasury. But the Rumanian people wanted to get rid of this one remaining tie, and the Russo-Turkish War of 1877–78 offered them the opportunity to do this. When that war was raging, on May 10, 1877, the Rumanians proclaimed their full independence of Turkey and fought for its realization. The Rumanian forces joined the Russians in that war against the Turks, and at the end of the war their newly won independence was recognized by the Congress of Berlin. Such was the rise of free and independent Rumania 88 years ago.

Since those exultant days Rumanians have had their ups and downs. They were involved in the First World War, fighting on the side of the Allied and associated powers, and in the end succeeded in having their territorial claims recognized by the formation of a greater Rumania. They were then quite content with their lot and were doing well during the interwar years. They were also involved in the last war, and they were the victims of both Nazi and Soviet aggressions. Before the actual end of that war Rumania was brought into the clutches of the Kremlin, and for nearly two decades Rumanians suffered more under unrelenting Communist totalitarianism than they had under other alien rules in the past. The rich resources of the country were taken over by Soviet authorities, and were exploited by them. A Communist system of government, with all its attendant evils, was imposed upon the Rumanian people. Collectivization, regimentation, and nationalization were carried out with an iron hand and the people had no choice but to obey the dictatorial decrees.

Until recent years the country was practically sealed off from the West, and Rumanians were prisoners in their own country. They endured many hardships and prayed for their liberation from Communist tyranny. Fortunately, today there is considerable change for the better. The iron hand of communism is somewhat relaxed; in matters of trade and commerce they seem to have regained some freedom, and the country is not as effectively sealed off from the West as it was until a few years ago. On the 88th anniversary of Rumanian Independence Day let us all hope and pray that this spirit of relaxation and toleration will continue and eventually the Rumanian people will regain their full freedom.

Mr. RODINO. Mr. Speaker, on the 10th of May, the anniversary of the day in 1877 when the Rumanians proclaimed their liberty from the Turks, our thoughts turn to the Rumanian people of today. Although the dissension in the Communist world and the rift between the Soviet Union and Communist China have recently permitted Rumania a slight margin for nationalistic action, Rumania is still a captive nation of the Soviet Union. The Rumanian people are still under the control of communism, an alien movement which could never stay in power without the proximity of the Red army. They suffer from the failings of Communist economic and agricultural policies. For example, 90 percent of Rumania's agriculture is collectivized and the yields remain pathetically low in sharp contrast to the bountiful surpluses of our own farms.

As Rumanians who live in the free world and Americans of Rumanian descent celebrate the anniversary of Rumanian independence, it is my hope that the people of Rumania will be heartened by the evidence that their plight has not been forgotten. It is my hope that they too will remember that their ancestors lived under foreign domination for more than four centuries, yet they were at last successful in regaining their independence.

The United States, which will always be stronger because of the contributions made by its citizens of Rumanian background, realizes that the Communist government of Rumania is not a reflection of the will of the Rumanian people. We realize that the Rumanian people themselves have not changed in their

love of liberty. We shall do everything prudently possible to hasten the day when all peoples have the opportunity to live in liberty and enjoy freedom.

Mr. CUNNINGHAM. Mr. Speaker, the historic step taken by the gallant inhabitants of Rumania 88 years ago, during the Russo-Turkish War of 1877–78, constitutes a significant landmark in the turbulent history of the Rumanian people.

On May 10, 1877, the Rumanians proclaimed their independence from the Turks. In the ensuing war, they were victorious and the subsequent peace treaty guaranteed Rumania's freedom of independence. Thus, that daring act of May 10, 1877, marked the independence day of Rumania.

Since those distant days Rumanians have experienced the joy of freedom and the woes of foreign tyranny. Today they are grievously deprived of freedom in their homeland. Communist totalitarian dictatorship has eliminated all vestiges of independence there, but happily the Rumanian people have not given up their hope for eventual freedom.

Let us not forget the 10th of May when the Rumanian people demonstrated to the free and independent peoples of the world that centuries of oppression and suffering had not dimmed their hope for freedom, and their willingness to fight for their national independence. Though today once more they are robbed of their freedom, and are enslaved by Moscow-dominated forces in their homeland, I am confident that they will again regain their freedom and live happily in their beloved Rumania.

Mrs. KELLY. Mr. Speaker, although we Americans are among the most highly educated peoples in the world, for many of us the history of Eastern Europe is a huge blind spot. We seldom realize that the nations and peoples of Eastern Europe had to struggle long and valiantly before they attained independent status. Overrun by Turks or Russians in an earlier day, the peoples of Eastern Europe became pawns in the political power game as it was played by the Western nations, Russia, and the Ottoman Empire.

Throughout this long twilight period, the Rumanian people tenaciously held to their idea of nationhood. Their tenacity was rewarded when, at the end of the Crimean War, the powers recognized the autonomy of Wallachia and Moldavia, the Turkish provinces that were to make up the Rumanian state.

But the leaders of Rumania knew the temper of their people. They knew that both peasant and intellectual would not be satisfied short of outright independence. In the Russo-Turkish War of 1877 they saw their opportunity, and on May 10 of that year declared Rumanian independence to be an accomplished fact. Rumanian troops were skillfully employed to gain political advantage, besides being of material help to the Russians. Rumania's independence was recognized by the powers in the Treaty of Berlin, a year later, but she was required to cede Bessarabia to Russia.

Today on another independence day, Rumania finds herself subjugated by a foreign power. That power, of course, is the Soviet Union, which installed communism by force and trickery in the closing stages of World War II. But Rumanians are showing that old spirit of independence that comforted them so much in their turbulent past. Rumania is eager to trade with, and learn from, the West, and it has shown a readiness to do so regardless of Soviet pressure. But surely this will not be enough. Surely Rumanian tenacity will triumph again, bringing with it true freedom so prized by all Rumanians. That is really the lesson of this Rumanian Independence Day.

Mr. DINGELL. Mr. Speaker, my colleagues of the House, today, May 10, is the traditional national holiday of the Rumanian people. It commemorates the day when, in 1877, the people of Rumania declared their independence. During the following year that independence was recognized by the powers of Europe in the Treaty of Berlin. The culmination of Rumania's hopes and dreams, hopes and dreams sustained for hundreds of years, through a variety of historical regimes, was realized at last.

Yet Rumania, like so many of the states of southeastern Europe, was faced with massive internal problems, and was bedeviled, as were so many of her neighbors, by conflicting territorial claims, and bewildering ethnic heterogeneity. Despite these handicaps the country made notable economic and political progress in the period from 1878 to 1918. After the end of the first World War, in which Rumania participated on the side of the Allies, the country made spectacular economic progress. New industries, supported by domestic and foreign capital, sprouted extensively, and foreign trade expanded substantially. Political life flourished, parliamentary institutions grew stronger, and a number of Rumanian statesmen made a significant mark on the world scene, particularly M. Titulescu at the League of Nations. Rumanian foreign policy was pro-French in orientation; in fact Rumania was allied with France in one of the many pacts by which the latter sought to safeguard her security against a potentially renascent Germany.

But with the onset of the depression and the rise of Nazi Germany, Rumania came under increasing pressure from antidemocratic forces, both within and without. Eventually these pressures proved too much for Rumania's democratic forces, and she lapsed into a royal dictatorship, which was followed by that of Fascist oriented elements. It was this government which took Rumania into the Second World War on the German side and which was overthrown by a popular uprising led by King Michael.

But the hopes which the popular young king aroused were soon to be dashed. The Soviet Union, having conquered the territory of Rumania in its advance against the Nazi legions, was determined to control the country together with the rest of Eastern Europe. Having rid themselves of one set of totalitarian masters, the Rumanians were to find that set replaced by another. With the establishment of the Rumanian Peoples Republic in 1947 all vestiges of a free society disappeared from Rumania.

But if history is relevant at all, and we believe that it is, the Communist regime which presently rules Rumania will disappear into the mists of time. Not today or tomorrow, let us have no illusions on that score. But eventually this will come to pass, for communism is alien to all Rumanian national traditions. In the long run, the institutions which nurture man's spirit survive, and those which demean it, perish. If we believe this truth, we can be certain that a day will come when Rumanians can celebrate their national independence on their native soil, and not in exile. In the meantime we salute the courage and tenacity of the Rumanian people, just as we salute these same qualities in the people of every country suffering under Communist tyranny.

Mr. O'HARA of Illinois. Mr. Speaker, May 10 is the national holiday of the Rumanian people. It is a date which commands the respect of all who cherish freedom and who hold steadfastly to its ideals regardless of cost.

The people of Rumania have a long and interesting history dating back to days of ancient Rome. From that time to the present they have maintained their distinctive cultural and linguistic qualities. But their political development, due to the facts of geography, has been tragically impaired by the insensitive forces of great power rivalry and greed.

This Christian nation was a constant object of Turkish aggression ,and after many valiant struggles came under Ottoman domination in the 17th century. But this domination did not have even the saving grace of protection. Rumanian territory was caught up in the ambitions of three great neighboring empires—Russia, Turkey, and Austria. From the end of the 16th century until the day of independence in 1877, the Russian forces entered Rumanian territory at least 13 times, usually staying for periods of 5 or more years.

Most of the country remained under Turkish oppression, and at one point the Russians and Turks signed an agreement for joint control over the territory. This came after the wave of democratic nationalist revolutions that swept Europe in 1848 in which the Rumanians and many other oppressed nationalities attempted to win their freedom.

As Turkish power began to decline it was inevitably replaced by Russian hegemony. But the rise of Russian power in this area aroused the interest of England and France and, when Russia invaded Rumania, once again it lead to the Crimean War and the defeat of Russia.

Some of the Rumanian territory was restored through the Treaty of Paris and a new government under Prince Alexander Cuza showed what the Rumanian people would do if given the chance to govern themselves. Serfdom was abolished, the peasants received ownership of land, voting rights were broadened and compulsory education was instituted. A liberal constitution was established in 1866.

This newly won independence was threatened, however, when the Russians and Turks went to war in 1877. The Rumanian Government allowed Russian forces to enter its territory for the purpose of defense against the ancient oppressors, and Rumanian forces fought bravely along with those of Russia. But the Russians showed no gratitude and in a manner that has become familiar to us, they used the opportunity to demand and take parts of Bessarabia, with the compliance of other European powers.

In spite of this loss the Rumanian people were able after this episode to enjoy a period of freedom from outside oppression. Rumania fought with the Allies against the Germans in World War I. And again the Russians, before and after the Bolshevik revolution, attempted to use the situation to take Rumanian territory.

Between the two wars Rumania alined itself with the West, but when the Nazis and Communist Russians concluded their short-lived agreement to divide up the helpless peoples of Eastern Europe, Rumanian territory was once again taken by Russia. Rumania's independence could not survive the ensuing struggle and the Russians finally satisfied their greed by taking control of all of Rumania.

On this occasion of the anniversary of Rumania independence we desire to let the Rumanian people know that we have not forgotten them and do not consider their struggle for freedom to be at an end. Although, despite the strict confines of Soviet control today, we see that Rumania is attempting to move toward a degree of economic freedom that can only serve to loosen the bonds which some day must disappear. Recent years have seen Rumania forging ahead economically in a manner which augurs well for achievement of political as well as economic independence which will constitute an independence for Rumania on a May 10 not far removed from 1965.

Mr. DERWINSKI. Mr. Speaker, today I wish to join in the commemoration of Rumanian Independence Day. Rumania achieved its independence on May 10, 1877, and retained its freedom until 1947, when King Michael was forced to abdicate by the Communists.

Rumanians in the free world who observe their enslaved nation's national holiday each year with great devotion are also diligently working in cooperation with representatives of other captive nations toward their common goal of restoring freedom to their native lands. It is a tragedy that the Rumanian people who suffer under Communist tyranny are prevented from celebrating their holiday, but their Soviet-imposed government seeks to obliterate all such traditional observances of Rumania's great past.

Mr. Speaker, I am delighted to observe the increased interest throughout the United States in the cause of the captive peoples of communism and the fact that their legitimate aspirations for independence for their homelands constitutes a major weakness in the Soviet imperialist empire. Self-determination of peoples is a cornerstone of our foreign policy which must be maintained until all the nations enslaved by Communist tyranny achieve their independence.

The illegitimate Rumanian Government flaunts the will of the Rumanian people and is not a freely elected administration. Therefore, Mr. Speaker, we must do more than merely commemorate this and other national holidays of the captive nations. We must take positive action. An immediate step which the House of Representatives should take is to approve the resolution of the gentleman from Pennsylvania [Mr. FLOOD] establishing a Special House Committee on the Captive Nations.

Mr. HALPERN. Mr. Speaker, May 10 is the traditional national holiday of the Rumanian people. Here in the United States we are privileged to know the meaning of this annual event, and in like spirit, we commemorate the day of Rumanian independence.

Rumania proclaimed her independence on May 10, 1877. She severed the bonds which previously had linked her to the Ottoman Empire. Liberty was dearly fought for. In 1878, the Congress of Berlin recognized the independence of Rumania and accorded her official status.

In 1881, the land became a kingdom and thereafter, for many decades, the country was a model of stability and peaceful progress.

The tragic ramifications of World War II altered the complexion of affairs. The nation remains dominated by the Soviet Union, ruled by her, subjected to an outside and foreign ideology.

I hope that the 10th of May will serve to remind us that once the flame of liberty has been set afire, it can never completely be extinguished. The Rumanian people have suffered much throughout the Russian intereference. They are still oppressed by a ruthless foreign invader.

Let us hope, in commemorating Rumania's national holiday, that freedom will be restored to this brave people.

Mr. STANTON. Mr. Speaker, the date of the 10th of May is celebrated by freedom-loving Rumanians and Americans of Rumanian descent as the anniversary of Rumania's independence. On that day in 1877, the Rumanians proclaimed their liberty from the Turks, under whose yoke they had suffered since late in the 15th century. For more than four centuries the Rumanian people had been seeking to free themselves from the Ottoman Empire whenever opportunity permitted, and in the last decades of the 19th century they finally met with success.

The independence of Rumania was soon afterward recognized by Russia, Italy, Great Britain, France, and Germany. A kingdom was proclaimed and Prince Charles was crowned King on May 22, 1881. Until the Second World War, Rumania flourished in its liberty. The war, however, resulted in the loss of that liberty. Rumania became one of the captive nations of the Soviet Union, its sovereignty curtailed by a satellite status which is deplored by those Rumanians who understand the importance of freedom as well as by all Americans who have migrated to this country from Rumania.

At the present time significant changes are taking place in Rumania. Although until recently Rumania was one of the most ardent Soviet allies, there has been a conspicuous amount of de-Russification and expanded cultural interchange with the West in the past few months. Russian is no longer a compulsory language in schools. The number of Soviet films has been reduced and the Soviet radio program has been dropped. In 1964 Soviet-Rumanian Friendship Week was given only perfunctory attention. More and more Western plays are being shown, and additional Western authors have been put on accepted reading lists.

There should be no illusion that the Communist system itself has been liberalized, or that the Government of Rumania has moved one iota away from Communist ideology. Rather, the Sino-Soviet ideological differences have given Rumania more opportunity for maneuver. Let us hope that in the process of change the longing for freedom which is felt in the hearts of the Rumanian people can eventually result in the attainment of true independence once again. May our expressions commemorating Rumanian indepedence remind all people behind the Iron Curtain that they have not been forgotten by the free world.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join with my colleagues in commemorating Rumanian Independence Day.

Twenty years ago—a generation—Soviet military might thrust a crown of thorns on the brow of Rumania. Since that time the people of Rumania have suffered under the domination of a Communist totalitarian regime.

In recent years there have, happily, been signs that the oppression slowly is being lifted. No longer does the Soviet Union maintain its military garrisons on Rumanian soil.

Recently too, the Rumanian Government has demonstrated some independence from Moscow, and has expressed a desire for better relations with the West.

These efforts at breaking the grip of Soviet communism over a people are to be applauded. Let us hope that they presage even further advances toward restoring freedoms to the Rumanian people.

While no concession should be made any regime in Eastern Europe which would endanger our national security or solidify the position of Communist rulers, the United States should continue to work for the betterment of the Rumanian people.

In this effort, it may be possible to explore increased trade, cultural and trade relations between people of the United States and the people of Rumania. In this way it eventually may be possible to assist the reentry of Rumania into the family of European nations.

It is that glorious time we look toward today as we commemorate Rumanian Independence Day.

Mr. LINDSAY. Mr. Speaker, each year on the 10th of May, the people of the

free world commemorate a traditional Rumanian national holiday. This is the day which honors the achievement of Rumania's independence from Ottoman oppression and the founding of its kingdom. The observance by the free world is to signify to the Rumanian people behind the Iron Curtain that they have not been forgotten and will not be forgotten.

The American people share the hopes and aspirations of the Rumanian people for national liberty. On this commemoration of the 10th of May, we hope they will find new strength in their determination to celebrate the freedom and independence they rightfully earned nearly a century ago.

Mr. KLUCZYNSKI. Mr. Speaker, 20 years ago Soviet communism crushed the freedom and independence of many civilized European nations, among them the sovereign, constitutional, and socially progressive Kingdom of Rumania, established on the 10th of May 1881. Transformed into a so-called peoples republic, Rumania today is in fact a Soviet colony, ruled by the naked force and incredible terror of totalitarian tyranny. To stifle the national feeling of the people, even the celebration of the 10th of May—the traditional national holiday—has been forbidden. Today only the refugees scattered over the free world, many of them in our own country, are able to perpetuate the sacred tradition and in so doing, to draw our attention to the present tragedy and the just aspirations of their oppressed people.

As a nation conceived in freedom and committed to its defense everywhere, we Americans feel deeply saddened by the plight of the Rumanians and appreciate highly their valiant resistance to tyranny as a valuable contribution to the general struggle against the Communist menace. Let us therefore take advantage of the anniversary of the 10th of May to convey to Rumanians everywhere the sincere sympathy and the very best wishes of the American people. Let us assure them anew of our determination to pursue, with prudence of course, but with firmness, our national commitment as defenders of freedom. We consider the right of all peoples to freely choose their governments as sacred and inalienable and in the common interest of peace. Thus we cannot and will not acquiesce in their enslavement or accept the status quo as permanent. On the contrary, we are dutybound to support their strivings for freedom by all peaceful means, and express our conviction in the ultimate victory of our common efforts.

Recent developments in the Communist world add considerable substance to our hopes, especially concerning the Rumanians. A great deal has been written recently about a seemingly radical change of mind and policy by Rumania's Communist rulers, who are alleged to have become politically—but not militarily and economically—"almost independent" of Moscow, eager to put national interests above Communist allegiance and to intensify contacts with the West. Consequently the West, and our administration particularly, has decided to encourage by all means, mainly economic, the Bucharest regime in its new orientation.

We certainly welcome any change for the better in Rumania, provided it be genuine, and we wholeheartedly approve any American help, provided it improves the lot of the people more than it strengthens the Communist regime. Well knowing that it was the stubborn will for freedom of the Rumanians which compelled their rulers to make certain "concessions" to the national sentiment and national interests, we must make it clear that we do not intend to recognize the Communist regime as legitimate, or to bail it out from its self-created economic chaos simply for its own sake. Our intention is to alleviate the lot of the people and thus make them more able to assert more forcefully their will to freedom. Any confusion or misrepresentation concerning this fundamental position might tend to dishearten the Rumanians, weaken their spirit, and make our generosity self-defeating.

We must not forget, wishful interpretation of current events notwithstanding and despite the welcome release of thousands of political prisoners, that Rumania's regime continues to enforce "Socialist discipline," that is, police terror, more ruthlessly than any other regime in the Soviet camp. Would it be too much to ask the Bucharest rulers to grant at home at least the degree of freedom and respect for human rights which has become common in Poland and even Hungary? How else can they find in the West the good will, and the dollars, they so desperately need and want?

Confident that our Government is well aware of the complexities of this situation and will move with wisdom, we wish to pay tribute to the unbending spirit of the Rumanian people, who have compelled their rulers to enter upon the path of national interest. This gives us renewed confidence that the ideals of freedom and independence so eloquently symbolized by the 10th of May will once more prevail.

Mr. HELSTOSKI. Mr. Speaker, World War II and the years since the termination of this conflict have been tragic for some 17 million Rumanians in their homeland.

The 10th of May is the traditional day of independence of the Rumanian people, but in Rumania there is no joy on this day, no celebration of that glorious day of May 10, 1877, when Rumania proclaimed her independence. Today, these brave Rumanians are under the yoke of Communist subjugation and oppression and this day of rejoicing has been taken away as a right of the Rumanian people.

In 1877 Rumania proclaimed independence from Turkey, and was recognized by the European powers as an independent state in the Treaty of Berlin, and as a kingdom in 1881 under Carol I. In 1886 Rumania became a constitutional monarchy with a bicameral legislature.

The life of the Rumanian people was always one of uncertainty because of its geographic position. Rumania's location on the border of warring nations made it a frequent victim of strife. It helped Russia against Turkey during the years 1877 and 1878. It was defeated by Germany and Austria-Hungary in World War I. In World War II, Rumania was forced to join Germany against the U.S.S.R. by Marshal Ion Antonescu, a leader of the militarist movement in Rumania. In 1944, Antonescu was overthrown by King Michael with the help of the Soviets and Rumania joined the allies.

With occupation by Soviet troops the National Democratic Front, headed by the Communist Party, displaced the National Peasant Party. As a result of this change, a People's Republic was proclaimed on December 30, 1947. Under this rule, land owners were dispossessed, industrial and transportation units were nationalized and banks were taken over by the new regime. On September 24, 1952, a Soviet type constitution was adopted and Rumania, as an independent and free state was lost.

Even though Rumania is behind the Iron Curtain for a number of years now, her spirit and her wish to once again be free and independent remains undaunted.

I know that all Americans are united in the hope that Rumania and all those who have been crushed under the heel of the Soviets will some day be free again.

The question arises, since Rumania cannot clebrate her own day of independence, and is a country so far removed from the every day life of the average American—why do we, in the House of Representatives celebrate and commemorate this day?

We do this because we understand the plight of the captive nations and have many times pledged ourselves to bring back freedom to these subjugated nations. We take this time to again renew our determination that these nations will be enabled to obtain self-government, freedom and liberty, to which they have an inherent right.

We cannot forget the ordeal of Rumania and all the other captive nations under the rule of the Soviet. We should not turn our eyes away from the encroachment of Soviet domination into the Western Hemisphere. There already has been evidence of this domination in the instance of Cuba, which lies only 90 miles away from our borders. Now, the uprisings in the Dominican Republic should further alert us to these dangers.

Let us make no mistake about the intentions of the Russians. They are determined to win a total victory in the skirmishes they have launched against the United States and other free nations. There is no desire on their part to negotiate, they believe in a winner-take-all policy and are determined that they be the winner. We are forced into this game, because there is much at stake for the Western and free nations and we cannot let this game go to the Russians by default.

So, on this 87th anniversary of Rumanian independence we should again revaluate the world situation. We should again give hope and encouragement to the Soviet dominated nations and our pledge to those free nations that

are subject to pressure from the Soviets that we shall continue our efforts to make this world one of free and independent nations, each with its own choice of government and leadership.

Mr. ST GERMAIN. Mr. Speaker, on this, the anniversary of the declaration of Rumanian independence on May 10, 1877, it is a pleasure to send greetings to the Rumanian people, many of them still living behind the Iron Curtain, many of them scattered throughout the world. For many centuries, the Rumanians lived under the yoke of the Ottoman Turks. But in the 18th and 19th centuries, the forces of nationalism began to awaken in eastern Europe, and the Turkish administration began to weaken. Following a number of uprisings, the Rumanian people were able to achieve independence in 1877. But that independence was precarious. For to the north and to the east, lay a giant neighbor, whose aims of dominion in eastern Europe has already become too apparent. Thus the Russian empire seized southern Bessarabia in 1877 and held this territory until the end of World War I. And in 1939, following the Soviet-Nazi pact, the Soviet Union seized Bessarabia and northern Bukovina. Today, these territories remain lost to Rumania and stand as symbols of the tyranny practiced by a far from benevolent neighbor.

The Rumanian people, however, have never lost sight of the independence that they won in 1877. While still remaining in the grips of the harsh system imposed by the Soviet Union in 1945, they have steadily worked to free themselves of external domination. Today, Rumania is increasing her trade and contacts with the West. The country is resisting Soviet economic plans to maintain her in the subservient position of a primarily agricultural nation and is rapidly building her own industry over Soviet opposition. However long the road to true independence and freedom may prove to be, the first steps have been taken. The Rumanian people are imbued with the cultural traditions of the West. I am confident that these ties to the West can never be broken. I am confident that one day the Rumanian people will regain the liberty for which they fought so hard in the 19th century.

USE OF FOOD AND FIBER PRODUCTS IN THE FOOD-FOR-PEACE PROGRAM AND DOMESTIC PROGRAMS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. STALBAUM], is recognized for 15 minutes.

Mr. STALBAUM. Mr. Speaker, I have today introduced a bill, which would permit the Department of Agriculture to use food and fiber products produced by our American farmers, even if not in surplus, for title III of the food-for-peace program and for those domestic programs for which they supply commodities.

While my prime concern relates to the foreign activities and the vital use of this production in our foreign programs, the problem was most sharply called to my attention recently by a condition which developed in the domestic food programs. My bill covers both of these areas.

On the domestic scene, a situation, arose last winter in which butter was no longer considered a surplus commodity. As a result, the use of this dairy product in certain of the domestic programs was discontinued, and, I have been informed by the Department of Agriculture this past week, will not be resumed again until July 1.

To many of us familiar with dairy production patterns, this move by the Department of Agriculture to halt the use of butter, while perhaps technically correct as to interpretation of the law, made little sense when related to normal production activities. No one denied that within a few months, as the spring flush of milk production reached the markets, we would again see a surplus of butter accumulating. Yet, the Department of Agriculture was not in a position to continue the program, even with an anticipated surplus facing them. My bill would permit the continuation of programs under those circumstances.

In the food for peace program, we find an even greater challenge. The food for peace program has now completed a full decade. We have this experience to draw upon. The program has been refined through the years and there is basic acceptance that it is working well. One and one-half billion dollars of commodities were provided through it in 1963–64. Commercial sales have grown in 1963–64 to $4½ billion, so that we now find over $6 billion of American farm production going to foriegn nations. Foreign donations, with which we are concerned here, now exceed one-third of a billion dollars.

During the 10 years the program has been in operation, we have come more and more to recognize it as an integral part of our foreign policy, rather than the original concept of being an outlet for stocks of surplus commodities. In other words, the emphasis has switched from being a mere surplus disposal program to being a basic component of our entire foreign policy. President Eisenhower, in February of 1959, 5 years after its inception, had already recognized this when he said:

> It [using food for peace] is more than surplus disposal, more than an attempt to foster ties and sympathies for America. It is an effort that I consider in full keeping with the American tradition—that of helping people in dire need who with us are devoted to upholding and advancing the cause of freedom. It is an undertaking that will powerfully strengthen our persistent and patient efforts to build an enduring, just peace.

In 1963, then President Kennedy emphasized this point even more strongly, when he said:

> We make a grave mistake if we regard food for peace as merely a program for disposal of surplus commodities instead of an opportunity to utilize our agricultural capacity to encourage the economic development of new and developing nations. Food for peace is an increasingly important tool of American foreign policy.

President Johnson in his farm message this year said:

> The food-for-peace program is good international policy and it is sound economic policy. Food is a powerful weapon for peace. People who are hungry are weak allies for freedom. Men with empty stomachs do not reason together.
>
> We broadened the food-for-peace program last year and are continuing to study ways to broaden it further. Food shipments under this program help to expand it by building food habits which increase the demand for U.S. products * * *.
>
> This same program has also strengthened growing economies, contributed to rising standards of living, promoted international stability, and literally saved lives in many less developed countries. Our agricultural resources are thus making a significant contribution to the prospects for peace in the world.
>
> To make this food aid most effective, we plan to gear our food-for-peace programs more specifically to the needs of recipient countries and their economic development programs. We may need more flexibility to assure proper nutritional balance in these programs, particularly as they relate to child feeding.

Recognition of this has been noted in other recently introduced bills. Senator NELSON, of Wisconsin, and Senator MONDALE, of Minnesota, along with Wisconsin's Congressman KASTENMEIER, have introduced legislation to liberalize the concept of the term "surplus" in providing food commodities, in assisting "needy persons and social welfare and nonprofit school lunch programs in friendly foreign nations."

Senator MCGOVERN, of South Dakota, has introduced legislation relating to the purchase of dairy products for the various programs normally receiving surplus commodities when there are insufficient stocks in the hands of the Commodity Credit Corporation. I am pleased to see others who are interested in the well-being of American agriculture recognizing this problem and the efforts they are making toward a solution through this legislation which they have introduced.

Experience has shown that food for peace serves a valuable purpose in the total assistance effort in a country. Accordingly it is recognized both by countries receiving assistance and by AID missions to these countries as a significant part of their programs. Nearly 100 million people in over 100 nations benefit directly from the creative use of the farm production here in America, which we have not been able to use domestically. Millions more benefit indirectly from this food and fiber. When it is recognized that the United States spent, in 1962, nearly $400 million simply to store its accumulated farm surpluses, it is far better that these be put to use, to feed those who need food throughout the world, than to merely pile it up in warehouses.

It has been long recognized that the ability to provide an adequate food supply for a nation precedes other economic and industrial development. This was true in our own Nation in the late 19th century. While we normally think of developing the food production through technological assistance and advances among the friendly nations, the point

cannot be overlooked that through the use of our food commodities to these people we can, to a limited extent, release labor normally required to produce food and fiber for other economic activities. Our food programs in this manner are certainly playing a role in the industrial and economic development of these people.

Recognizing the value of the program as proved by its 10-year history, it is time that we start thinking about removing the shackles of limiting this program only to those items which must first meet a rule of surplus. As a part of our policy in dealing with other nations, the use of food is sound. Let us move away from the limitations we have had in the past. It is to give thought in this area that this bill is being introduced.

UNDERMANNED DISTRICT OF COLUMBIA POLICE FORCE IS AN OPEN INVITATION TO CRIME IN WASHINGTON

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, there has been considerable discussion during the past few days about crime in Washington, D.C. President Johnson has suggested an increase in the police force as one possible solution.

I should like today to review the critical situation in which we have placed our Washington, D.C., Police Department and the real emergency that we face on our city streets here in the Capital of the United States. I believe my analysis may help show how completely right the President is in his plea for an increase in the District police force.

The crime rate soars and we refuse to face the problem. Our District of Columbia police force is seriously handicapped because it is understaffed and poorly financed. I hope this analysis will help show that our District police are doing a monumental job under most difficult conditions.

What does this mean in terms of personal protection in the precincts? We shall readily see that in order even to start on the colossal job ahead, the District police force will need at least 3,000 more men and possibly even more.

The problem here in Washington is that too frequently a great number of details combine on a single day and reduce the number of men available for actual police patrol to a point which literally prohibits effective police work. To illustrate this point, I selected a random date: October 5, 1964.

A number of details during that day, including a parade, reduced the number of men available for actual police work for each of the 2 night shifts throughout the entire District of Columbia to 150 men.

On this day, during the hours from 4 in the afternoon until 8 in the morning, when the hourly crime rate is at its maximum, there were only 150 men available for the protection of more than 800,000 citizens.

In terms of police precincts, this means that precinct 7, which is Georgetown, with a population of 35,000, had only 7 men available for patrol.

Precinct 10, which contains a large part of the inner city of Washington, with a population of 80,000, had only 14 men on duty throughout the night.

Precinct 11, which is on the east side of the Anacostia River, is representative of the situation. This area of 8 square miles has a population of 105,000. On the night of October 5, there were only 10 men available for patrol.

On an average night, precinct 11 would expect at least two housebreakings, a robbery, a car theft, an assault, and four or five miscellaneous incidents requiring investigation, such as a fight, a missing person report, an ambulance emergency, or any number of crises occurring in police precincts in large cities throughout the country.

In addition to crimes actually reported for Washington, there are numerous traffic accidents, which all have to be investigated.

The point of all this is that because of a fantastic shortage of manpower, the handful of men available to each precinct, no matter how dedicated, no matter how efficient, can do very little more than answer complaints. There is virtually no time available for crime prevention or intensive investigation.

Society encourages crime and prevents the enforcement of law with its apathy toward this manpower shortage. Precinct 11 was virtually without police protection on the night of October 5—a date selected purely at random—and precinct 11 is typical of Washington, D.C.

Mr. Speaker, I believe that the crime problem in Washington is not much different from the crime problem throughout America, but we in Congress have a special obligation to deal with the problem here, if for no other reason than to provide adequate protection for the people of the District, as well as the thousands of our constituents who visit here every year.

The President has voiced his concern and this Congress is now considering various programs for combating lawlessness. Prevention of crime and protection of the individual have many facets.

Considerable emphasis of current proposals is on attacking the source of crime by rehabilitating the potential criminal and providing him with the means to become a successful, productive member of society. However, confident as we are of the eventual success of these long-range programs, we cannot ignore the citizen's frontline of defense, the Nation's police departments.

Throughout America we face a crisis and nowhere is this crisis more imminent than here in the District of Columbia. Robbery and automobile theft—the best barometers of crime because they are always reported—are up 30 percent and 56 percent, respectively, in the last year.

While the crime rate soared and the population in 1964 continued its climb to 800,000 inhabitants of the District of Columbia, the authorized strength of the District police force remained at 3,000 men and actual strength declined from 2,901 to 2,888.

Careful analysis of these manpower figures further reveal that losses owing to weekends, annual vacation, sick leave, special details, time lost in court and hearing appearances, and administrative needs substantially reduce the number of men available for patrol at any given time.

The main thrust of my remarks today is to show that while we have 2,888 policemen assigned to the District, when you take into consideration all of the facts cited above, then divide the remainder into 3 shifts daily, you have practically no policemen for investigative or preventive police work at the precinct level.

Our present shortage of policemen is an open invitation to crime in the District of Columbia.

A minimal figure of only 449 men out of almost 2,888 on the District force are assigned to necessary administrative posts. This leaves 2,439 policemen available for nonadministrative assignments.

But, of these remaining 2,439 men, fully 1,097 are unavailable for patrol duty on any given day for the following reasons:

The 5-day week accounts for a loss of 819 men daily—as their respective day off comes up.

Annual leave accounts for a loss of 156 men daily.

Sick leave averages out to a loss of 111 men daily.

Military leave and other reasons account for a loss of 11 men daily.

This totals an average of 1,097 men necessarily absent on any given day.

An additional 27 patrolmen are tied up per day to appear in court and hearings, and fully another 131 police officers, on the average, are detailed to such things as Capitol Police, sports events, protection for the President, protection of Federal buildings, protection for foreign dignitaries, flower shows, boat shows, parades, festivals, rallies—the list is endless.

Thus, special details, court and hearings, and sanctioned absences for official reasons further reduce police manpower available on any given 24-hour period to 1,198 for the entire District of Columbia.

But even this is not the final figure of men available for general police work. The total is further reduced because 119 are assigned to traffic division and 41 are assigned to youth aid division which processes juvenile offenders and coordinates the activities of the police department and the juvenile court.

This leaves 1,030 men available for criminal investigation with the detective and morals division, and patrolwork in the precincts.

This number is then divided by the number of shifts—3 during a 24-hour period—to obtain the number of men actively engaged in crime prevention and detection, as well as citizen protection, at any one time.

Mr. Speaker, we have an average and, mind you, this is often greatly reduced owing to the need for policemen at special events, we have an average of only 340 men available for patrol at any given time in a city of 800,000 people.

During the day shift, the figure is further reduced by the number of policemen assigned to school crossing duty where the crossing guard fails to report to work or where there is no crossing guard regularly assigned. A policeman assigned to a school crossing is lost to his commander for virtually the entire day shift because he cannot afford to get started on any other detail in between his school crossing assignment.

The odds in Washington against an officer encountering a robbery or any crime of violence while in progress are astronomical, when you consider how tragically undermanned the average police precinct is during any period of the day or night in the District of Columbia.

Lest you think this situation is attributable to the inefficiency, lack of dedication, or simple inertia of our police force, let me describe a not untypical day in the life of our policemen here in Washington.

Last October 5—the random day I selected for this study—President Macapagal of the Republic of the Philippines was honored on his State visit by a parade down Pennsylvania Avenue. The close friendship between the United States and the Republic of the Philippines was celebrated, and the President's visit was a striking success. However, this victory for American diplomacy demanded a police detail of 200 men. These men controlled the crowds and helped protect the President for 3½ hours in the afternoon; then some of these same officers had to report back to their precincts to finish work that had yet to be done. It is pertinent to note that because the Police Department is not authorized to pay overtime, these men were required to work nearly 12 hours and were paid only for 8. How in the world can we expect peak efficiency and also to attract new recruits to the police force under these conditions?

I believe we have an excellent force of policemen in the District. The fact that they are able to keep crime contained as they do against such overwhelming odds is a tribute to their dedication and devotion to public duty, but they need help.

The deplorable situation of our Nation's law enforcement agencies is not due to anything less than the failure of our citizens and the Congress to provide the manpower, equipment, and cooperation necessary to do the job. The police are understaffed, underpaid, overworked, and often held in contempt and rebuked by the very citizens who demand the most protection.

Here in the Nation's Capital, demands on Chief Layton and the District Police Department are particularly great. They have all the problems peculiar to a capital city—tourists, visiting dignitaries, and special events—as well as the police problems of a great urban center.

We ask the District police to do a first rate job in two areas, and deny them the financial support and public cooperation that would enable them to accomplish their task.

The increase of 100 men approved by the Appropriations Committee is a beginning, but we cannot be satisfied with this modest start. The salaries for this increase in manpower will total $600,000 a year, and expenses for recruiting and training will raise this figure. The result of this will be 100 rookie policemen.

Investigation has shown that an additional investment of $325,000 can give us an additional 100 badly needed veteran officers. This money would be used to replace 50 officers now involved in school crossing work, with 50 part-time employees. These part-time crossing guards, most of whom are women, cost the city $1,200 apiece per year. The policemen they replace cost $6,000 per year. These 50 part-time crossing guards will cost $60,000 and will free 50 police officers for patrol work in the precincts who would cost at least $300,000 to hire and train.

Fifty additional men could be released immediately for patrol duty through the hiring of 50 civilian and clerical staff employees with a similar saving. Thus we can gain 100 experienced police veterans as soon as we are ready to face up to our responsibilities and appropriate the minimal sum required.

Another program which deserves our increased support is the police cadet program. This allows the potential police officer to begin training and earning a salary between the ages of 17 and 20, when interest is at a maximum, and qualifications as a full-fledged officer is not possible because of the minimum age requirement of 21.

Not only is this program a tremendous help in recruiting, but cadets are qualified to replace officers in certain jobs in the station houses which civilians cannot perform. The present program should be doubled within the year from 25 to 50 cadets, and ought eventually to be increased to 150 positions.

The injustice of the present system of nonpayment for overtime is obvious. We cannot expect to keep qualified, capable men in our police force if we do not recompense them equitably for all we demand of them. We must authorize payment for overtime work; to do less is to expect less. And the Nation's Capital cannot afford to maintain inadequate protection for the millions who come here yearly who have a right to adequate police protection in their Nation's Capital let alone those who have residences within the city limits.

Mr. Speaker, the Congress has the responsibility for providing the District with superior police protection. By seizing the initiative in this area, we can set an example for municipalities throughout America by emphasizing the need to aid and strengthen our police forces in their efforts to protect the individual citizen and his property.

Mr. Speaker, the problem is serious and pursuit of the solution will be long and difficult. We can make a substantial beginning by appropriating the necessary funds. I urge my colleagues to accept this commitment to our Capital City. I urge them also to join President Johnson in giving Washington, D.C., a first-class police force, which will serve as a model for the entire Nation.

ISRAEL INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, last Friday we were privileged to celebrate the 17th anniversary of the rebirth of Israel as an independent member of the family of nations. After a hiatus of nearly 2,000 years, the age-old dream of the children of Israel was fulfilled in 1948, and it is heartening to report that the achievements of this brave people since that time provide an instructive and moving example of the virtues of patriotism, hard work, and free, democratic government.

The achievements of this small state in the short span of 17 years approach the miraculous. I should, however, like to be specific in one area where the accomplishments of Israel have been particularly notable. This is the field of education, which is the means whereby this new state has welded a diverse population of many national origins into a united whole.

Despite the heavy burden which unlimited immigration, extensive development programs, and essential expenditures for defense have placed upon the economy, a complete educational system from free and compulsory elementary schools to universities which have received world recognition has been created.

From a total school enrollment of about 130,000 in the school year 1948–49, the educational system now handles between 650,000 and 700,000 students per year. Children are permitted to attend either religious or general schools at the discretion of their parents, both of which are financed by the government for all children between the ages of 5 and 14. One of the marvelous things about Israel is that this education is equally available to the Arab minority, among which school attendance has increased tremendously since the days of the mandate.

One of the most important factors in Israel's progress has been her ability to train scholars, scientists, and technicians and professional men of the highest caliber. There are, as a result, a number of first-class institutions of higher learning in Israel, some of them dating back to the first days of the development of the modern Jewish community. The Technion, for example, was founded in 1912, and the Hebrew University only a few months after the liberation of Palestine from Ottoman rule.

The Technion, the Israel Institute of Technology, is the oldest institution of higher learning in Israel. It trains the great number of engineers, technologists, architects, and applied scientists which the country needs to carry forward its extensive programs of development. In 1948 it had only 678 students; today there are more than 2,500 students in the undergraduate division alone, and the total

for all degrees and in all departments is over 8,700.

The Hebrew University has experienced an almost similar growth rate; in 1948 it had only 1,000 students, whereas today the number is over 9,000. It has just moved to a new campus at Vivat Ram after many years in temporary buildings, and has also opened branches in Rehovot, Tel Aviv, and a new medical school at Ein Kerem in Jerusalem.

For those interested in studying in greater depth the history, religion, and culture of the Jews there is a religious university, Bar-Ilan University, located near Tel Aviv, which although founded only a few years ago already plays host to over 1,100 students.

And, there are numerous other educational facilities, a short list of which would include the municipal university of Tel Aviv, the many teachers training colleges, adult education institutes, schools for trade union leaders, and institutions of advanced studies. A full listing would also have to include the yeshivot or talmudical colleges, where over 12,500 students are enrolled.

Indeed, this emphasis on the importance of education has helped to mold Jews from the most diverse backgrounds imaginable to a nation with the highest literacy rate in the Middle East, the most technically skilled population, and undoubtedly the most socially conscious. The importance of Israeli education has received such recognition from students in Africa and Asia that more than 1,500 from these areas have picked Israel as the place to obtain their education. These students, and the aid program which Israel has been able to mount because of the many skills her people possess, has been an important factor in many of the newly-independent states. Many of the African countries look to independent Israel as a example, and as a source for the technical skills which so many of them desperately need.

In addition, Israel's balance of private enterprise and state capitalism is especially attractive to many of these same countries, for the experience of its people in establishing an economically progressive state with phenomenal industrial and agricultural development in the short space of less than two decades is especially relevant to their own situation. It also provides a meaningful illustration of how a high standard of living can be achieved without sacrificing important human values, democratic government, and the ideals of justice and freedom to which all peoples strive. At the same time, it also illustrates that representative democracy, involving parties of every conceivable political shade is not only a viable but also effective alternative to the one-party state when it comes to managing a new country.

It is quite obviously no exaggeration to say that Israel has already left her mark upon the world. She has become an important ally of the West in what has become known as the "battle for men's minds" in the many new countries of Africa and Asia. For this, we are most grateful, for every example of the application of the ideals for which we stand is an important factor in the struggle between East and West.

I therefore extend my most heartfelt congratulations to the people of Israel on their 17th anniversary. I am convinced that the achievements of these years is simply an indication of the progress yet to be achieved, and a preface to an even finer future.

GENERAL LEAVE TO EXTEND

Mr. LOVE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of Rumanian Independence Day, following the remarks of the gentleman from Ohio [Mr. FEIGHAN].

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

There was no objection.

INTEREST RATES RISE AS MONEY TIGHTENS—83 DEMOCRATS EXPRESS CONCERN OVER THREAT TO NATION'S ECONOMIC WELL-BEING

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I am very pleased to announce that the April 13 meeting of the Unofficial Steering Committee of House Democrats To Oppose Any Increase in Interest Rates on Long-Term Government Bonds was most encouraging. The sole purpose of this committee is to support the Democratic platform pledge for reasonable interest rates and to prevent any tinkering with the 4¼-percent interest rate ceiling on long-term Government bonds on the statute books for over 45 years.

Interest rates are vitally important in two overall aspects. First, it is impossible to have a healthy, growing economy without an adequate supply of credit at a reasonable interest cost. Second, since the Government must pay interest on the national debt out of money contributed by the taxpayers, it is important that interest costs to the Government be kept as low as possible. In this way more public funds will be available for production and social projects such as housing, roads, small business, and assistance in eliminating poverty.

We have 88 enthusiastic Democrats on our committee from 37 States and the number grows daily. Our attendance at this first meeting was excellent. I had the honor of being elected permanent chairman. A number of officers will be elected very shortly. We will soon visit with representatives of the White House, including the new Secretary of the Treasury, Mr. Fowler, and the Chairman of the President's Council of Economic Advisers, Mr. Ackley.

At the April 13 meeting the question arose from several Members on why it is so urgent that our steering committee organize and become active at this particular time. You do not have to look far or hard for the answer. The facts are these—the Federal Reserve first tightened up on credit last August, raised the rediscount rate by almost 15 percent last November and, at this very moment, the Fed is engaged in another turn on the monetary screws. These drastic moves can have only a severe dampening effect upon our unprecedented prosperity, now entering its fifth year. Indeed, our steering committee has grave cause for concern, as upward pressures on interest rates are everywhere to see. Bank reserves are at their lowest in 5 years, bank loans to businessmen are harder to come by and more expensive, interest rates are at their highest in 30 years and long-term Government bonds—bellweathers of the money market—are fluctuating below par, which is a strong sign that money is growing ever tighter. If the Federal Reserve would support Government bonds, then the pressure would be off interest rates and bank reserves at the same time. However, they are leading us steadily toward an economic abyss.

Following are a number of news items on recent moves to raise interest rates and the harmful effects that will result:

"January Orders of Machine Tools Trailed December," Wall Street Journal, February 26, 1965.

"First National City Bank Urges Economic Tightening; Curbs on Credit Supply Growth," American Banker, March 16, 1965.

"Housing Is a Soft Spot in the Economy," New York Times, March 21, 1965.

"Hagemann Sees Second-Half Increase in Interest Rates," American Banker, March 25, 1965.

"Nation's Banks See Continuing Loan Rise, But at Slower Pace," American Banker, March 25, 1965.

"Troublesome News Complicates Pricing of Bond Offerings," Daily Bond Buyer, March 29, 1965.

"Nation's Money Supply Rises at Reduced Rate of 0.7 Percent Annually," Daily Bond Buyer, March 31, 1965.

"Factory Orders Dip; Shipments Also Fall Slighty for Month—Inventories Up," New York Times, April 1, 1965.

"Government Market Eases in Dull Trading Session," Daily Bond Buyer, April 2, 1965.

"One Hundred and Nine Million Dollar Deficiency Reported for Banks' Average Reserves," Daily Bond Buyer, April 2, 1965.

"Potential Credit in Week Declined to a 5-year Low," Wall Street Journal, April 2, 1965.

"Squeeze Hits Banks as Fed Curbs Credit," Journal of Commerce, April 9, 1965.

"Business Inventories Climbed $330 Million in February, Slimmest Rise Since August," Wall Street Journal, April 9, 1965.

"Lendable Cash of Banks Fell Again in Week; Possible Further Credit Tightening Hinted," Wall Street Journal, April 9, 1965.

"Credit Curbs Seen by Some Bankers," New York Times, April 9, 1965.

"Reserve Deficiency Largest Since 1960; Sixth Week of Deficit," Daily Bond Buyer, April 9, 1965.

"Federal Reserve Action Tightens Money Policy," Washington Star, April 11, 1965.

"Chicago Bank Sees Drop in Business Loans From Big First Quarter Volume," Daily Bond Buyer, April 13, 1965.

"Week's Credit Supply Held at 5-Year Low, Indicating Federal Reserve Kept Tight Rein," Wall Street Journal, April 16, 1965.

"Broker's Loan Rate Raised to 4¾ Percent by Four Big Banks; was 4½ Percent Since 1960," Wall Street Journal, April 16, 1965.

"Higher Charge for Loans to Stockbrokers Is Announced by Two More Major Banks; Higher Prime Rate Wanted," Wall Street Journal, April 20, 1965.

"Treasury Bills Rate Rise; 6-Month Issue Over 4 Percent," Daily Bond Buyer, April 20, 1965.

"Federal Reserve Continues to Curb Credit by Constricting Supplies of Lendable Cash," Wall Street Journal, April 23, 1965.

"Growth in Installment Loans Declining Since February, Washington Analyst Says: Retailers Complain General Credit Clampdown Might Deflate Their Sales," Wall Street Journal, April 29, 1965.

"Fed Restricts Funds of Banks; for Ninth Week in Row Fed Kept Banks in $130 Million Deficit Position in Funds for New Loans and Investments," Journal of Commerce, April 30, 1965.

THE 89TH CONGRESS UNOFFICIAL STEERING COMMITTEE OF HOUSE DEMOCRATS TO OPPOSE ANY INCREASE IN INTEREST RATES ON LONG-TERM GOVERNMENT BONDS, AS OF MAY 6, 1965

Alaska: Mr. RIVERS; Arizona: Mr. UDALL; Arkansas: Mr. TRIMBLE; California: Mr. BROWN, Mr. BURTON, Mr. CAMERON, Mr. COHELAN, Mr. CORMAN, Mr. DYAL, Mr. EDWARDS, Mr. HANNA, Mr. HAWKINS, Mr. HOLIFIELD, Mr. MCFALL, Mr. MOSS, Mr. ROOSEVELT, Mr. ROYBAL, Mr. SISK, Mr. VAN DEERLIN, Mr. CHARLES H. WILSON; Colorado: Mr. MCVICKER; Delaware: Mr. MCDOWELL; Florida: Mr. PEPPER; Georgia: Mr. MACKAY, Mr. STEPHENS, Mr. WELTNER; Hawaii: Mr. MATSUNAGA, Mrs. MINK; Idaho: Mr. WHITE; Illinois: Mr. ANNUNZIO, Mr. O'HARA, Mr. RONAN; Indiana: Mr. MADDEN; Iowa: Mr. HANSEN, Mr. SCHMIDHAUSER; Kentucky: Mr. PERKINS; Louisiana: Mr. MORRISON; Maryland: Mr. FRIEDEL; Massachusetts: Mr. O'NEILL; Michigan: Mr. DIGGS, Mrs. GRIFFITHS; Minnesota: Mr. KARTH, Mr. OLSON; Missouri: Mrs. SULLIVAN; Nebraska: Mr. CALLAN; Montana: Mr. OLSEN; New Jersey: Mr. DANIELS, Mr. HELSTOSKI, Mr. KREBS, Mr. MCGRATH, Mr. MINISH, Mr. RODINO, Mr. THOMPSON; New York: Mr. BINGHAM, Mr. MULTER, Mr. OTTINGER, Mr. RESNICK, Mr. RYAN; North Dakota: Mr. REDLIN; Ohio: Mr. ASHLEY, Mr. GILLIGAN, Mr. VANIK; Oklahoma: Mr. JOHNSON, Mr. STEED; Oregon: Mrs. GREEN, Mr. ULLMAN; Pennsylvania: Mr. BARRETT, Mr. CRALEY, Mr. DENT, Mr. GREEN, Mr. HOLLAND, Mr. NIX, Mr. RHODES, Mr. ROONEY; Rhode Island, Mr. ST GERMAIN; South Carolina: Mr. DORN, Mr. GETTYS; Tennessee: Mr. EVINS; Texas: Mr. GONZALEZ, Mr. PATMAN, Mr. WRIGHT; Washington: Mr. HICKS, Mr. MEEDS; West Virginia: Mr. KEE; Wisconsin: Mr. KASTENMEIER, Mr. RACE, Mr. REUSS; Wyoming: Mr. RONCALIO.

Eighty-eight Members from thirty-seven States.

TAXPAYERS IN NEARBY PRINCE GEORGES COUNTY, MD., PAY $1 MILLION TRIBUTE TO FEDERAL RESERVE BOARD HIGH-INTEREST POLICIES BACKED BY WALL STREET BANKERS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, it is high time that we faced the fact that all across our land money is getting tighter and interest rates are rising. This is not good news for businessmen, consumers, and, most of all, for communities which must borrow millions at a clip to finance such expensive, but absolutely necessary, civil improvements such as schools, highways and streets, sewers and other projects. We are all dependent upon the money market, and particularly the commercial banks, for our financing needs whether we want to buy a home, automobile, boat, and, most of all, new public improvements.

I have said before that tighter money and high-interest rates are a recipe for recession, and very few will disagree with me. The cause of this latest flirtation with economic disaster is the Federal Reserve's irrational addiction to ever-higher interest rates, which in recent weeks has resulted in tighter money, higher borrowing costs, and an uncertain bond market. The recent unpleasant and ominous experience of nearby Prince Georges County, Md., just across the District line from where we sit, as reported in the March 3 Washington Post, is a good example of what I am talking about. The bond counselor for Prince Georges County said that the county was caught by "an unfortunate change in recent weeks." What he is talking about, of course, is the Federal Reserve open market operations to tighten up our money supply. As a result, Prince Georges County residents will have to pay an extra million dollars in interest costs just on this one bond offering over and above the previous rate mentioned in the article.

Now all this talk about tight money and interest rates is not just idle chatter on my part; far from it, because just within a matter of weeks after experiencing the interest rate debacle the Prince Georges County Commissioners, as reported in the Washington Daily News of April 28, are raising the property assessment 11 cents, a hefty increase in the citizens' tax burden. So, when interest rates go up, there is always a predictable burden on the average citizen in his annual tax bill. This will always result. The Prince Georges example may very well be multiplied 10,000-fold in every congressional district in all 50 States before the Fed's latest tight money campaign runs its course and triggers recession, a rise in unemployment and poverty, and requires more Government programs.

The newspaper articles follow:

[From the Washington (D.C.) Post, Mar. 3, 1965]

INTEREST RATE RISES ON COUNTY'S BONDS

Prince Georges County sold $18.3 million worth of school and road bonds yesterday at an interest rate of 3.234 percent, a higher rate than on its last two yearly sales.

The interest rate, averaged over the 25-year life of the bonds, was also markedly higher than the 3.06 percent rate obtained by Montgomery County on $10 million in bonds January 12.

The low bid was made by Chase Manhattan Bank & Associates, one of six bidders.

This year's interest rate is slightly higher than last year's 3.136. The county obtained its lowest rate, 3.019 percent, 2 years ago.

Bond Counselor Edward O. Clarke of the Baltimore firm of Smith, Somerville & Case, said Prince Georges was caught by "an unfortunate change in recent weeks."

"From what our bond counsel has told us," Acting Commission Chairman M. Bayne Brooke said, "the bond market has been off during the past month and compared with other comparable sales we did very well indeed."

Moody's Investors Service Bond Survey, which reports nationally on municipal bond sales, reported last month that after yesterday's sale, the per capita debt in Prince Georges would be $299 and the total indebtedness would be 11.4 percent of the total assessed valuation.

"These ratios, while not low, are amply protected by the rising tax base," Moody's said.

[From the Washington (D.C.) Daily News, Apr. 28, 1965]

UP 11 CENTS PER $100: PRINCE GEORGES HIKES TAX RATE

Prince Georges property taxes will go up 11 cents—to $2.79 per $100 assessment—in June to finance the $95.4 million budget adopted yesterday by the county commissioners.

Original spending requests from department heads would have hiked taxes nearly 40 cents, but the commissioners trimmed away $1.8 million and found nearly $1.5 million in new revenue and savings. Last year's budget was $81 million.

The continuing boom in the county, one of the fastest growing areas in the Nation, hiked property values from $1.316 to $1.551 billion last year, adding more than $3 billion in tax receipts.

In their 6-week study of the budget, the commissioners cut $1.1 million from school requests; $250,000 from police spending (despite adding the 46 officers); $150,000 from roads; and $80,000 from the county hospital subsidy.

Actions by this year's legislature will give the treasury an extra $1 million from a property sales levy increase, and $390,000 in additional State education aid. A new insurance program will save $36,000 on premium payments.

Takoma Park will pay a $2.77 property rate, reflecting a 2-cent allowance for the city's own library system.

ROLLCALL NO. 99

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I was unavoidably absent for rollcall No. 99, the Health Research Facilities Act. I was on my way back to Washington from New York City where this morning I was chairing hearings of the General Education Subcommittee of the Committee on Education and Labor on H. R. 7177 and related bills to extend the Juvenile Delinquency and Youth Control Act of 1961.

Had I been present for rollcall No. 99, I would have voted "aye."

THE PROBLEM OF SILVER AND COINAGE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his

remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BARING. Mr. Speaker, there has been a great deal of discussion in recent months about the problem of silver and the coinage. Much has been said in this body, and much has been said in the Nation's press.

For many months the Treasury Department has been conducting a study, and it is sincerely hoped by all concerned that the Department's recommendations will be sent to the Congress as soon as possible.

We have heard a great deal of talk about how our silver stocks are dwindling, and the Treasury has been warned that if a change is not made soon in the silver content of our coins, we will run out of silver in a few years. Some have gone so far as to recommend that all silver be removed from our coins so that Treasury stocks and new production would be available for industrial uses. Some have even gone so far as to maintain that silver is too precious a metal to be used in our Nation's coins. Yet these same people do not find silver too precious to be used in knives and forks, although such use can hardly be called a critical national defense need.

When listening to these arguments, I suggest that my colleagues ask themselves the question, "What is the most important use of silver?" Certainly we need silver in the manufacture of photographic materials, in solders and brazing alloys and in electrical and electronic products. In 1963 space and defense applications consumed at least 8.5 million ounces. The use of silver in the fabrication of sterling and plated ware is an important application, although no one would seriously regard it as the most important use of this precious metal.

I firmly believe—and I am convinced that this belief is shared by millions of Americans—that one of the most important uses of our silver, if not the most important, is its use in our coins. The fact that the American citizen knows that his dime, his quarter and his half dollar contain silver gives him confidence in these coins and confidence in our entire monetary system. Some jeer at this, pointing out that there is as much confidence in a $10 bill as there is in a dime, which by virtue of its silver content has intrinsic value. Some say there is no logic to this belief; some call it emotionalism or old fashioned. Perhaps, but the attitude of the American citizen toward his money is of vital importance in today's economic world as it has been throughout the history of our Republic.

Many of my distinguished colleagues from the West have expressed this view far better than I, and what has been the answer? Some have said that the feeling for sound money, the love of silver money, is a vestige of the past and is only reflected by the people in the West where much of our silver is mined today. There is no doubt that we in the West have been more outspoken on this subject, but I do not believe our citizens in other parts of the country would support the complete removal of silver from our coins. I have had collected for me some editorials from newspapers published in some of our non-Western States. which substantiate this view. Some of these papers are large and some are small.

Here is a quote from an editorial in the Lakeland, Fla., Ledger of March 4, 1965:

> The Ledger suggests that U.S. mints be operated to serve the public at large, and not cater to the special interests of a relatively few persons. We submit that these two reforms alone—elimination of the mint mark and of the date from the design of coins—would go a long way toward solving the coin shortage. Perhaps enough, even, to permit the continued use of unadulterated silver. We believe that a sudden change to some base metal or plastic in our dimes, quarters, and half-dollars would have a bad psychological effect on the public respect for all U.S. currency.

An editorial from the Atlanta, Ga., Times of March 28, 1965:

> With the continuing devaluation of the American dollar through inflation, and the ever-upward spiral of wages and prices, it is a questionable action to remove silver from our coins.

Here is a quote from the Greenfield, Ind., Reporter of January 30, 1965:

> The feel, the sound, the sense of value and security in our present coinage are important roots of our American stability. Real silver money will help us retain our self-respect both at home and abroad.

From the Baton Rouge, La., Advocate of February 4, 1965:

> The public has been accustomed to the idea of some coins, nickels and pennies, being made of different kinds of metals.
>
> Coins of a different metal would buy as much or as little as they now buy. But the appearance of the coins, and ultimately the psychology of their users, still must be considered. These considerations favor an eventual reduction of the amount of silver in small coins rather than elimination of its use.

Here is what the Niles, Mich., Star said on March 22, 1965:

> If the coinage is to be stripped of its silver, then Washington may be assaulting the faith of the American people to continue to believe in the progress of this economic system.

One of the most significant editorials that has crossed my desk is from the April 5, 1965, Watertown Times, of Watertown, N.Y. It is entitled, "Keep Silver in Coins," and I would like to present it to you in its entirety:

> Disturbing the present composition of silver coins, which has existed since 1792, is considered dangerous, despite a necessity to relieve the shortage, one which becomes more serious year after year. So far no corrective measures have been undertaken. Suggestions have been made that the composition of the coins be drastically changed so that there will be less silver used.
>
> Simon D. Strauss, vice president of the American Smelting & Refining Co., had some interesting remarks to make in a speech before the New York Society of Security Analysts. He is emphatically opposed to abandonment of silver coins in favor of some other metal that is less scarce.
>
> Mr. Strauss warns: "The lesson of history is that when currency of intrinsic value disappears completely from the monetary system, in due course the currency of that nation loses substantially all of its value. This was true as far back as the ancient Greek city-states and the Roman Empire; it was true of Germany, Japan, and Italy as recently as World War II."
>
> Mr. Strauss pointed out that the United States has inherited a coinage that has survived unchanged since 1792, adding: "In that year when Alexander Hamilton, the first Secretary of the Treasury, asked Congress to authorize the minting of coins containing 90 percent silver and 10 percent copper, he hit upon a composition that has met all the tests of a satisfactory coinage. Silver coins are attractive, durable, hard to counterfeit, and meet the psychological need of the public for a coinage of real value that carries the ring of authenticity."
>
> The Government needs to find other means to relieve the silver shortage than to reduce or eliminate entirely the amount used in the composition of the silver coins. There is little question that once the public is told of plans to distribute new coins without silver, hoarding of the silver coins will move at a much faster pace and eventually none will be found in circulation.
>
> Disturbing the present composition of the silver coins is dangerous, and any idea of making a drastic change should be abandoned. Other avenues must exist to find a way out to relieve the shortage. Eventually, the Government will unearth a plan but in the meantime it must realize that the risk is too great to tamper seriously with the present composition of our silver coins.

Mr. Speaker, there is no need to remove silver entirely from our coinage. Certainly the silver content must be reduced, but it is vital that some silver be retained in our coinage. By reducing the silver content to one-third, the Treasury's silver reserve for coins would be approximately tripled. There are some 1.9 billion ounces of silver currently outstanding in coins. Many of these coins will be recovered over the years ahead, and this silver can be used for new lower content coins. The producers of silver have announced new production increases within the next 4 years which would increase free world silver production by 18 percent.

This new production along with present Treasury reserves and silver obtained from melting present coins will provide a long-term supply of silver for our Nation's coin needs as well as the needs for industry and the arts.

A BILL FOR THE DEVELOPMENT OF WATER SYSTEMS IN RURAL AREAS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. BANDSTRA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BANDSTRA. Mr. Speaker, I am today introducing a bill that would establish, under the Farmers Home Administration, a program for Federal grants to aid in the development of water systems in rural areas.

An adequate water supply is one of the greatest needs of rural America. A small community in a rural area may possess good sites for industrial development,

good transportation, good communications, and good government.

However, if it lacks an adequate and dependable water supply, the community cannot hope to keep up with the economic growth taking place in so many parts of the Nation.

Past experience has shown that the Federal Government can play an important and constructive role in promoting rural development. The Rural Electrification Administration, for example, has demonstrated that it is possible to bring the power resources of an industrialized society to rural areas.

The purpose of this bill is to make sure that small towns and farming areas have the opportunity to make the most of their water resources and to share in America's economic growth.

The bill would amend the Consolidated Farmers Home Administration Act of 1961, as amended in 1962 by Public Law 87-703 and Public Law 87-798.

The bill, first of all, provides for the authorization of Federal grants totaling up to $25 million in any fiscal year to help finance projects in rural areas for the storage, treatment, purification, or distribution of water.

These grants would be available to public or quasi-public agencies and nonprofit corporations for development of water systems in areas where there is a community of less than 5,000 population.

Secondly, the bill would authorize Federal grants of up to $5 million in any fiscal year for comprehensive planning in the development of rural water systems.

A similar bill, S. 1766, has been introduced in the Senate and has gained strong support there. I am hopeful that my fellow Members in the House of Representatives will recognize the need for this legislation.

SENIOR CITIZENS MONTH

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

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

There was no objection.

Mr. OTTINGER. Mr. Speaker, on April 10 President Johnson proclaimed May 1965 as senior citizens month. In his proclamation, the President stated:

> It is a time dedicated to community action on behalf of older Americans. Their hopes and their problems are shared by us all. It is up to us to help them solve them.

Our older Americans have made significant contributions to the progress and development of our country; yet, many of us tend to forget or ignore their problems and their aspirations.

One organization that never forgets our older Americans and that is continually striving to assist them is the Westchester County Council of Senior Citizens, headed by Mr. Paul Leith. This group, particularly, has made significant efforts to promote senior citizens month and I should like to take this opportunity to present some of the material it has distributed in preparation for this event.

The first item is a statement adopted by the council last February on senior citizens month:

SENIOR CITIZENS MONTH, MAY 1965

(A statement adopted by the Westchester Council of Senior Citizens at White Plains on Feb. 18, 1965)

The month of May was proclaimed as senior citizens month by New York State Governors since 1954, and for several years by U.S. Presidents. In his proclamation of March 26, 1964, President Lyndon B. Johnson stated:

"I urge all public and private organizations and all citizens to have the theme of this special month, Opportunities for Older Americans, become a living reality. Let us repay our older Americans for their sustained creative participation in our national and community life by providing them with a wide range of meaningful opportunities. Let us take all necessary steps to see that they have a real chance to enjoy health and a life of dignity. Let us find ways to employ the skill and wisdom that so many of our older Americans possess and long to share. Let us make this month outstanding in our continuing effort to keep in the mainstream of our national life all those who have lived so long and contributed so generously."

President Johnson has already indicated the theme for this year: "Community action for senior citizens."

Proclaiming May 1964 senior citizens month in the State of New York, Governor Nelson A. Rockefeller declared on March 24, 1964:

"We observe this month, in recognition of the contributions made by countless citizens of this State, fully realizing that it is but a small token for those to whom we owe so much. The task before us requires our dedication every day of the year."

These noble sentiments indicate the need for a varied, comprehensive program of activities and events during the entire month of May. Observance of senior citizens month should not be limited to a 1 day celebration. It should involve all appropriate Federal, State, county, town and village boards and departments, as well as civic and fraternal organizations. The needs of senior citizens should be discussed in town meetings and in meetings of organizations; e.g., medicare, housing, tax relief, low-cost drugs, etc.

Last year, Westchester County and the Town of Cortlandt celebrated senior citizens day. In most of the cities, towns and villages, senior citizens month went by unnoticed. Let us resolve that this shall not happen this year. Let the public authorities in every city, town and village proclaim May 1965, as Senior Citizens Month and make extensive plans for its celebration.

The Westchester Council of Senior Citizens requests the county board of supervisors to bring the message of senior citizens month to the people of the county through their various departments. We request all senior citizens clubs in Westchester County to adopt as their own the Senior Citizens Charter passed by the 1961 White House Conference on Aging. We request all newspapers in the county to print this charter and comment editorially on it; we request churches, and civic and fraternal organizations to print the charter in their bulletins.

The Westchester Council of Senior Citizens particularly requests the Mayor's Advisory Committee on Aging in the city of Yonkers, the Citizens Advisory Committee on the Aging in New Rochelle, and the Senior Citizens Advisory Board in Mt. Vernon to set an example to the other cities, towns and villages in the county, by drawing up a comprehensive program of activities by the entire community during the whole month of May. We hope that by May 31, there will not be a city, town or village in the county without a local committee on aging, appointed by the responsible public authority. We hope, too, that by May 31, there will not be a village in the county without a senior citizens club.

We request all newspapers and radio stations to further the aims of Senior Citizens Month. Special radio programs interviewing senior citizens and public officials could be arranged.

We request school authorities to arrange for senior citizens club members to speak before school classes as "living pages of American history." Senior citizens club members could be invited to school entertainments. School children should also be encouraged to devise special projects to honor their grandparents and other senior citizens during the month of May.

We request all adult organizations and clubs to honor their members who are 65 years and over, and to consider what they can do for all senior citizens in their community.

We request all senior citizens clubs to reexamine what their club and individual members can do to help their community. This is an obligation of senior citizens. We request all senior citizens clubs to bring senior citizens month to the attention of their community authorities and organizations, recommending plans to their city, town and village boards. Let us all work together, so that our celebration of May 1965 as senior citizens month may be a shining example for the Nation of what the people of Westchester County can do.

PAUL LEITH, *President.*

CROMPOND, N.Y.

The following is a letter which was sent to 46 mayors and supervisors in Westchester County. Accompanying this letter was a copy of the Senior Citizens Charter.

WESTCHESTER COUNCIL OF SENIOR CITIZENS,

Crompond, N.Y., March 3, 1965.

DEAR SIR: Enclosed is a statement on "Senior Citizens Month—May 1965" adopted by the Westchester Council of Senior Citizens. It calls for the widest participation by local government and private agencies and of the people generally in observance of senior citizens month, annually proclaimed by President Johnson and Governor Rockefeller.

We hoped that your city (town or village) will participate fully in this celebration. May I make the following suggestions:

1. A discussion on senior citizens month by your council (or board) (a) on the significance of the celebration, on the situation of the elderly in your area, and whether improvements can be made by government or private action to make the lot of the senior citizens a happier one. For example, health care, housing, etc.; (b) on whether or not the existing senior citizens clubs are adequate to meet the need: (i) the number of clubs; (ii) their capacity; (iii) the nature of their programs; (iv) transportation problem.

2. Selection of a local committee on aging as proposed by the 1961 White House Conference on Aging. There are only three in all of Westchester County.

3. A proclamation on senior citizens month.

4. A "town meeting" to honor senior citizens, a certificate of award to "the senior citizen of the year", etc. A reception at city (town, village) hall. Awards to active senior citizens in professional, artistic and business circles.

5. The schools, in particular, should be involved.

Would you be kind enough to let me know what action you plan on this?

Sincerely yours,

PAUL LEITH,
President.

SENIOR CITIZENS CHARTER

(Adopted by the 1961 White House Conference on Aging)

RIGHTS

Each of our senior citizens, regardless of race, color or creed, is entitled to:

1. The right to be useful.
2. The right to obtain employment based on merit.
3. The right to freedom from want in old age.
4. The right to a fair share of the community's recreational, educational, and medical resources.
5. The right to obtain decent housing suited to needs of later years.
6. The right to the moral and financial support of one's family so far as is consistent with the best interest of the family.
7. The right to live independently, as one chooses.
8. The right to live and die with dignity.
9. The right of access to all knowledge as available on how to improve the later years of life.

OBLIGATIONS

The aging, by availing themselves of educational opportunities, should endeavor to assume the following obligations to the best of their ability:

1. The obligation of each citizen to prepare himself to become and resolve to remain active, alert, capable, self-supporting, and useful so long as health and circumstances permit and to plan for ultimate retirement.
2. The obligation to learn and apply sound principles of physical and mental health.
3. The obligation to seek and develop potential avenues of service in the years after retirement.
4. The obligation to make available the benefits of his experience and knowledge.
5. The obligation to endeavor to make himself adaptable to the changes added years will bring.
6. The obligation to attempt to maintain such relationships with family, neighbors, and friends as will make him a respected and valued counselor throughout his later years.

The council also sent special letters to the 47 school superintendents and district principals in Westchester County; to the 47 senior citizens clubs in the county; and, to the 29 newspaper editors which serve the county.

I am privileged to present some of this material as it is a fine example of community service in action. I feel all Americans should know of the splendid work which the Westchester Council of Senior Citizens has done, not only in preparing for Senior Citizens Month itself, but for the service it has done by making the community aware of our older Americans.

PRESIDENT JOHNSON'S POLICY ON VIETNAM IS A POLICY FOR PEACE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the following editorial from the great Philadelphia newspaper, the Philadelphia Inquirer of April 29, 1965, deals with one of the most important problems facing the country today and calls to the attention of the people of America that President Johnson's policy in Vietnam is a policy to bring about world peace and should be supported by all peace-loving, freedom-loving nations.

The editorial is as follows:

IN QUEST OF NEGOTIATION

It is easy enough for the critics of President Johnson to talk, in the abstract, about negotiating a peaceful settlement in Vietnam.

The President, however, cannot deal in abstracts. He must work with realities. He cannot simply ignore the obstacles to peace. He must overcome them.

He is confronted with the extremely difficult problems of how to get meaningful negotiations started and how to achieve a bona fide peace that will be something more than merely a camouflaged surrender to Communist conquest.

In his forthright opening statement at Tuesday's news conference, and in subsequent answers to questions, President Johnson came to grips with these problems.

With timely and appropriate reference to the appeasement of Hitler at Munich in 1938, which prepared the battleground for the Second World War, Mr. Johnson applied the lesson to Vietnam. "To yield to aggression," he said "brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of a lasting peace."

The U.S. strategy in Vietnam, fundamentally, is to bring about a peaceful settlement, within the framework of freedom, by convincing the Communist North Vietnamese that there will be no cheap and easy victory—or, in fact, any victory at all—by force of arms.

President Johnson continues to take the initiative in opening the door to negotiation. "I say again that I will talk to any government, any where, any time, without any conditions, and if any doubt our sincerity, let them test us."

It is hard to imagine how the door could be opened any wider.

We hope the chronic critics of administration policy laid down their signs of protest long enough to hear the President's words. It would be a refreshing change of pace if so-called proponents of peace would get behind the President in his quest for a peaceful solution.

Cooperation from allies would be helpful, too. Charles de Gaulle's latest outburst of caustic comment, denouncing U.S. efforts to stem the tide of Communist aggression in southeast Asia, is a vicious kind of sniping that hurts the chances for peace.

An international conference may be taking shape in Cambodia—a parley that could lead to negotiations on Vietnam. The U.S. State Department has served public notice of this country's willingness to participate. President Johnson's renewed bid for negotiations is well timed and could produce affirmative response.

THE COLD WAR AND THE "R" FACTORS

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. ZABLOCKI] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, it was my pleasure to attend the Capitol Hill First Friday Club breakfast at St. Peter's Catholic Church Hall, Second and C Streets SE., on May 7. The president of the club, William P. Cochrane, introduced Comdr. Joseph F. Cloonan, U.S. Navy, assistant fleet chaplain, CINCATL FL, Norfolk, Va., who gave a most inspirational talk on "The Cold War and the 'R' Factors."

Father Cloonan, a native of Pittsford, N.Y., was ordained in 1944, commissioned in 1948, and has served his country in Korea with the 1st Marine Air Wing and at naval bases in Alaska, California, Maryland, and the District of Columbia. Father Cloonan's remarks are constructive and significant and I herewith enter his speech:

THE COLD WAR AND THE "R" FACTORS

The other day the young wife of a serviceman phoned me. Her husband is deployed in the Mediterranean. He has been gone for months and won't be home for another 7 weeks. "Do 7 weeks seem like a long time to you?" she asked. I answered by telling her of the little boy who said: "Poppa, how heavy is a ton of coal?" The father answered: "It depends on whether you are shoveling the coal or merely looking at it." He was stressing the factor of relativity. This is our first R factor.

There is much talk nowadays of the cold war. But in Vietnam, our servicemen don't think of it as cold. They are too close to its center to make that mistake. Not so with us on its edges. Again the factor of relativity.

A Marine colonel who had been involved in much bitter fighting in Korea was rotated home. He flew into San Francisco. He said it was another world having no apparent connection with Korea where—as we know now—about a million people killed each other off. He noted the contrast between the grim business of war in one country and the false facade of peace in the other. It takes thought and thoughtfulness for one not actively engaged in it to be conscious of the hot part of the cold war. Otherwise, he lives in a separate world, an unreal world, his isolated little world of peace. The Marine colonel was conscious of the heat of the cold war. He doubted that the average San Franciscan was. Again the factor of relativity.

An epitaph on a country tombstone describes fairly well one who is unconscious of the world in which he lives:

"Here lie the bones of Maggie Jones.
For her, life held no terrors.
Aloof she lived.
Aloof she died.
No hits, no runs, no errors."

No hits, no runs, no errors. Of course, she never got in the game; she was never in touch with the struggling world around her.

Pass over from the realm of the cold war, if you will, to a more spiritual realm where we run the risk of aping Maggie Jones. (Actually, they are the same but seen in a different context. Again the factor of relativity.) Our times bear the label of the cold war. The newspapers never refer to these days as the era of the redemption. This is our second R factor. But we Christians know that we are living not only in the year of our Lord 1965 but we are living in the age of the redemption. And because we are conscious of this world of the redemption we are not scandalized by the struggle between good and evil, by countries divided against themselves, by the furious wars waged in our souls. For Christ our Lord forewarned us that the world—whose prince is Satan—would oppose the world of the redemption. And we have His promise that although evil may have its hour—and a relatively long, long hour it may seem—good will finally have its day.

Will God bring this about?

Yes, but not without our cooperation.

Augustine said that individuals may be forgiven for their crimes. Nations cannot. The whole culture pays for its crimes. It may take generations before the day of reckoning comes but that day is inescapable. History verifies this. Culture after culture, civilization after civilization rose, flourished and fell. Except for the relatively few instances where they were destroyed by enemies from without, they were toppled by their own weight of evil. Let's summarize the four great stages through which a civilization goes (nothing political is intended here; these are simply sociological changes which occurred in most civilizations):

1. The first is a pioneer stage, marked by an unconscious obedience of the natural law. Men eat only if they work to provide food. The hardy survive, the weak die off. A rifle in one hand, a hoe in the other marks their living.

2. In this stage more and more of the necessities of life are provided. There are fewer obvious dangers to the welfare of the community.

3. In the third stage, most of the citizenry are guaranteed the necessities of life. Many enjoy luxuries. Parasites grow rapidly in this stage. It is possible for them to waste while better men work.

4. The final stage of a civilization comes when luxuries are confused with necessities. The people become soft, comfort-loving, complacent, lulled into a sense of false security. Julius Caesar used an expressive phrase to describe a people in this fourth stage. He wrote that it was possible for him easily to take over one Germanic tribe without a battle because they had made their souls effeminate. The vast majority of cultures have not been able to survive this fourth stage.

What has all this to do with us? It should remind us of the folly of trusting our future to a society rather than to ourselves. You and I live in a society where more than our dairy products are homogenized. This is the age of the group. The invidivual is the loner, the eccentric. Today, the one is not as important as the many. Ours is fertile soil for the growing of committees. And yet a modern historian, Schlesinger, has reminded us that "everything that matters in our intellectual and moral life begins with an individual confronting his own mind and conscience in a room by himself." But the world feels that it has a right to our front rooms. And, sheeplike, we pay for installing the television there, the all-seeing, hypnotic eye of TV. In such a society as ours it is easy to be a Maggie Jones, to bind ourselves and our hopes in the group. But the society, even the Great Society, won't save us. That is still the individual's job. It is still the one thing necessary.

And whether you and I are conscious of this age of crisis which the world calls cold war but which the man of faith calls the age of redemption, whether you and I are in the frontlines or whether we are bringing up the rear—even walking the other way—depends on you and me.

But the problem is ourselves. It is the tricky problem of human nature. Willful, cantankerous, proud, and pouting human nature. How to make it divine? There's the question. And we answer: "We would like to be divine but it is so comfortable being human. All of us want to be better than we are but it's so difficult being good. We want to be at peace with ourselves; but we don't want the struggle that makes peace possible. We would like to ascend the lofty heights of spirituality but we don't like that first step of self-denial. We would like to introduce into our living the values left us by Christ. But we don't want to pay the high price involved, especially since no green stamps are given for effort. We would truly like to love everyone but the truth is we don't love ourselves."

That's the problem. What's the answer? If you don't know it, start reading the New Testatment as if it were the latest best seller, as if it were really new.

I mentioned Maggie Jones as a type of one answer to this question. Let me conclude by reminding you of an over-80-year-old man who fought himself fiercely his whole life to erase his mountainous self-love in order to hand himself over to Christ. He succeeded so well that in our day of snobs and scoffers, people all over the world mourned his death as they would a brother. And the mark left on the world by John XXIII was the mark of the redemption. And as you well know, the R factor of the redemption is not relative. It is an essential for every life. And it always demands a continuing Good Friday for a glorious Easter.

VERITAS MEDAL OF PROVIDENCE COLLEGE

Mr. LOVE. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, on Saturday, May 8, our great and beloved Speaker was the recipient of the Veritas Medal of Providence College. This is the highest award which that outstanding college bestows upon those whom it singles out for devoted service. To receive the award is, of course, a signal achievement.

I was happy to be among the host of the Speaker's friends, including the President of the United States, who were present when the award was made. We were all delighted that Mrs. McCormack, the beloved wife and lifelong helpmate of the Speaker, was honored along with her husband. I know I speak the sentiments of all Members of the House when I extend to the Speaker and Mrs. McCormack our heartfelt congratulations.

Under leave to extend my remarks, I include the citation, the address of the Speaker, and the address of President Johnson:

CITATION FOR AWARDING OF PROVIDENCE COLLEGE'S VERITAS MEDAL FOR DEVOTION TO PROVIDENCE COLLEGE, MAY 8, 1965, SPEAKER'S OFFICE, U.S. HOUSE OF REPRESENTATIVES, TO THE HONORABLE JOHN WILLIAM MCCORMACK

JOHN WILLIAM MCCORMACK, respected, capable and dynamic Speaker of the House of Representatives of the Congress of the United States, you have served your country as an eminent statesman in the Halls of Congress for more than 35 years. Starting in 1928, you have been elected to the Congress for 18 consecutive terms. In 1941, you were elected majority leader of the House of Representatives and you served in that exacting position more than twice as long as anyone else in the entire history of the Congress. Upon the death of your devoted colleague and peerless leader, Sam Rayburn, you became Speaker of the House in January 1962.

In November 1963, you reached a most eminent position in American Government. As Speaker of the House of Representatives, upon the assassination of John Fitzgerald Kennedy, you automatically became America's second most influential Government personage as the direct successor to the supreme office of President of the United States.

Your enviable record of achievement in shaping the course of our Government in both domestic and foreign affairs composes a brilliant chapter in American political history and is a tribute to your dedication to the highest ideals of our democracy.

Woven closely in rich golden threads into the magnificent fabric of your love of God and country has been your constant devotion to your charming wife who gave up a promising career as an opera singer to travel together with you from your early days in Boston's rugged political area to the present, and on into the future. You have always considered the paramount pleasure of your life to have a dinner at home every night with your beloved and graceful wife, Harriet Joyce McCormack.

As an honorary alumnus of Providence College, you have adorned your Nation and our college with noble deeds. Your life reveals an awareness of the blessings of freedom, opportunity, and human dignity insured by the Constitution of the United States. Your service to the country and its citizens and your fond devotion for Providence College merit grateful recognition. I know that my learned and saintly predecessor, Father Robert Joseph Slavin, whom you and Harriet loved as your own, is smiling benignly upon us today as we confer upon you the highest award within our power, our Veritas Medal, on this 8th day of May in the year of our Lord, 1965.

REMARKS BY SPEAKER MCCORMACK

Father Dare, President of Providence College, Reverend Father's Speaker "JOE" MARTIN, Majority Leader CARL ALBERT, Majority Whip HALE BOGGS, my dear friends and colleagues, ladies and gentlemen, the Veritas Medal is an outstanding honor in the catalog of distinctions awarded by Providence College to those whom this society of scholarship seeks to single out for its approval. I am deeply touched in being selected as this year's recipient of this great honor and award from Providence College and I shall always appreciate and treasure the same.

For Mrs. McCormack and I have a deep feeling for the Dominican order and a special attachment for Providence College. For in addition to being one of our outstanding institutions of higher learning with its high intellectual attainments, our late dear and beloved friend, Father Robert J. Slavin, was its president for a number of years.

I value very much the reasons stated in the citation accompanying the award, particularly to the reference so properly and eloquently expressed about Mrs. McCormack.

I am very conscious of the significance of the title of this award—Veritas. Truth is one of the most majestic words in our language, one of the most important concepts of our civilization. It is a reality which every man in public life must strive for every day of his stewardship. It must also be a national goal for it provides the only solid foundation for any lasting achievement in our Nation's policy. Within its scope is implied realism and honesty and the courageous determination to do what is right.

I am sure that St. Thomas' definition of truth is well known. The great philosopher saw truth in the measured relationship between the outstanding and the actual fact. In the minds of those who shrug off hard reality and ask, "What is truth?" without waiting for an answer it is important that our beloved country be foremost among the seekers of truth in an uncertain world. It is important that this Nation in its dealings with its neighbors have the courage to follow the admonition of Shakespeare, "To thine ownself be true," and continue boldly to support the principles on which human rights and national honor must be based. It is important too that in our own lives we continue to develop a place for truth among our personal ideals realizing that it is still true today as it was 2,000 years ago that

"You shall know the truth and the truth shall make you free." This award is also of great significance in relation to our way of life, based upon truth given to us by God through his natural law. For our way of life is a philosophy based on eternal truth as compared with the atheistic Marxist philosophy based on falsity.

It is those historical forces of influences based on truth and particularly applicable to the world of today that constitute an affirmative and constructive power that we possess, as compared with the false philosophy of atheistic communism. For high military strength is vitally necessary, and we must realize that we have powerful and affirmative forces and influences based on truth that we should capitalize to the fullest extent possible. I again express to Father Dore and the other fathers and laymen responsible, my deep appreciation for this treasured honor conferred upon me by Providence College.

REMARKS OF THE PRESIDENT IN THE RAYBURN RECEPTION CENTER, U.S. CAPITOL, ON THE OCCASION OF THE PRESENTATION TO SPEAKER JOHN MCCORMACK OF THE VERITAS MEDAL, THE HIGHEST ACADEMIC AWARD OF PROVIDENCE COLLEGE

This is one occasion—and one audience—where the President of the United States is not the principal speaker.

I say that figuratively as well as literally.

While there are many challenges I am willing to face, 30 years of close observation and study have persuaded me it would be unwise to challenge JOHN MCCORMACK to an oratorical contest on an occasion such as this.

I come not to speak publicly but simply to join quietly and privately in paying tribute to one of the most inspiring men I have known—and one of the great Americans of our times.

In times of peace, in times of war, in moments of tumult, and in times of tranquility, JOHN MCCORMACK has shown himself to be just that—a great man, a good man, a generous, and genuine man.

It is especially fitting that he should receive this medal from Providence College.

When we add up the sum of JOHN MCCORMACK'S career, it is clear that he has devoted his public life to making this Nation and this world better and safer for young people. There can be no more noble use for life on this earth than that.

The name of this medal aptly describes the Speaker's most outstanding qualities—he is true and noble and faithful.

Theodore Roosevelt once wrote to a Member of Congress saying:

"I entirely appreciate loyalty to one's friends, but loyalty to the cause of justice and honor stands above it."

JOHN MCCORMACK has always been loyal to his friends. This is why they love him. But that loyalty has never come ahead of his fidelity to the cause of justice and honor. And that is why the Nation honors him and will never forget his leadership.

At the White House, Mr. Speaker, I operate under the rules of the Senate—where there is little limit on the length of a speech. In your presence, however, I am reminded of my days in the House where the limitations are somewhat more severe.

So while I have exceeded the 1-minute rule, I will quit speaking and like any good former Member of the House, take my seat before your gavel calls me to order.

EXCISE TAX REDUCTION

The SPEAKER pro tempore. Under previous order of the House the gentleman from Michigan [Mr. O'HARA] is recognized for 30 minutes.

Mr. O'HARA of Michigan. Mr. Speaker, I was pleased to learn from yesterday's newspaper that the administration may be revising its thinking on excise tax reduction. According to an Associated Press account, the administration may ask Congress to eliminate some $5 billion in excise taxes in a series of repeals and reductions over the next several years.

I wish to announce to my colleagues that I have introduced today H.R. 7999, a bill providing for a staged elimination of all excise taxes not earmarked for the highway trust fund, the wildlife restoration fund, or fish restoration and management projects.

H.R. 7999 differs in many respects from the legislation which is reportedly under consideration by the administration, but the concept of repealing these taxes over a period of years is similar.

My bill would provide for a one-third reduction in all such taxes beginning on July 1 of this year. A further reduction of one-third of the present excise tax rates would follow on July 1, 1966, and such taxes would be repealed effective July 1, 1967.

The revenue losses in the coming fiscal year from H.R. 7999 would be no more than the loss which would result from the frequently advocated repeal of retail excise taxes. It would also accomplish the objectives of excise reduction in a more equitable manner.

There is no logical reason for singling out retail excises for total repeal and leaving other onerous excise taxes untouched. In many cases, the excise tax upon telephone service and automobiles, for example, strikes harder at those who have difficulty in paying for what are to them necessities than the retail taxes on furs, jewelry, and toilet articles.

The reasons for my bill are, first, the excise tax is regressive and not based upon ability to pay; second, a staged reduction of excise taxes, as provided in my bill, will have a beneficial effect on our economy and will increase consumer purchasing power, and finally, most excise taxes have outlived their usefulness and no longer can be justified by the emergency war-time conditions which prompted their enactment.

In his appearance before the Democratic platform committee in August 1964, former Secretary of the Treasury Douglas Dillon said:

> High priority should be given to a thorough overhaul of the hodge-podge of excise taxes remaining from World War II days.

He added:

> Many of these taxes no longer serve their purposes. Instead they increase business costs, weigh unevenly on consumers, and are often an unnecessary nuisance to taxpayers and Government alike.

Mr. Speaker, I hope that this session of Congress will take action to reduce Federal excise taxes across the board and submit my bill as a possible vehicle for accomplishing this result.

For the benefit of those who may have missed it, I include the Associated Press dispatch regarding excise taxes, which appeared in the Washington Post of Sunday, May 9, at this point in the RECORD. I also include the text of H.R. 7999 following the article:

[From the Washington Post, May 9, 1965]

PLAN TO REDUCE EXCISES GRADULLY IS DISCLOSED

(By Sterling F. Green)

HOT SPRINGS, VA., May 9.—Administration officials disclosed today that Congress may be asked to eliminate some $5 billion of excise taxes in a series of repeals and reductions over the next several years.

Plans under study would include the 10-percent tax on both new automobiles and telephone service in the midyear legislation, but provide for only small annual cuts—perhaps 1 or 2 percentage points annually for the next 5 or 10 years.

This plan, some officials contend, would erase the need to make the auto excise repeal retroactive. The industry has asked a retroactivity clause, to prevent prospective purchasers from staging a buyers' strike while waiting for the cut to take effect.

The recommendations still are under study. Officials predict privately that all decisions will be made in the next week or so, so that President Johnson can send draft legislation to Congress within the month.

Several administration officials including Treasury Secretary Henry H. Fowler and Commerce Secretary John T. Connor, are making speeches in Hot Springs to the Business Council, an organization of top industrialists.

Administration planners are reported to be in full agreement that the thriving economy needs no massive stimulus from tax reduction now. And while they foresee no mapor bulge in defense spending, they are said to feel that military uncertainties in Vietnam and elsewhere make it unwise to seek large immediate excise cuts.

Administration thinking at the moment calls for approximately this schedule of reductions, the official sources said:

On July 1, cuts totaling $1.75 billion or thereabouts. These would include outright repeal of the retail nuisance levies on furs, leather goods, cosmetics, toiletries, jewelry, and some other items, plus a small cut in auto and phone-service levies and repeal or reduction of some other excises, such as those on electrical appliances, musical instruments, phonographs, radio, and television sets.

On next January 1 or perhaps July 1, 1966, further cuts on the latter group of commodities to a total of around $700 million to $800 million.

Starting July 1 and followed by yearly stepdowns for several years, a gradual elimination of the Federal manufacturers' excise on new cars and on telegraph and telephone service, with the savings passed on to consumers.

No other major tax reduction until 1967 at the earliest. This apparently rules out prposals for another general income-tax cut next year.

It was made clear, however, that the long-range planning, calls for the elimination of all Federal excises, producing more than $5 billion in revenues annually, except the taxes on alcoholic beverages and tobacco products and the highway-user levies on gasoline and other automotive items.

Hearings by the House Ways and Means Committees are expected to start immediately after Johnson's excise tax message is received. There is indication that the schedule of reductions already has been discussed with Chairman WILBUR D. MILLS, Democrat, of Arkansas.

The modest initial cuts proposed would disappoint many Members of Congress. Some lawmakers have talked freely of much larger immediate cuts, ranging up to $3 or $3.5 billion.

Administration men believe, however, that the pressure for big reductions at midyear has abated because of the thriving state of

the economy and the possibility of rising outlays for military purposes.

H.R. 7999

A bill to amend the Internal Revenue Code of 1954 to provide for the reduction and repeal of certain retailers and manufacturers excise taxes and the excise taxes on facilities and services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter F of chapter 31 of the Internal Revenue Code of 1954 (relating to special provisions applicable to retailers tax) is amended by redesignating section 4058 as section 4059 and by inserting after section 4057 the following new section:

"SEC. 4058. REDUCTION AND REPEAL OF CERTAIN TAXES.

"(a) REDUCTION.—The rate of tax imposed by sections 4001 (tax on jewelry and related items), 4011 (tax on furs), 4021 (tax on toilet preparations), and 4031 (tax on luggage, handbags, etc.), respectively, shall—

"(1) with respect to articles sold at retail after June 30, 1965, and before July 1, 1966, be 66⅔ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965, and

"(2) with respect to articles sold at retail after June 30, 1966, and before July 1, 1967, be 33⅓ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to articles sold at retail after June 30, 1967, sections 4001, 4011, 4021, and 4031 shall not apply."

(b) The table of sections of such subchapter F is amended by striking out

"Sec. 4058. Cross reference."

and by inserting in lieu thereof

"Sec. 4058. Reduction and repeal of certain taxes.

"Sec. 4059. Cross reference."

SEC. 2. (a)(1) Subchapter F of chapter 32 of the Internal Revenue Code of 1954 (relating to special provisions applicable to manufacturers tax) is amended by adding at the end thereof the following new section:

"SEC. 4220. REDUCTION AND REPEAL OF CERTAIN TAXES.

"(a) REDUCTION.—The rate of tax imposed by sections 4061(a)(2) (tax on passenger automobiles and certain trailers and semitrailers), 4061(b) (tax on parts and accessories for motor vehicles), 4091 (tax on lubricating oil), 4111 (tax on refrigeration equipment), 4121 (tax on electric, gas, and oil appliances), 4131 (tax on electric light bulbs), 4141 (tax on radio and television sets, phonographs and records, etc.), 4151 (tax on musical instruments), 4161 (tax on sporting goods) (except for the rate of tax on fishing rods, creels, reels, and artificial lures, baits and flies), 4171 (tax on photographic equipment), 4181 (except for the rate of tax on firearms (other than pistols and revolvers) and shells and cartridges), 4191 (tax on business machines), 4201 (tax on pens and mechanical pencils and lighters), and 4211 (tax on matches), respectively, shall—

"(1) with respect to articles sold by the manufacturer, producer, or importer after June 30, 1965, and before July 1, 1966, be 66⅔ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965, and

"(2) with respect to articles sold by the manufacturer, producer, or importer after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by each such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to articles sold by the manufacturer, producer, or importer after June 30, 1967, sections 4061(a)(2), 4061(b), 4091, 4111, 4121, 4131, 4141, 4151, 4171, 4191, 4201, and 4211 shall not apply."

(2) The table of sections of such subchapter is amended by adding the following new item:

"Sec. 4220. Reduction and repeal of certain taxes."

(b) Effective with respect to articles sold by the manufacturer, producer, or importer after June 30, 1967, subchapter D of such chapter is amended to read as follows:

"SUBCHAPTER D—RECREATIONAL EQUIPMENT

"Part I. Fishing equipment.

"Part II. Firearms.

"Part I—Fishing equipment

"Sec. 4161. Imposition of tax.

"SEC. 4161. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of fishing rods, creels, reels, and artificial lures, baits, and flies by the manufacturer, producer, or importer a tax equivalent to 10 percent of the price for which so sold.

"Part II—Firearms

"Sec. 4181. Imposition of tax.

"Sec. 4182. Exemptions.

"SEC. 4181. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of firearms (other than pistols and revolvers), shells, and cartridges by the manufacturer, producer, or importer a tax equivalent to 11 percent of the price for which so sold.

"SEC. 4182. EXEMPTIONS.

"(a) MACHINEGUNS AND SHORT BARRELLED FIREARMS.—The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

"(b) SALES TO DEFENSE DEPARTMENT.—No firearms, shells, and cartridges purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles."

SEC. 3. (a)(1) Part I of subchapter A of chapter 33 of the Internal Revenue Code of 1954 (tax on admissions) is amended by adding at the end thereof the following new section:

"SEC. 4235. REDUCTION AND REPEAL.

"(a) REDUCTION.—The rate of tax imposed by section 4231 shall—

"(1) with respect to amounts paid after June 30, 1965, for admissions after such date and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for admissions after such date and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to amounts paid after June 30, 1967, for admissions after such date, section 4231 shall not apply."

(2) The table of sections of such part is amended by adding the following new item:

"Sec. 4235. Reduction and repeal."

(b) (1) Part II of subchapter A of such chapter (tax on club dues) is amended by adding at the end thereof the following new section:

"SEC. 4244. REDUCTION AND REPEAL.

"(a) REDUCTION.—The rate of tax imposed by section 4241 shall—

"(1) with respect to amounts paid after June 30, 1965, and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to amounts paid after June 30, 1967, section 4241 shall not apply."

(2) The table of sections of such part is amended by adding the following new item:

"Sec. 4244. Reduction and repeal."

(c)(1) Subchapter B of such chapter (tax on communications) is amended by adding at the end thereof the following new section:

"SEC. 4255. REDUCTION AND REPEAL.

"(a) REDUCTIONS.—The rates of tax imposed by section 4251 shall—

"(1) with respect to amounts paid after June 30, 1965, for communication services rendered after such date and before July 1, 1966, shall be reduced to 66⅔ percent of the rates of taxes imposed by such section which are in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for communication services rendered after such date and before July 1, 1967, shall be reduced to 33⅓ percent of the rates of taxes imposed by such section which are in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to amounts paid after June 30, 1967, for communication services rendered after such date, section 4251 shall not apply."

(2) The table of sections of subchapter B is amended by adding at the end thereof the following new item:

"Sec. 4255. Reduction and repeal."

(d)(1) Subchapter C of such chapter (tax on transportation of persons by air) is amended by adding at the end thereof the following new section:

"SEC. 4265. REDUCTION AND REPEAL.

"(a) REDUCTION.—The rate of tax imposed by section 4261 shall—

"(1) with respect to amounts paid after June 30, 1965, for transportation which begins after such date and before July 1, 1966, be reduced to 66⅔ percent of the rate imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts paid after June 30, 1966, for transportation which begins after such date and before July 1, 1967, be reduced to 33⅓ percent of the rate imposed by such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to amounts paid after June 30, 1967, for transportation which begins after such date, section 4261 shall not apply."

(2) The table of sections of subchapter C is amended by adding at the end thereof the following new item:

"SEC. 4265. Reduction and repeal."

(e)(1) Subchapter D of such chapter (tax on safe deposit boxes) is amended by adding at the end thereof the following new section:

"SEC. 4288. REDUCTION AND REPEAL.

"(a) REDUCTION.—The rate of tax imposed by section 4286 shall—

"(1) with respect to amounts collected after June 30, 1965, and before July 1, 1966, be reduced to 66⅔ percent of the rate of tax imposed by such section which is in effect on June 30, 1965, and

"(2) with respect to amounts collected after June 30, 1966, and before July 1, 1967, be reduced to 33⅓ percent of the rate of tax imposed by such section which is in effect on June 30, 1965.

"(b) REPEAL.—Effective with respect to amounts collected after June 30, 1967, section 4286 shall not apply."

(2) The table of sections of subchapter D is amended by adding at the end thereof the following new item:

"Sec. 4288. Reduction and repeal."

SEC. 4. (a)(1) Sections 4001, 4011, 4021, and 4041 of the Internal Revenue Code of 1954 are amended by striking out "There is hereby imposed" where it appears in each such section and inserting in lieu thereof

"Except as provided by section 4058, there is hereby imposed".

(2) Sections 4061(a), 4061(b), 4091, 4111, 4121, 4131, 4141, 4151, 4161, 4171, 4181, 4191, 4201, and 4211 of such Code are amended by striking out "There is hereby imposed" where it appears in each such section and inserting in lieu thereof "Except as provided by section 4220, there is hereby imposed".

(3)(A) Section 4231 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4235, there is hereby imposed".

(B) Section 4241 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4244, there is hereby imposed".

(C) Section 4251 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4255, there is hereby imposed".

(D) Section 4261 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4265, there is hereby imposed".

(E) Section 4286 of such Code is amended by striking out "There is hereby imposed" and inserting in lieu thereof "Except as provided by section 4288, there is hereby imposed".

(b) The amendments made by subsection (a) of this section shall take effect on July 1, 1965.

SEC. 5. Effective with the repeal of any excise tax imposed by the Internal Revenue Code of 1954 by the amendments made by the first section and sections 2 and 3 of this Act, the remaining provisions of such Code are hereby modified to the extent necessary to reflect such repeal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BUCHANAN (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. STALBAUM, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PUCINSKI, for 30 minutes, today.

Mr. HALPERN (at the request of Mr. MCDADE) for 15 minutes, today.

Mr. O'HARA of Michigan (at the request of Mr. LOVE), for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. ZABLOCKI (at the request of Mr. LOVE), for 30 minutes, on May 12, 1965; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. FRASER.

Mr. MURPHY of New York.

Mr. HARRIS to revise and extend remarks made in the Committee of the Whole today, to include a discussion of the importance of the research contract authority for the program of the Public Health Service, and to include a statement on the effect on the Public Health Service research program of limitations on expenditures for research contracts, and to include tables.

(The following Member (at the request of Mr. MCDADE) and to include extraneous matter:)

Mr. MORSE.

(The following Members (at the request of Mr. LOVE) and to include extraneous matter:)

Mr. KEE.

Mr. CORMAN.

Mr. MONAGAN.

Mr. VAN DEERLIN.

Mr. RIVERS of South Carolina.

Mr. DOW.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1796. An act to amend the Small Business Act to provide additional assistance for disaster victims; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7064. An act to amend the Foreign Service Buildings Act of 1926, as amended.

ADJOURNMENT

Mr. LOVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 9 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 11, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A communication from the President of the United States, transmitting for consideration amendments to the request for appropriations for the legislative branch made in the budget for fiscal year 1966 (H. Doc. No. 162); to the Committee on Appropriations and ordered to be printed.

1066. A communication from the President of the United States, transmitting for consideration an amendment to the budget for fiscal year 1966 involving a proposed provision relating to appropriations for the American Battle Monuments Commission (H. Doc. No. 163); to the Committee on Appropriations and ordered to be printed.

1067. A letter from the Associate Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480 agreements signed during April 1965, pursuant to Public Law 85-128; to the Committee on Agriculture.

1068. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize travel and transportation allowances under certain circumstances for members of the uniformed services when ordered to make changes of permanent stations while away from their permanent stations under orders, and for other purposes; to the Committee on Armed Services.

1069. A letter from the Attorney General, transmitting a report of review of voluntary agreements and programs as of May 9, 1965, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1070. A letter from the Chairman, 1964 Committee on Law Enforcement in the District of Columbia, transmitting a report of the Council on Law Enforcement in the District of Columbia for 1964, pursuant to District of Columbia Code 2-1901; to the Committee on the District of Columbia.

1071. A letter from the Comptroller General of the United States, transmitting a report of potential savings through use of Government-owned housing to meet military requirements in the Tampa, Fla., area, Federal Housing Administration, Housing and Home Finance Agency, and Department of Defense; to the Committee on Government Operations.

1072. A letter from the chairman, Eleanor Roosevelt Memorial Foundation, transmitting the second annual report of the foundation for calendar year 1964 pursuant to Public Law 88-11; to the Committee on the Judiciary.

1073. A letter from the Postmaster General, transmitting a draft of proposed legislation to provide for the discontinuance of the Postal Savings System, and for other purposes; to the Committee on Post Office and Civil Service.

1074. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report of proposed legislation to terminate cost-of-living allowances for statutory-salaried Federal civilian employees in nonforeign areas, and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of May 6, 1965, the following bill was reported on May 7, 1965:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 7750. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; without amendment (Rept. No. 321). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 10, 1965*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 257. Resolution authorizing the printing of certain matter as an addendum to House Document No. 39 of the 89th Congress; without amendment (Rept. No. 322). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 289. Resolution authorizing the printing of additional copies of House Report No. 175, the report of the Joint Economic Committee on the January 1965 Economic Report of the President with minority and additional views; without amendment (Rept. No. 323). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 364. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol"; and providing for additional copies; without amendment (Rept. No. 324). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 383. Concurrent resolution authorizing the printing of a pocket-sized edition of "The Constitution of the United States of America" as a House document, and for other purposes; with amendment (Rept. No. 325). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 27. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965"; without amendment (Rept. No. 326). Ordered to be printed.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 7596. A bill to amend title 10, United States Code, to remove inequities in the active duty promotion opportunity of certain Air Force officers; with amendment (Rept. No. 327). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACDONALD: Committee on Interstate and Foreign Commerce. H.R. 806. A bill to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product; with amendment (Rept. No. 328). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 5241. A bill to amend section 20a(12) of the Interstate Commerce Act to eliminate the necessity for prior approval of the Commission for a person to hold the position of officer or director of more than one carrier when such carriers are in a single integrated system of carriers lawfully operated under common control, and for other purposes; without amendment (Rept. No. 329). Referred to the House Calendar.

Mr. HARRIS. Committee on Interstate and Foreign Commerce. H.R. 5242. A bill to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph; without amendment (Rept. No. 330). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5246. A bill to amend sections 20a and 214 of the Interstate Commerce Act; without amendment (Rept. No. 331). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 3415. A bill to equalize certain penalties in the Intercoastal Shipping Act, 1933; without amendment (Rept. No. 332). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 6164. A bill to authorize the Secretary of the Treasury to permit foreign-flag vessels to transport passengers between the United States and Puerto Rico to attend the Seventh Assembly of the World Convention of Churches of Christ; with amendment (Rept. No. 333). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 5988. A bill to provide that Commissioners of the Federal Maritime Commission shall hereafter be appointed for a term of 5 years, and for other purposes; without amendment (Rept. No. 334). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BANDSTRA:

H.R. 7998. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. O'HARA of Michigan:

H.R. 7999. A bill to amend the Internal Revenue Code of 1954 to provide for the reduction and repeal of certain retailers and manufacturers excise taxes and the excise taxes on facilities and services; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 8000. A bill to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of California:

H.R. 8001. 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.

H.R. 8002. A bill to amend the Civil Service Retirement Act so as to provide relief for those employees involuntarily separated from service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 8003. A bill to amend the Internal Revenue Code of 1954 to provide that certain insurance agents shall be treated as outside salesmen for purposes of computing adjusted gross income; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 8004. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. FINO:

H.R 8005. A bill to amend the Urban Mass Transportation Act of 1964 to permit projects demonstrating new methods of financing existing service; to the Committee on Banking and Currency.

By Mr. WILLIAM D. FORD:

H.R. 8006. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 8007. A bill to prohibit the manufacture, sale, or use in commerce of any motor vehicle which discharges substances into the air in amounts found by the Secretary of Health, Education, and Welfare to be dangerous to public health; to the Committee on Interstate and Foreign Commerce.

H.R. 8008. A bill to amend title 38 of the United States Code in order to make individuals, who die or are disabled from a disease incurred or aggravated in line of duty while performing inactive-duty training, eligible for certain benefits under that title; to the Committee on Veterans' Affairs.

By Mr. GRAY:

H.R. 8009. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of periods of service performed as a Work Projects Administration employee in an administrative or supervisory capacity, classified as noncertified and nonrelief; to the Committee on Post Office and Civil Service.

H.R. 8010. A bill to authorize the Secretaries of the Army, Agriculture, and the Interior to make Federal contributions to certain State water resource projects; to the Committee on Public Works.

By Mr. HARVEY of Indiana:

H.R. 8011. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HERLONG:

H.R. 8012. A bill to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes; to the Committee on Foreign Affairs.

By Mr. HOSMER (by request):

H.R. 8013. A bill to clarify the authority of the Secretary of Agriculture to require reasonable bonds from packers in connection with their livestock purchasing operations; to the Committee on Agriculture.

By Mr. HUNGATE:

H.R. 8014. A bill to amend the Tariff Act of 1930, as amended, to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 8015. A bill relating to the unlimited deduction for income tax purposes of charitable contributions; to the Committee on Ways and Means.

By Mr. MACHEN:

H.R. 8016. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

H.R. 8017. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of marriage or a remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 8018. A bill to amend the Internal Revenue Cod of 1954 to provide an accelerated amortization deduction in certain cases for industrial or commercial plants and facilities constructed or established in economically depressed areas; to the Committee on Ways and Means.

By Mr. SCHISLER:

H.R. 8019. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 8020. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums, or nectarines; to the Committee on Agriculture.

H.R. 8021. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of certain Indians of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATTS:

H.R. 8022. A bill relating to the unlimited deduction for income tax purposes of charitable contributions; to the Committee on Ways and Means.

H.R. 8023. A bill to amend the definition of earned income for income tax purposes in the case of contributions by self-employed individuals to pension and profit-sharing plans; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 8024. A bill to provide a percentage deduction for certain expenses paid for the higher education of the taxpayer, his spouse, and his dependents; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 8025. 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.

H.R. 8026. A bill to amend the Clayton Act, as amended, by requiring prior notification of corporate mergers and acquisitions, and for other purposes; to the Committee on the Judiciary.

H.R. 8027. 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. DORN:

H.R. 8028. A bill to prohibit interstate contributions in connection with congressional primaries and elections and with elections for electors of the President; to the Committee on House Administration.

H.R. 8029. A bill to authorize a 3-year program of grants for construction of veterinary medical education facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 8030. A bill to provide for the discontinuance of the Postal Savings System, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EVANS of Colorado:

H.R. 8031. A bill to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 8032. A bill to modify the Cleveland Harbor, Ohio, project to authorize the dredging of a portion of the Old River to a depth of 27 feet; to the Committee on Public Works.

By Mr. HAWKINS:

H.R. 8033. A bill to provide for family winter recreational use of a portion of the San Gorgonio Wilderness Area, San Bernardino National Forest, Calif., without reducing the area set aside for wilderness preservation within such forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAIRD:

H.R. 8034. A bill authorizing the Secretary of Health, Education, and Welfare to make certain grants to the Menominee Indian people of Menominee County, Wis., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 8035. A bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes: to the Committee on Interior and Insular Affairs.

By Mr. RIVERS of South Carolina:

H.R. 8036. A bill to make available to civilian officers and employees of the United States who are transferred as the result of the closure of a Department of Defense activity the same travel and transportation allowances provided for members of the uniformed services; to the Committee on Government Operations.

By Mr. STALBAUM:

H.R. 8037. A bill to achieve a fuller and more effective use of food abundances; to strengthen food donation programs both at home and abroad in order to provide for improved level of nutrition, and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of Louisiana:

H.R. 8038. A bill to amend sections 41, 43, and 44 of title 18 of the United States Code to include amphibians and reptiles within those sections; to the Committee on the Judiciary.

By Mr. ROBISON:

H.J. Res. 451. Joint resolution to provide for the display of the flag of the United States of America on Father's Day, the third Sunday in June; to the Committee on the Judiciary.

By Mr. SICKLES:

H. Con. Res. 409. Concurrent resolution establishing a joint committee composed of Members of the House of Representatives and the Senate to conduct a full and complete investigation of any and all matters pertaining to crime in the District of Columbia; to the Committee on Rules.

By Mr. ELLSWORTH:

H. Res. 375. Resolution amending the rules of the House of Representatives to permit the telecasting and broadcasting of certain proceedings; to the Committee on Rules.

By Mr. HALPERN:

H. Res. 376. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

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

247. By the SPEAKER: Memorial of the Legislature of the State of California, relative to benefits for veterans of the Vietnam action; to the Committee on Veterans' Affairs.

248. Also, memorial of the Legislature of the State of Nebraska, relative to an effective means of stopping the flow of unsolicited obscenity through the mails; to the Committee on Post Office and Civil Service.

249. Also, memorial of the Legislature of the State of North Dakota, relative to urging the construction of a scenic badlands road connecting the units of the Theodore Roosevelt National Memorial Park; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the State of Texas, relative to establishing the Guadalupe Mountains National Park in Texas; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Washington, relative to providing funds so that the construction of the third powerhouse at Grand Coulee can be commenced at the earliest practical date; to the Committee on Appropriations.

252. Also, memorial of the Legislature of the State of Wisconsin, relative to an amendment to the Federal Constitution providing for the direct popular election of the President and Vice President; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 8039. A bill for the relief of Saverio Bonacasa; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 8040. A bill for the relief of Wladislawa Plizga; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 8041. A bill for the relief of Chick Tung Kung Chin; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 8042. A bill for the relief of the estates of certain former members of the U.S. Navy Band; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8043. A bill for the relief of Mrs. Janina Blaszczynska; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 8044. A bill for the relief of Dewey Williams, Buford E. Davenport, Edgar Chamberlain, and Gerald E. Tveitnes; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 8045. A bill for the relief of Merlita Bartolome Francisco; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 8046. A bill for the relief of Ludmila A. Vasilenko; to the Committee on the Judiciary.

By Mr. WHITE of Texas:

H.R. 8047. A bill for the relief of Joe (Chow) Tong Fat (also known as Howard Chung); 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:

199. By the SPEAKER: Petition of Gushikawa-son Assembly, Okinawa, Ryukyu Islands, relative to requesting recession of the U.S. Government in the governing of the Ryukyu Islands in favor of Japan; to the Committee on Foreign Affairs.

200. Also, petition of San Carlos Chamber of Commerce, San Carlos, Calif., relative to the need for a constitutional amendment on reapportionment; to the Committee on the Judiciary.

201. Also, petition of National Society of Professional Engineers, Washington, D.C., relative to legislation supporting the role of the professional engineers in the free enterprise system; to the Committee on Post Office and Civil Service.

202. Also, petition of Lower Snake River Ports Association, Clarkston, Wash., relative to assurances of continued customs services at the major ports on the lower Columbia; to the Committee on Ways and Means.

SENATE

MONDAY, MAY 10, 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:

Our Father, God, we come with grateful hearts to the bowered beauty in the midst of which we walk, as growing things, answering the call of the springtime, are bursting into bud and flower. We thank Thee, too, for the gifts of love and friendship, for sacred and sunny memories, and for every radiant hope which sends a shining ray far down the future's broadening way.

Meet us, we beseech Thee, in the thorny questions which confront us amid the tragedies that have befallen men and nations out of their own willfulness and ignorance. We do not ask that Thou wilt keep us safe in these dangerous times, but we ask that Thou wilt keep us loyal to the ideals which

make this dear land of freedom the torch of the world.

Above all our questing and groping, make us sure, O Lord, that Thou art, indeed, our light and the stronghold of our life, because we walk in Thy ways. Then, only, may we have no fear when evildoers assail us, uttering slander; though a host encamp against us, we shall not fear; though war arise against us, yet shall we be confident, as in Thy name we set up our banners.

We ask it in the name which is above every name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 7, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

ORDER DISPENSING WITH THE CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

On request of Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar under rule VIII was dispensed with.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Public Health of the Committee on the District of Columbia and the Subcommittee on Privileges and Elections of the Committee on Rules and Administration were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and 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 appropriate committees.

(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.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

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. 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.

APPROPRIATIONS FOR PROCUREMENT OF SMALL PATROL CUTTERS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 169, H.R. 7855.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7855) to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, I would like to stress again the importance of this legislation which will authorize the Coast Guard to obtain appropriations for the necessary funds to replace the 17 Coast Guard patrol cutters that were recently taken from domestic service and sent to Vietnam. I have repeatedly stressed, and other Senators have joined me, in emphasizing the necessity of maintaining a vessel construction program for the U.S. Coast Guard that is adequate to meet their needs both here at home and abroad when needed.

The vessel replacement program, in my opinion, has not been adequate and I have repeatedly stressed this fact. During the past several years the Coast Guard authorization legislation, introduced at the request of the Secretary of the Treasury, has not been adequate to permit the timely replacement of the Coast Guard fleet according to the schedule of replacement indicated in the Coast Guard long range vessel plan. The only class of vessels which were being constructed on schedule was the class from which these 17 patrol vessels were taken. Now we are faced with a situation in which the resources of the Coast Guard will be spread dangerously thin to meet this emergency in Vietnam. I sincerely hope that this will point out the importance of keeping the Coast Guard fleet replacement program on schedule in the future. This is no time to reduce our capability for Coast Guard service in our domestic waters, therefore, this emergency authorization was necessary.

I sincerely hope that within 18 months the new replacement vessels will have been constructed and the balance of our replacement program will be on schedule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 182), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 7855 is to authorize appropriations for the procurement of 17 small patrol cutters for the Coast Guard. The companion Senate measure (S. 1901) was introduced by the chairman, Senator WARREN G. MAGNUSON, by request of the Secretary of the Treasury on May 4, 1965. The committee held hearings on the legislation on May 6 and ordered the bill to be reported favorably. In appearing before the committee, Assistant Secretary of the Treasury James A. Reed explained that the need for the legislation was based on developments during the last several weeks during which time 17 Coast Guard patrol boats were deployed to Vietnam. This legislation would authorize appropriations for obtaining a replacement for the 17 vessels, each of which is estimated to cost about $368,000.

JUSTIFICATION FOR THE BILL

The transfer of 17 Coast Guard small patrol cutters from their present duty stations in the United States leaves the Coast Guard severely handicapped in the accomplishment of its domestic missions of safety and rescue. The total fleet of small patrol cutters consisted of 44 vessels of this class. The 17 selected from this class were taken from the following locations: Woods Hole, Mass.; Fire Island, N.Y.; Sandy Hook, N.J.; Cape May, N.J.; Norfolk, Va. (2); Fort Pierce, Fla.; Grand Isle, La.; Galveston, Tex.; Port Isabel, Tex.; Long Beach, Calif.; San Pedro, Calif.; Newport Beach, Calif.; Benecia, Calif.; San Francisco, Calif.; Everett, Wash.; and Bellingham, Wash.

This will leave substantially weakened the Coast Guard capability for research and rescue operations in these areas. The purpose of this legislation is to overcome this deficiency at the earliest possible time. During the hearings, Assistant Secretary Reed pointed out that it was extremely unlikely that the vessels sent to Vietnam would be returned because of the uncertainty of the situation in that country and because of the heavy duty responsibilities that will be placed on the vessels. Since South Vietnam has recently extended its coastal jurisdiction, it is anticipated that patrol vessels such as those furnished by the Coast Guard would be needed even after any cession of hostilities.

Vice Adm. William D. Shields, Assistant Commandant of the Coast Guard, testified that the 17 vessels could be replaced in a period of 14 to 18 months if authority for immediate action is promptly given.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7855) was ordered to a third reading, was read the third time, and passed.

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

Mr. JAVITS. Mr. President, I present, for appropriate reference, a concurrent resolution of the Legislature of the State of New York. I ask unanimous consent that the concurrent resolution may be printed in the RECORD.

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

RESOLUTION 170

Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact into law H.R. 424 which grants the physically handicapped certain deductions and an additional exemption on their Federal income payments

Whereas there is an ever-increasing need to alleviate the problems encountered by the physically handicapped individual in the United States; and

Whereas there are large numbers of physically handicapped persons willing and able to contribute to the Nation's growing economy by engaging in useful occupations; and

Whereas such physically handicapped persons must expend a substantial portion of their earnings for a multitude of everyday living expenses not encountered by the rest of this Nation's population and, in particular, extraordinary expenses for transportation to get to and from the locale of their employment; and

Whereas there are a substantial portion of such physically handicapped persons who are kept from engaging in productive endeavors because of these extraordinary transportation, and other, expenses; and

Whereas there is presently pending before the Congress of the United States H.R. 424, which would grant to the physically handicapped person a deduction of up to $600 for transportation and/or an additional exemption on their Federal income tax payments: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be and it is respectfully memorialized to enact with all convenient speed H.R. 424 so that the physically handicapped persons of this Nation may be able to earn a livelihood and make their contributions to the economic growth of the United States; and be it further

Resolved (if the senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each Member of the Congress from the State of New York.

By order of the assembly.

JOHN T. MCKENNAN,
Clerk.

Concurred in, without amendment, by order of the senate.

GEORGE H. VAN LENGEN,
Secretary.

RESOLUTION OF TEXAS STATE SENATE

Mr. TOWER. Mr. President, I ask that there be printed in the RECORD and appropriately referred, a well-written and important resolution recently adopted by the Senate of the State of Texas in support of plans to create the Guadalupe Mountains National Park.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, as follows:

SENATE CONCURRENT RESOLUTION 44

Whereas there is pending in the Congress of the United States several bills having for their purpose the creation of a Guadalupe Mountains National Park; and

Whereas the creation of the Guadalupe Mountains National Park has been recommended by the Southwest regional office of the National Park Service to the U.S. Department of Interior; and

Whereas Mr. J. C. Hunter, Jr., of Abilene, Tex., has expressed a desire to sell his 71,790-acre ranch in the Guadalupe Mountains region located near the northern border of west Texas between Odessa and El Paso; and

Whereas Mr. J. C. Hunter, Jr., has expressed the further desire that this ranch be used for parks and public recreational purposes; and

Whereas it has been further recommended by the Southwest regional office of the National Park Service that the J. C. Hunter, Jr., ranch be purchased for the formation of such a park; and

Whereas Mr. Wallace Pratt has donated to the National Park Service 5,632 acres of land in the northern McKittrick Canyon area in New Mexico, immediately north of and adjacent to the Hunter ranch, which donated Pratt land alone is inadequate for development as a national park; and

Whereas the area offers a natural game and fish preserve for its various species of wildlife including bear, lion, elk, bighorn sheep, deer, turkey and smaller birds, and the only fresh water mountain trout stream in the State; and

Whereas the proposed Guadalupe Mountains National Park would complement and adjoin the Lincoln National Forest and the Carlsbad Caverns National Park areas in New Mexico; and

Whereas the current rate of growth of our cities and our population creates a demand for additional recreational areas; and

Whereas a national park in the Guadalupe Mountains would prove to be an economic benefit to the citizens of this State, attracting many tourists to the area: Now, therefore, be it

Resolved by the Senate of the State of Texas (the House of Representatives concurring), That the Congress of the United States is respectfully urged to enact the required legislation with all deliberate speed to purchase land and establish the Guadalupe Mountains National Park in Texas and New Mexico; and, be it further

Resolved, That a certified copy of this concurrent resolution be furnished to the President of the Senate, the Speaker of the House of Representatives, to each of this State's representatives to the Congress, and to the Secretary of the Interior of the United States.

PRESTON SMITH,
Lieutenant Governor,
President of the Senate.

Attest:

CHARLES SCHNABEL,
Secretary of the Senate.

RESOLUTION OF NATIONAL GUARD ASSOCIATION OF TEXAS

Mr. TOWER. Mr. President, the National Guard Association of Texas, at its annual conference last month, adopted a most important resolution concerning the proposed Army Reserve-National Guard merger. I regard this as an extremely significant expression of views by key Texans, and so that other Senators may share those views I ask that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Armed Services, as follows:

RESOLUTION SUBMITTED BY THE ARMY AFFAIRS COMMITTEE RELATING TO THE PROPOSED MERGER OF THE ARMY NATIONAL GUARD AND THE UNITED STATES ARMY RESERVE

Whereas, during the history of this Nation, it has been necessary to wage wars against many enemies dedicated to our destruction and to the basic guarantees granted every citizen under the Constitution of the United States of America; and

Whereas the Secretary of Defense and the Secretary of the Army have proposed a concept which will merge all elements of the National Guard and the Army Reserve into 1 component and thereby effectively eliminate and destroy 21 Army divisions, each of which possesses a long and rich heritage of duty and service to this Nation; and

Whereas the civilian soldier has always been ready to offer up, and has offered up, his worldy goods and life to defend those rights which his forefathers so gallantly fought and died for in years past; and

Whereas such civilian components have proved themselves equal to tasks assigned in both war and peace, and have provided our Nation with a reservoir of personnel dedicated to its defense in numbers which its economy could not support and which its citizens would not tolerate as a standing professional force; and

Whereas it is accepted doctrine among all professional soldiers that the Army division is the basic force required to supervise and control large bodies of troops over long periods of time, both tactically and logistically; and

Whereas it is the consensus of this association that this proposed merger is, in the final analysis, a plan to destroy the Army Reserve and to reduce the National Guard to a state of ineffectiveness; and

Whereby if this plan, conceived in secrecy and presented to the public under the subterfuge as making the Reserve components more ready for active combat, is permitted to become fact, it will only result in the excessive losses of units and waste of untold talent among the highly skilled and dedicated officers and men of the Reserve Forces, and will have a marked and far-reaching effect on those remaining who know that a few people have the power to override the constitutional rights given the Congress of the United States of America: Now, therefore, be it

Resolved, That the National Guard Association of Texas in general conference assembled on this 10th day of April 1965 record its complete opposition to the proposal to eliminate from the troop structure the present 21 Army divisions scheduled to become independent brigades or brigades of the present priority division force and that the officers of this association so advise all members of the Texas delegation to the Congress of the United States.

CLAYBORNE E. KRUCKEMEYER,
Major, Texas Air National Guard,
President.

RESOLUTION OF CHAMBER OF COMMERCE AND AGRICULTURE, CUERO, TEX.

Mr. TOWER. Mr. President, the Board of Directors of the Chamber of Commerce and Agriculture of Cuero, Tex., recently passed a most important resolution concerning section 14(b) of the Taft-Hartley law. In order that other Senators may share the views of these

concerned Texans, I ask that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the committee on Labor and Public Welfare, as follows:

RESOLUTION —

Whereas section 14(b) of the Taft-Hartley law guarantees to the States the right to protect their workers from compulsory unionization and thus guarantees to each such employee the freedom of choice whether to join or not join a union; and

Whereas this country has become great largely through a Constitution that protects the rights of the individual and guarantees to him certain basic freedoms; and

Whereas the right-to-work law passed by the State of Texas and other States protects the individual from compulsory membership in a union in order to hold a job and make a living for his family; and

Whereas the Chamber of Commerce of Cuero believes in the free enterprise system, dignity of the individual and in the freedom of choice: Now, therefore, be it

Resolved, That the Chamber of Commerce of Cuero, in meeting this 5th day of April 1965, does hereby oppose the repeal of section 14(b) of the Taft-Hartley law and urge their elected officials to vigorously oppose the repeal of said section and that a copy of this resolution be sent to the President of the United States and the Senators and Congressmen from the State of Texas.

Attest:

PAT PATTERSON,
Secretary.

THE TAFT-HARTLEY LAW—RESOLUTION

Mr. TOWER. Mr. President, the Texas Heavy, Municipal & Utilities Branch of the Associated General Contractors of America adopted a most important and well stated resolution concerning the Taft-Hartley law. In order that other Senators may be aware of the thinking of key Texans on this matter, I ask that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, as follows:

RESOLUTION

Whereas it is a basic principle guaranteed by the Constitution of the United States of America that every American should have the right to life, liberty, and the pursuit of happiness; and

Whereas liberty to choose for himself man's place and nature of employment can rightfully be included; and

Whereas freedom of the individual against discrimination in employment because of membership or nonmembership in an organization is as basic a civil right as freedom of the individual against discrimination in employment because of race, color, creed, or national origin; and

Whereas because Federal law preempts State law, States today may protect their citizens from loss of their jobs for nonmembership in a union only by special dispensation of the Federal Government under section 14(b) of the Taft-Hartley Act; and

Whereas labor organizations, like employer organization, should be encouraged to grow on the basis of merit and not by compulsion; and

Whereas when compulsion becomes the means of growth of an organization, it tends to lose a sense of direction in the public interest, causing the public to turn to more and more Government regulations; and

Whereas management and labor both have seen these observations come true in recent years in connection with Federal labor legislation; and

Whereas the prohibition of union shop provisions in labor agreements would not interfere in any way with all the legitimate tools that workers otherwise have under Federal law to organize and bargain collectively with their employers: Now, therefore, be it

Resolved by the Texas Heavy, Municipal & Utilities Branch of the Associated General Contractors of America, Inc., in regular session at the Warwick Hotel in Houston, Tex., on the 10th day of April 1965, To support necessary changes in Federal and State law to fully protect the rights of all Americans to join or not to join any organization as a condition of employment, and to oppose the repeal of section 14(b) of the Taft-Hartley Act.

Adopted April 10, 1965.

JOHN W. RATLIFF,
President.

FRANK B. HARRELL,
Executive Secretary.

RESOLUTION OF COMMON COUNCIL OF CITY OF BUFFALO, N.Y.

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the Common Council of the City of Buffalo, N.Y., relative to assistance on cost of water pollution control facilities. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Public Works, as follows:

RESOLUTION RE ASSISTANCE ON COST OF WATER POLLUTION CONTROL FACILITIES

Whereas each year the incidences of water pollution along the Niagara frontier becomes more and more hazardous to the health, welfare, and well-being of the people of the Niagara frontier; and

Whereas the Honorable HENRY P. SMITH III, Representative of the 40th District, introduced H.R. 5317, a bill, "To amend the Internal Revenue Code of 1954 to encourage the prevention of water pollution by allowing the cost of water pollution control facilities to be amortized at an accelerated rate for income tax purposes": Now, therefore, be it

Resolved, That this common council memorialize and urge the U.S. Congress, on behalf of the people of the city of Buffalo, to pass the bill known as H.R. 5317 and that the city clerk be authorized and directed to forward certified copies of this Resolution to both Houses of the Senate and the Congress and to our respective two U.S. Senators from New York State and our Congressmen from this area.

Attest.

STANLEY MOHK,
City Clerk.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 4338. An act to authorize the Veterans of Foreign Wars of the United States to rent certain property in the District of Columbia for certain office purposes (Rept. No. 185); and

H.J. Res. 195. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the American Legion National Convention of 1966, to be held in Washington, D.C.; to authorize the granting of certain permits to the American Legion 1966 Convention Corporation of the District of Columbia on the occasion of such convention, and for other purposes (Rept. No. 184).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S.J. Res. 5. Joint resolution designating the bridge crossing the Washington Channel near the intersection of the extension of 13th and G Streets Southwest the "Francis Case Memorial Bridge" (Rept. No. 183).

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

S. 836. A bill to amend the Wool Products Labeling Act of 1939 to authorize the Federal Trade Commission to exclude from the provisions of that act wool products with respect to which the disclosure of wool fiber content is not necessary for the protection of the consumer (Rept. No. 186).

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 1921. A bill to authorize certain modifications of the project for Calumet Harbor and River, Ill. and Ind.; to the Committee on Public Works.

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

By Mr. HART:

S. 1922. A bill for the relief of Valentina Sidorova Parkevich; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 1923. A bill to amend chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source;

S. 1924. A bill to amend section 39b of the Bankruptcy Act so as to prohibit a part-time referee from acting as trustee or receiver in any proceeding under the Bankruptcy Act; and

S. 1925. A bill to amend paragraphs b and c of section 14 of the Bankruptcy Act; to the Committee on the Judiciary.

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

By Mr. CASE:

S. 1926. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Harold Braun, of Montclair, N.J.; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 1927. A bill to authorize the Secretary of the Interior to preserve as an area of historic interest certain structures and lands comprising the Washington Navy Yard; to the Committee on Armed Services.

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

By Mr. MONRONEY:

S. 1928. A bill to provide that the United States shall hold certain Chilocco Indian School lands at Chilocco, Okla., in trust for the Cherokee Nation upon payment by the Cherokee Nation of $3.75 per acre to the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (by request):

S. 1929. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947, as heretofore amended, to provide that taxable income for District income tax purposes and not income for District franchise tax purposes shall conform as closely as possible to taxable income for Federal income tax purposes under the present and future income tax laws of the United States, except

as otherwise specifically provided herein, and for other purposes;

S. 1930. A bill to authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty;

S. 1931. A bill to amend the District of Columbia Alcoholic Beverage Control Act;

S. 1932. A bill to amend the act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended; and

S. 1933. A bill to amend the act of July 11, 1947, to include members of the District of Columbia Fire Department, in the Metropolitan Police Department band, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 1934. A bill authorizing the Secretary of Health, Education, and Welfare to make certain grants to Menominee County, Wis., and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. SPARKMAN (by request):

S. 1935. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. TOWER:

S. 1936. A bill to provide for the gradual reduction and eventual elimination of the tax on communication services over a 3-year period; to the Committee on Finance.

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

ELGIN, JOLIET & EASTERN RAILWAY BRIDGE

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize certain modifications of the navigation project for the Calumet Harbor and River, Ill., and Ind., insofar as it pertains to the Elgin, Joliet & Eastern Railway bridge.

The bridge spans the Calumet River in Chicago several miles lakeward of the Nickel Plate bridge spanning the same river. Being the first bridge inside the mouth of the river, the E.J. & E. bridge is subjected to more traffic through its draw than any other bridge over the river.

The proposed dredging of the south draw of this bridge to a depth of 27 feet is in aid of the program of the Chicago Regional Port District to establish an adequate port in Lake Calumet and appropriate access thereto.

The E.J. & E. bridge is one of the main obstructions to the existing project. The status of the bridge as an obstruction to navigation was the subject of a public hearing held January 20, 1965, under the Truman-Hobbs Act. The report on the obstructive character of the bridge is scheduled for completion during the third quarter of fiscal year 1966.

The Corps of Engineers has no present authority to pay for the bridge protection needed to withstand the Calumet River channel deepening authorized by the River and Harbor Act of 1962.

It is estimated that, for a cost of about $75,000, the E.J. & E. bridge can be strengthened sufficiently to allow dredging the channel through the south draw to a depth of 27 feet over a width of at least 75 feet. That is the minimum usable channel needed for navigation on the Calumet River.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1921) to authorize certain modifications of the project for Calumet Harbor and River, Ill., and Ind., introduced by Mr. DIRKSEN, was received read twice by its title, and referred to the Committee on Public Works.

PROPOSED LEGISLATION TO AMEND THE BANKRUPTCY ACT

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, three bills to amend the Bankruptcy Act. These are technical amendments which have been recommended by the Administrative Office of the U.S. Courts and endorsed by the Judicial Conference of the United States. Identical bills are pending in the House of Representatives. They are H.R. 5497, H.R. 6965, and H.R. 5654.

I ask unanimous consent that the text of the bills which I introduce today, and a brief memorandum in support of each, prepared by the Administrative Office of the U.S. Courts, be included in the RECORD.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bills will be received and appropriately referred; and, without objection, the bills and memorandums will be printed in the RECORD.

The bills, introduced by Mr. TYDINGS, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1923. A bill to amend chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 366 of the Bankruptcy Act (11 U.S.C. 766) is amended by adding a new clause to read as follows:

"(5) All payments made or promised by the debtor or by a corporation acquiring property under the arrangement, or by any other person, for services and for actual and necessary expenses in, or in connection with, the proceeding or in connection with the arrangement and incident thereto, have been fully disclosed to the court and are reasonable."

The memorandum accompanying Senate bill 1923 is as follows:

EXPLANATION

A practice becoming prevalent in chapter XI proceedings under the Bankruptcy Act in which the compensation of attorneys, accounts, and others is paid or promised by third parties was brought to the attention of the Bankruptcy Committee of the Judicial Conference of the United States at its March 1964 meeting.

It has been held that such payments are beyond the control of the court (*In re Star Brands Products and Pickle Company,* 96 F. Supp. 406, and *In re A. L. Ratner, Inc.,* 95 F. Supp. 137). It was the view of the Bankruptcy Committee that all such payments should be subject to the approval of the court in the same manner as payments made in proceedings under chapter X of the Bankruptcy Act.

The Judicial Conference, upon the recommendation of its Bankruptcy Committee, authorized the Administrative Office to study the need for remedial legislation and further authorized the committee to recommend remedial legislation if it be deemed necessary. As a result, the Bankruptcy Division of the Administrative Office submitted the proposed amendment now contained in H.R. 5645 to the Bankruptcy Committee of the Judicial Conference at its September 1964 meeting. Whereupon, the committee recommended the proposed amendment to the Judicial Conference, and the Conference approved it at its September 1964 meeting.

The language of this proposed amendment has been adopted with appropriate modifications from section 221(4) of chapter X of the Bankruptcy Act. Omitted is reference to payments by a corporation "issuing securities" under the plan, since this is peculiarly applicable to corporate reorganizations. Also omitted is the last phrase of section 221(4)—"or, if to be fixed after confirmation of the plan, will be subject to the approval of the judge." This is deemed to be inapplicable to chapter XI where all fees are fixed before confirmation and must be included in the deposit which is prerequisite to filing an application for confirmation (secs. 337(2) and 362(2)).

Citing section 221(4), the Supreme Court said in *Woods* v. *City National Bank and Trust Company of Chicago,* 312 U.S. 362, 61 S. Ct. 493, 44 Am. B.R. (N.S.) 655:

"Under chapter X of the Chandler Act the bankruptcy court has plenary power to review all fees and expenses in connection with the reorganization, from whatever source they may be payable."

Again, in *Leiman* v. *Guttman,* 336 U.S. 1, 69 S. Ct. 371, the Supreme Court construed section 221(4):

"The control of the judge is not limited to fees and allowances payable out of the estate—Section 221(4) places under his control 'all payments made or promised' (1) by 'the debtor' or (2) 'by a corporation issuing securities or acquiring property under the plan' or (3) 'by any other person' for services rendered 'in connection with' the proceedings or 'in connection with' the plan and 'incident to' the reorganization.

* * * * *

"The aim of the expanded controls over reorganization fees and expenses is clear. The practice had been to fix them by private arrangement outside of court. * * * This gave rise to serious abuses. There was the spectacle of fiduciaries fixing the worth of their own services and exacting fees which often had no relation to the value of services rendererd.

* * * * *

"And section 221(4) is written in pervasive terms—it applies to 'all payments' for services 'in connection with' the proceeding or 'in connection' with 'the plan' and 'incident to' reorganization, whoever pays them."

With this construction of the statutory language of section 221(4), it is believed that the proposed amendment to section 366 would curb the abuse at which it is directed.

S. 1924. A bill to amend section 39b of the Bankruptcy Act so as to prohibit a part-time referee from acting as trustee or receiver in any proceeding under the Bankruptcy Act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of paragraph b of section 39

of the Bankruptcy Act (11 U.S.C. 67b) is amended to read as follows:

"b. Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney or act as trustee or receiver in any proceeding under this Act."

The memorandum accompanying Senate bill 1924 is as follows:

EXPLANATION

During an examination of the judicial offices in a certain U.S. district court, the Department of Justice examiner called to the attention of the Department the fact that a part-time referee in bankruptcy had been appointed to serve as trustee in a corporate reorganization bankruptcy proceeding (ch. X) before the chief judge of that district. The referee is being compensated as trustee in addition to his regular compensation as part-time referee. The examiner raised a question as to the propriety of the appointment and asked for the advice of the Department of Justice and that Department in turn requested the views of the Administrative Office of the U.S. Courts on the subject.

The Administrative Office, after consideration of the matter, wrote to the Department of Justice on February 10, 1964, referring to what it regards as pertinent provisions of the Bankruptcy Act and general orders and expressing the view that the practice of appointing a part-time referee to serve as a trustee in a chapter X proceeding and the allowance of compensation to the referee as such trustee is a practice which should be avoided and that in any event if a part-time referee serves in such capacity, his compensation as trustee should be paid into the Referees' Salary and Expense Fund. A copy of the letter of February 10 to the Department of Justice was supplied to the chief judge.

After considering the views of the Administrative Office, as expressed in its letter of February 10, 1964, to the Department of Justice, the chief judge involved wrote to the Administraive Office under date of March 6, 1964, indicating his complete disagreement with the conclusions of the Administrative Office that the appointing of a part-time referee to serve as a trustee in a chapter X proceeding should be avoided, and that in the event a referee serves as such trustee, his compensation for services as trustee should be paid into the Referees' Salary and Expense Fund. He also expressed the opinion that the provisions of the Bankruptcy Act cited in the letter of the Administrative Office do not support such conclusions, or either of them.

In view of the difference in the view of the Administrative Office and the Chief Judge regarding the appointment of a part-time referee in bankruptcy to serve as trustee in a chapter X (corporate reorganization) proceeding, the Administrative Office brought the situation to the attention of the Committee on Bankruptcy Administration of the Judicial Conference of the United States at its July 27, 1964, meeting and requested the Committee's views with respect to such appointment. The Committee reported to the Conference that it was of the view that section 39b of the Bankruptcy Act (11 U.S.C. 67b) does not prohibit such appointments. The Committee however felt that as a matter of policy and good practice such appointments should not be made and recommended to the Conference that the last sentence of section 39b be amended to read as follows:

"Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney *or act as trustee* in any proceeding under this Act." (New language in italic.)

During the latter part of 1964 the proposed amendment was brought to the attention of Mr. Randolph Montgomery, Chairman of the National Bankruptcy Conference, and on January 8, 1965, he advised the Administrative Office that—

"As to the proposed amendment to section 39b, all Conferees from whom I have heard have approved the amendment except that it is believed the prohibition should be against acting not only as trustee but also as receiver in any proceeding under the Act."

This was submitted to the Bankruptcy Committee at its February 1965 meeting and it recommended to the Judicial Conference of the United States that it approve the amendment to the original proposal. Therefore, upon the recommendation of the Bankruptcy Committee the Conference at its March 1965 meeting approved the suggestion of the National Bankruptcy Conference and reaffirmed its approval of the suggested amendment which is now contained in H.R. 6965, 89th Congress, 1st session.

COMPARATIVE PRINT

"b. Active part-time referees, and referees receiving benefits under paragraph (1) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney *or act as trustee or receiver* in any proceeding under this Act." (The language in italic is new.)

S. 1925. A bill to amend paragraphs b and c of section 14 of the Bankruptcy Act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs b and c of section 14 of the Bankruptcy Act (11 U.S.C. 32 (b), (c)) are amended to read as follows:

"b. The court shall make an order fixing a time for the filing of objections to the bankrupt's discharge which shall be not less than thirty days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. If the examination of the bankrupt concerning his acts, conduct, and property has not or will not be completed within the time fixed for the filing of objections to the discharge the court may, upon its own motion or upon motion of the receiver, trustee, a creditor, or any other party in interest or for other cause shown, extend the time for filing such objections. Upon the expiration of the time fixed in such order or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed and if the filing fees required to be paid by this Act have been paid in full; otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard.

"c. The court shall grant the discharge unless satisfied that the bankrupt has (1) committed an offense punishable by imprisonment as provided under title 18, United States Code, section 152; or (2) destroyed, mutilated, falsified, concealed, or failed to keep or preserve books of account or records, from which his financial condition and business transactions might be ascertained, unless the court deems such acts or failure to have been justified under all the circumstances of the case; or (3) while engaged in business as a sole proprietor, partnership, or as an executive of a corporation, obtained for such business money or property on credit or as an extension or renewal of credit by making or publishing or causing to be made or published in any manner whatsoever a materially false statement in writing respecting his financial condition or the financial condition of such partnership or corporation; or (4) at any time subsequent to the first day of the twelve months immediately preceding the filing of the petition in bankruptcy, transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in a proceeding under this Act commenced within six years prior to the date of the filing of the petition in bankruptcy has been granted a discharge, or had a composition or any arrangement by way of composition or a wage earner's plan by way of composition confirmed under this Act; or (6) in the course of a proceeding under this Act refused to obey any lawful order of, or to answer any material question approved by, the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities; or (8) has failed to pay the filing fees required to be paid by this Act in full: *Provided*, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this subdivision c, would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt."

The memorandum accompanying Senate bill 1925 is as follows:

EXPLANATION

The Bankruptcy Division of the Administrative Office of the U.S. Courts, as a measure of economy, suggested that the Bankruptcy Committee of the Judicial Conference of the United States, at its meeting February 1964, consider the amendments proposed in this bill amending paragraphs b and c of section 14 of the Bankruptcy Act to permit the court, before the filing fees required to be paid by the act are paid in full, to make an order fixing a time for the filing of objections to the bankrupt's discharge and providing that a discharge cannot be granted until the filing fees are paid in full.

Under the present provisions of section 14b, such an order is not permitted until after all of the filing fees have been paid in full. As a consequence, in cases where the filing fees are not paid in full when the petition is filed but are paid in installments as authorized under General Order No. 35, the court is required in the simplest case to send two separate notices to creditors. The first is the 10-day notice of the first meeting of creditors and the second is the 30-day notice of the last day fixed by the court of the filing of objections to the discharge.

In cases where the filing fees are paid in full when the petition is filed, section 14b now permits the two notices to be combined and a single combined notice is mailed to creditors. The proposed amendment would permit the court to combine the two notices in every straight bankruptcy case. This would effect a substantial saving in the cost of penalty mail, envelopes, paper, and the time of clerical help. The savings are estimated at between $150,000 and $200,000 a year.

The Judicial Conference of the United States, at its meeting in March 1964, upon the recommendation of its Committee on Bankruptcy Administration, approved the proposals contained in the bill which is attached.

COMPARATIVE PRINT

"b. [After the filing fees required to be paid by this Act have been paid in full] (t) the court shall make an order fixing a time for the filing of objections to the bankrupt's discharge which shall be not less than thirty days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. If the examination of the bankrupt concerning his acts,

conduct, and property has not or will not be completed within the time fixed for the filing of objections to the discharge the court may, upon its own motion or upon motion of the receiver, trustee, a creditor, or any other party in interest or for other cause shown, extend the time for filing such objections. Upon the expiration of the time fixed in such order or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed *and if the filing fees required to be paid by this Act have been paid in full;* otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard."

"c. The court shall grant the discharge unless satisfied that the bankrupt has (1) committed an offense punishable by imprisonment as provided under title 18, United States Code, section 152; or (2) destroyed, mutilated, falsified, concealed, or failed to keep or preserve books of account or records, from which his financial condition and business transactions might be ascertained, unless the court deems such acts or failure to have been justified under all the circumstances of the case; or (3) while engaged in business as a sole proprietor, partnership, or as an executive of a corporation, obtained for such business money or property on credit or as an extension or renewal of credit by making or publishing or causing to be made or published in any manner whatsoever a materially false statement in writing respecting his financial condition or the financial condition of such partnership or corporation; or (4) at any time subsequent to the first day of the twelve months immediately preceding the filing of the petition in bankruptcy, transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in a proceeding under this Act commenced within six years prior to the date of the filing of the petition in bankruptcy has been granted a discharge, or had a composition or an arrangement by way of composition or a wage earner's plan by way of composition confirmed under this Act; or (6) in the course of a proceeding under this Act refused to obey any lawful order of, or to answer any material question approved by, the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities; *or (8) has failed to pay the filing fees required to be paid by this Act in full:* Provided, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this subdivision c, would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt."

(NOTE.—The language in brackets is deleted. The language in italic is new.)

THE WASHINGTON NAVY YARD: HISTORY AND TRADITION

Mr. BARTLETT. Mr President, I introduce, for appropriate reference, a bill to preserve as an area of historic interest certain structures and lands of the Washington Navy Yard as a national museum for the people of the United States. This location has played a key role in the development of the Nation's Capital, and in fact dates back to the beginning of the Republic.

President George Washington, together with Maj. Pierre L'Enfant, surveyed the proposed site which was transferred to the United States during the administration of President John Adams by the act of July 23, 1798. The Department of the Navy gives the official founding date of the yard as October 2, 1799. The famous architect and engineer, Benjamin Henry Latrobe, completed plans for the yard in 1805. The home of the first Commandant still stands as a tribute to the architectural skill of Latrobe, and traces of his work are evident in the main entrance arcade. Much of the yard was destroyed by fire during the British siege in 1814. Under the influence and foresight of Comdr. John Dahlgren, the scope of the yard's activity was expanded to include ordnance manufacture and testing to the point where, in recent times, it became the largest naval weapons plant in the world.

Through tradition and history the Navy has played an extremely important part in the development of the United States. George Washington saw the need for a strong Navy both as an extension of foreign policy and as an instrument to keep the high seas open to free trade. With these thoughts foremost in mind he realized that naval vessels must have adequate berthing and shore facilities instead of the then existing occasional service at commercial docks. The Washington Navy Yard was the first of the six proposed yards and was located 12 blocks from the Capitol to be "under the eye of the Government."

Mr. President, the huge machines and factories of the Navy yard are all but silent. A considerable portion of the land and buildings has been declared surplus and is now under the jurisdiction of the Administrator of General Services. There is considerable fear that the historic sections of the yard will also be turned over to the General Services Administration for disposition—thereby losing forever the historical significance of this area.

At the present time, there is a small naval museum operated by the Navy Department for the benefit of service personnel. The staff of the museum is small, and its budget is limited. The museum building has a big overhead crane which is well equipped to handle the many donations of historic equipment for display in the museum. Of special interest at the museum is the private ship model collection of the late President Kennedy. The *Thresher* exhibit is a grim reminder of the noncombative dangers Navy men constantly face.

Largely through the efforts of private individuals, interest in preserving the Navy yard has increased. Until last fall, the average attendance had been small. With the opening of this display center to the public on March 1, 1965, the average daily attendance has more than quadrupled.

The United States does not have a national naval museum as many other nations do. To be sure, it does have several excellent maritime museums—but these are chiefly local in nature and character. The Nation's capital is an ideal location to establish for posterity a national naval museum, particularly in the country's oldest Navy yard. The history of the U.S. Navy is closely interwoven with our American heritage from the pre-Revolutionary days to the present space age. That history must be preserved if future generations are to have full knowledge and proper perspective of the importance of the U.S. Navy to the growth and development of our Nation. It has been suggested that the existing piers be utilized in part to become permanent showcases for such historic vessels as the U.S.S. *Constellation*, Admiral Dewey's flagship, the *Olympia*, and the last square rigged vessel built in the United States, the *Kaiulani*, a gift to this country from the Philippine Government. However, the purpose of this legislation would benefit others than just historians.

Earlier this year, President Johnson stated:

> The river rich in history and memory which flows by our Nation's Capital should serve as a model of scenic and recreational values for the entire country.

It is fitting that Mrs. Johnson's Committee for a More Beautiful Capital will start its tour of the District waterfront from the Washington Navy Yard. The proposal incorporates recreational facilities and plans to improve the appearance of the Anacostia waterfront.

The bill would preserve as an area of historic interest the structures—including piers—lands, and water comprising the Washington Navy Yard which are under the jurisdiction of the Secretary of Defense, when this area is no longer needed for national defense purposes. The protection, preservation, maintenance, and development of the area shall be undertaken consistent with a comprehensive plan to be prepared and carried out by the Secretary of the Interior, in consultation with the Secretary of Defense, the Chairmen of the National Capital Planning Commission and the Commission of Fine Arts, and the Advisory Committee created by the Secretary of the Interior. Such plan shall include, among others, provisions providing for the development of the lands and waters as an area for exhibiting and displaying vessels and weapons.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD and that the bill be left on the desk for 10 legislative days for additional cosponsors.

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 Alaska.

The bill (S. 1927) to authorize the Secretary of the Interior to preserve as an area of historic interest certain structures and lands comprising the Washington Navy Yard, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Armed Services and ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the

purpose of preserving as an area of historical interest (1) the structures (including piers), lands, and waters comprising the Washington Navy Yard in the District of Columbia, which are under the jurisdiction of the Secretary of Defense, and (2) such structures and lands within the Washington Navy Yard, which have been declared excess property, as may be designated by the Secretary of the Interior, the Secretary of the Interior, following a determination by the Secretary of Defense that the structures, lands, and waters referred to in clause (1) are no longer needed for national defense purposes, shall protect, preserve, maintain, and develop such structures, lands, and waters (together with any structures and lands designated pursuant to clause (2)) in the manner hereinafter provided.

(b) The protection, preservation, maintenance, and development referred to in subsection (a) shall be undertaken consistent with a comprehensive plan to be prepared and carried out by the Secretary of the Interior, in consultation with the Secretary of Defense, the Chairmen of the National Capitol Planning Commission and the Commission of Fine Arts, and the Advisory Committee created by the Secretary of the Interior pursuant to section 2 of this Act. Such plan shall include, among others, provisions providing for the development of the lands and waters referred to in subsection (a) as an area for exhibiting and displaying vessels and weapons.

SEC. 2. The Secretary of the Interior shall create an advisory committee to consist of a representative from the Department of the Navy, the United States Marine Corps, and the National Park Service. It shall be the duty of such committee to advise the Secretary of the Interior in carrying out his duties under this Act. Meetings of the committee shall be held at the request of the Secretary. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary of the Interior.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

MENOMINEE COUNTY AID BILL

Mr. NELSON. Mr. President, on behalf of myself and my colleague the senior Senator from Wisconsin [Mr. PROXMIRE], I send to the desk, for appropriate deference, a bill to provide education, health, and welfare aid and the means for a stable economic future to Wisconsin's most poverty stricken county.

Today in the House of Representatives, Representative MELVIN LAIRD is introducing an identical bill.

Menominee County has an average family income of only $2,634, less than half the State average. By every other known index—health, education, unemployment—the county unemployment rate stands at 18 percent—housing—the county is in desperate condition.

In April 1961 over 100 years of tribal status for the Menominee Indians was terminated in the bright hope that the Menominees could make their way on their own.

The hope has not materialized. The bill is designed to help make it a reality.

The problem is not now an Indian problem but a poverty problem. And this is not an Indian bill, but an economic opportunity bill.

The bill would provide 10 years of aid for education, health, and welfare, finance careful economic planning, and provide the long-term loans needed to establish a stable economy.

Specifically the bill would provide $1,125,000 over the 10-year period for education—$150,000 annually for 5 years and a declining amount for 5 additional years; $747,000 over the 10 years of welfare—$100,000 annually for 5 years and a declining amount for 5 additional years; $500,000 for health, especially tuberculosis eradication $100,000 a year for 5 years; $450,000 for the completion of sanitation connections in Neopit and Keshena; $50,000 for a detailed recreational development study under the direction of the Interior Department; $25,000 for a detailed study of the possible expansion of the timber industry; $5 million in long term, low-interest loans to carry out the study recommendations.

Menominee County became Wisconsin's 72d county April 30, 1961, when the tribal status of the Menominee Indians was terminated. The tribal lands and assets were turned over to Menominee Enterprises, Inc., with members of the tribe becoming stock and bond holders.

The county has experienced continued economic difficulty. The expenses of running a county government and the lack of available capital has handicapped the county.

Congress recognized its responsibility for making independence an economic as well as a legal fact in 1961 when it voted funds to aid education and to construct sewer and water lines in the county after termination. Now the education aid has about run out—and all the sanitation money has been spent without completing the sewer and water systems in Neopit and Keshena, the principal settlements in the county.

Continued aid is vitally needed. But if we are to see an end to piecemeal handouts to Menominee County we must do more than simply continue the Federal aid program—we must provide for the planning and capitalization necessary to put the county on a solid financial footing.

The county's great natural wealth includes not only tall forests of virgin timber and lovely lake country but also one of the few untamed rivers in the Nation considered beautiful enough for inclusion in the President's wild river bill. The Wolf River is one of the true glories of Wisconsin.

I am particularly hopeful that sound recreation development planning could lead to a stable economic future for the Menominees. It could also serve as a model for the development of the greatest underdeveloped resource in the northern Great Lakes area.

The orderly way in which the timber operation has been handled by Menominee Enterprises shows that the management capacity is there. But the capital is lacking, and the farsighted recreation development planning that is needed has not been done and cannot be done without substantial Federal aid.

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

The bill (S. 1934) authorizing the Secretary of Health, Education, and Welfare to make certain grants to Menominee County, Wis., and for other purposes, introduced by Mr. NELSON (for himself and Mr. PROXMIRE), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AMENDMENT TO THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED, TO PROVIDE FOR THE TIMELY DETERMINATION OF CERTAIN CLAIMS OF AMERICAN NATIONALS SETTLED BY THE UNITED STATES-POLISH CLAIMS AGREEMENT OF JULY 16, 1960, AND FOR OTHER PURPOSES

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes.

The proposed legislation has been requested by the Chairman of the Foreign Claims Settlement Commission and I am introducing it 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 bill may be printed in the RECORD at this point, together with the letter from the Chairman of the Foreign Claims Settlement Commission received by the Senate on May 3, 1965, as well as a section-by-section analysis of the amendments to the International Claims Settlement Act submitted by the Foreign Claims Settlement Commission in behalf of the executive branch.

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

The bill (S. 1935) to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes, introduced by Mr. SPARKMAN, 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:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Subsection (f) of section 4, title I, is hereby amended to read as follows:

"(f) No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the

Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title, on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both."

(2) Section 6, title I, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Commission shall complete its affairs in conection with the settlement of United States-Polish claims arising under the Polish Claims Agreement of July 16, 1960, not later than March 31, 1966."

(3) Subsection (b) of section 7, title I, is amended by inserting "(1)" after the subsection letter, and adding at the end thereof the following paragraphs:

"(2) The Secretary of the Treasury shall deduct from the undisbursed balance in the Polish Claims Fund, created pursuant to section 8, as of the date of enactment of this paragraph and from each payment thereafter into that Fund, 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. The Secretary shall make payment to the person or persons entitled thereto out of the Polish Claims Fund on account of any amounts deducted pursuant to subsection (b) of section 7 from payments made pursuant to section 8(c) (1) and (2) prior to the enactment of this paragraph.

"(3) The Secretary of the Treasury shall deduct from each payment into any other special fund created pursuant to section 8, subsequent to November 4, 1964, 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts."

(4) Paragraph (1) of subsection (c), section 7, title I, is hereby amended to read as follows:

"(1) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates."

(5) Subsection (c) of section 8, title I, is amended by striking out the phrase "any of the funds" and inserting in lieu thereof "the Yugoslav Claims Fund", and by inserting the phrase "paragraph (1) of" after the phrase "pursuant to" and before the words "subsection (b)".

(6) Section 8, title I, is hereby further amended by adding at the end thereof the following subsection:

"(e) The Secretary of the Treasury is authorized and directed out of the sums covered into the Polish Claims Fund and into any other special fund created pursuant to this section subsequent to November 4, 1964, to make payments on account of awards certified by the Commission pursuant to this title with respect to claims included within the terms of the Polish Claims Agreement of 1960 and of any other similar agreement entered into subsequent to November 4, 1964, as follows and in the following order of priority:

"(1) Payment in the amount of $1,000 or in the principal amount of the award, whichever is less;

"(2) Thereafter, payments from time to time on account of the unpaid principal balance of each remaining award which shall bear to such unpaid principal balance the same proportion as the total amount in the Polish Claims Fund and in any other special fund created pursuant to this section subsequent to November 4, 1964, available for distribution at the time such payments are made bears to the aggregate unpaid principal balance of all such awards; and

"(3) Thereafter, payments from time to time on account of the unpaid balance of each award of interest which shall bear to such unpaid balance of interest, the same proportion as the total amount in the Polish Claims Fund and in any other special fund created pursuant to this section subsequent to November 4, 1964, available for distribution at the time such payments are made bears to the aggregate unpaid balance of interest of all such awards."

(7) Section 302, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Secretary of the Treasury shall cover into each of the Bulgarian and Rumanian Claims Funds, such sums as may be paid by the Government of the respective country pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of such country."

(8) Section 303, title III, is amended by striking out the word "and" at the end of paragraph (2), and by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and immediately thereafter, the word, "and".

(9) Section 303, title III, is further amended by adding at the end thereof the following new pragraph:

"(4) Pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States."

(10) Section 304 of title III is amended by inserting "(a)" after the section number and adding at the end thereof the following subsections:

"(b) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on August 9, 1958, which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to subsection (a) of this section or under section 202 of the War Claims Act of 1948, as amended, or to persons whose claims have been denied by the Commission for reasons other than that they were not filed within the time prescribed by section 306.

"(c) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and the date of enactment of this subsection, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section."

"(d) Within thirty days after enactment of this subsection, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

"(e) The Commission shall certify awards on claims determined pursuant to to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this Title, after payment in full of all awards certified pursuant to subsection (a) of this section.

"(f) After payment in full of all awards certified to the Secretary of the Treasury pursuant to subsections (a) and (d) of this section, the Secretary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 13 of the War Claims Act of 1948, as amended."

(11) Section 306, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) Within thirty days after enactment of this subsection or the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 of this title, whichever is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (4) of section 303 of this title, which limit shall not be more than six months after such publication."

(12) Section 310, title III, is amended by adding at the end of subsection (a) thereof the following paragraph:

"(6) Whenever the Commission is authorized to settle claims by the enactment of paragraph (4) of section 303 of this title with respect to Rumania and Bulgaria, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraphs (1), (2), or (3) of section 303 of the Bulgarian or Rumanian Claims Funds, as the case may be, until payments on account of awards certified pursuant to paragraph (4) of section 303 with respect to such Funds have been authorized in equal proportion to payments previously authorized on existing awards certified pursuant to paragraphs (1), (2), and (3) of section 303."

(13) Section 316, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title not later than two years following the date of enactment of such paragraph, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title, whichever is later."

The letter and section-by-section analysis presented by Mr. SPARKMAN are as follows:

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Transmitted herewith in behalf of the executive branch for the consideration of the 89th Congress is the draft of a proposed bill entitled "A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes."

On July 16, 1960, the Governments of the United States and the Polish People's Republic entered into an en bloc settlement of claims of nationals of the United States against Poland for the nationalization or other taking by Poland of property and rights or interests therein; the deprivation of use or enjoyment of property; and debts of nationalized enterprises. The Polish Government agreed to pay to the U.S. Government an aggregate of $40 million in 20 equal annual installments. Five such installments have been paid to the U.S. Treasury.

A total of 10,239 applications have been received to date, some having been received after the close of the filing date, March 31, 1962. It is anticipated, of course, that the number of valid claims will be considerably less. Nevertheless, all claims filed with the Commission, whether valid or invalid, must be examined and decided by formal opinions.

The Commission started work on the Polish claims program on September 1, 1960, pursuant to title I of the International Claims Settlement Act of 1949, as amended, which established the procedures for the administration of such a claims program by the Foreign Claims Settlement Commission. Title I, however, makes no provision with respect to limiting the time within which the Commission must bring about the timely and orderly completion of the Polish claims program.

As indicated, 10,239 claims have been filed. In relation to programs previously administered by the Commission this one is more than six times the size of the Yugoslav program, equal to the size of the title III program, and more than twice the size of the title IV program. Four years were allowed for the completion of each of those programs. Accordingly, the Commission proposes that the period for processing claims against Poland be no greater than 4 years from the last day for filing claims.

Eight other proposals were contained in the draft measure:

(a) A proposal to relieve the Commission of the burden of determining attorneys' fees and to make title I consistent with the attorney fee provisions of titles III and IV of the International Claims Settlement Act.

(b) A proposal to relieve the Treasury Department of extensive administrative burdens in deducting the Commission's administrative expenses from the Fund instead of from each award by the Commission.

(c) A proposal to reopen the Italian claims program under section 304 of the International Claims Settlement Act of 1949.

The following proposals are designed to provide for the implementation of the United States-Rumanian Claims Settlement Agreement of March 30, 1960, and the United States-Bulgarian claims settlement agreement of July 2, 1963.

(d) A proposal to enable the Secretary of the Treasury to cover the payments of governments with which the U.S. Government concludes en bloc claims settlement agreements into the respective claims fund.

(e) A proposal to provide for a new category of claims against the Rumanian Claims Fund and the Bulgarian Claims Fund.

(f) A proposal requiring the Commission to publish notice of the programs in the Federal Register.

(g) A proposal providing for equitable payments on awards.

(h) A proposal providing for the orderly completion of the Rumanian and Bulgarian programs.

The items covered in the draft proposal will involve little, if any, cost. In any event, the cost of effectuating any of the proposals would be borne by the claims fund concerned and not the U.S. Government.

The Commission cannot proceed in the orderly administration of the Polish, Rumanian, and Bulgarian claims programs unless the items pertaining to them are enacted. With respect to the remaining items, these are considered good administrative housekeeping which should not be left at loose ends. Moreover, it is important that this legislation be enacted promptly because installment payments aggregating $10 million have been made by the Government of Poland. On July 1, 1964, the Government of Rumania made its final installment payment of $500,000 under the terms of the Agreement of March 30, 1960. On July 1, 1964, the Government of Bulgaria made its lump-sum settlement first installment payment in the amount of $200,000.

For these reasons the Commission urges early and favorable action on the proposed bill.

The Bureau of the Budget advises that the enactment of this proposal would be consistent with the administration's objectives.

Accompanying the draft bill is a section-by-section analysis of its provisions.

Sincerely yours,

EDWARD D. RE,
Chairman.

INTERNATIONAL CLAIMS SETTLEMENT ACT AMENDMENTS SUBMITTED BY THE FOREIGN CLAIMS SETTLEMENT COMMISSION IN BEHALF OF THE EXECUTIVE BRANCH—SECTION BY-SECTION ANALYSIS

Paragraph 1: (The enacting clause unnumbered.)

Section 4(f) of title I of the International Claims Settlement Act of 1949, as amended, presently provides for a limitation on attorney's fees of 10 percent of any payment on an award made by the Commission, but it also provides machinery authorizing the Commission to set the amount of such fee within the 10-percent limitation. Further provision is made for deduction by the Secretary of the Treasury of the amount of the fee and for payment directly to the attorney.

Because of the additional administrative burdens imposed upon the Commission and the Treasury Department through such procedures the attorney fee provisions have been considerably simplified in legislation enacted subsequent to title I of the act, namely, titles III and IV. The latter two titles provide simply that such fees shall not exceed 10 percent of any payment made on an award by the Commission, and leaves the settlement thereof to attorney and client.

Paragraph 1 of the proposed bill is designed to repeal present section 4(f) of title I, and to substitute therefor the attorney fee provisions contained in section 414 of title IV of the act.

Paragraph 2: While title I of the International Claims Settlement Act of 1949, as amended, made provision for the initiation of claims programs such as that contemplated under the Polish Claims Agreement of July 16, 1960, and authorized the Commission to set a claims filing period, it did not make provision for establishing the time limit within which the Commission should wind up its affairs in completing the program.

Accordingly, the Commission, having received nearly 10,000 claims during the filing period, recommends in the measure that the windup date be set 4 years from the last day for filing claims. The date thus recommended is March 31, 1966.

Paragraph 3: All claims funds administered by the Commission have been charged with financing the administrative expenses of the Commission and the Treasury. Therefore, section 7(b) of title I of the International Claims Settlement Act of 1949, as amended, presently provides for the deduction of 5 percent of any payment made on an award. Legislation enacted subsequent to title I, i.e., titles III and IV, instead provides for a direct deduction of 5 percent from each payment into the respective funds. This method lifts an extensive administrative burden from the Treasury Department.

It is recommended, therefore, that provisions comparable to those of title IV be included to apply (1) to the undisbursed balance of the Polish Claims Fund as of the date of enactment and to the future payments of $2 million annually into that fund to be completed in 1980; (2) to payments into the fund contemplated by the new Yugoslav Claims Agreement of November 5, 1964, which calls for five annual payments of $700,000, to be completed in 1970; and (3) to payments into any other similar fund.

The Treasury has deducted from payments of up to $1,000 already made on account of the principal of awards under the Polish claims program 5 percent thereof for administrative expenses. Under the present priority of payments, holders of awards in the principal amount of $1,000 or less have not, therefore, received payment in full. For this reason, the proposed amendment provides for payment to those awardholders of the amounts withheld prior to the enactment of this paragraph.

Paragraph 4: Section 7(c)(1), title I, of the International Claims Settlement Act of 1949, as amended, presently provides that payment of awards be made only to the persons entitled thereto except in cases involving legal disability or death. Where the award does not exceed $500, requirements with respect to the appointment of a qualified executor or administrator may be waived and payment made to the person or persons found by the Comptroller General to be entitled thereto.

This proposal raised the limit from an award not in excess of $500 to any payment not in excess of $1,000. This will provide for a more orderly and efficient disposal of claims falling within the provision of the act. A similar change was made regarding claims under title IV of the act against the Government of Czechoslovakia.

Paragraph 5: This proposal involves technical changes in the language of subsection (c) of section 8 of the act to retain the present payment procedures with respect to claims included within the terms of the Yugoslav Claims Agreement of 1948 in the event future prorated payments are made.

Paragraph 6: This new subsection would authorize the Secretary of the Treasury to make payments on account of awards certified by the Commission with respect to claims included within the terms of the Polish Claims Agreement of 1960, the Yugoslav Claims Agreement of 1964, and any other similar agreement subsequent thereto and provides payment in the order of priority as follows: (1) Payment in the amount of $1,000 or in the principal amount of the award, whichever is less; (2) thereafter payments on a prorated basis on account of the unpaid principal balance of each remaining award. This proration will be made on the basis of the total amount remaining in the Polish Claims Fund, in the new Yugoslav Claims Fund contemplated by the Yugoslav Claims Agreement of November 5, 1964, and in any other

similar fund available for distribution after initial payments have been made; (3) payments on account of the unpaid balance of each award of interest under the same prorated basis.

Under these provisions it is possible for claimants having awards less than $1,000 to receive payment in full, excluding awards of interest. Claimants who receive awards in principal amounts over $1,000, would receive additional payments on a prorated basis.

Paragraph 7: Upon completion of the claims program against the Government of Rumania on August 9, 1959, the Commission had issued 498 awards in the aggregate of $84,729,291, including interest, against a fund in the amount of about $22 million. On March 30, 1960, the Governments of the United States and the Rumanian People's Republic executed an en bloc settlement of these claims of U.S. nationals upon the provision that Rumania pay to the United States an additional $2.5 million in five equal annual installments.

On July 2, 1963, the Governments of the United States and Bulgaria entered into a similar agreement providing for the payment by the Bulgarian People's Republic of the sum of $400,000, of which $200,000 was paid on July 1, 1964.

Inasmuch as the statute now provides that the Rumanian and Bulgarian Funds shall be comprised only of sums blocked, vested and transferred by the Attorney General, the additional sums paid by Rumania and Bulgaria cannot by covered into the Funds. New subsection (c) provides the vehicle for accomplishing this purpose.

Paragraphs 8 and 9: Paragraph 8 involves technical changes in the language of section 303, title III of the act to permit the addition of a new paragraph "(4)" as contained in the amendment under paragraph 9. The proposal under paragraph 9 makes provision for disposition of a small number of claims against Rumania, included within the agreement of March 30, 1960, and against Bulgaria, included within the agreement of July 2, 1963, which have arisen since August 9, 1955.

Paragraph 10: This proposal would reopen and extend the Italian claims program to cover claims under section 304 of the act not previously compensable because of late filing and claims of persons who had become nationals of the United States on or before August 9, 1955. The proposal would also include claims arising in territory ceded pursuant to the treaty of peace with Italy, including the Dodecanese Islands which were heretofore excluded under the provisions of the act. Excluded from consideration are claims of persons who have received compensation pursuant to section (a) of section 304, section 202 of the War Claims Act of 1948, as amended, or under the treaty of peace with Italy. Any balance remaining in the Italian Claims Fund after payment of claims as proposed under these amendments would be transferred into the War Claims Fund created under section 13 of the War Claims Act of 1948, as amended.

Paragraph 11: This proposal requires the normal publication of the claims filing period in the Federal Register.

Paragraph 12: This proposal revamps the award payment provisions with respect to claims against Rumania and Bulgaria in order to insure that new awardees will not obtain a pecuniary advantage over previous awardees. Awardees under the Rumanian program have received approximately 35 cents on the dollar in payments on their awards. Awardees under the Bulgarian program have received approximately 50 cents on the dollar in payments on their awards. This proposal would limit payments on new awards to a like extent, and then permit the residual balance to be distributed proportionately among all awardees.

Paragraph 13: This proposal requires the Commission to wind up its affairs in the Bulgarian, Italian and Rumanian claims programs within a period of 2 years.

GRADUAL REDUCTION AND ELIMINATION OF TAX ON COMMUNICATION SERVICES

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a bill to provide for the gradual reduction and eventual elimination of the tax on communication services.

Congress imposed upon the communications services these excise taxes during World War II. The stated purpose of such taxation was to discourage somewhat, during wartime, the use by civilians of an essential service. Now, 20 years later, the tax is still with us. Twenty years ago, no one dreamed this war tax would be continued.

Mr. President, I understand there are approximately 55 million telephone customers in this country today, paying on the average around $19 per year in Federal excise taxes. This amounts to a total of over $1 billion a year.

Certainly the telephone is a necessity in over 40 million homes in this country. It is a necessity on the farm and in businesses. This excise tax on communications is a selective tax and is considered the only such tax now imposed on such an essential service.

We are today continually reminded that the Federal Government is seeking to encourage economic growth. I believe an excellent way to encourage such growth would be to eliminate this tax. Bureau of Census statistics show that, as of March 1960, 86 percent of our households had incomes under $10,000 per year. Certainly, it is true that the repeal of this tax would result in the use of increased purchasing power, to the extent of millions of dollars.

In order to insure the impact of removal would not be too harshly felt by the Treasury, I am proposing in this bill the elimination of the tax over a 3-year period. I ask unanimous consent the bill be printed in the RECORD at this point.

Mr. President, the elimination of this 20-year-old tax, not intended for today, would be good for our economy and for our people.

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. 1936) to provide for the gradual reduction and eventual elimination of the tax on communication services over a 3-year period, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4251 of the Internal Revenue Code of 1954 (relating to tax on communication services) is amended to read as follows:

"SEC. 4251. IMPOSITION OF TAX.

"(a) In General.—There is hereby imposed on amounts paid for the communication services enumerated in the following table a tax equal to the specified percent of the amount so paid pursuant to bills first rendered during the periods specified in such table:

Taxable service	Rates of tax (percent) for period beginning—			
	Before July 1, 1965	On July 1, 1965	On July 1, 1966	On July 1, 1967
General telephone	10	6	4	2
Toll telephone	10	6	4	2
Telegraph	10	6	4	2
Teletypewriter exchange	10	6	4	2
Wire mileage	10	6	4	2
Wire and equipment	8	4	2	-------

The taxes imposed by this section shall be paid by the person paying for the services.

"(b) Termination.—No tax shall be imposed under this section on any amount paid—

"(1) for wire and equipment services pursuant to a bill first rendered after June 30, 1967, and

"(2) for any communication service pursuant to a bill first rendered after June 30, 1968.

"(c) Application Where No Bill Is Rendered.—For purposes of this section, in any case in which no bill is rendered for a communication service, a bill shall be treated as having been first rendered for such service—

"(1) on the date on which payment for such service is made, if such payment is made within two months after such service is rendered, and

"(2) on the date on which such service is rendered, if payment for such service is not made within two months after such service is rendered."

PRINTING OF REVIEW OF REPORTS ON BIG CREEK, AT HAYS, KANS. (S. DOC. NO. 22)

Mr. MCNAMARA. Mr. President, I present a letter from the Secretary of the Army, dated August 17, 1964, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on Big Creek at Hays, Kans., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted May 29, 1951. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

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

VOTING RIGHTS ACT OF 1965—AMENDMENT

AMENDMENT NO. 172

Mr. COTTON submitted an amendment, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) 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.

AMENDMENTS NOS. 173 AND 174

Mr. ERVIN submitted two amendments, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) to Senate bill 1564, supra, which

were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL

Mr. BARTLETT. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1915) to assist in the provision in Alaska of adequate housing for persons who are otherwise unable to finance such housing upon terms and conditions which they can afford, through a program encouraging mutual and self-help, self-government, and individual homeownership, and for other purposes, the name of my colleague, the junior Senator from Alaska [Mr. GRUENING] be added as a cosponsor.

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

PACIFIC MEDICAL CENTER ACT OF 1965—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 28, 1965, the names of Mr. BARTLETT, Mr. BREWSTER, Mr. GRUENING, Mr. HARTKE, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mrs. NEUBERGER, Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio were added as additional cosponsors of the bill (S. 1833) to provide for a Pacific Medical Center in Hawaii, introduced by Mr. INOUYE on April 28, 1965.

CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARINGS ON PSYCHOLOGICAL TESTS AND EMPLOYEES' RIGHT TO PRIVACY

Mr. ERVIN. Mr. President, I wish to announce that the Constitutional Rights Subcommittee has scheduled hearings on June 7, 8, 9, and 10 at 10:30 a.m. in room 2228 of the New Senate Office Building, on the use of psychological tests by the Federal Government.

This represents one phase of our broad study of the rights of Federal employees. In the course of these hearings, we hope to discover to what extent psychological testing is used in Government or financed by Federal funds, and how the constitutional rights of Federal employees are affected by it. Our preliminary investigation and the complaints we have received show that very serious and urgent problems are raised by current practices in this area. We shall hear testimony about the procedures used in hiring, firing, and promoting Government employees on the basis of psychological tests and psychiatric evaluation. Furthermore, since these problems cannot be separated from the more basic issue of the tests themselves, we shall consider the validity and reliability of tests as well as the qualifications of the persons administering and scoring them.

Witnesses will include authors of works on psychological testing, Government officials, representatives of bar associations, Federal employee unions, and civil liberties groups, psychologists, psychiatrists, and others interested in protecting the rights of Federal employees. Any person who wishes to testify or submit statements pertaining to this measure should communicate with the Subcommittee on Constitutional Rights.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the Chairman of the Committee on Foreign Relations, I desire to announce that on Friday, May 7, the Senate received the nomination of John M. Leddy, of Virginia, to be an Assistant Secretary of State.

I announce further that today the Senate received the nominations of Mercer Cook, of Illinois, to be Ambassador to the Gambia; Ridgway B. Knight, of the District of Columbia, to be Ambassador to Belgium; George A. Morgan, of the District of Columbia, to be Ambassador to the Ivory Coast.

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 JAMES E. DOYLE, TO BE U.S. DISTRICT JUDGE, WESTERN DISTRICT OF WISCONSIN

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 19, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of James E. Doyle, of Wisconsin, to be U.S. district judge, western district of Wisconsin, vice Patrick T. Stone, deceased.

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

The subcommittee consists of the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965."

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 165) authorizing reprinting of House Document No. 103 of the 88th Congress.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7064) to amend the Foreign Service Buildings Act of 1926, as amended.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SMATHERS:

Statement by him and address by Vice President HUMPHREY at annual meeting of the President's Committee on Employment of the handicapped, at Washington, D.C., on April 30, 1965.

RESOLUTION OF ILLINOIS STATE SENATE

Mr. DIRKSEN. Mr. President, on March 10, 1965, the Illinois State Senate enacted Senate Joint Resolution No. 22 memorializing both branches of the Congress by resolution to call a constitutional convention for the purpose of having proposed to such a convention an amendment to the Constitution under which 10 percent of all the taxes collected by the United States be refunded to the State in which it is collected without placing any restriction on the way and the manner by which the State might use such refunds.

The suggestion is an intriguing one to say the least because more and more the Federal-State relationship becomes a highly important matter and likewise the competition between the Federal and State governments for the tax dollar of the American citizen. I ask unanimous consent that a copy of the resolution be inserted with my remarks in the hope that this proposal will reach a larger group of the citizenry and bring about some spirited discussion.

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

ILLINOIS SENATE JOINT RESOLUTION 22

Whereas the Federal income tax and numerous other taxes levied by the Federal Government have not only imposed a heavy burden upon the American taxpayer but, by funneling into the Federal Treasury many of the prime potential sources of State revenue, have had a depressing effect upon each of the 50 sovereign States; and

Whereas the Federal Government now takes in Federal taxes from the State of Illinois approximately $7 billion annually, and takes a proportionate amount from each of the other States; and

Whereas for many years State and local governments have been in a straitened financial condition which constitutes a real emergency which has been compounded by the impact of Federal taxation; and

Whereas this emergency could be alleviated if the several States were given their rightful share of the total tax revenues by a system whereby the Government of the United States would refund to each State 10 percent of the Federal taxes collected therein without curtailing or interfering with any present or future program of Federal and State functions; and

Whereas since these tax funds are the taxes from the people, this refund is not to be considered a Federal loan or gift or any form of Federal aid nor will the use of these funds be restricted; and

Whereas this could be accomplished without any new Federal taxes and without interference with any needed function of our Federal Government by eliminating unnecessary Federal expenditures and by curtailing the foreign aid program and especially

by eliminating assistance to nations which refuse to cooperate with our national defense policy, which demonstrate their hate by burning and looting our embassies, which desecrate our flag, and hurl insults at our people: Therefore be it

Resolved, by the Senate of the 74th General Assembly of the State of Illinois (the House of Representatives concurring herein), That we respectfully petition the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States to provide for a refund to each State of 10 percent of all Federal taxes collected therein without any restriction on the use of such refunds; and be it further

Resolved, That a copy of this resolution be forwarded by the secretary of state to every Member of the Congress of the United States from the State of Illinois, and to the Governor and the secretary of state of each of the other 49 States.

PRIVATE ENTERPRISE AND A FREE SOCIETY

Mr. SIMPSON. Mr. President, one of the finest statements I have been privileged to read on the philosophy, purpose, and vitality of the profit system is a speech delivered by Mr. M. Dale Ensign, director of computer systems for the Husky Oil Co. Speaking before the Cody Club, Cody, Wyo.'s Chamber of Commerce, Mr. Ensign took umbrage at those who demean our system of profit, loss, and free choice, and asserted graphically that the freedom to create profit is the foundation on which is built the strongest and most envied nation on earth.

Mr. Ensign points out the folly of the Marxian approach to economics, calling it a "monumental intellectual fraud on the minds of men. The tragedy is that many unthinking people give their allegiance to a doctrine designed to destroy them."

Mr. Ensign told the Cody Chamber of Commerce in his speech which was reprinted in its entirety in the May 6 Cody Enterprise that:

> I am one who believes that, next to life itself, man's most precious possession is freedom of choice. America's free enterprise profit and loss system stands as one of the last remaining bulwarks against the creeping socialistic degeneracy of our age which threatens to destroy freedom of choice.

Mr. President, I ask unanimous consent that Mr. Ensign's speech on our private enterprise system be printed in the CONGRESSIONAL RECORD from the pages of the Cody Enterprise, and I recommend it enthusiastically to the attention of my colleagues and all Americans who daily peruse the RECORD of Senate debate.

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

[From the Cody (Wyo.) Enterprise, May 6, 1965]

HUSKY OFFICIAL PRESENTS CASE FOR PROFIT SYSTEM AT CODY CLUB MONDAY

(Editor's Note.—We are happy to publish, for everyone's enjoyment, a talk given by M. Dale Ensign before the Cody Club Monday. In our opinion it is one of the finest cases for private enterprise we have ever heard. Ensign is director of computer systems for Husky Oil Co.)

THE CASE FOR PROFITS

(By M. Dale Ensign)

Recently I read an article concerning a group of Government economists who advocate that Government control profits. This suggestion comes at a time when the after-tax on U.S. corporate net worth is about 6.8 percent. If 6.8 percent sounds like swollen profits, heaven help us, and there are many of us, including Husky, that would like to be earning that much. Indeed, to enhance the profitability of enterprise, the present administration has of late provided certain profit incentives. These include new depreciation guidelines, investment tax credits and general-corporate income tax cuts.

Businessmen struggling in the arena of competitive combat know what it requires to stay in business. They know that the competitive game of free enterprise is better described as "profit and loss" and the losses oftentimes exceed in number the profits. They know that sometimes profits are up and sometimes they're down. Some say those who are exempted from the rules of the game by subsidies and guaranteed profits soon lose their appreciation of what it's all about. Businessmen know that profits create more and better jobs; that profits enable the business to not merely exist but to grow; to give better service and value to its customers; to develop new products and techniques; to provide better facilities and to raise capital when needed for expansion to pay dividends to stockholders; to meet competition; to do more and better advertising; to build up reserves against lean periods; to make useful contributions to worthy institutions, and to pay taxes required to meet national, State and community needs.

But why is it when profits are so important to everyone do so many—or is it only the vocal few—criticize and downgrade profits?

Now let's see if we can take this riddle apart and find out why our attitudes about profits are as they are. Because we possess conscience and values influenced by moral leaders, with your permission, I am going to tell a couple of Sunday school stories which contain the roots of some of our attitudes about profits.

The world has always had some misgivings about wealth. At least from the time of Christ, much of this misgiving can be laid to variable interpretations and misunderstandings growing out of some of the things He said which have been accepted as a proper code of behavior in the Judeo-Christian world. The following familiar Biblical account provides a good illustration. Jesus was approached by a young man who asked what he must do to have eternal life. The Master answered that he should keep the commandments; do not murder, do not commit adultery, do not steal, do not bear false witness, honor thy mother and father and love thy neighbor as thyself. The young man said that he had done all of these things, and what more was required? Jesus replied that if the young man wished to be perfect, he would sell what he owned, give it to the poor and follow the Master. Whereupon the young man turned away, for he was a man of great possessions. Jesus then exclaimed to his disciples: "Verily I say unto you, that a rich man shall hardly enter the kingdom of heaven."

To many this story means the Lord did not intend the children of man to accumulate wealth. However, a closer scrutiny will disclose the Master's key words, "If thou wilt be perfect." Unquestionably Jesus perceived the remaining principal weakness of this young man, that of his reliance upon wealth rather than upon faith in spiritual principles. Undoubtedly, it was this experience in mind, that on another occasion Jesus said. "How hard it is for them that trust in riches to enter the Kingdom of God." Later, he declared, "For the love of money is the root of all evil." Thus, as I see it, the teaching is, that it is not the possession of wealth that is wrongful, but the love of and trust in riches for happiness and salvation to the exclusion of faith in God is what which can cause a man's downfall. And I personally believe that the downfall of a man can also be attributed to poverty. The poor can as easily develop the weakness of being embittered about their status, envious of other, jealous and resentful, which qualities certainly are no more conducive to the growth of character and spiritual development than the weakness of one who trusts excessively in wealth.

During the medieval period men were counseled that only if they sought wealth for a moral end was it justified. Usurers were dealt with severely. Authorities repeatedly fined banks for charging high rates of interest on loans. Toward the close of the 13th century credit transactions were prohibited altogether. In the middle ages it was thought that public officials were best able to fix the just price, but it was recognized that the drive of the trader to buy as cheaply and sell as he could was effectively held in check by competing rivals.

In the first Massachusetts settlement the town fathers engaged in fixing prices of interest, wages, and profits. However, with the coming of the industrial revolution, mass production and widened trade, the people were eager for a better material existence. Into this breach moved the Puritan who believed that success in business was a sign that "God has blessed his trade."

No historical footnote of the ethics of profitmaking would be complete without a comment or two regarding Karl Marx, who, in the 1850's, advocated that all profits and commodities are exclusively products of labor. Capitalists were described as those who worked parttime and stole from the workers. Marx prophesied that capitalistic exploitation would thrust the masses down to ever-increasing misery and degradation. Marx's writings were so abstract, vague, and inconsistent that no one is sure what he was saying or trying to say. As a prophet he was totally wrong. Far from progressively sinking into misery and degradation the worker and society bettered his material lot. Meanwhile, the Marxists have perpetrated their monumental intellectual fraud on the minds of men. The tragedy is that many unthinking people give their allegiance to a doctrine designed to destroy them.

During the turn of the century new concepts of profit developed in conjunction with a religious movement that resulted in what has been termed "the social gospel." The social gospel held that the profit motive gives selfishness, and not service, top priority, and therefore flies in the face of ethics.

Additionally, the social gospel held that the profit and loss system results in great inequalities of wealth and social status. Undoubtedly, some of today's opposition to profitmaking stems from this thinking.

In the depression years, some religious and political leaders believed that capitalism had reached a dead end and that some form of socialism held the most likely answer to the issue of how much profit was reasonable and how it should be distributed. Many of us who have lived through the depression years have witnesed the creeping, paralytic effects of the acceptance of the socialistic idea. Increasingly people are looking more to the state for their security and less to themselves. As economic decision is transferred from the marketplace to the political process we have more socialism and less profit and lossism.

Roger Blough, chairman of the board, United States Steel Corp., tells the story of a pretty street-corner evangelist who stood rather solemnly in the cold banging away on a big bass drum. A curious reporter listened attentively to her story about

how she had strayed from the path of rectitude and failed to follow her better instincts. She told in detail of the escapades that had led to her downfall, and, finally to her reformation.

"And what are you doing now" the reporter asked. "Well," she replied, "now I just stand on this street corner and bang on this confounded drum."

She paused a moment, before adding, "And mister, you'd better get a drum of your own and bang on it, too."

And gentlemen, this illustrates a point. Many of who know and understand what this thing called business profit is all about, had better join up, at least in spirit, with that pretty young lady and start banging on the profit drum, and we've got a lot to bang about.

First, in answer to the moral criticism, to me there is nothing in the Scriptures to indicate that the accumulation of wealth is wrong. On the contrary, you will recall in parable of talents that the Master rebuked the servant who hid his talent, or money, in the ground rather than invest it wisely to return a profit. Moreover, He took the talent from the servant who failed to produce a profit and gave it, not to the servant who had received two talents and returned an additional two, but rather to the servant who received five talents and returned an additional five to the Master. Thusly he perpetuated the profits of the most successful profitmaker.

Second, it is paradoxical to me that the men criticized as profitmakers are those businessmen which are devoting much of their busy lives to the betterment of communities in which the critics live. You, gentlemen, the business leaders of this community, as you devote your time and energy from your business to improve life within this community are prime examples of what I am talking about. And I would venture to say that if your profits were better, you wouldn't spend them all extravagantly, but rather those profits would find their way into programs for the growth and expansion of your business, the creation of new jobs, the improvement of products and services and more personal devotion to betterment of the community. Therefore, I say that rather than being inimical to Christian fellowship, profits advance the cause.

Third, the profit and loss system implies that men are free to make a profit even if the price of that product is set at a level which wipes out the profit of a competitor. At first glance, this seems to be a heartless system of economics that takes away men's livelihood, renders some property worthless, and causes pain and injury to those who lose in the competitive arena. But this is the inevitable price of progress. It is impossible to visualize progress without someone being discomfited. The only tenable answer it would seem, is that the consumer's interests should take precedence over those of the producer. And should we, in this or any other community, attempt to protect the businessman at the expense of the consumer we have no guarantee that the competitive forces tossed against us by neighboring communities, States, or nations, would be lessened. As someone once said, "No war, no strike, no depression can so completely destroy an established business or its profits, as new and better methods, equipment, and materials in the hands of an enlightened competitor." Competition will move on and perhaps it is well that we remind ourselves that it does not end with the store down the street, but that Dusseldorf, Tokyo, and Hong Kong are in today's competitive arena.

Fourth, the genius of the profit and loss system is not merely that it satisfies the desires and needs of mankind generally but it responds to the factor of variation as between individuals. It allows each man to do anything he wishes so long as he can survive at it. Therefore, each man can survey the field of economic opportunity and gradually tries to push himself into that phase of work which satisfies him best. I am one who believes that, next to life itself, man's most precious possession is freedom of choice. America's free enterprise profit and loss system stands as one of the last remaining bulwarks against the creeping socialistic degeneracy of our age which threatens to destroy freedom of choice.

No one should ever make the mistake of assuming that economic freedom can be divorced from political, religious, and cultural freedoms. As Alexander Hamilton reminds us, "Power over and man's subsistence is power over his will." Even more vivid is the statement by Leon Trotsky, the colleague of Lenin, who said: "In a country where the sole employer is the state, opposition means death by slow starvation. The old principle: he who does not work shall not eat has been replaced by a new one: who does not obey shall not eat." One of the great moral flaws of modern liberalism is its penchant for knowning is good for the others and its willingness to coerce the other man for his own good. When the state becomes monolithic this moral deficiency is elevated to the statues of a virtue. The state then defines the common goal and the individual must conform.

No life is free of the compulsions of nature or the pressures of a social system, but the profit-and-loss process affords maximum opportunity for people to do things because they want to, not because they are compelled.

When it comes to profitmaking, companies have written credos to state what they stand for and believe in, and the thesis that constantly runs through these credos is service and the Golden Rule: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them." Many of America's best profitmakers consciously pivot their efforts around this precept, for they know that it is both profitable and right. When one treats stockholders well they supply funds for new ventures. When employees are highly regarded they cooperate enthusiastically. When the consumers are given an honest product at attractive price, they buy and continue to buy.

You may ask: Where do we begin banging on the profit drum?

To begin with, more attention should be given to pointing up the distinct advantages of the American profit-and-loss system in our high schools and colleges. I am sorry to admit that in 4 years of high school and 7 years of college, I cannot recall a class that emphasized the benefits of the free enterprise system over other systems. On the other hand, I was quizzed at length about the Marxist theory and the Malthusian theory and other economic and social orders that fail to hold a candle to the lasting brightness of the true American system. Accordingly, to our educators may I propose more emphasis in this regard.

To be sure, some companies engage employees who are so far removed from the profit complexes as to be confused about the necessity of profitmaking. I have been told by employees that the first objective of a company is service to the community. While this thought is lofty, let's face it, without profits the company would not exist to perform the service. Therefore, the first order of any business is in making profits, of which we should not be ashamed. So let's drum up the idea with our own employees.

Next, there are those that have lost faith in the basic principles of voluntarism and decentralization and embrace the coercive authority of the Federal state. To these let us say, there is nothing in the evidence that indicates that central direction and control is an imperative of history. Free human beings who are conscious of and responsible for their acts can have any form of society they wish.

And, by all means, let us help bring to an end the disparaging of the profit system and private capitalism. Profits are not dishonorable; they are used to pay billions of dollars in taxes for the support of Federal Government, without which our Government would face bankrupcty. There is nothing disgraceful about making profits to pay debts or to pay stockholders sufficient rent for their money and persuade them to continue to invest their savings in American enterprises.

Let us remember too that the simple judgment of what is adequate in the way of profits cannot be made for us by Government. It can and should only be made in the competitive arena, for this is the American way.

INVASION OF PRIVACY THROUGH MAIL COVERS

Mr. YARBOROUGH. Mr. President, the serious and growing threat, through the practice of mail covers, to the constitutionally guaranteed right of privacy of the individual should be closely examined; and the enactment of legislation to prevent governmental encroachment upon a person's private affairs should be considered.

The action of the Post Office Department in systematically recording all the mail a person or firm receives, as well as all the information obtainable from the mail without opening it, is shocking to the American tradition of inviolability of the mails, as well as being legally questionable.

The fourth amendment protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." No law on the books authorizes such mail tampering.

Federal statutes also make it a crime to delay the mail for any purpose, and specifically if the delay is for the purpose of attempting to pry into someone else's business. Yet, the Post Office Department removes mail from the regular channels, sets it aside, records the information, and then puts the mail back in the regular course—a series of events which certainly delays the mail.

Furthermore, such a mail cover is placed upon any person or firm at the request of any Government Department, and the evidence indicates that this surveillance technique is used with little effort by the Post Office Department to control abuses by any other Government department.

Another objectionable practice is the seizure and opening of the mail by the Post Office for the Internal Revenue Service, for the purpose of aiding in the collection of Federal taxes. The seizure of mail without a search warrant is an obvious violation of the fourth amendment; and the opening of mail is patently illegal, as well as being an invasion of privacy that is directly contrary to all American concepts of fairness and privacy.

Mr. President, I am strongly opposed to such practices of snooping through the mails as illegal and un-American. I ask unanimous consent that an editorial entitled "Pull off the Cover," from the Dallas Times Herald of April 20, 1965, be printed at this point in the RECORD.

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

[From the Dallas (Tex.) Times-Herald, Apr. 20, 1965]

PULL OFF THE COVER

The practice of putting mail covers on individuals should be closely examined. There appears to be too much of this questionable practice. It is evidently too easily done.

Senator RALPH YARBOROUGH was right in terming the practice "un-American" during recent hearings on the Post Office budget. Such things as mail covers, where an individual's mail is checked (not opened) and a list made of just who is writing to whom, and electronic eavesdropping devices are adding up to a loss of privacy for the individual.

The citizen must be given better protection from both private and governmental snoopers.

THE EXECUTIVE ORDER ON STANDARDS OF ETHICAL CONDUCT

Mr. CASE. Mr. President, the Executive order prescribing standards of ethical conduct is a step in the right direction. It recognizes the need for more adequate protection against the misuse of public office, even the appearance of abuse of public trust.

The prescribed standards do not, however, take the place of public disclosure by officers and employees of their financial interests. As the order now stands, it is primarily designed to protect the agency. Recently, there was the case of a governmental official who had profited from information available only to corporate insiders. His activity became known to the agency; but not until it became public knowledge did the official submit his resignation.

One other aspect of the order is noteworthy. It again underlines the double standard practiced by Congress. Limited though it is, the order has no counterpart so far as Members of Congress and congressional employees are concerned. It points up the need for the bill I recently reintroduced—a bill which would require public disclosure for all Members of Congress and all other persons in the legislative branch, as well as for all in the executive branch, who are policymakers or are in a position to influence policy.

GOVERNOR ROLVAAG SALUTES NEIGHBORHOOD YOUTH CORPS PROGRAM

Mr. MONDALE. Mr. President, recently the distinguished Governor of the State of Minnesota, the Honorable Karl F. Rolvaag, forwarded to me a copy of a letter which he had originally addressed to the attention of Sargent Shriver, Director of the Office of Economic Opportunity.

Governor Rolvaag's communication details clearly the tremendous success which has been experienced in Minnesota under the application of title I of the Economic Opportunity Act of 1964. The establishment of Neighborhood Youth Corps has already distinguished itself as one of the most attractive and rewarding programs included in the War on Poverty legislation enacted by the 88th Congress.

I wish to join the Governor in commending the Office of Economic Opportunity and those within that agency directly responsible for the development and execution of the Neighborhood Youth Corps program. I commend the Governor's communication to Mr. Shriver to the attention of all Senators and request unanimous consent that it be printed in full in the RECORD.

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

APRIL 19, 1965.

Mr. R. SARGENT SHRIVER,
Office of Economic Opportunity,
Washington, D.C.

DEAR MR. SHRIVER: Minnesota's experience with the Neighborhood Youth Corps program under title I B of the Economic Opportunity Act has been most encouraging. In the brief period that the program has been in effect several hundred youth have been employed by our conservation department on projects designed for the improvement of our State park, State forest, and State game and fish lands. I am sure that their employment experience has been most beneficial to them as well as to the State.

We have had outstanding cooperation from your office and from all affected Federal and State departments and agencies as well as the local press, television and radio and the general public.

I wish to commend you on the fine job that has been done in this area and I trust that the program can be continued and expanded in the future.

Very truly yours,
KARL F. ROLVAAG, *Governor.*

THE CHALLENGE OF MAN'S CONQUEST OF SPACE

Mr. MONDALE. Mr. President, sometime within the next 5 years, three American astronauts will board an Apollo space craft at Cape Kennedy, for a trip to the Moon. They will be lifted into orbit around the Earth by a Saturn V rocket that will generate 8.7 million pounds of thrust in three stages. Before the Apollo reaches its 100-mile-high orbit, it will have jettisoned the first two stages. The third stage will power the Apollo toward the Moon. At a predetermined point, the Apollo will be released from that stage, and will turn around, to pick up the moon-landing vehicle. After orbit around the Moon, and after the landing on the surface of the Moon, the astronauts will rejoin the moon-landing craft with the Apollo vehicle, and will head toward home.

The goal of this project represents an experiment and an adventure harsher, more demanding, and more inspiring than any we have ever attempted before. We are, in truth, committed to a bold enterprise; and the Apollo program is but a first step in our conquest of the new environment of space. The Saturn V vehicles will be capable of placing men in space, to explore the Moon, the planet Mars, the planet Venus, and even the planet Saturn. In fact, the entire solar system is now within the capability of control by mankind.

A great deal depends upon how we intend to use our knowledge of space, and for what purposes. Last week, I was appointed one of the Senate's advisers to the U.S. delegation to the United Nations Commission on the Peaceful Uses of Outer Space. I am honored that the Senate has seen fit to entrust me with this task. Part of the Commission's purposes is to acquaint our citizens with full information regarding man's exploration of space. Thus, as articles which serve the purpose of explanation and education on our space program, I ask unanimous consent that two articles by staff writers of the Washington Post be printed in the CONGRESSIONAL RECORD. Both of these articles, by Howard Simons and by Chalmers M. Roberts, are excellent accounts of our space efforts, and point out the need to insure that our explorations of space are for peaceful purposes.

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

[From the Washington (D.C.) Post, Mar. 28, 1965]

WE'RE TAKING A BEAD ON THE UNIVERSE

(By Howard Simons)

A handful of dreams ago, it was inconceivable that man could roam the distant heavens. Now what confronts man is: Where to stop? There is no answer. If the universe is infinite, so too, it seems, are man's ambitions to explore.

The first leg on the journey to infinity will be the moon. Perhaps it even will be colonized in the same sense that Antarctica has been colonized by scientists.

Then will come Mars. National Aeronautics and Space Administration officials already talk about sending expeditions to stay there for as long as 18 months. And beyond Mars are the Earth's other planetary neighbors and the vast reaches of the solar system.

American and Russian space planners now propel their ideas of future space travel in nearly identical terms. Lingering doubts that the Russians aim to send cosmonauts to the Moon should have been dispelled March 18 when Lt. Col. Aleksi A. Leonov ventured into the void from his *Voskhod 2* space vehicle. This was a necessary step on the path to the Moon. American astronauts will have to perform the same feat, just as Russian cosmonauts will have to maneuver vehicles in space as Virgil I. Grissom and John W. Young did last Tuesday.

Most Americans involved in the U.S. space effort have always assumed that the Russians are in the moon race. But these same persons are not willing to concede the race to the Russians, at least not on the basis of anything the Russians have achieved or demonstrated to date.

THE RUSSIAN PLAN

There are many ways to gage the pace of the race, but none of the measuring rods is precise enough or reliable enough to warrant a confident prediction of the outcome. The best-informed opinions of what the Russians are up to in space amounts to this:

They want to build a manned orbiting space station and they want to land cosmonauts on the Moon's surface and they want to explore the planets beyond. Space is one of the few areas in which the Russians have had repeated successes and they are not about to deny themselves the benefits that accrue from success, though they have been niggardly about nonmanned space-flight activities. The Russians have orbited relatively few scientific satellites and have yet to report the launching of a communications, navigation, or weather satellite.

Technically, the Russians appear to have elected an Earth orbit rendezvous as the preferred means for getting men to the lunar surface. What this means, in effect, is that

they plan to mate two spacecraft in orbit near the Earth and then send the combined vehicle on to the Moon.

American space planners on the other hand, rejected an Earth orbit rendezvous in favor of a lunar orbit rendezvous. This technique calls for launching a manned spacecraft directly into orbit around the Moon. Then a smaller space vehicle will be launched to the lunar surface from the mother ship, which will continue to orbit. After a short stay on the moon, the astronaut-explorers will fly their bug off the Moon to rendezvous with the mother ship for the return to Earth.

There are no overriding advantages of one rendezvous method over the other where a lunar landing is at stake. In July 1962, when a decision was made that Americans would make the trip via lunar orbit rendezvous, Space Agency officials argued that it offered the cheapest and fastest means to get Americans to the Moon in this decade—the goal set by President Kennedy in May 1961, and reaffirmed by President Johnson.

A BIGGER BOOSTER

To achieve a man-on-the-Moon capability using an Earth orbit rendezvous, the Russions will need a more powerful booster than they have demonstrated so far, according to American experts. Essentially, the Russians have relied on the same basic and reliable booster that shook the world in October, 1957, when it put Sputnik I into orbit.

There have been modifications in this 800,000-pound-thrust booster since then, principally in its upper stages, but it still is not powerful enough even in tandem to send men to the Moon and return them safely to Earth.

Available evidence, presumably from American reconnaissance satellites and other intelligence sources, indicates that the Russians are developing a bigger booster, though they have yet to wheel it out to be seen. This same evidence further indicates that the new Russian booster will not be as large as the gargantuan Saturn V, which will propel three Americans to the Moon. The Saturn will be 362 feet long and have a thrust of 8.7 million pounds.

American experts also have some notions about what the Russians might attempt in space next. The likeliest spectacular this year will be to mate two spacecraft; to rendezvous and dock, as it is called. But there is also the outside chance, the experts say, that the Russians might send a manned spacecraft into a figure eight loop around the Moon and home again. That space feat would not require nearly as much oomph as it will take actually to land men on the Moon.

Whatever the Russians do next, they have been busier than ever. Since January 1, they have sent 13 spacecraft aloft. In a comparable period last year, the number was four. The year before, it was two.

OUR CAUTIOUS PLAN

America's official answer to all this is one of comparative calm. In spite of its $20 billion cost over 9 years, Project Apollo, the American man-on-the-Moon effort, is not a crash program. A crash program, such as the World War II Manhattan project to develop the atomic bomb, is not limited by money but by time. Apollo is limited by money.

With more money, Apollo could be speeded up by months—though not by years. But there are no indications that Project Apollo will be accelerated.

Accordingly, NASA is proceeding toward the Moon landing by following a cautious, stepwise plan that began with the one-man Mercury flights, continues with the two-man Gemini journeys and will culminate in the three-man Apollo flights.

There will be nine more Gemini flights between now and early 1967 when the first manned Apollo is to orbit the Earth. The next Gemini flight is scheduled for early June. It is to last 4 days, during which an American astronaut will literally stick his neck out in space. The rest of the Gemini program will include journeys of 7 days, possibly even 2 weeks; an astronaut duplicating Cosmonaut Leonov's extravehicular aerobatics, and several attempts at rendezvous and docking.

MAN ON THE MOON IN 1969

As soon as the Gemini program ends, the Apollo program will begin with Earth orbit flights powered by Saturn I–B rockets which don't have enough power to make it to the moon. At about the same time, in 1967, unmanned Apollo flights powered by the big Saturn V will begin.

NASA's manned space flight director, George Mueller, said at Cape Kennedy last week that "in 1968 we expect to begin flights of the Saturn V, and sometime in 1969 we expect to be ready for the historic flight that will take the first Americans to the surface of the Moon and back."

NASA officials estimate that over the next 4 to 5 years they will send 25 manned spacecraft aloft. It now appears that it will be a long time, if ever, before Americans will have to wait 22 months to ride vicariously in space with astronauts, as they did between the last Mercury flight and the first Gemini.

NASA currently is spending about $5 billion a year on its activities, with the bulk going for manned space flight. In recent testimony before a congressional committee, NASA Associate Administrator Robert C. Seamans, Jr., said that without more facilities or manpower than presently committed, "We will be able, by 1969, to produce and launch up to six Saturn I–B and six Saturn V vehicles per year."

"Up to eight of these flights," Seamans said, "could be manned orbital or lunar missions; the remainder could be unmanned scientific and technological flight missions."

As to infinity, President Johnson said last January 27 in a letter of transmittal accompanying a space report to Congress: "We expect to explore the moon, not just visit it or photograph it. We plan to explore and chart planets as well. We shall expand our earth laboratories into space laboratories and extend our national strength into the space dimension."

TWO-MONTH ORBITS

Space planners are taking this as a blueprint for the future. It suggests that in the decades after the first lunar landing, the United States will develop the wherewithal to establish a lunar base; to establish a manned orbiting space station and to send men to Mars and beyond.

Post-Apollo missions are already challenging NASA officials. With some modification, they suggest, the Apollo capsule can be used in the 1970's for Earth orbital flights of 2 months duration. Large space stations can be built by crews operating outside their spacecraft. A ferry service can carry crew and cargo to these stations, as well as to the Moon.

NASA, in cooperation with other Government agencies, now in exploring Earth-oriented utilization of manned space stations such as worldwide systems of air traffic control, air-sea rescue and data gathering.

"And for the more distant future," Mueller said, "we are studying such possibilities as an up-to-date inventory of the world's resources and better forecasts of food production."

As space planners study manned missions to the planets, the one that attracts the most interest is to Mars—with the possibility that some form of extraterrestrial life will be found there. A manned Mars mission is still probably 20 years away and will probably require a nuclear rocket.

Nonetheless, it may take a good many of those 20 years to develop the wherewithal to take Americans on the 440-day round trip (by nuclear rocket) to Mars. Mueller has told Congress that the Mars landing mission "presently contemplated are for stay times at Mars ranging from 0 to 550 days to conduct exploration and experimentation."

Meanwhile, the Mars view of Earthbound Americans will be brought into sharp focus this July when the Mariner space probe passes by Mars with its cameras photographing the red planet. The photographs, experts say, will feature Mars with roughly the same resolution that Earthbound telescope viewers now achieve looking at the Moon.

All this program lies ahead. It sounds like an even greater fantasy than the Moon program, which has been widely attacked as a space boondoggle because it would produce little and drain dollars better spent on Earth.

To this, the administration's latest answer came from Vice President HUBERT H. HUMPHREY after a daylong visit to Cape Kennedy during the Grissom-Young Gemini flight. The Vice President said, in effect, that the United States should set its own standards in space, implying that if sputnik had never existed we should still aim for the moon and the universe. He said, too, that space activities should not be regarded as a competitor for education and health dollars. In his optimistic and ebullient way, the Vice President stated, "This country can have both."

And he concluded: "America's economy is better because of the space program. America's education is better because of the space program. America's industry is better because of the space program. Americans are better because of the space program."

THE HARDWARE COMES FROM A WORLD APART

(By Chalmers M. Roberts)

Strolling down the main street of Roswell, N. Mex., a few evenings ago, I came upon a rickety-looking steel frame standing some 30 feet high on the lawn of the local museum.

Inside the frame sits a slender rocket shell. The whole contraption looks like something that a smart present-day high school senior might put together for rocketry experiments.

But, in fact, what stands in front of that museum is the work of Dr. Robert Goddard, the father of American rocketry and one of three men (the others were Russian and German) who pioneered the field. Goddard, who first fired a liquid fueled rocket in Massachusetts in 1926, began his New Mexico experiments on December 30, 1930, when he sent a missile 2,000 feet into the sky at 500 miles per hour.

DISTANTLY DERIVATIVE

Howard Simons, the Washington Post's science writer and I, stumbled across the Goddard memorial during a 10-day tour of some of the Nation's key nuclear weapon, science, and space installations in the Midwest and West. What we saw was remote from the Goddard experiment but in large part was derivative from it, both the military aspects and those having to do with the peaceful exploration of space.

Man and his brain are the key to it all, but man has fashioned machines of such precision and perfection as to be close to defying description. Everywhere—at Strategic Air Command Headquarters in Omaha; at the Los Alamos and Livermore nuclear laboratories; deep underground at the Atlas, Titan, and Minuteman sites; in the workshops of controlled thermonuclear reaction, and at North American and Douglas where they are fashioning parts of the man-to-the-moon project—one is faced with batteries of computers.

The men who run these machines may not be a breed apart in our society, but at times they seem close to it. One finds a fervor, an intensity of interest, in what they are about; a hope that the visitor, too, can understand their aims and their calculations.

Those involved in nuclear weaponry and its possible devastating delivery thousands of miles away in a twinkle of time worry about what their counterparts in the Soviet Union are doing. Slowly, in some cases, they are beginning to worry about what Red China may some day be doing.

Those involved in putting an American on the moon worry about Soviet space exploration. Those involved in peaceful pursuit of the atom and its ability to serve rather than destroy mankind hide no secret and invite Soviet cooperation.

PASSIONATE DETACHMENT

In the world of these laboratories, be they behind guards and fences, or underground where men in uniform wear sidearms, or in more freely accessible places, the events in Alabama or in the Vietnamese paddy fields seem remote. Indeed, at many levels one finds a singular intensity of purpose to do the job at hand with little or no attention to its relationship to the larger scheme of American life, something one can find in so many other sectors of our society.

Aside from the men and their machines, the other dominant impression one receives is that of speed. From Goddard's primitive rocket in the New Mexico sky to 10,000-mile intercontinental missiles and 245,000-mile trips to the moon has been a mere 35 years, only half a lifetime.

In September 1959, I rode in a train with Nikita Khrushchev along the California coast past Vandenberg Air Force Base and saw, as he could, three operational Atlas missiles, the first such American ICBM's. There had been a first test firing from the Vandenberg range only 11 days earlier.

Now the Atlas is obsolete; as a weapon, they will all be phased out of action by June 30. The Atlas served well to boost John Glenn and his fellows into the Project Mercury orbits, but its complicated fueling, its maze of umbilicals, the almost cotton batting treatment that this monster requires—all the thousand-times Rube Goldberg complexity has junked it as a weapon.

OBSOLESCENCE COMES FAST

This multimillion-dollar investment in military deterrence has run its useful lifetime in a mere 5½ years. Today they are arguing about what to do with the concrete silos in which the Atlases have been hung by mammoth suspension cables and springs.

So the search for the new and the better, be they machines of construction or of destruction, goes on, and at fantastic cost. One returns from such travels with both admiration and respect: admiration for American brains and ingenuity; respect for American dedication to the task at hand and sometimes to the national interest involved.

But, one also returns to Washington whence came the direction and the dollars for it all, with the fateful question of whether national leadership will be able to assure that what mankind creates will remain its servant.

THE ROTC IN PREPARATORY SCHOOLS

Mr. ROBERTSON. Mr. President, the computers used by our brilliant Secretary of Defense in arriving at military decisions do not give the National Guard, the Army Reserve, or the ROTC units a high rating. He, therefore, desired to curtail all of those activities in a major way. Congress, however, was not willing to put all of its defense eggs in the one professional military basket and, therefore, continued to appropriate sums for the full continued operation of all three activities. But the Secretary of Defense in his rapid climb to power learned some years ago, in refusing to carry out the congressional mandate to continue the production of long-range bombers, that he could strangle and gradually kill any particular program merely by refusing to spend what the Congress had appropriated for its operation. He has applied that technique to the ROTC units in preparatory schools or junior colleges.

In 1963, the Secretary of Defense told the Congress that the Army was not getting enough benefit from that type of training to justify its continuation, and he asked permission to strangle it to death merely by having Congress refuse to appropriate the necessary operating funds. Congress promptly replied by not only appropriating all necessary funds for continued operation, but it reenacted the ROTC program for high schools and prep schools. So, early this year, the Secretary of Defense designed a new method of eliminating at least some of those ROTC units in the South. Knowing that it is no easy matter for a small educational unit in the South to integrate where boys must eat together, sleep together, and share their dates, he issued a directive that all preparatory schools must sign a nondiscrimination pledge that would apply not only to enrollment but to the daily activities in the school or else lose their ROTC unit. He instructed his Secretary of the Army to implement that order who, in turn, relayed it to the Adjutant General of the Army. It was not until April 26 that the Adjutant General of the Army mailed that directive to Fork Union Military Academy. The president of that school is well known to the military authorities, because he has served as president of the National Association of Military Academies. But, no notice of the desegregation order was sent directly to him. It was contained in a letter to an Army major, serving at Fork Union as professor of military science, and that Army officer was instructed to inform the president.

Mailing date was April 26; received at Fork Union, April 29.

Article 7 of the directive:

> Those schools or school districts, which are partially integrated in response to a court order or have partially completed a phased desegregation or plan to desegregate and wish to continue to receive Federal assistance for, or Federal recognition of their ROTC–NDCC program should submit a plan for desegregation to the Adjutant General. If such a plan has been submitted under a court order or in connection with Federal assistance from any other Federal agency, then such plan need not be resubmitted.

I call attention in this directive to the word plan. If, as used, that is a noun, then Fork Union and all other prep schools that have not desegregated are absolutedly out. In the remainder of the order "plan" is definitely used as a noun. Fork Union Military Academy has in recent years received the highest rating for academic as well as military proficiency. It had been giving training in military science and tactics long before the junior ROTC program was established, but it has been in the ROTC program for the past 46 years.

Some years ago, I accepted membership on the board of visitors of Fork Military Academy, both because I was interested in an opportunity for Virginia boys to get a little better preparation for college work than was being given in some of our rural areas, and likewise because I had had some experience with the subject of military training through service on the Board of Visitors of the U.S. Military Academy, the U.S. Naval Academy, and the Virginia Military Institute. It was not until the morning of May 5 that a fellow member of our board brought to my attention that the directive had been received from the Adjutant General of the Army for a certificate of full compliance with the order of the previous February. Knowing that there was no legal basis for the order unless the Defense Department had misconstrued the meaning of title VI of the Civil Rights Act of 1964, I sent the following telegram to the Secretary of the Army:

> As a member of the board of trustees of a private preparatory school in Virginia called Fork Union Military Academy, which not only is in the ROTC program, but each year receives the highest award for efficiency, I am informed that your Adjutant General has notified this school that it submit to him a plan of integration by the first of next month. Please advise me under what law your Adjutant General has made that demand and if he claims he is operating under title VI of the Civil Rights Act of 1964. Please advise what part of the Federal contribution to the ROTC units goes to the prep schools and not directly to the students, and also give me the wording of the regulation you have issued under the provisions of the Civil Rights Act of 1964 with which you are now requiring compliance, including your definition of the word "discrimination."
>
> In event of desegregation, will you still require boys receiving Federal funds under ROTC program to devote 8 hours a week to strictly ROTC activities to qualify them for better military service in regular military units of the Defense Department?
>
> An immediate reply is respectfully requested because the issue must be considered by the executive committee of the Fork Union Board next Tuesday.

That telegram left my office about noon of Thursday, May 6, and there is no reason to assume that it was not promptly delivered. Since the Secretary of the Army had been aware of the order in question for more than 2 months, he could easily have replied to my message either by telegram or by letter in a matter of hours. But he has never seen fit even to acknowledge receipt of my telegram. The principal reason, of course, for that discourtesy is the fact that the action taken was illegal and the Department of Defense can give no satisfactory ground for having taken it. Unfortunately, however, the rudeness shown me by the Secretary of the Army in this matter is but one of many evidences of the fact that we are gradually shifting from a government of laws to a government of men and in the latter type of government, Members of Congress may well expect more bureaucrats of the type described in 1825 by Senator Randolph, of Virginia, when he said:

> His mind is like the Susquehanna Flats—naturally poor and made less fertile by cultivation. Never has ability so far below mediocrity been so richly rewarded—not since Caligula's horse was named Consul.

PRESIDENT JOHNSON'S REMARKS BEFORE THE REA CONVENTION

Mr. YARBOROUGH. Mr. President, on May 4, 1965, President Johnson made a fine speech before the Rural Electrification Association convention, here in Washington. A large group from Texas was in attendance.

During President Johnson's long service in the House of Representatives and in the Senate, he was one of the most consistent supporters of the REA in the entire Congress. He was and he is a good and true friend of the Rural Electrification Administration.

Because of the importance of President Johnson's message in reflecting the present and the past significant roles which the REA has played in the development of our country, I ask unanimous consent that the President's speech be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE REA CONVENTION AT THE WASHINGTON HOTEL, MAY 4, 1965

Mr. Chairman, Senator YARBOROUGH, Congressman PATMAN, ladies and gentlemen, I am glad to know that Babe Smith and the Pedernales Electric Cooperative and the Blue Bonnet Cooperative are sponsoring this dinner. I have never known Babe to be a fast man with a buck. So we can all be mighty sure that the Texas congressional delegation rates pretty high—at least with Babe.

As a matter of fact, if I had not had some problems to worry about tonight myself, I would have come over a little sooner, because all of my family's life we have been paying out to the Pedernales Electric Co-op, and tonight I could have had one meal on them without that monthly minimum.

You have all followed the events of the past few days, I am sure. So I think you know why I am here.

For all of my public life, whenever I have been in need of light, I turn to the REA. I know that some of you were first against my policy about turning out lights in the White House until I found out that we were serviced over there by private power and then you regarded that as a step in the right direction.

For years everyone has wondered what there would be to do when all rural America had electricity. Well, I think now you have the answer—you are going to eletcrify the rest of the world.

Tonight, an REA team is in South Vietnam at my request, talking and planning and working with the officials there, to find ways to bring the healing miracles of electricity to that poor, war-torn countryside where the per capita income is $50 a year, and where the average person's span of life is 35 years.

So we must be ready to fight in Vietnam, but the ultimate victory will depend upon the hearts and the minds of the people who actually live out there. By helping to bring them hope and electricity you are also striking a very important blow for the cause of freedom throughout the world.

Wherever we are in the world, whatever we are doing in faraway places—many with strange sounding names—we are doing it not for power, not for territory, not for dominion, or not for influence. It is none of these things that we want. We want nothing that someone else has. We are there because we have to be. We are there so that the free choice of peoples to select their own pathway to their own future can be preserved. We are there because the United States of America in 1954 gave our word, and our pledge, and our commitment. And we keep it.

As we labor there tonight, there are a hundred other little nations in the world that are looking, and watching, and hoping, and praying, because if we were unsuccessful there they know they are next on the list. Once our promise is broken in one place, even though it is a little country called South Vietnam, America's promise is worthless in all places. Once we ignore and fail to live up to our treaty in southeast Asia, our treaty in Berlin is not worth the scrap of paper it is written on.

This has been a rather long day for me, and I suspect the night will be even longer. But however heavy the burden and however demanding the task, we are not about to drag or to fail.

Whether it be in Vietnam, where a brave people struggle for their own freedom, or whether it is the Dominican Republic, where the spoilers of freedom have plundered and killed, this Nation—your country—will do what is right, and will do what is just, and will do what is needed—when it is needed.

I do not want to keep you long this evening. I would hope that some of my problems go away with the dispatch that I am to depart this rostrum tonight. But I could not let you come to Washington without telling you of my gratitude and the affection that I have had for all the REA people since REA was born.

The REA is, has been, and I hope always will be my friend. I want to keep it that way.

And now just one other thought. There are 351 men and women associated with me in attempting to provide leadership to this great country in these troubled and critical times. We never know what the next moment will offer. In that group, Texas has one of the largest delegations, and one of the most trusted and most able.

While I have been known to differ with my fellow man in Congress—of both parties—from time to time, I have not found it necessary to ever criticize or to quarrel with any of the members of my delegation from my State.

I have been President 17 months and they have supported me beyond my wildest and fondest expectation. When they could vote with me, and for me, and in good conscience, they were down in the front row with their flag flying high. When they could not, they were very frank and friendly, and praying that I would not make that mistake again.

Thank you.

RESOLUTIONS ON REPEAL OF EXCISE TAX ON AUTOMOBILES

Mr. CARLSON. Mr. President, the Kansas Motor Car Dealers, meeting at their 34th annual convention in Wichita, Kans., on April 27 and 28, urged Congress to write legislation that would eliminate the Federal excise tax on passenger cars, and also would make retroactive application of the automotive-excise-tax reduction.

The Federal excise tax on passenger cars was originally approved as a wartime tax on October 4, 1917; and since that time it has been both extended and increased. The tax was finally repealed on May 29, 1928. It was reimposed on June 21, 1932, and since that time has been extended continuously.

It is my hope that within the next few week, when Congress considers the repeal of excise taxes, it will reduce or eliminate this tax, which in 1963 cost the citizens of the State of Kansas over $20 million.

I ask unanimous consent that the resolutions adopted by the Kansas Motor Car Dealers at their meeting in Wichita be printed in the RECORD.

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

RESOLUTION ON RETROACTIVE APPLICATION OF AUTOMOTIVE EXCISE TAX

Whereas a 10-percent Federal manufacturers excise tax is presently levied on all new automobiles manufactured for sale in the United States; and

Whereas several bills have been introduced in the Congress, to either repeal or substantially reduce this Federal excise tax; and

Whereas President Johnson has called for repeal or reduction of Federal excise taxes in the amount of $1.75 billion in 1965; and

Whereas news media are widely noting these legislative proposals and predicting reduction of varying degrees in the Federal excise tax rate on new passenger cars; and

Whereas the Federal excise tax on a new passenger car is such a significant amount, averaging about $225 per car, the purchaser of a new car would likely be induced to delay purchase until final legislative action was taken; and

Whereas an understanding by the public that the repeal or reduction if any, of the Federal excise tax on passenger cars would be made retroactive to a certain date, would minimize the likelihood of postponement of presently planned purchases of such articles and would lessen the risk of serious adverse effect upon the economy in general and the automotive industry in particular: Now therefore, be it

Resolved, That the members of the Kansas Motor Car Dealers Association, representing all domestic and imported makes of vehicles sold in Kansas, in convention assembled this 28th day of April 1965, urge either the immediate enactment of legislation providing for refunds to purchasers of the Federal excise tax paid by them on new passenger cars purchased prior to the effective date of enactment of legislation, if any, repealing or reducing said tax; or an assurance, at the time that public announcement is first made of consideration by Congress of legislation to repeal or reduce these Federal excise taxes, that such repeal or reduction will be made retroactive to the date of the first public announcement of consideration by the Congress of legislation to repeal or reduce Federal excise taxes; be it further

Resolved, That a copy of this resolution requesting and urging support for such action by the Congress, be forwarded to each U.S. Senator and Representative from the State of Kansas.

Unanimously approved:

THE KANSAS MOTOR CAR DEALERS ASSOCIATION,
WILL G. PRICE, Jr., *President.*

RESOLUTION ON ELIMINATION OF FEDERAL EXCISE TAX ON PASSENGER CARS

Whereas a Federal excise tax was first imposed on automobiles October 4, 1917, at the rate of 3 percent of the manufacturers' selling price. This wartime tax was increased to 5 percent on February 25, 1919, and reduced to 3 percent on March 27, 1926. This temporary tax was finally repealed on May 29, 1928; and

Whereas this tax was reimposed on June 21, 1932, during a depression at the 3 percent rate, increased to 3½ on July 1, 1940, and to a 7 percent permanent rate on October 1, 1941. On November 1, 1951, a temporary 3 percent increase brought the tax to a total of 10 percent, and this temporary 3 percent has been extended year to year by successive excise tax extension acts; and

Whereas Federal excise tax revenues from the sale of passenger cars in 1963 in the State of Kansas amounted to $20,349,000 constituting a heavy tax burden on the citizen of this State, which should be eliminated, and

Whereas Federal automotive excise taxes are levies that exact a special fee from purchasers of motor vehicles over and above all other taxes and no other form of transportation is subjected to similar special taxation; and

Whereas the present excise tax on motor vehicles was conceived and placed into effect during various national emergencies; namely, the 1932 depression and two military conflicts; and

Whereas the national emergencies during which these excise taxes were created have long since been resolved and no longer exist; and

Whereas these taxes are of a discriminatory nature and because they were enacted as temporary levies: Now therefore be it

Resolved, That the members of the Kansas Motor Car Dealers Association, in convention assembled this 28th day of April 1965, urge the immediate elimination by the U.S. Congress of the Federal manufacturers excise tax of 10 percent on passenger cars as being in the best interests of the citizens of this State and of the national economy; and be it further

Resolved, That a copy of this resolution, requesting and urging support for the elimination of this tax, be forwarded to each U.S. Senator and Representative from the State of Kansas.

Unanimously approved.

THE KANSAS MOTOR CAR DEALERS ASSOCIATION,
By WILL G. PRICE, Jr., *President*.

THE HUNGARIAN MINORITY IN RUMANIA

Mr. PELL. Mr. President, about a year ago, on May 11, 1964, in this Chamber, I made a statement on our negotiations with Rumania in the economic and cultural fields and on the situation of the Hungarian minority in western Rumania, known historically as the province of Transylvania.

At that time, I agreed with the general policy of our Government of expanding cultural, economic, and trade ties with the peoples of Eastern Europe, but had insisted that, in return, the Rumanian government grant a general amnesty to its many political prisoners, including those sentenced to long terms in prison after the abortive 1956 Hungarian revolution which also filled the Hungarians of Transylvania with unfulfilled hopes. I stated that trade concessions on our part should form a quid pro quo in effecting the release of the prisoners and for a more humane nationality policy on the part of the Rumanian Government.

I wish to review what has happened during the past 12 months. There were, of course, some improvements. The Rumanian Government implemented the general amnesty, and released about 11,000 prisoners, among them some Hungarians. Yet, according to some sources, the Rumanian Government apparently still failed to make good its promise of general amnesty for political prisoners. The January 1965 issue of Eustomy, the quarterly journal of Amnesty International, published in London, and having consultative status with the Social and Economic Council of the United Nations, tells us that despite the releases, which even included former members of the Iron Guard, at the behest of the now deceased Rumanian Communist leader, Gheorghiu-Dej, two groups were not released. I quote:

There are two small groups of political prisoners who do not appear to have been released. The first are about a dozen high Communist officials, who have been accused of currency offenses—smuggling money and depositing it in Swiss banks. This is regarded as sabotage, and therefore a form of treason, in Communist lands.

The second group are Hungarians, members of the minority in Transylvania who have been agitating against the suppression of their countrymen (closing of Hungarian schools, universities, etc., in Transylvania).

Personally, I hold no brief for the first of these two groups. However, it does appear that one of the salient points in my speech last year has not been completely fulfilled; and I hope that in future talks the State Department will raise this issue with the Rumanian Government, so that those still lingering in prison, because of Rumanian nationality politics, will be released.

During the year, one of our distinguished foreign correspondents, George Bailey, from the Reporter magazine, visited the area. His experiences were published in the form of an article entitled "Trouble Over Transylvania," in the November 19, 1964, issue of that magazine. In the article, he stated clearly the inadequacies and injustices of Rumanian nationality policies in Transylvania toward the Hungarian minority.

Mr. President, it is interesting to note that the economic and trade relations between us and the Rumanian Government has developed in a rather unusual manner. Rumanian interest lies mainly in receiving technical information—just in the months of March and April, we have given them data for three patents, and have permitted reexportation to Rumania of a patent granted originally to Japan and certain chemical machinery, including a methane pipeline booster station. On the other hand, in dollars the trade remains rather small.

In this connection, it is also interesting to note that under existing cultural and other exchanges, virtually no Hungarians from Rumania come to the West. I trust that in future negotiations, our Government will take discreet steps to insure that the Hungarians from Rumania are also included in the exchanges, inasmuch as this is their only opportunity to have contact with the West.

The cultural policies of the Rumanian Government have not improved over the past years. Even in the few Hungarian grade schools in purely Hungarian areas Rumanian-language instruction exceeds now, in weekly hours, such instruction in Rumanian schools and the merged classes and subjects. Even Hungarian Communists do not receive their proper place in the Rumanian administration. An analysis of the sham elections of March 1965, shows that in the Rumanian Parliament, among the deputies, only 14 are of Hungarian nationality.

On May 11, 1964, I said:

It seems to me that Rumania should be required to lift the heavy hands of oppression before we clasp her proffered hand of friendship.

Mr. President, I am glad that some steps have been taken in this direction. But there is still more room for improvement by the Government in Bucharest.

RUMANIAN INDEPENDENCE DAY

Mr. YARBOROUGH. Mr. President, today, May 10, stands as a symbol of proud history and of freedom valiantly won, for today is the 88th anniversary of Rumanian independence, which the Rumanians won in 1877.

It is with pride that we note the fortitude and the courage of the Rumanian people, as reflected in their history. We are also proud of the many contributions which the American citizens of Rumanian extraction have made to this country.

However, it is unfortunate that this holiday cannot be celebrated within the boundaries of that nation, whose history is so steeped in love of freedom. The Communist dictatorship has deprived Rumania of today's celebration, just as it has deprived the Rumanians there of their freedom.

Although Rumania stood as a free country for almost 70 years, she became a victim of aggression, and she is now a captive subject of the Soviet Union and the Communist conspiracy.

Despite the hardships which history has dealt Rumania, the people there have not lost their love of liberty or their desire for national independence. On this independence day, we in America join them in their celebration, and share their hopes and ideals for liberty and freedom for Rumania.

Mr. BAYH. Mr. President, this is a day of very special significance for citizens of Rumania and for people of Rumanian origin.

It was on this date in 1877 that Rumania became an independent nation for the first time in history. Rumanians rightfully recall with pride that achievement, even though they are saddened by the present plight of their homeland.

The Rumanian Nation suffered greatly after attaining independence. It sustained terrible losses in the two World Wars; and during the past 18 years, Rumanians have not been blessed with a free and independent government.

It is heartening that, in recent years, Rumania has begun to adopt a more independent role in its relations with other nations. But the Rumanian people do not have the freedoms cherished by citizens of other countries.

Rumanian citizens are not permitted to observe the anniversary of their country's independence. To show our continued sympathy for their lack of freedom, it is fitting that this traditional holiday is being commemorated in our Nation. The Rumanian National Committee is sponsoring an observance today at the Carnegie Endowment International Center, in New York City.

It is inevitable that one day the high aspirations of Rumanian citizens for freedom and full independence will be realized.

AIRMAN HOVAN WRITES THAT VETERANS CANNOT AFFORD COLLEGE

Mr. YARBOROUGH. Mr. President, the economic difficulty which confronts a veteran who hopes to attend college is almost insurmountable, inasmuch as it is virtually impossible for a serviceman ever to save enough money to be able to pay college expenses when he returns to civilian life.

The difficulty of this problem was recently explained in a letter which I received from James G. Hovan, airman first class in the U.S. Air Force. In the letter, he states that, at his wage scale, he would have to save every penny he earns for a year, in order to be able to attend college for a year. That would mean that he could not spend a thing for a year—an impossibility for anyone.

I ask unanimous consent that his letter be printed at this point in the RECORD, to emphasize the need for a cold war GI bill to help our veterans finance an education.

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

CAMPION AIR FORCE STATION, ALASKA,
May 3, 1965.

DEAR SENATOR YARBOROUGH: On behalf of thousands of military men including myself, I would like to take time to thank you for supporting the cold war GI bill. It is my belief that something of this nature is long overdue. Especially the educational part of it, although all parts are equally important.

I am a native of Ohio, and after my discharge next February I plan to finish my education at Ohio University. But a large problem enters into it, for me as well as other servicemen. And this problem is one of finances. As an airman first class, I earn roughly $2,430.40 a year. One year at Ohio University including books, board, etc., is $1,288. Which means if I were able to save 1 year's pay without spending a penny I could have saved enough to go to school 1 year. But that is without any spending at all, which is utterly impossible. The $2,430 mentioned above are the wages of an airman first class. But what of the lower ranking men who only earn half or less than that amount? Their hopes of ever completing a first-rate education are even dimmer. That is why the subsistence in the bill is of such great importance.

Since articles pertaining to the status of the bill are somewhat sparse it is difficult to see how it is progressing. Maybe by the time this letter reaches you the bill might already have been passed. At any rate Mr. YARBOROUGH thank you.

Very respectfully,

JAMES G. HOVAN,
Airman First Class, USAF.

ASSATEAGUE ISLAND NATIONAL SEASHORE

Mr. BREWSTER. Mr. President, I rise once again to speak of the necessity for early action on Senate bill 20, which would establish the Assateague Island National Seashore.

I first introduced this proposed legislation in September 1963. When I again introduced the bill, on January 6, 1965, I noted that private commercial developers were pressing the State of Maryland for permits to begin construction on the island. In an initial court test, the State's failure to grant permits was reversed; and the State appealed to the Maryland Court of Appeals. I said at that time:

If the opinion of the lower court is sustained, there is little likelihood that private development can be forestalled. The millions of people living in Baltimore, Washington, Wilmington, and Philadelphia, and those additional millions who will visit the seashore annually, will have been deprived of an unprecedented recreational opportunity. I hope the Congress can act in time.

Mr. President, "in time" is now. The Maryland Court of Appeals, in a 4-to-3 ruling, last Tuesday, sustained the lower court, and ordered the State to issue water and septic tank permits for the development of more than 50 acres on Assateague Island.

If we are not to lose forever this magnificent opportunity to provide the best in outdoor recreation for millions of our fellow citizens and for their children and grandchildren, affirmative action can no longer be postponed.

By way of further explanation, I ask unanimous consent that an article which was published on the front page of the May 5 Washington Star, and two editorials urging early enactment, from the May 6 editions of The Washington Post and the Washington Star, be printed at this point in the RECORD.

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

[From the Washington Star, May 5, 1965]

SENATOR SEEKS FAST U.S. ACTION ON ASSATEAGUE—BREWSTER MOVES AS COURT UPHOLDS PRIVATE DEVELOPER

Senator DANIEL B. BREWSTER, Democrat, of Maryland, today called for swift congressional action to save Assateague Island from private development expected in the wake of a Maryland court of appeals decision.

The State's highest court, in a 4-to-3 ruling yesterday, ordered the Maryland health department to issue water and septic permits to Robert C. Walker for development of more than 50 acres on the Atlantic Ocean barrier reef.

The decision was expected to clear the way for approval of six other permit applications which have been held up in Worcester County circuit court pending an appellate decision in the Walker case.

TAWES FAVORS U.S. PURCHASE

Gov. J. Millard Tawes and other State officials have urged Congress to approve Federal purchase and preservation of Assateague as a natural seashore park before development makes future purchase too costly.

Federal acquisition of Assateague headed a list of proposed recreation areas listed in a conservation message sent to Congress February 8 by President Johnson.

In view of yesterday's Maryland appellate decision, BREWSTER said, "Congress is the real court of last resort.

"If Congress fails to act swiftly, the American public will lose forever the finest seashore park area on the Atlantic coast," BREWSTER said.

WALKER PLANS EARLY START

Walker today said today he hopes to have some of his property under development this summer. The land all lies within the tract proposed for Federal purchase.

Maryland now owns a 2-mile stretch of Assateague which it is developing into a State park. Another 15 miles have been plotted for homebuilding by private developers.

The incentive for private development was heightened last September 25 when the State opened the first bridge from the mainland across Sinepuxent Bay to Assateague.

BREWSTER introduced a bill earlier this year for Federal purchase of the island except for the State-owned portion. Hearings were held in March by a Senate interior subcommittee.

SPEED BILL, BREWSTER URGES

BREWSTER today said he is asking the committee chairman, Senator ALAN BIBLE, Democrat, of Nevada, to move the bill as soon as possible.

In their decision, the four Maryland appellate judges upheld the Worcester County circuit court ruling to grant water and septic tank permits to Walker.

The high court said Robert M. Brown, chief sanitary engineer for the State health department, was not qualified to testify as an expert in the case, because he had not personally examined Walker's property after his application was filed in May 1963.

[From the Washington Post, May 6, 1965]

EMERGENCY AT ASSATEAGUE

Assateague Island is now defenseless against the threat of uncontrolled development. The Maryland Court of Appeals has decided, by four judges to three, that the State health authorities must permit developers to install their own sewage systems. Heavy construction is now possible along the beach that is the Washington-Baltimore metropolitan area's last hope for an unspoiled national seashore.

Assateague can be rescued for the public only if Congress passes legislation before the developers get underway. The Senate's hearings have ended, but the bill remains motionless. The reasons for this delay are obscure. Both Senator BREWSTER and Senator TYDINGS actively support it. Assateague's Congressman, Mr. MORTON, and the State's Congressman-at-large, Mr. SICKLES, support it. Governor Tawes supports it. The Interior Department supports it. And yet, strangely, the bill is stuck fast.

"Our present system of parks, seashores, and recreation areas—monuments to the dedication and labor of farsighted men—do not meet the needs of a growing population," President Johnson said in his message on natural beauty 3 months ago. He placed Assateague first in his list of the parks to be acquired with the new conservation fund.

But Assateague will never be a park if it is commercially developed as another popcorn-and-pizza beach resort. The court's decision means that Congress has no more time to waste. The Federal Government must acquire Assateague now or never. Only President Johnson's direct intervention can produce legislation fast enough to preserve Assateague in its natural beauty for the people of the crowded, urban east coast.

[From the Washington Star, May 6, 1965]

ASSATEAGUE NOW

Most Americans would agree that it is the duty of Congress to consider legislation with all deliberate speed, allowing ample time for testimony and debate. But there are exceptions to this general rule. And a case in point is the bill to authorize the Secretary of Interior to add Maryland's Assateague Island to the national park system.

The last Congress failed to pass such legislation, although it had overwhelming national and State support. The result was inevitable: Maryland having successfully de-

layed through its executive departments and its courts the beginning of private resort construction on the island, has reached the end of its legal rope. By a 4-to-3 decision its court of appeals has ordered the health department to issue water and septic tank permits to private landowners involved. Now Congress alone can save the day.

The Assateague bill is before Senator ALAN BIBLE's Interior Subcommittee. Hearings have been completed, but the subcommittee has not yet reported it to the full Senate Committee on Interior and Insular Affairs. In the House, Chairman ASPINALL of the Interior and Insular Affairs Committee, has yet to schedule hearings. Thus, prospects for final passage of the bill, if the doctrine of deliberate speed is followed, is weeks, perhaps months, away.

But with each passing day the price tag on the island is growing. And it will grow more rapidly as landowners receive their permits and prepare to begin building.

President Johnson has singled out Assateague for acquisition. Maryland has expressed its wholehearted agreement. The pros and cons of acquiring it have been thoroughly aired. There remains no earthly reason why the Senate and House committees involved should not avail themselves of every possible shortcut to obtain quick passage of the bill to authorize its purchase. Continued delay can only result in robbing the taxpayer.

The time for deliberate speed is past.

KASHMIR: DILEMMA OF A PEOPLE ADRIFT

Mr. PELL. Mr. President, Arthur Bernon Tourtellot is a distinguished historian and writer-producer who wrote the script for "The Guns of August." This proud son of Rhode Island is, in addition, a recipient of the Peabody Award for the film version of General Eisenhower's "Crusade in Europe."

In the March 6 edition of the Saturday Review, Mr. Tourtellot has written a descriptive article entitled "Kashmir: Dilemma of a People Adrift." This article is an outgrowth of a recent visit he made to the Indian subcontinent, gathering material for a book on constitutionalism in the emerging nations.

With respect to the growing Indian-Pakistani conflict, the article provides a sobering account of the real issue involved—the fate of Kashmir, and provides deep insight into this 27-year-old problem of a stateless people cut adrift in a political clash.

I ask unanimous consent that the article entitled "Kashmir: Dilemma of a People Adrift" be printed in the RECORD.

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

KASHMIR: DILEMMA OF A PEOPLE ADRIFT

(By Arthur Bernon Tourtellot)

From Rawalpindi, temporary capital of the Islamic Republic of Pakistan, the road providing the only year-round access to the divided land of Jammu and Kashmir climbs from the broad Potwar plateau high up into the western flank of the Himalayas. Winding precariously around the sides of mountain peaks so numerous that they have no individual names, the road is always dramatic as, one after another, vistas of bold, incredible beauty open up at almost every turn. For, of the world's 22 peaks exceeding 25,500 feet, 7 are within the princely state of Kashmir.

But the road to Kashmir is also hazardous in the extreme. To the natives of the region, who love to crowd onto tiny buses to go from village to village, it is known and feared as a death trap. In a 2-week period just before I rode over it recently, more than 60 people had lost their lives as the light buses plunged off the edge of the narrow shelf of a roadway and down the mountainsides. The drivers take a fierce pride in their craft and sometimes, seeking to better the 20 miles an hour they can average on the road, take wild chances.

The buses, when they make it, run between Rawalpindi, once the great British military cantonment for policing the embattled Northwest Frontier of India, and the former hill station, Murree, 39 miles in distance and 8,000 feet in altitude away. Beyond Murree, few except military vehicles continue on down to the boulder-strewn valley of the Jhelum for the slow climb upward on the east side to the remote, lonely little city of Muzaffarabad, capital of the Azad (free) government of Jammu and Kasmir, which is that part of Kashmir—approximately one-fourth of its total area of 83,000 square miles—not occupied by the Indian army.

My purpose in visiting Muzaffarabad was to talk with the President of the Azad Government. I had gone to India and to West and East Pakistan for the purpose of studying at first hand constitutionalism on the vast subcontinent—which, to any historian or political scientist, is the crucible of government by law in this turbulent century. But towering realities have a habit of getting in the way of political processes in countries of huge populations, low literacy, and oppressive economies. And everywhere I went, with everyone I talked, in both India and Pakistan, the permeating reality was the Kashmir dispute. In India, the hungry were throwing stones through the windows of police stations, as the most accessible seats of civil authority, and the devastating floodwaters on the great river plains had not yet receded. But government officials, journalists, and educators seemed not nearly as concerned with these matters as with consolidating Kashmir as a part of India. And in Pakistan, in the midst of the first presidential election campaign in its history—and one testing an electoral and constitutional system that, if it worked, might possibly serve as a model for emerging nations weary of parliamentary instability everywhere—the fate of the 4 million Kashmiri was equally the center of attention.

I decided to go to Muzaffarabad to find out the situation of the Kashmiri themselves. Arriving there on a Sunday afternoon as the sun was beginning to sink behind the mountains, I was taken to bungalow lodgings built to house the United Nations Commission that, 17 years ago, came to mediate the localized war between the twin infant democracies of Pakistan and India over the unilateral ceding of the Moslem state of Kashmir by its last Maharajah, a Hindu, to India. The cession was made as a condition of the Maharajah's receiving Indian military aid to put down an insurrection of his subjects against his clan's wholesale extermination of Moslem natives. The unifying power of Islam is strong and impassioned, and soon the Moslem tribesmen of the Pakistani northwest frontier invaded Kashmir to help the insurgents.

The Azad Kashmiri, with the aid of the tribesmen, were fighting a persistent but unavailing battle against a far more powerful Indian army and air force, when both India and Pakistan brought charges before the United Nations in January 1948. India charged Pakistan with aiding the invading and often wildly plunderous tribesmen. Pakistan charged India with the fraudulent, coercive acquisition of Kashmir. Each charged the other with violence. By the time the United Nations five-member Commission, having first convened in Geneva, got to Kashmir in the summer of 1948, Pakistan, disturbed as hundreds of thousands of Kashmiri refugees poured across its borders, had sent regular troops in to aid the Azad forces. Only exceptionally conscionable leadership in both New Delhi and Rawalpindi stopped the war from exploding into a major holocaust between the world's two youngest, and its largest and third largest, democracies. In January 1949 the United Nations commission established a cease-fire line, pending the withdrawl of troops and the holding of a plebiscite as to whether the Kashmiri themselves wanted to accede to India or to Pakistan.

But 16 years later there has been no plebiscite and the cease-fire, broken almost daily, is precarious.

As I left the bungalow for the drive to the President's house, just 30 miles from the cease-fire line, the sounds of gunfire echoed from the distance. The President's house is a simple, one-story structure, like all the Azad Government buildings. The Government regards itself as temporary—a Government-in-exile, belonging not in these rugged hills but in the traditional capital, Srinagar, in the lovely valley of the Kashmir, now in control of India. The President, Abdul Hamid Khan, is a gentle, scholarly man who had spent 22 of his 57 years on the bench, the last of them as chief justice of the Azad Kashmir high court. Judicious in temperament as well as in experience ("An independent judiciary," he says, "is the mark of civilization"), Hamid has lived among his countrymen all through the long, trying history of the Kashmir dispute, having served the Azad Government ever since it was first set up in 1947. Yet he talks of it now with the serenity of the historian's backward glance or, perhaps more accurately, the judge's review of a long and complicated case.

The thing that had baffled me all the time about the Kashmir dispute—as I suppose it has everyone else far removed from it—is why, for nearly two decades, it has defied resolution. Why is it that these two huge democracies, India and Pakistan, born in the agony of partition and the mass uprootings of peoples, plagued by an illiteracy rate exceeding 75 percent, and harassed by crushing problems of poverty, malnutrition, and overpopulation, persist in a costly stalemate over a largely barren and craggy area that has never been able to sustain its own population? It is true that Kashmir is the very heart of Asia. If you draw a line, north and south, midway between the Mediterranean at Beirut and the Pacific at Tientsin, and another line, east and west, between the Arctic Circle and the southern tip of Ceylon, the lines will cross in Kashmir. And it borders not only on Pakistan and India but on China, Russia, and Afghanistan. But the geographic locus pales into strategic insignificance in the face of topographic factors. The country is mountain-locked, limiting air access, and all roads but that through Muzaffarabad are apt to be impossible in winter. It is an unlikely, if not impossible, roue for anyone's invading the subcontinent, and neither Pakistan nor India has advanced any very persuasive claims about its military value.

Hamid sees the plight of Kashmir almost wholly in human terms. Jurists are deeply conscious of the premises of the law, and nothing is more real to Hamid than the Islamic assumption of absolute equality among all believers. Fundamentally a religious principle, historically related to Islam's doctrinal kinship with Christianity, equality has become increasingly a political and social reality in the Moslem world as systems of self-government have, in the upheavals of the 20th century, replaced autocratic princes and chiefs. One has only to contrast this with the quality of inevitableness that inheres in the Hindu caste system,

as Hamid sees it, to understand the compelling instinct of the Kashmiri, nearly 80 percent Moslem, to cast their lot with Pakistan. For neither Islam nor Hinduism is merely a religion. Both are social systems—powerful and pervasive forces that govern the practices as well as the laws of life. "It is easier to illustrate than to explain briefly," Hamid says. "The example of the cow has often been cited: to the Moslem, it is something to eat; to the Hindu, it is something to worship."

There are attitudes toward the future involved, too, and age-old visions of life and death. Though not doctrinally hostile, these differ in so many particulars that, given the educational level of southwest Asia today, they are going to be irreconcilable for a very long time to come. This is a fact of life that Hamid considers overriding, and he cannot see his 4 million Moslem countrymen, not long since sent scurrying into the hills by Hindu and Sikh terrorists, voluntarily committing their future to Indian custody.

Hamid views logic as the servant of man and not his master, for like Holmes he knows, as one long devoted to attempting to reconcile behavior and principle, that the life of the law consists less in logic than in experience. And so he expects no consistency in political behavior, even though his jurist mind looks longingly at precedent. India will not agree to a plebiscite in Kashmir—nor even agree to the justness, in this case, of self-determination. And yet, in the cases of Junagadh and Hyderabad, counterparts to Kashmir because they had Hindu populations and Moslem rulers who claimed the right to remain antonymous, India insisted that the majority of their populations, not their despotic rulers, should determine their destiny. And at the point of bayonets those princely states were incorporated into India. The cases are not exactly parallel, of course—neither Junagadh nor Hyderabad is contiguous to both Pakistan and India as Kashmir is—but Hamid sees them, in terms of human ties and needs, as the same.

To the disciplined mind of Hamid, the outcome of a plebiscite in Kashmir is clear. First and primarily, the people of Kashmir are, in overwhelming majority, Moslem, and they see their destiny united by the forces of culture, religion, and history as inextricably tied up with that of their neighbor, the largest Moslem nation on earth. Secondly, Kashmir's dependence on the outside world is inalterable, and the only year-round route is through Pakistan. It is also clear to Hamid that there is a certain historic inevitability about Kashmir's choice of union with Pakistan. Such economic and geopolitical considerations as the flowing of the rivers of Kashmir through the West Pakistan breadbasket and the flowing back to Azad Kashmir of Pakistan foodstuffs seem to him irreversible natural determinants.

Alarmed but unswayed as he is by recent Indian administrative moves to incorporate occupied Kashmir more tightly into India, there is in Abdul Hamid Khan a quiet but stolid insistence, which seems deeply rooted in a fundamental faith in the whole drift of history, that the Kashmir dispute will one day be settled; that world opinion, articulated both within and outside the United Nations, will force the plebiscite upon an unwilling India, because the idea of self-determination is as much the rallying cry of the 20th century as liberty was that of the 18th century; and that it is not merely a military or a political matter but a matter of the conscience of mankind that 4 million people cannot indefinitely be held hostages both against their will and against their heritage. "We have not lost our hopes in the United Nations," Hamid said, "and we believe that the day will come when the world body will rise to the occasion to rescue the Kashmiris."

In Rawalpindi, the young foreign minister of Pakistan, Zulfikar Ali Bhutto, educated in political science at the University of California and in jurisprudence at Oxford, sees the holding of a plebiscite under U.N. supervision and the stipulated preliminary of the withdrawal of Pakistani and Indian soldiers as a relatively simple matter. Yet the debate frequently wanders far afield, advancing claims and counterclaims as to whether the Islamic or Hindustani tradition makes for the good society. But Bhutto insists, "The purpose of the United Nations is not to give Kashmir as a prize to the better society, but merely to ask the Kashmiri whom they want to join."

The Indian Government and, from all that I could discover, those Indian people not preoccupied with their own survival are dead against implementing the U.N. proposal of a plebiscite. Their reasons range from the querulous, usually surrounding technicalities relating to the withdrawal of troops that the U.N. Commission stipulated as a prerequisite to the plebiscite, to worried concern about its precedential effect upon the cohesiveness of Indian nationalism. I got the bluntest answer, and the quickest, from Krishna Menon, still a member of Parliament though no longer a government minister, and though still cantankerous, grown mellow and a little touched with sadness. In the library of his house in New Delhi, I sat drinking tea while Mr. Menon, looking purposefully satanic in his native costume and with his hair in careful disarray, lectured me on the multiple errors committed by the United States all over the world: "Wherever there is mischief, there is your country in its midst." There is mischief in Kashmir, and we aren't there; but Menon minced no words when I asked him why, after 16 years, India refused to agree to carrying out the U.N. plebiscite. "Because we would lose it," he said. "Kashmir would vote to join Pakistan, and no Indian Government responsible for agreeing to the plebiscite could survive."

In the Menon lexicon the line between realism and cynicism is very thin, and political morality is pretty much, in his words, "a textbook approach" to public affairs. Conceding that "there may be neither legal nor moral justification" for India's position on Kashmir, he held that the question was not what was "right" but what was opportune.

As he did in so many areas, Menon unquestionably influenced Nehru to some extent, during a long, close association on India's course in Kashmir. But the full explanation of India's position goes far beyond Menon and, for that matter, beyond Nehru. Like India itself, it is enormously complex, and in its contradcitions it ranges, also like India itself, from the soft and mystical to the harsh and expedient. Himself a Kashmiri, Nehru personally took a romantic and rather wistful view of the land of his fathers. He ended his autobiography, in 1940, with what was for so sophisticated a statesman a childlike yearning: "3 months ago I went back to Kashmir and after an absence of 23 years, and I drank in the loveliness of that land of enchantment and forgot for a while the pain and torment of soul which are the lot of humanity today." And 12 years later: "Kashmir is a piece of my heart."

But as a political leader, Nehru, with his commanding concern for Indian nationhood, took positions on the fate of the Kashmiri, with whom he had few personal ties, so inconsistent as to be completely antithetical. In 1951 he told the All India Congress Committee, "Kashmir has been wrongly looked upon as a prize for India or Pakistan. People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence, and its people must be the final arbiters of their future." And, at the time of accession, he reminded the Constituent Assembly that "We went out of our way to make a unilateral declaration that we would abide by the will of the people of Kashmir as declared in a plebiscite or referendum." But long after India had embraced the principles of the United Nations provision for a plebiscite, he could say, "The demand for plebiscite has become a joke." and "It is foolish for Pakistan or for any other country to talk about such a thing."

The traumatic effect of Nehru's death on his people was reflected in a desperate search for a rationale of the intransigent but never fully illumined attitude of India about Kashmir. It was the magnetic power of Nehru's personality, coupled with his historical association with Gandhi, that had been, for 17 years the strongest single force in keeping the polyglot, heterogeneous nation united. Almost inevitably, national unity became an obsessive concern once Nehru was gone. A federation of states, India had reason to be fearful as individual states, impatient at the national Government's inability to alleviate such problems as the food shortages, have threatened more than once to take matters into their own hands. I heard some claims in New Delhi that the trouble with a plebiscite in Kashmir was that it could lead to demands for plebiscites in such restless constituent States as the Punjab and Madras. But no responsible Government official could bring himself to any such declaration of the fragility of Indian union.

It is true that a nation of such diverse ingredients and such ancient forces of sectionalism and sectarianism as India cannot take its unity for granted. But the officer in the Ministry of External Affairs responsible for Kashmir, B. L. Sharma, a knowledgeable and perceptive man, believes that India has twice had its ordeal by fire and its capacity to stay united. The first occasion, the invasion by China of Indian territory and the remarkably swift and concerted rallying of the population, clearly established India's essential unity. The other was the death of Nehru, and the nation's ability promptly to agree on a new leader after Nehru, stating flatly that it was the duty of a democratic people to choose its own leadership, had refused to name a political heir—again demonstrated its singleness of purpose.

I sat with Sharma in his quiet chambers in the Secretariat at New Delhi as, late in afternoon when everyone else had gone, he speculated about the effect of Kashmir on Indian unity—whether the move to absorb Kashmir did not again reflect a national unity of will. But he knew that this was not so, and he turned quickly to the emerging figure of Shastri, and to his differences from Nehru, rather than any similarities, as a more likely unifying factor.

Far from being in any way either a symbol or a source of unity in India, the Kashmir impasse is keeping alive the Moslem-Hindu hostility that split the nation apart at the time of independence and still arrays its 425 million Hindus against its 50 million Moslems. It has, moreover, been in large measure the reason why both Pakistan and India have devoted such a large proportion of their resources—badly needed for the hungry and undernourished—to the military. (In 1 year India devoted 50 percent of her budget to military purposes; in another Pakistan devoted 80 percent to them.) It has interrupted such urgent joint Indo-Pakistani undertakings as the Indus River development project. It has paralyzed for 16 years the praiseworthy work of a conscientious commission of the United Nations and diminished the influence of that body among emerging nations with whom it ought to be strengthened. It is alienating a valued friend of the West, as Pakistan fearful—justifiably or not—that American weapons in India may be turned on them as India steps up the use of force in Kashmir, forges new bonds with Red China. And in both

Pakistan and India, is is building up attitudes of hate and suspicion and inspiring a dialogue of vituperation, counsels of extremism, and an explosive atmosphere of anxiety.

As I left the President's house in Muzaffarabad, however, I was sharply reminded of the bitterest price of all—the plight of the 4 million Kashmiri, wholly deprived of any voice in their own fate, as bleak pawns in a purposeless stalemate. The sound of the gunfire was still echoing, as it had all through the afternoon and evening, from the cease-fire line. That weekend 12 people were killed, 7 of them Kashmiri villagers. Since the cease-fire line was established, an estimated 16,000 have died, half of them civilians. The living hostages had little to expect of the future—too little food, too little education, too little clothing and housing, too little dignity, and too little sense of their own identity. President Hamid, the justice turned administrator, saw the question in my mind before I could phrase it. "The whole answer, the only answer," he said, "is in the first article of the U.N. Charter, where the purpose of the United Nations is clearly stated: 'To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.'" His voice trailed off, and he looked at the mountains surrounding us, I thought that his look seemed directed more hopefully to the future than regretfully to the past.

PRESIDENT JOHNSON'S DECISION TO SEND U.S. TROOPS TO THE DOMINICAN REPUBLIC

Mr. HARRIS. Mr. President, as I stated last Saturday, in a speech to the Oklahoma Junior Chamber of Commerce State convention, meeting in Tulsa, Okla., I endorse the decisive action of President Johnson in sending troops to the Dominican Republic.

His prompt decision was necessary—there being no OAS peacekeeping force then in being—in order to protect the lives of American nationals and to prevent the establishment of another Communist government in this hemisphere.

I ask unanimous consent that there be printed in the RECORD two editorials which also approve the action taken by President Johnson.

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

[From the Philadelphia Inquirer, May 5, 1965]

INSTEAD OF DOING NOTHING

Debate over the Dominican crisis in the United Nations Security Council and the Organization of American States during the past 2 days puts into clear focus the difficult problem and the grave decision that confronted President Johnson a week ago. That was when he received desperate and urgent appeals for help from Santo Domingo—where thousands of Americans and others were in imminent danger of mass slaughter by bands of terrorists roaming the lawless city.

Events of the past 48 hours strengthen the argument of the President that it might have been impossible to get international sanction for a rescue mission to the Dominican Republic in time to do any good. Men and women could have been slaughtered in the streets by the hundreds while the OAS or the U.N. were deciding what, if anything, to do about it.

This does not mean the OAS should have been bypassed. We believe, and have said repeatedly since the outset of the Dominican crisis, that the Organization of American States has both the authority and the duty to take effective action in emergencies of this type. There is a great need—underscored by the present situation—for a general overhaul of the OAS administrative and executive machinery so it can be counted on to act both decisively and swiftly when catastrophe is imminent.

As President Johnson put it, "We don't propose to sit here in our rocking chair with our hands folded and let the Communists set up a government anywhere in the Western Hemisphere."

And, as Ambassador Stevenson noted, in addressing the Security Council, "Deliberate effort of Havana and Moscow to promote subversion and overthrow governments, in flagrant violation of international conduct, is responsible for much of the unrest in the Caribbean area."

It is extremely unfortunate—but an undeniable fact—that some of the most vocal criticism of President Johnson, in the U.N. and in the OAS, has come from countries which oppose constructive action or initiative by international organizations. Those who frustrate any kind of response to crisis at the international level, while at the same time opposing any recourse to unilateral action, seem to be advocating that nothing be done by anybody, in any circumstances, to help people in danger or to repel Communist subversion.

[From the Watertown (N.Y.) Daily Times, May 3, 1965]

THE PRESIDENT SPEAKS ON THE DOMINICAN REVOLT

Emotionally and with deep sincerity President Johnson brought into perspective the dangers of the Dominican revolution to the American people Sunday night. His appearance on television was without any advance notice, and came as a complete surprise. With his message he announced orders for 4,500 more American troops to go to the island. Here is an instance in which many citizens of the United States are satisfied with his decision, satisfied with his reasoning, and applaud him for the speed and magnitude of his moves. He does not have to justify his actions Sunday or during the previous week to the American citizen.

The value of his speech domestically may well be the revelation that the American citizen and he are both in agreement and that they have been thinking along the same lines ever since his first step Wednesday ordering the Marines to Santo Domingo. There will be no national argument over his decision. A total of 15,000 troops into an island in 5 days is an example of going all out. The act of Wednesday, coupled with the orders of Friday and Sunday, are proof to most of us that the Dominican campaign is not too little and too late. Probably it was unnecessary for the President to go before the people, but the fact that he did means that in spite of the rigors of the office, he intends to show a rapport with Americans.

With equal emphasis his speech was directed toward the other countries of the Western Hemisphere. He made references to the number of American and foreign nationals in the Dominican Republic who had to be and have been protected by American forces. He recounted the steps taken by the United States to bring the Organization of American States into a responsible role toward the solution of the Dominican crisis. He explained that it was impossible to discuss or debate whether troops should be sent. That is why the OAS was not asked to consider the desirability of the American military intervention. The handling of the problem before the OAS has been and will continue to be careful and hopefully constructive. The point has been well made by the President and his advisers that the sole interest of the United States in the Dominican Republic is that it have a chance to vote freely in the establishment of a democratic government. If he made this point once in his speech, he made it several times.

To many the most important part of the President's remarks was his declaration of an enlarged policy with respect to the countries of the Western Hemisphere. He said, "The American nations cannot, must not, and will not, permit the establishment of another Communist government in the Western Hemisphere." While revolution may be a matter for each individual country to deal with, "it becomes a matter calling for hemispheric action only when the object is the establishment of a Communist dictatorship."

The President had previously commented on the Communist infiltration by Cuban-trained Reds of the Dominican revolt. He explained how they had taken over the revolt and were trying to transform it into Castroism. He made it clear that this added to the alarm of the U.S. Government.

It may be necessary this week that more troops be sent. He did not give this indication, but he has clearly affixed the policy; namely, no Communist takeover of the Dominican Republic. He has made this promise, and the evidence is clear he intends to keep it.

SUMMARY OF MEDICARE TESTIMONY, MAY 10

Mr. HARTKE. Mr. President, in testimony received by the Finance Committee this morning, six more witnesses appeared on H.R. 6675. I ask unanimous consent that an unofficial summary, prepared by my staff, may appear in the RECORD, following those I have offered on previous days of the hearings.

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

HEARINGS, MONDAY MAY 10, 1965

AMERICAN LIFE CONVENTION, HEALTH INSURANCE ASSOCIATION OF AMERICA, LIFE INSURANCE ASSOCIATION OF AMERICA, LIFE INSURERS CONFERENCE

Manton Eddy, senior vice president, Connecticut General Life Insurance Co., Bloomfield, Conn. Five hundred insurance company members of the four associations represented write 90 percent of health insurance issued by U.S. insurance companies.

1. Basic coverage (part A) "unnecessary in the light of the existing magnitude and growth of voluntary health insurance, coupled with governmental programs for those who need help." Remainder of points relate to part B, the supplementary voluntary plan.

2. Selection from different kinds of plans should be available instead of an inflexible single supplementary plan.

3. The supplementary plan preempts the field, involves Government "direct competition with private insurance" which would be "unfair." In sum, "part B calls for much more study and hence should be deleted from the present bill."

4. "We oppose the projected 1971 increase (in taxable wage base, sec. 320) to $6,600." Wage base should not exceed "current average earnings of full-time workers covered."

5. Disability provisions (sec. 303) should be deleted.

6. Full tax deduction (rather than one-half up to $250) should be allowed on medical insurance expenses.

7. Section 213(e)(2) should allow statement of medical costs in a multipurpose policy by the insurance company, not simply require cost specification in contracts.

8. Deduction should be allowed for costs of income indemnity insurance.

NATIONAL ASSOCIATION OF RETAIL DRUGGISTS

Ralph R. Rooke, Richmond, Va., pharmacist, past president. The National Association of Retail Druggists represents 41,000 of the Nation's 54,000 drugstores, speaks for "practicing retail pharmacists."

1. Proposes amendment of section 1861(t) to allow prescription by brand names as well as generic names (formulary dispensing).

2. Opposes allowing coverage regardless of need; for "a screening process of some kind."

3. The 3-day prior hospitalization for eligibility to extended care facilities should be deleted.

4. Hospital out-patient facilities may involve excessive travel. There should be "maximum use of existing treatment institutions," doctors' facilities, etc., instead of solely hospital-connected treatment.

R. B. ROBINS, M.D.

(Past president, American Academy of General Practice, and of Arkansas Medical Society. Member, Democratic National Committee, 1944–52.)

1. "In vigorous opposition to a program of health care under centralized Federal administration" financed by wage earners "for millions of Americans who do not need the assistance."

2. Young doctors will be discouraged from entering medicine.

3. Doctor-patient relationships will be disrupted.

4. Doctors should not be forced into the social security system.

GROUP HEALTH INSURANCE OF NEW YORK

Arthur H. Harlow, Jr., president. Insures 900,000 people, processing 40,000 claims weekly as a "consumer oriented plan."

1. "GHI favors the bill before your committee."

2. Favors inclusion of anesthesiologists, radiologists, etc., in basic hospital costs.

3. Regrets limitations of coinsurance, "substantial deductible," exclusion of preventative medicine.

4. Primary point: Choice of plans should be available. "Independent plans" should be available (in the supplementary section) with "the beneficial results of private competition."

GREATER PHILADELPHIA CHAMBER OF COMMERCE

(George L. Clothier, personnel superintendent Strawbridge & Clothier (department store), chairman of the chamber's hospital task force.)

1. "In general sympathy with most of the objectives," including Kerr-Mills extension, basic hospital plan controls, separate voluntary supplemental plan.

2. Effective date of both basic and supplementary plans should be July 1, 1967.

3. Cost control should be improved with uniform cost accounting systems for hospitals, while allowing for major differences.

4. Financial incentives (reimbursement principles) should encourage hospitals to hold down costs and to transfer patients to other facilities.

5. There should be uniform terminology and numerical coding for all medical and surgical services and procedures.

6. There should be review and appeal procedures in each State on above and all other regulations adopted.

7. Benefits should be "graduated according to ability to pay" and consideration given to other available funds. The supplementary plan should have maximum dollar limits.

8. Urge "extreme caution" lest this be "the camel's nose in the tent."

CHICAGO MEMORIAL ASSOCIATION

(Dr. Paul E. Hanchett, educational director.)

The bill "should be unhesitatingly passed." Like education, health care requires payment collectively. Medical care is "a precondition to the efficient production and enjoyment of all other commodities," with implications beyond direct health benefits.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, No. 162, to the amendment in the nature of a substitute, as amended, No. 124, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, what is the time status so far as the pending amendment is concerned?

The PRESIDING OFFICER. The proponents have used 187 minutes and the opponents have used 165 minutes.

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, to clear the decks, I hope that the proponents and the opponents of the pending amendment will divide the time as equally as possible. With that in mind, I ask unanimous consent that when the Senate completes its work tonight, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. There will be no morning hour tomorrow. Immediately after the prayer the Senate will resume consideration of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, numbered 162, to the amendment in the nature of a substitute, as amended, numbered 124, offered by myself and the Senator from Illinois [Mr. DIRKSEN].

I ask unanimous consent that tomorrow, immediately after the prayer, the available time be equally divided between the proponents and the opponents of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I should like to suggest the absence of a quorum, the time necessary therefor being charged to me. It will be a brief call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield 1 hour to the Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. The Senator from Mississippi [Mr. EASTLAND] is recognized for 1 hour.

Mr. EASTLAND. Mr. President, I rise to speak against the pending amendment to S. 1564; to challenge its constitutionality and urge its resounding defeat by the Senate.

Once again we are confronted by an attempt to prohibit the States from exercising their constitutional right to require the payment of taxes as a prerequisite to voting. I had thought that the long debate over the adoption of the 24th amendment had forever laid to rest the theory that these State qualifications could be abolished by any other method than by constitutional amendment.

But this legislative juggernaut is not founded upon constitutional principles but upon the ancient axiom that might makes right; it is not based on law but power; it is not premised on the force of reason but the reason of force; it is not the result of deliberation but the steamrolled product of ultimatum; it is an unconstitutional means to a questionable end.

We are once again confronted with the simple issue so clearly defined by Chief Justice Marshall in the historic case of *Marbury* v. *Madison*, 5 U.S. 137, wherein he stated:

> The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, is alterable when the legislature shall please to alter it.
>
> If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people, to limit a power of its own nature illimitable.

Likewise, if the premise upon which this amendment is founded is valid, then the extension of this principle to its logical conclusion renders the Constitution as worthless as the parchment upon which it is written. But, if on the other hand, the Constitution remains the supreme law of the land, the foundation upon which this amendment is based must crumble before the clear mandate of its language. As for myself, I elect to embrace the latter proposition.

As stated by Justice Harlan in *Jacobson* v. *Massachusetts*, 197 U.S. 11:

> We have no need in this case to go beyond the plain, obvious meaning of the words in those provisions of the Constitution which, it is contended, must control our decision.

All rules of constitutional construction are founded upon the basic premise that a provision which is positive and free from ambiguity must be accepted as it reads.

As otherwise stated, that which the words of a constitutional provision declare is its meaning cannot be added to or taken away from by the court or legislature (16 Am. Jur. 2d., Constitutional Law, sec. 59).

There is no language to be found in the Constitution more clear, cogent, and unambiguous than that found in article I, section 2, of our National Constitution, where it states:

The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Its language is neither subject to misunderstanding nor susceptible to misinterpretation by fairminded men. It was clearly comprehended by its authors and has been accepted for 177 years since the ratification of our Constitution as an absolute reservation unto the States of the power to prescribe voter qualifications, save only as limited by the subsequent adoption of the 15th, 19th, and 24th amendments. I submit, Mr. President, that the proponents and advocates of this amendment are mocked at every turn by the clear and cogent language of article I, section 2, of the Constitution of the United States; the deliberations related thereto by the Constitutional Convention of 1787; the debates and treatises concerning its ratification; its subsequent consideration from time to time in the debates of the Congress; and 177 years of unbroken legal precedents.

Mr. President, the proponents of this type of legislation have journeyed throughout the years from one section of the Constitution to another in their vain search for some legal ground upon which to base a legislative abolition of the poll tax. I wonder if there remains any section of the Constitution which they have not at one time or another attempted to cite as authority for their efforts to avoid the full force and effect of article I, section 2 of the Constitution. I suppose by a simple process of systematic elimination they have now shifted their ground to the 14th and 15th amendments.

I should like to deal with the 14th amendment and its relationship, if any, to article I, section 2, of the Constitution. The 14th amendment was adopted during the tragic era of Reconstruction, during one period in the history of our National Legislature when there was no so-called band of willful, sinful southern Senators upon which to blame its mistakes and failures, for we were precluded from those deliberations by the imposition of bayonet rule throughout the South. Both branches of our National Legislature were in the hands of the most vicious, vindictive, vengeful group of extremists our Nation had witnessed to that time, and the Machiavellian axiom that might makes right was the accepted rule of the day.

If there was ever a time in the history of our country when a claim would have been made that the U.S. Congress had any power to regulate the question of suffrage in the States, that claim would have been made during the debates over the civil rights bill of 1866 and the deliberations over the adoption of the 14th amendment in that same year. I would like to briefly review the very emphatic statements made at that time by the Senators of the North, East, and West, and direct attention to the fact that with the exception of one, there was not a single Senator on the floor of the Senate who claimed or contended for one minute that the States did not have the full control of the suffrage.

At this point I think it important to identify the authors of the 14th amendment. The 14th amendment was constructed by a joint committee of 15 of the Senate and House, the Senate chairman of which was William Fessenden, of Maine, later President Lincoln's Secretary of the Treasury. The senior member of that group was Jacob M. Howard, of Michigan, followed by John Harris, of New York; James W. Grimes, of Iowa; Reverdy Johnson, of Maryland; and George H. Williams, of Oregon. The members of that joint committee on the House side were Roscoe Conkling, of New York; George M. Boutwell, of Massachusetts; Henry T. Blow, of Missouri; John A. Bingham, of Ohio, the author of the first section of the amendment; Justin S. Morrell, of Vermont; and E. B. Washburne, of Illinois.

The first two sections of the amendment were considered separately and were later joined together and made articles of one amendment, finally adopted as the 14th amendment to the Constitution.

The 1st section of the 14th amendment was drafted by John A. Bingham, a Republican Member of the House from Ohio, who in answering questions in the House in a floor debate stated:

This amendment takes from no State any right that ever pertained to it. The amendment does not give, as the section shows, the power to Congress of regulating suffrage in the several States.

Addressing himself to the 2d section of the 14th amendment, Representative Bingham remarked as follows:

The second section excludes the conclusion that by the first section suffrage is subjected to congressional law.

In regard to the first section of the 14th amendment, Senator Howard, of Michigan, made the following clarifying remarks on the floor:

The first section of the proposed amendment does not give to either of these classes the privilege of voting. The right of suffrage is not, in law, one of the privileges and immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as a result of positive local law.

And as to the second section, the Senator from Michigan remarked:

This section does not recognize the authority of the United States over the question of suffrage in the several States at all. Nor does it recognize much less secure the right of suffrage to the colored race. It leaves the right to regulate the elective franchise still with the States and does not meddle with that right.

Senator Howard closed his remarks with a clear, accurate, and concise statement as to the intended meaning of the 14th amendment in regard to voting rights:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage. It is the theory of the Constitution. That right has never been taken from them; no endeavor has ever been made to take it from them; and the theory of this whole amendment is to leave the power of regulating the suffrage with the people of the legislatures of the States and not to assume to regulate it by any clause of the Constitution of the United States.

Several days later, Senator Reverdy Johnson, the lone Democrat of the joint committee of 15 in the Senate, noted the fact that the question of Negro suffrage was not a southern question alone, as only 6 States of the North and East admitted Negroes to the right of suffrage at that time. Pursuing that line of thought as to the complete power of the States over the subject of voting rights, Senator Johnson stated:

I suppose that even the honorable Member from Massachusetts (Senator Sumner) will not deny that it was for Massachusetts to regulate her suffrage before 1789, and if it was, she has the power still unless she has agreed to part with it by devolving it upon the General Government. Is there a word in the Constitution that intimates such a purpose? Who at that time, in 1787, denied that the State was clothed with the power of prescribing the qualifications for the most numerous branch of the State Legislature? * * * The State and nobody else.

To substantiate his point, Senator Johnson cited Federalist No. 54:

The right of choosing the allotted number in each State is to be exercised by such part of the inhabitants as the State may itself designate. Words could not have been adopted more obviously leading to the conclusion that in the opinion of the writers of the Federalist, the States were to have the sole right of regulating the suffrage.

And continuing this same premise, he concluded:

There is nothing innate in the right of suffrage. It depends wholly upon governmental regulation.

Senator Hendricks, of Indiana, then asked the unavoidable question that continues to embarrass and haunt the proponents of this kind of legislation:

I ask the Senators the question: Have the States, under the Constitution the right to control the elective franchise? Does any Senator question that? The Senator from Massachusetts does. He thinks that Congress may control the rights of suffrage in the States, but it has not been a question of dispute whether the State had control of the elective franchise. It is absolute and perfect.

During the course of the debates, even the radical, Charles Sumner, of Massachusetts, took the unusual and irreconcilable position that the State could not deny the Negro suffrage, but went on to say that his State had entire control over the question of voting rights and could deny it by reason of condition of age,

residence, character, education, property, and the payment of taxes. Thus, Charles Sumner himself emphatically denied that the 14th amendment would have the effect of denying his State its absolute authority to prescribe the payment of taxes as a prerequisite for voting.

Even the radical Sumner's colleague, Senator Wilson, of Massachusetts, accurately restated the fact that the 14th amendment was intended to have no effect whatsoever upon the right of each respective State to prescribe its own voter qualifications.

Senator Wilson said:

The men who framed the Constitution made those State constitutions * * * they well knew what the qualifications were. Every State constitution provides for electors, prescribes the qualifications for suffrage. The laws of the States provided for the qualifications of electors. Every State, from the adoption of the State constitution to this hour, has claimed the authority and exercised it to settle the questions pertaining to suffrage. They never supposed the Federal Government had the power to change it. They never gave that power and they never intended to give it.

Not until after the ratification of the 14th amendment, do we find a single Senator or Congressman so bold as to contend that the privileges and immunities clause of the 14th amendment vested in the Federal Government the authority to regulate State voting qualifications by statute. While the 15th amendment was under consideration, a small minority of Republicans led by George Boutwell, of Massachusetts, advanced the proposition that it was not necessary to have an amendment, as the 14th amendment vested Congress with the statutory power to accomplish the same purpose. Such a theory was flatly rejected by Congress and has since been rejected by the courts.

Any theory that the 14th amendment applied to the field of voting rights was decisively laid to rest 91 years ago in the Slaughterhouse cases, *United States* v. *Reese*, 92 U.S. 214 and *Minor* v. *Happerset*, 88 U.S. 162.

In the Reese case, Chief Justice Waite, discussing the 15th amendment, clearly stated:

The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment.

Continuing his discussion of the 15th amendment, he stated that the amendment prevented a State from denying the right to vote on account of race, color or previous condition of servitude, but added:

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, education. Now it is not. . . . Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is.

In the case of Minor against Happerset, the complainant was refused the right to register to vote in the general election of November 1872, on the basis of a provision in the Missouri constitution limiting the suffrage to male citizens only. Not only did the Court reject in unequivocal terms the theory that the right to vote is guaranteed by the privileges and immunities clause of the Constitution as an incident of national citizenship, but it also continued with a splendid restatement of the law concerning the rights of States to prescribe voting qualifications. The Court said:

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case one need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner, as the legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizens."

Finally, the Supreme Court said:

Certainly, if the courts can consider any question settled, this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.

The question as to whether the provisions of the 14th amendment could be invoked to prohibit a State from requiring the payment of a poll tax as a prerequisite to voting was decisively decided in the negative by the Supreme Court in the case of *Breedlove* v. *Suttles* (302 U.S. 277—1937). In that historic case, a Georgia statute making a poll tax a prerequisite to voting in Federal and State elections was attacked on the ground that it violated the 14th and 19th amendments. The Supreme Court, flatly rejecting both contentions, gave special attention to the 14th amendment. I quote from the decision of the Court:

The pertinent facts alleged in the petition are these. March 16, 1936, appellant, a white male citizen 28 years old, applied to appellee to register him for voting for Federal and State officers at primary and general elections. He informed appellee he had neither made poll tax returns nor paid any poll taxes and had not registered to vote because a receipt for poll taxes and an oath that he had paid them are prerequisites to registration. He demanded that appellee administer the oath, omitting the part declaring payment of poll taxes, and allow him to register. Appellee refused.

Appellant maintains that the provisions in question are repugnant to the equal protection clause and the privileges and immunities clause of the 14th amendment and to the 19th amendment.

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 the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happerset*, 21 Wall. 162, 170 et seq. *Ex parte Yarbrough*, 110 U.S. 651, 664–665. *McPherson* v. *Blacker*, 146 U.S. 1, 37–38. *Guinn* v. *United States*, 238 U.S. 347, 362. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents*, 293 U.S. 245, 261.

Even Attorney General Katzenbach admitted in his testimony of March 23, 1965, before the Senate Judiciary Committee, that the principle established in the case of Breedlove against Suttles prohibits Congress from abolishing the poll tax by legislative act. In reply to this same question by Senator JAVITS, he stated:

Our difficulty with respect to attempting to deal with poll taxes, except in the limited way we deal with them here, has been this one on the question of *Breedlove* v. *Suttles*, which is going to be reexamined by the Court the next term, as to whether or not there is a 14th amendment violation in imposing the poll tax.

For this reason he expressed the hope that Breedlove against Suttles would be overturned, stating as follows:

At least four jurists are willing to reconsider that case, because it is going to be argued before the Court. So four jurists think that at least there is enough merit in the argument to have them look again at *Breedlove* v. *Suttles*, which was a 1937 decision.

I do not think anything that Congress says under the power of the 14th amendment helps very much.

That the Congress has no power whatsoever under the provisions of the 14th amendment to abolish poll taxes was finally and conclusively settled by this case and the subsequent decision based thereon. It should be just as obvious to us as it is to the Attorney General, that these decisions are the law of the land

until such time as the Supreme Court might choose to reverse them. As stated in 16 American Jurisprudence, second volume, Constitutional Law, section 58, "the determination of the constitutionality of legislation is for the courts * * * and where a court of last resort has construed a constitutional provision, such construction is binding on all departments of government, including the legislature." It has never been the policy or the province of the Congress to legislate on the premise that what is patently unconstitutional today may be rendered constitutional tomorrow.

Four years later this principle was reaffirmed in the case of *Pirtle* v. *Brown* (118 Fed. 2d 218, 221), when the Circuit Court of Appeals of the Sixth Circuit considered this question: Whether or not the Tennessee constitution and statutes, which make the payment of a poll tax a condition precedent to the right to vote for Members of Congress, are repugnant to any of the provisions of the Constitution of the United States.

Pirtle, otherwise qualified, but having failed to pay the poll tax required by law, attempted to vote. The defendants, judges of elections, declined to allow him. In the action brought by Pirtle, the Federal district court rendered judgment for the defendants. Pirtle appealed to the circuit court of appeals. The contention of the appellant, Pirtle, was that article IV, section 1 of the constitution of Tennessee, and section 2027 of the Tennessee Code, violated the "privileges and immunities" clause of the 14th amendment of the Federal Constitution. The circuit court of appeals held that this point had been conclusively decided against appellant in the case of Breedlove against Suttles, and that the Tennessee Code and Constitution did not violate the "privileges and immunities" clause of the Federal Constitution.

In so holding, that court said:

But in any event, we are not dealing with the question whether the payment of poll tax as a prerequisite to voting violates some natural right or fancied political right. The inquiry is whether such provision denied any privileges or immunities protected by the Federal Constitution. We have already seen that article I, section 2 of the Constitution of the United States guarantees to the elector for Members of Congress no other privileges than those accorded him by the State as an elector for the most numerous branch of the State legislature. But appellant goes beyond this. He urges that the quoted provision of article IV, section 1 of the constitution of Tennessee and section 2027 of the code violates the "privileges and immunities" clause of the 14th amendment, that his right to vote for a Member of Congress is not taxable, regardless of whether the amount of the tax imposed is trifling or substantial. We need not labor the point. It has been conclusively decided against appellant in *Breedlove* v. *Suttles*, supra, 302 U.S. page 283, 58 S. Ct. page 208, 82 L. Ed. 252, where the Court said: "2. 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 the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happersett*, 21 Wall. 162, 170 et. seq. 22 L. Ed. 627; *Ex parte Yarbrough*, 110 U.S. 651, 664, 655, 4 S. Ct. 152, 28 L. Ed. 274; *McPherson* v. *Blacker*, 146 U.S. 1, 37, 38, 13 S. Ct. 3, 36 L. Ed. 869; *Guinn* v. *United States*, 238 U.S. 347, 362, 35 S. Ct. 926, 59 L. Ed 1340, L.R.A. 1916A, 1124. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents*, 293 U.S. 245, 261, 55 S. Ct. 197, 203, 79 L. Ed. 343."

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 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 amendment. 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 Congress 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. 352 held that a poll tax prescribed by the Constitution and statutes of State of Georgia did not offend the Federal Constitution.

Mr. President, the proponents of this amendment have labored the claim that the required yearly payment of a $2 poll tax is financially prohibitive to large numbers of otherwise qualified voters and thus discriminates against the poor in violation of the 14th amendment. Not only is such an argument absolutely ridiculous on its face, but it has been flatly rejected by the courts.

In the case of Breedlove against Suttles, the appellant stated in his brief to the Supreme Court:

It is significant that this statute restricts the electorate of Georgia to 8 percent of the population, while in other States not having a poll tax statute with a franchise deprivation clause * * * the average electorate is in excess of 30 percent * * *. There is certainly very little correlation between the ability of a man to vote and his ability to pay a poll tax. Many of the world's great thinkers would have undoubtedly been deprived of the right of franchise under this Georgia statute. Certainly the great literary figures of times past, who were properly, by mental equipment, most qualified to exercise the right of suffrage, would have been precluded from voting in Georgia.

The Court rejected this plea, stating:

Poll taxes are laid upon persons without regard to their occupations or property to raise money for the support of the government or some more specific end. The equal protection clause does not require absolute equality.

And recognized the right of a State if it so desired "by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age, or condition."

Likewise, in the Delaware case of *Frieszleben* v. *Shallcross* (1890), 9 Houst. (Del.) 1, 19 A. 576, 8 L.R.A. 337, in answer to the contention that the requirement of the payment of a poll tax as a condition of the right to vote was discriminatory against the poor, and especially Negroes, and therefore a denial of the equal protection of the laws, the Court said:

An immense number of voters * * * had been added, by the 15th amendment to the Constitution of the United States, to the political ranks of the State. Almost all of these new voters were obscure persons, without any means whatever of a tangible nature to pay their taxes. * * * It is not true that delinquency is the effect of poverty. There are none so poor that they cannot pay their poll taxes, which for them is "scot and lot"; less than 2 days' hire out of the wages of the common laborer being sufficient for that purpose. Labor everywhere, and always among us, is in demand. There is no hardship upon any in requiring him to pay his taxes. Taxes being necesary to the support of the government, a State has the right to adopt any measure short of actual disfranchisement to compel their payment. No one doubts the validity of the provisions in our statute for imprisonment of nonpaying taxables. Would the law be unconstitutional because the collector might choose to take the ultimate course—upon the eve of an election, to shut up in jail nonpaying citizens to whom it applied? Why would it not be? Simply because imprisonment is an extreme remedy for nonpayment of liabilities, as old as the law. Then, if such a provision be valid, why is not that for dropping from the assessment list for 12 months valid? Such an imprisonment as mentioned would effectually cut off, pro hac vice, the suffrage right, whereas the dropping from the list would, under the circumstances pointed out by the plaintiff's counsel, do nothing more; and in that case the dropping could not be otherwise taken than as done by the voter's consent, who had almost a whole year in which to pay his poll tax, and thus save himself from delinquency.

It has even been held, Mr. President, that statutes giving property owners in improvement districts the right to vote a number of voters in district elections based upon the number of acres or lots owned in the district are valid, as against the contention that they constitute an unconstitutional discrimination among voters.

Typical of this line of decisions was the Nebraska case of State ex rel, *Harris* v. *Hensen* (1908), 80 Neb. 724, 115 N.W. 294, 117 N.W. 412. The court in that case held that notwithstanding constitutional provisions that "all elections shall be free and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise" and that "every male person of the age of 21 years or upward shall be an elector," nevertheless a statute giving landowners of a drainage district one vote for each acre or fraction thereof and for each plotted lot which he might own, or in which he might have an easement, was valid as against the contentions that the quoted provision of the constitution forbade it.

It has been suggested, Mr. President, that the poll tax statutes exempting certain defined classes of persons from payment are discriminatory against those classes not so exempt and thus in violation of the equal protection clause of the 14th amendment. Of course, this is just another vain stab in the dark. This proposition was put to flight along with

other similar contentions in the case of Breedlove against Suttles wherein the Court made the following statement in regard to poll tax exemptions:

Poll taxes are laid upon persons without regard to their occupations or property to raise money for the support of government or some more specific end. The equal protection clause does not require absolute equality. While possible by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age, or condition, collection from all would be impossible for always there are many too poor to pay. Attempt equally to enforce such a measure would justify condemnation of the tax as harsh and unjust * * *. Collection from minors would be to put the burden upon their fathers or others upon whom they depend for support. It is not unreasonable to exclude them from the class taxed.

Men who have attained the age of 60 are often, if not always, excused from road work, jury duty, and service in the militia. They have served or have been liable to be called on to serve the public to the extent that the State chooses to require. So far as concerns equality under the equal protection clause, there is no substantial difference between these exemptions and exemptions from poll taxes. The burden laid upon appellant is precisely that put upon other men. The rate is a dollar a year, commencing at 21 and ending at 60 years of age.

The tax being upon persons, women may be exempted on the basis of special considerations to which they are naturally entitled. In view of burdens necessarily borne by them for the preservation of the race, the State reasonably may exempt them from poll taxes.

And finally, Mr. President, the proposition is advanced that authority for this amendment can be found in the language of the 15th amendment, wherein it states:

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 the power to enforce this article by appropriate legislation.

I think there are few who can argue with the interpretation of the 15th amendment as found in the case of *United States* v. *Reese*, 92 U.S. 214 (1875). In that case the Court stated:

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.

Or with the statement found in *Gwinn* v. *United States*, 238 U.S. 347, the Oklahoma constitution case which arose under the 15th amendment, wherein Chief Justice White stated:

It is true that the amendment does not change, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals.

It has never been questioned that proof of discrimination on the basis of race or color is a fundamental and absolute prerequisite to the invocation of the prohibitions of the 15th amendment.

This brings up to the question as to whether there has been a discriminatory application of the State poll tax requirements on this basis.

Testifying before the Senate Judiciary Committee in regard to this same bill, even Attorney General Katzenbach admitted that in his opinion State poll tax requirements cannot be prohibited by simple legislative statute under the power vested in the Congress by the 15th amendment, in the absence of clear and convincing evidence of its discriminatory application on the basis of race or color.

Commenting on his advice to the President in regard to this matter, the Attorney General stated:

I gave him the same advice that I have given the committee here. I think if Federal qualifications, as such, are to be set, then it requires a constitutional amendment to do so.

But at the same time, State qualifications that have been used in violation of the 15th amendment, been used for discriminatory purposes, can, in my judgment, as I have repeatedly testified here, be suspended. I think that is consistent with the decision cited in my statement. (Transcript I, p. 182.)

And in reply to a question posed by the Senator from Hawaii, Senator FONG, he said:

Now, I think, as I have explained, I think in answer to questions by Senator HART and by others, you could eliminate the poll tax under the 15th amendment if you could show that its effect had been to disenfranchise Negroes in contravention of the terms of the 15th amendment. (Transcript I, p. 194.)

However, the Attorney General then went on to state that he could not support an amendment to the bill prohibiting the use of State poll tax as a prerequisite to voting for the reason that he had no evidence that such requirements had been used in a discriminatory manner.

In answer to the Senator from North Carolina, Senator ERVIN, the Attorney General stated:

My difficulty on this, on the elimination of poll taxes is that I do not believe I have the facts to make a record that poll txaes have been abused in violation of the 15th amendment. (Transcript I, p. 94.)

Again, in part 1, page 142 of the printed transcript of those hearings we find the following:

Senator HART. But you expressed some doubt with respect to the availability of any evidence from history to put you in a position to argue that the poll tax had in fact been used as a device to discriminate and, therefore, was a violation of the 15th amendment.

Attorney General KATZENBACH. Yes.

Pursuing this matter further, I asked the Attorney General the following question:

Do you agree that a $2 poll tax, that any member of any race can pay is not discrimination?

To which Mr. Katzenbach replied:

I have no information, Mr. Chairman, which would lead me to believe that this point—I am not in possession of the facts—that a $2 poll tax did operate in a way which would be a violation of the 15th amendment. (Transcript I, pp. 194–195.)

In view of the clear language of the 15th amendment, the legal interpretations thereof, and the testimony of the Attorney General himself, how can it be cited by reasonable men as constitutional authority for this amendment?

Thus, the entire controversy surrounding this bill in general and this amendment in particular resolves itself into the simple question as to whether we will be ruled by laws or by men, by right or by might, by reason or by force. We must resolve the question posed by Chief Justice Marshall as to whether the Constitution is "a superior paramount law," or being "on a level with ordinary legislative acts, is alterable when the legislature shall please to alter it," and thus an "absurd attempt on the part of the people, to limit a power of its own nature illimitable." We must decide for ourselves whether we will honor our oaths to uphold and defend our Nation's charter or, yielding to the sheer force of majority power, renounce, repudiate and desecrate the letter as well as the spirit of that historic document. We must follow the proven path of the Constitution or join this legislative stampede down the road to ruin for our republican form of government.

If this bill passes, you are going to see the application of the falling domino theory right here at home, for when this pillar of our Constitution falls, then the remaining institutions and individual liberties created and secured thereby will likewise tumble in rapid succession. Once this cornerstone of our Republic is destroyed, then the entire structure of our Federal system will inevitably come crashing down. Once you have opened this Pandora's box of congressional mischief, you will unleash a chain reaction which will finally culminate in the establishment of an all powerful, unchecked, unanswerable, supersocialist state; a new order in which the States will be reduced to mere administrative arms of a monolithic Federal bureaucracy. When that occurs, Mr. President, the dark night of despotism will descend like a pall upon this great Nation and the rule of tyranny will pervade this land.

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

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

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Illinois [Mr. DOUGLAS] whatever time he may desire.

WHY THE KENNEDY ANTI-POLL-TAX AMENDMENT SHOULD BE ADOPTED

Mr. DOUGLAS. Mr. President, the 14th and 15th amendments to the Constitution of the United States spell out in a very clear fashion the constitutional right and, indeed, the duty of Congress to legislate both to protect the right to vote, explicitly under the 15th amendment, and to secure the equal protection of the laws to all of our people, regard-

less of race, creed, or color, or previous condition of servitude under both the 14th and 15th amendments.

These two amendments to the Constitution, passed after the Civil War, have been largely ignored. Our southern friends customarily refuse to refer to them, and they treat the 10th amendment, passed in the original Bill of Rights nearly 80 years before, as being controlling. But the 14th and 15th amendments, as I have repeatedly pointed out, are as integral a part of the Constitution as any of the original text or any of the amendments, and since they came 80 years after the 10th amendment, in the fields which they cover they have necessarily superseded the 10th amendment.

THE COURT AND CONGRESS HAVE NOW ACTED

However, in the last decade the Supreme Court—and, after some delay, the Congress—finally acted under them. But there is still a group of Senators, namely, most but, fortunately, not all of our southern colleagues and a number of their allies who still try to ignore both of those amendments, which are a vital part of the Constitution of the United States. Because of that, it is not inappropriate to read once again what they provide.

The 15th amendment provides, in section 1, that—

> 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—

And I stress the language "or by any State."

Section 2 of that amendment provides that—

> The Congress shall have power to enforce this article by appropriate legislation.

The first section of the 14th amendment, which was passed some 2 years earlier, provides—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.
>
> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 has also a clause which was later copied into section 2 of the 15th amendment:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

WHAT THE 14TH AMENDMENT DOES

I point out that the 14th amendment guaranteed citizenship as a national right and not merely a right to be conferred by a State.

Second, it provided that no State should deny to any person within its jurisdiction the equal protection of the laws.

Third, as the later decisions of the Supreme Court have indicated, the constitutional guarantees of the early amendments to the Bill of Rights become a part of the obligations of the State governments as well as the National Government under the privileges and immunities clause and can be protected by the National Government and indeed should be.

Finally, all persons are citizens of equal standing before the law. There are to be no first-class citizens or second-class citizens, but all citizens with equal legal rights.

The Constitution provides that no State shall abridge the privileges or immunities of citizens, nor deny to any person within its jurisdiction the equal protection of the laws. The framers meant, of course, not merely the State governments as such, but also the local and county governments and officials, which obtain their powers from the State legislatures and constitutions and which, in the legal sense, are creatures of the separate States.

OVERWHELMING AND UNANSWERABLE CASE MADE

On April 13, the Senator from Massachusetts [Mr. KENNEDY] made an important speech in the Senate in which he made an overwhelming case in support of the proposed poll tax amendment, which the majority of the Senate Committee on the Judiciary had adopted to the voting rights bill. I commend him for that speech, which was one of the ablest statements that I have ever heard any Senator make. I commend him also for the speech of last Friday, which is found in the CONGRESSIONAL RECORD for that day. Over the weekend I read it very carefully. That speech was an impromptu, off-the-cuff reply to the letter of the Attorney General of the United States. Both those speeches are extraordinarily able. They show a close knowledge of the subject and perfect mastery of the points. I believe they are the finest presentations that I have ever heard a freshman Senator prepare and make, and equal to the arguments of any other Senator, however long he may have served in this body.

NO SUBSTANTIVE REBUTTAL GIVEN

I believe that the Senator has made an unanswerable case. In the arguments on the poll tax, no one has yet made any real attempt to answer the substance of his argument; and no one has done so because he made such an overwhelming and unanswerable argument. He showed that there was no doubt that Congress can properly legislate to outlaw the poll tax in State and local elections under the 14th and 15th amendments. In his speech he made the following points and produced the detailed and specific evidence to back them up.

POLL TAXES ENACTED TO DENY NEGROES THE VOTE

First, he showed that in three of the States in which poll taxes exist, namely, Alabama, Mississippi, and Virginia, they were enacted for the purpose of denying Negroes the right to vote. The Senator has pointed out that the framers of these requirements openly stated on the floor of the Convention that this was the predominant and overriding purpose. No one can deny that fact; and the study which I have made of the contemporary literature of the time surrounding the passage of these provisions indicates that this was not merely the intention of the sponsors, but also it was the purpose of the supporters.

THE EFFECT IS TO DENY NEGROES THE RIGHT TO VOTE

In the second place, the Senator from Massachusetts showed that the effect of the poll tax in those States was to deny to the Negro the right to vote. He pointed out, and gave citations and cases to show, that Negroes had been denied the right even to pay the poll tax. He pointed out that suits had been brought against both State and local officials to accept the payment of the poll tax when they had refused to accept it when Negroes had tried to pay it. He brought forth evidence to show that Negroes were often unable to locate the place where the poll tax was to be paid. He gave examples of political jurisdictions Where there was more than one place to register or to pay the poll tax and where Negroes were actually shunted from one place to another, only to find that the offices were closed.

MODERN SHELL GAME

At country fairs some decades past there were sharp operators who practiced the shell game. A person was supposed to guess under which shell the pea was located. It was always under some other shell than the one the person guessed. The use of the poll tax in the instances I have cited operates as a shell game. Where there was more than one place for the payment of the poll tax, and the Negro presented himself at one of them to make the payment, he was generally shunted to some other place.

FEW NEGROES REGISTER AND VOTE WHERE POLL TAX EXISTS

The Senator from Massachusetts and other Senators have shown that where State and local poll taxes now exist, relatively few Negroes are registered or are able to vote, and that this is especially true in the counties and jurisdictions of the States where Negroes comprise a large proportion of the population. In other words, these disqualifications operated primarily in the so-called "black belt," or the old cotton kingdom, which begins in the southern counties of Virginia, goes down the Atlantic coast through North Carolina and extends inward several counties from the coast, then continues down the coast into South Carolina, goes through the rural counties of Georgia, then takes a turn to the west and goes through northern Florida, southern Georgia, through virtually all of Alabama and Mississippi, and then up the Mississippi River from northern Louisiana until, virtually, my State is reached at Alexander County, at the city of Cairo. It is in this region that the disqualification of Negroes is most evident and most pronounced, although it is not necessarily confined to that area. And in those areas where it exists, the poll tax is one of the devices used to disqualify Negroes. In certain cities of the South, notably Atlanta and Memphis, Negroes have been able to obtain the right to vote.

POLL TAX A RESTRICTION ON VOTING

In the fourth place, the Senator from Massachusetts showed, and quoted numerous congressional opinions and legal

opinions to point out, that the poll tax was not a qualification to vote that was put forward by those States, but was, in fact, a restriction on voting or a limitation on the right to vote.

It should be clear that we are not proposing to outlaw the poll tax as such as a revenue measure; we are merely saying that the failure to pay a poll tax should not be a disqualification to prevent one from voting.

One of the most important points which the Senator from Massachusetts made was a quotation of the junior Senator from Illinois [Mr. DIRKSEN], my colleague, the present minority leader, from his testimony before the Subcommittee on Elections of the House Committee on Administration, in the 80th Congress, 1st session:

> So I came to the conclusion that, in my judgment, the poll tax is not a qualification. As I see it, a poll tax is not a qualification but a restriction.

I join my colleague from Illinois in the sentiment which he expressed nearly 20 years ago. I think he was sounder then than he is today.

POLL TAX AN ECONOMIC BURDEN ON POOR

In the fifth place, the Senator from Massachusetts further showed that the amount of the poll tax and the fact that it was cumulative clearly denied Negroes the equal protection of the laws under the 14th amendment. I wish to emphasize this point.

I listened carefully to the testimony of the able, honorable, and highly distinguished Attorney General on this subject. He has said that he believes the outlawing of the poll tax may not be justified under the 15th amendment because it is an income disqualification which cuts across the racial components of our population and is not racial.

HITS NEGROES AND LATIN-AMERICANS

In the first place, it is racial, as the Senator from Texas has pointed out, because not only does it hit most severely the Negroes in the States of Virginia, Mississippi, and Alabama, but it hits with equal severity those of Latin origin in the State of Texas. The Senator from Texas pointed out that the number of Mexican-Americans, or Latinos, as they may more properly be termed, exceeds the number of Negroes in Texas and that they occupy in Texas much the same low position on the social ladder as Negroes in the Deep South.

CUMULATIVE FEATURES

In Virginia, Mississippi, and Alabama the cumulative requirement, 3 years in Virginia and 2 years, as I recall, in Mississippi and Alabama, makes the maximum charge $4.50 in Virginia, $4 in Mississippi, and $3 in Alabama. There is no question that Negroes are at the bottom of the economic totem pole, and that a cumulative poll tax as a requirement for voting falls far more heavily on the masses of Negroes in the South and also on the Latinos in Texas, whose incomes as a group, are far below any standard of need.

EXCEEDS DAILY WAGE

The Senator from Massachusetts has submitted evidence on this point. He showed that the average income of Negroes in Mississippi was approximately one-third the income of whites; that the average income of Negroes in Alabama was 40 percent that of whites, and approximately 50 percent in Virginia. He gave some figures to indicate that the accumulative tax in some cases was equal to or exceeded the average daily earning power of such workers when employed.

EARLY PAYMENT REQUIRED

Furthermore, in some States the poll tax must be paid at an early period in the year—months before the election itself, months before the registration period. It was shown that this operated to disqualify the less informed sections of the population. As I have stated, at times they found it difficult to find the place where payment should be made or the persons to whom the tax was to be paid.

The Senator from Texas has performed a useful function in pointing out that the poll tax operates as severely upon the Latinos of that State—the Mexican-Americans—as it does upon the Negroes, and that they are numerically a larger element in the population of that State.

I believe that we should recognize that it is not merely Alabama, Mississippi, and Virginia which are involved, but also Texas as well. Those who are acquainted with the recent political struggles in Texas over the question of whether the poll tax was to be used for local elections can appreciate the point which I am trying to make.

II

REASONS WHY MANSFIELD-DIRKSEN SUBSTITUTE SHOULD BE OPPOSED

There are numerous reasons why the Senate, in my judgment, should oppose the Mansfield-Dirksen substitute and support the Kennedy-Javits antipoll tax amendment.

I pay tribute also at this point to the distinguished senior Senator from New York [Mr. JAVITS], who has been an advocate of equal rights under the laws ever since he came to Congress many years ago, and whose career in the Senate has been one of great integrity.

AVOIDS LEGISLATIVE RESPONSIBILITIES

In the first place, the Mansfield-Dirksen substitute really asks Congress to avoid its responsibilities. It makes no real finding of fact. It merely provides that:

> In view of evidence presented to the Congress that the constitutional right of citizens of the United States to vote is denied or abridged in some States by the requirement of the payment of a poll tax as a condition of voting in State or local elections and to assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, * * *.

The Mansfield-Dirksen substitute constitutes no declaration by Congress. It merely refers to evidence presented, without passing judgment upon whether the evidence is conclusive. In effect, it really asks the Senate to avoid its responsibilities.

Mr. President, in my judgment, Congress not only has the right, but also the duty to legislate on the issue concerning the right to vote under the 14th and 15th amendments.

DO NOT PASS THE BUCK TO THE COURT

The leaders of the Senate, both of the majority and minority parties, state, in their substitute language, that we should pass the buck to the courts.

Congress avoided its responsibility under the 14th and 15th amendments for almost a century. We finally met a part of our responsibilities under the various Civil Rights Voting Acts passed since 1957. However, once again we are told that we should not act, that we should leave it to the courts.

IRONIC POSITION

This is both a curious and an ironic position. A large number of Senators who will support the Mansfield-Dirksen position on this issue are the very ones who, over the past decade, have been denouncing the Supreme Court of the United States for going beyond the intent of the specific legislation which Congress has enacted.

This has been the case on the part of our southern friends—and I want to say most sincerely that they are still our friends—in the case of school desegregation opinions. Time and again we have heard them say that the Court went beyond its jurisdiction. The Court is charged with legislating and usurping the functions of Congress.

This charge was made by those who opposed the one-man one-vote decisions of the Supreme Court in the State legislature reapportionment cases, which involved originally Tennessee and Alabama, but which, in subsequent decisions has involved many other States as well. The very able leaders of the Senate, the distinguished majority and minority leaders, went so far as to introduce legislation last year as a rider to the foreign aid authorization bill in order to postpone and upset the Supreme Court decisions. Arguments were made at that time that the courts were interfering with the legislative functions. I do not believe that was true. The Court acted only after the various States legislatures had, for decades, failed to redistrict themselves. But the argument was made.

OUR DUTY IS TO LEGISLATE

We now have before us the opportunity for Congress to act, to legislate, and to carry out its proper functions. Yet, many Senators who, in the past, have chided the Court for usurping legislative functions, are now saying that we should leave this legislative duty to the courts.

I believe that Congress should legislate. It should function as a legislative body, and carry out its duties and responsibilities.

AMENDMENT WILL STRENGTHEN THE HANDS OF THE COURT

The second reason why we should oppose the Dirksen-Mansfield substitute and support the Kennedy anti-poll-tax amendment is that it would strengthen the hands of the Court if or when the constitutionality of the poll tax at the

State and local level is before the courts for decision.

A curious argument has been raised on the question of constitutionality. Those who argue that there is a constitutional question are basically arguing that the Supreme Court, on its own volition and without a congressional finding, might not hold that the State and local poll taxes now in force are unconstitutional.

Frankly, I believe that if the Court is presented with this issue, it will find that the poll taxes in State and local elections are unconstitutional under both the 14th and 15th amendments. But if Congress makes a finding, as we are asking Congress to do, and if Congress enacts legislation under the 14th and 15th amendments to outlaw the poll tax in State and local elections, I believe that there is no doubt whatsoever that the Court will support the action of Congress. We strengthen the hands of the Court by legislating under the 14th and 15th amendments and by assuming our responsibilities. We weaken the strength of the Court if we fail to act.

SUBSTITUTE TIES HANDS OF ATTORNEY GENERAL

The Mansfield-Dirksen substitute proposes to provide that the Attorney General must go into court with one hand tied behind his back. He cannot say that Congress has made a finding. He can only take up the facts of a specific case.

It may well be that the decisions of the Court will be restricted to particular cases, and that each case will have to be fought on its own merits and decided according to the specific instances of that case.

The Kennedy amendment, on the other hand, would make it a finding of Congress that this has been the general policy, to restrict and discriminate against the right to vote, both of the Negroes and the Latinos; therefore the Court, in acting, will have to pass upon whether Congress acted in a reasonable fashion.

EVEN PROPONENTS OF JUDICIAL RESTRAINT SUPPORT KENNEDY AMENDMENT

The advocates of judicial restraint, who were led for many years by Justice Frankfurter, and whose most eminent present representative is Prof. Paul Freund of Harvard, say that in the absence of congressional authority, the courts should not intercede in the questions concerning the 14th and 15th amendments, and declare that a legislative finding will enable the courts to act.

This position is taken by the foremost legal scholar who has advocated judicial restraint, and who I think regards himself as the continuer of the Frankfurter tradition, which is sometimes, though I think mistakenly, interpreted as the Holmes tradition. But even Professor Freund is a strong advocate of this bill.

I suggest that those who argue the constitutional issue, if they are really sincere, should support the Kennedy-Javits antipoll tax amendment in order to strengthen the hands of the Court in this field.

CONGRESSIONAL ACTION WILL STRENGTHEN COURT

The position of those who oppose the poll tax and who believe in the right of every citizen to vote regardless of race, creed, or color—and by color I mean not merely a black skin, and not merely a chocolate color skin, but a bronze skin as well—is greatly strengthened by a congressional finding and a congressional act under the 14th and 15th amendments to the Constitution. It would be strengthened by comparison with a case that would be before the Supreme Court if unaccompanied by such a finding.

THOSE, WHO COMPLAIN COURT WENT TOO FAR, NOW ARGUE COURT WILL NOT GO FAR ENOUGH

In the third place, I find it ironic and in a larger sense almost amusing that those who complain that the Court went too far in the one-man, one-vote reapportionment decision and who complain that the Court went beyond its power in making certain that every citizen would have an equal vote would now argue that the Court might not find that an act of Congress outlawing the poll tax was constitutional. Surely a Court which has supported the one-man, one-vote decisions without a congressional finding would not throw out an antipoll tax provision with a congressional finding. The poll tax does not merely give unequal representation. It denies all representation instead to those who cannot afford to pay the tax.

I am somewhat struck with the fact that there are some 65 members of the bar in this body, nearly all of whom believe they may grace the Supreme Court, and who have very little restraint in giving constitutional opinions on what the Supreme Court would do. I have great respect for my colleagues, but I submit that the proper thing to do is to pass as good an act as possible and then let the Supreme Court decide the constitutionality.

CONSTITUTIONAL LAWYERS SUPPORT KENNEDY AMENDMENT

The letter introduced by the Senator from Massachusetts [Mr. KENNEDY] on Friday, listing a large number of eminent constitutional authorities who believe the Kennedy-Javits amendment is constitutional, should, I think, somewhat restrain the curbstone and horseback opinions of my colleagues.

Since my colleagues have not been backward in giving their opinion on constitutionality, I feel, with all due modesty and humility, that I may be permitted to advance constitutional arguments.

REAPPORTIONMENT CASES DECIDED ON 14TH AMENDMENT DENIAL

One should notice that in the reapportionment cases the Court turned to this phrase of the 14th amendment: "that no State shall deny to any person within its jurisdiction the equal protection of the laws." It held that unequal representation in the State legislatures had the practical effect of denying to those who were underrepresented the equal protection of the laws.

POLL TAX DENIES RIGHT TO VOTE

The poll tax as a condition of voting does not merely restrict and reduce the right to vote, but it eliminates the right to vote. Those who are disqualified from voting because of the failure to pay a poll tax in those four States are denied the right to vote and, therefore, suffer not merely from partial or unequal protection and representation; they are instead completely excluded from representation because, according to the logic of the Supreme Court, which I personally believe to be correct, they are completely excluded from the equal protection of the laws.

If there is a State in which the residents of cities and suburbs have only one-tenth of the representation of those in certain rural districts, it can be argued that they have at least one-tenth their representation. That is not equal to the representation of others, but it is at least partial representation. But in these four States, those who do not pay the poll tax are completely excluded from the right to vote. Their representation is zero; and zero is certainly less than one-tenth. It is less than even the one four-hundred-and-fiftieth which is the situation when comparing Los Angeles County and one of the Sierra senatorial districts.

In short, if the court will eliminate underrepresentation, it would seem that it would certainly eliminate the complete absence of representation.

This is one of the intellectual weaknesses which I see contained in various statements of the Attorney General.

I have great respect for Mr. Katzenbach as a man. I believe that he is a most excellent Attorney General. He comes from my State. I endorsed him for his original appointment as Deputy Attorney General. I endorsed his appointment as Attorney General and was glad to testify for him. I believe he is doing an excellent job in administering his department.

DO NOT LIMIT CASE TO 15TH AMENDMENT

So I do not impugn his ability or character when I say he has unduly restricted the field of his argument. He has talked entirely of the 15th amendment and has said its poll tax is an economic disqualification, and not a racial disqualification. He has made no mention, so far as I am aware, of the 14th amendment, which provides that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Therefore, in his constitutional arguments he has one hand tied behind his back. I still think the one hand which is retained under the 15th amendment is a strong hand and should be used much more vigorously than he has used it; but I feel that there is ground for action, and for the Congress declaring this to be action also under the 14th amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the distinguished Senator from Louisiana, the majority whip.

Mr. LONG of Louisiana. Mr. President, the 15th amendment starts, in section 1, with a provision which the courts can automatically institute; namely, it provides that a State shall not deny the right to vote on account of race. Then, if one would assume the first section to be self-executing, and a matter which the court would have a right to act upon, it seems to me the second section would tend to go beyond that and convey

power on Congress to act in fields where Congress feels the denial of the right to vote has occurred.

If the Senator believes that the second section goes beyond the first section, it might well be that the court, of its own initiative, if the literacy test were evenly applied and the poll tax were evenly applied, which tended to disfranchise people either because they were poorly educated or had less financial means, while it might tend to disfranchise Negroes to a higher degree than whites, would hold that this was the type of thing in which Congress was given the power to legislate if Congress saw fit to do so. If the Court should hold that it was not the kind of thing which the Court should cast aside but rather the kind of thing that would be reserved for the judgment of Congress, under the Mansfield-Dirksen proposal, Congress would not give the Attorney General anything he does not now have.

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. It would leave him with the right to test the first section of the 15th amendment without support of exercising the power which Congress is conveyed in the second section of that amendment, wherein Congress is given the power to strike down measures when it finds there is a subtle denial of the right to vote based upon race.

Mr. DOUGLAS. The Senator is correct. The Mansfield-Dirksen amendment and Mr. Katzenbach's letter would send the Attorney General into court with one arm tied behind his back. He could not use section 2 of the 15th amendment. He could not use a congressional finding or legislation under the 14th amendment.

Mr. LONG of Louisiana. I have always found that if we are going to attack the poll tax by Federal legislation, the best attack would be to rely upon section 2 of the 15th amendment. That would be the most logical approach to use to strike down the poll tax. I believe that if Congress saw fit to say that the poll tax discriminates against persons on an economic basis, while it may be uniformly applied, a percentage of Negroes who are poor greatly exceeds the percentage of whites who are poor, so that this would disenfranchise a much higher percentage of Negroes than whites. Some may wish to have the poll tax, but we must not condition the vote upon paying that tax.

Mr. DOUGLAS. I agree with the Senator from Louisiana that the poll tax excluded Negroes in Virginia, Alabama, Mississippi, and Texas. I would also include the Latinos of Texas who are sometimes lost sight of, but who probably number some 5 to 6 million persons. They are scattered all over the country, but are concentrated primarily in the Southwest and Lower California.

Mr. LONG of Louisiana. Of course, it is an additional denial which adversely affects Negroes under a poll tax to the disenfranchisement of the poor.

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. The poor whites as well as the poor Negroes in Louisiana. The voters among the poor whites, for example, had much to do with liberal hospital and welfare programs, and the free lunch program——

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. When the poll tax was first repealed, while it did not enfranchise the Negroes, at least it enfranchised those who had a parallel economic interest in a liberal program which, under the Constitution, had to be uniformly applied to all the people, with the result that it enfranchised poor whites and helped the Negroes by which some could vote who had a parallel economic interest. But where the poll tax remains in effect, the record will show—I was looking at the figures in the last presidential election—that in the Southern States which have a poll tax compared to those which do not, approximately 20 to 25 percent more votes were cast in the presidential race in States which did not have a poll tax than in States which did. So the 25 percent difference tends to represent those who are more deprived from the economic point of view, and tends to result in State policies which deny to the Negro what he might otherwise have had because of poverty, and denies him the benefit of votes which would be cast to his economic interest by poor whites.

Both are being disenfranchised, although the excuse is given that it is done to keep Negroes from voting. Those who would like the kind of government which has few services to offer and lower taxes as a result, usually prefer a sales tax to an income tax. This economic interest would tend to coalesce behind a poll tax. We could not strike at a poll tax because it disenfranchises poor whites, but it could be stricken because it tends to disenfranchise Negroes.

Mr. DOUGLAS. I quite agree with the Senator from Louisiana that the poll tax affects poor whites as well as Negroes and Latinos. It is a powerful reason to support the provision to outlaw the poll tax under the 14th amendment to the Constitution, as a denial of equal protection of the laws.

The Senator from Louisiana, in his able colloquy on Friday last with the Senator from Massachusetts [Mr. KENNEDY], which I have read carefully, mentioned the fact that the poll tax was put into effect in many Southern States to head off the Populist movement in the early 1890's, which challenged the old parties in some Southern States, and which in a State like South Carolina forced the Democratic Party away from the control of the Tidewater interests toward the control of the upcountry interests, represented first by Ben Tillman, and then by Coleman Blease, and lastly by our late beloved colleague Olin Johnston. The Populist movement soon frightened the big planters so that they put through a poll tax provision, as well as the segregation provisions in many States, to raise the Negro issue, but also in reality to disqualify poor whites as well as poor Negroes.

That is why I believe that we should legislate under the 14th amendment as well as the 15th amendment. From the very time that Attorney General Katzenbach testified, and the Mansfield-Dirksen original bill came to the floor of the Senate and was then referred to the Judiciary Committee, I was critical of the provision which provided that the purpose was to legislate only under the 15th amendment and made no provision whatsoever for legislation under the 14th amendment. Therefore, I was glad that the Senator from Michigan [Mr. HART] insisted that a clause be included to legislate under the 15th amendment and "for other purposes." This, while not specific, clearly indicated the intent to act under the 14th amendment as well.

The case has now broadened. This is not merely an attempt to enfranchise poor Negroes, but also poor Latinos and poor whites. If the amendment is adopted we are going to see a big improvement in southern government, both local and State. I believe that this is one of the reasons why there are many who are opposing the proposed legislation.

Mr. LONG of Louisiana. It is also entirely likely that if the amendment carries, the number of poor whites enfranchised by the amendment will be as great as the number of Negroes enfranchised.

Mr. DOUGLAS. I believe that it will be, if they do not exceed the number. One of the tragedies of the South in the past 70 years has been the way in which poor whites have allowed themselves to be used under the guise of anti-Negroism to weaken themselves.

Let me pay tribute to the father of the junior Senator from Louisiana [Mr. LONG]. I say frankly that there are imperfect actions in all lines of endeavor, that there were some things about the actions of the Senator's father of which I did not approve, but the record shows that the Senator's father tried to extend the benefits of hospitals, good roads, books, and education to the poor people of Louisiana, regardless of their color, and that his influence was very strong in abolishing the poll tax. This is something that tends to be forgotten. I do not intend to let the Nation forget it. I welcome these declarations by the junior Senator from Louisiana, the distinguished majority whip.

Mr. LONG of Louisiana. Mr. President, the repeal of the poll tax in Louisiana has resulted in such an increase in the electorate that some of us have had the good fortune, in a hotly contested race, to wind up with majorities that exceeded the votes cast when my father ran for Governor.

Mr. DOUGLAS. It means that the oil companies of Louisiana and the Choctaw Club of New Orleans no longer control the elections in Louisiana.

The Senator from Louisiana may not wish to reply. I can say it, however, because I come from Illinois, and from much farther up the Mississippi Valley.

Mr. LONG of Louisiana. It has caused the rank and file people to recognize the importance of their vote and the importance of casting their vote. Some-

times as many as a million votes are cast in my State. When my father first ran for office, for the office of Governor, the total vote was about a quarter of that.

SUBSTITUTE REQUIRES SERIES OF COURT CASES

Mr. DOUGLAS. Mr. President, fourth, one of the serious flaws in the Mansfield-Dirksen substitute is that it would require a series of court cases not only in the four States which still retain the poll tax in State and local elections, but also in those local jurisdictions within those States which claimed that the conditions in their area differed widely from the conditions in the suits which were brought.

In other words, the Mansfield-Dirksen substitute amendment is really presenting us once again with a long drawn out judicial process which is the main reason the voting rights provisions of 1957, 1960, and 1964 have not been effective.

CONSTITUTIONAL AMENDMENT NOT NEEDED

Finally, Mr. President, those who are opposing the Kennedy-Javits amendment and supporting the Dirksen-Mansfield substitute say that because we outlawed the poll tax in Federal elections by a constitutional amendment, it would take a constitutional amendment to outlaw the poll tax in State and local elections.

Many of us worked to outlaw the poll tax in Federal election by legislation. We thought there was no question that this could be done under both the 15th amendment and under the 14th amendment. The reason why it was done by constitutional amendment rather than by legislation is a simple one—namely, rule XXII in the Senate and the reign of King Filibuster in the Senate. When we tried to accomplish the result by legislation, it was filibustered, or a filibuster was threatened. We were told that if we proceeded by legislation there would be no restriction on poll taxes.

Finally, as the only alternative, it was done by constitutional amendment. But it was not necessary to do it that way, and it is not necessary to outlaw the poll tax in State and local elections by a constitutional amendment. This is a false argument.

The outlawing of the poll tax by legislation was done five times by the House. I do not regard the Members of the House as inferior to those in the Senate in either public devotion or constitutional ability.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The point that worries me about the Mansfield-Dirksen proposal is that, based on previous decisions which the Court has rendered, if I were a Justice of that Court, looking at the Mansfield-Dirksen proposal, unless I wanted to depart from the doctrine of stare decisis, that the earlier decisions are persuasive upon the Court, I would feel compelled to say that, while the Congress does have the power to act in this way, it has chosen not to do so.

Mr. DOUGLAS. Yes; it would not strengthen the argument.

Mr. LONG of Louisiana. It would send the Attorney General to court with power he already has.

Mr. DOUGLAS. It would send him to court with chains around his hands and leg irons on his legs. Apparently he wants to go to court that way.

Mr. LONG of Louisiana. It would make one wonder whether he wants to win his case, if he is willing to go in with his hands tied.

To be fair to the Attorney General, I believe the Senator knows that the Attorney General's logic in taking this position relates to other factors, including the practical consideration of getting a bill passed.

Mr. DOUGLAS. Yes. I have paid high tribute to the intrinsic qualities of the Attorney General. He is an able and devoted public servant. However, I reserve the right to differ with him when I think he is wrong.

Mr. LONG of Louisiana. From reading the two provisions, if I were to be sent to court to plead the case, I would wish to plead the case under the Kennedy amendment, because under its language I believe I would have a chance of winning the lawsuit. By contrast, my chances of winning would be extremely dubious if I were proceeding under the Mansfield-Dirksen substitute.

III

LET US FINISH THE JOB

Mr. DOUGLAS. Mr. President, there is almost unanimous opinion in the country that the right to vote should be guaranteed and enforced by the Congress under the Constitution of the United States. No State or local official, acting under color of law, should be able to deny this basic right of citizenship.

PAST LEGISLATION INADEQUATE

On this general principle there is almost complete unanimity. But we have thus far failed to pass adequate legislation to enforce this right. We passed laws in 1957, 1960, and again in 1964 which did not do the job. They did not work because—like the present Mansfield-Dirksen substitute on the poll tax provision—they provided a judicial case-by-case remedy. This remedy has been both too slow and inadequate. Yet, that is what is now proposed again.

LET US REMEMBER THE PAST

Mr. President, it is always ungracious to rehearse past history. I do not wish to arouse the resentment of any other Member of the Senate. I do not wish to maximize unduly the role which some of us have played in the past. I do not wish to say, "We told you so." But we are making history and from our past mistakes. I therefore wish to go back and review the history of the civil rights legislation in Congress over the past decade.

YEAR 1956 BILL BURIED IN COMMITTEE

In 1956 the House passed a good civil rights bill. But in that year the Senate refused even to act. It was buried, without even a tombstone being erected over it. At that time I made a motion that the House bill be considered. This motion was overwhelmingly defeated, and we obtained only six votes. Three votes were cast for it on the other side of the aisle and three votes on this side of the aisle.

I shall not go into the question of who made the motion to table; nor who voted for the motion to table. Nearly every Senator voted for the motion to table.

I shall not single out the six of us who voted for consideration, except that I hope the RECORD will permit me to say that I was naturally in favor of my own motion. When we were smashingly defeated that night and publicly rebuked, I believe I was more discouraged than I have ever been in my life.

That night I seriously considered resigning from the Senate. The prospects for successful action seemed very dark indeed. However, there was a rankling sense in the country and, to some degree, even in this body, that injustices had been committed and were continuing, and that the issue could not be permanently swept under the rug.

YEAR 1957 BILL INADEQUATE

In 1957, the then Attorney General, Mr. Herbert Brownell, brought in a bill to deal with the voting rights issue. In that year we passed a voting rights bill. It was inadequate on two grounds. First, it followed a judicial procedure which has not been fast enough or effective enough.

Second, under the threat of "King Filibuster," the Senate voted out part III, or those provisions in the bill which would have made the 14th amendment effective and which would have guaranteed to Negroes the equal protection of the laws in education, in the use of parks, and in the use of other public facilities.

ANOTHER BILL NEEDED IN 1960

What was the history of that legislation? We had to do it again. In 1960 there was another voting rights bill, this time produced by the very able Attorney General, I believe in general a very fine individual, Mr. William P. Rogers; but, like the 1957 bill, it followed the path of judicial action or inaction and set up court referees in voting cases upon a case-by-case basis.

DOUGLAS-JAVITS AMENDMENT FOR FEDERAL REGISTRARS TABLED

It was on this bill that the Senator from New York [Mr. JAVITS] and I submitted an amendment, not to provide for judicially appointed referees in specific cases, but for presidentially appointed registrars. That amendment was hailed as a wild idea. I shall again not go into the question of who made the motion to table or who supported the motion to table or who voted for the motion to table. I pay tribute to the 22 Senators who stayed with us against the motion to table. Our numbers had increased from 6 in 1956 to a total of 24 in 1960.

FIVE YEARS LATER LEADERSHIP SUPPORTS AMENDMENT THEY TABLED

But the motion to table was carried by the leadership of both parties. We made our motion on March 18, 1960, 5 years to the day before the present bill, calling for federally appointed registrars, was introduced. In other words,

5 years after the Senate voted down our proposal, they came around to the idea of the federally appointed registrars and the inadequacy of the judicial process.

The Senate establishment is not always right. It may have the power, but it does not always have the wisdom. The defeats in 1956, in 1957, and in 1960 was because of the combined power of the leadership of both political parties, and of what is vaguely, but I think accurately, described as the Senate establishment. Five years after we had met with that crushing defeat—although not as crushing as it had been in 1956—our provision was submitted with the sanction of the Senate leadership. That feature at least will become law, but it was at least 5 years too late. Selma and other blots on our national honor have occurred because we failed to act in 1960.

YEARS 1956 AND 1957 BILL PROVISIONS 8 YEARS IN BEING ADOPTED

Similarly, in 1964, we finally passed, at least 8 years after we should have acted, many of the provisions in the 1956 and 1957 Civil Rights Acts, which Congress then failed to enact.

YEAR 1964 BILL INADEQUATE

In 1964 we again tried to bolster the right to vote along with other constitutional rights by improving on the system of judicial referees, which we had first created in 1957 and 1960. But in 1965 we are trying once again to make the right to vote for all our citizens effective, or rather we say that we are trying to make the right effective.

I believe that the moral would be obvious. We continue to act with too little and to act too late. Can we not learn from history?

LET US FINISH THE JOB

I suggest that Senators look to the broader scope of public opinion in the country and see that if we fail once more to make the right to vote effective, we shall have to do it later, and before that time comes there will be other Selmas, other Little Rocks, and other Birminghams.

Those who decry demonstrations should join us in making the right to vote as effective as it is possible for legislation to make it.

GRIEVANCES MUST BE MET BY PASSAGE OF EFFECTIVE LAWS

There is one further point I should like to make in that respect. If we fail to do that job again, as we have repeatedly failed, what will happen to the truly responsible Negro leaders and Negro organizations? They have been patient beyond belief. They believe in the American system. They believe that their grievances can be heard, met, and ameliorated through the process of legislation and law. That is conspicuously the case with the National Association for the Advancement of Colored People and also Martin Luther King, as well as other leaders.

DO NOT TRANSFER PROBLEM TO THE STREETS

But if once again we fail to finish the job, there are others who are merely waiting to use a different kind of action, a kind of action which differs fundamentally from either legislation or peaceful protest. If we fail to act again, and if we fail to finish the job, in large part we shall be responsible if the problem is transferred from the Halls of Congress and from the courts, on the one hand, into the streets, alleys, and back alleys of our country. Therefore, in my opinion, it is essential that we adopt the Kennedy anti-poll-tax amendment and finish the job.

Almost the same voices which opposed the civil rights bill of 1956, in part III of the 1957 bill, and the Douglas-Javits proposal for Federal registrars in 1960 are again saying, "Do not go too fast or this provision may be unconstitutional."

I submit to the Senate and to the country that we should not again act too late with too little.

IV

KING FILIBUSTER RIDES AGAIN

Finally, there is one other practical argument which we are now hearing in the cloakrooms of the Senate, which needs to be brought out explicitly on the floor, and which is sometimes repeated in the comments of some of the columnists. It is that if we adopt the Kennedy amendment, we cannot obtain cloture on the bill and stop a filibuster. In effect, a pistol is being pointed at our heads, and we are told that if we wish to avoid a filibuster and a tying up of the Senate, with an interminable discussion intended to prevent a vote, we must give up the idea of outlawing the poll tax under the 14th and 15th amendments.

Year after year, rule XXII and "King Filibuster" have been used, or their use has been threatened, to keep us from carrying out our responsibilities.

UNWORTHY ARGUMENT

This year, as I believe in other years, the argument is unworthy. We can pass the bill with the Kennedy amendment in it. I do not believe that many Senators would vote against cloture on the bill if the Kennedy anti-poll-tax amendment were included. Some may use that as an excuse, but I do not believe that it would be the real reason or the effective cause. I believe we can obtain cloture in any case.

Let Senators who would vote against cloture because of the amendment do so. Then let them face public opinion at home if they do so.

Once again, King Filibuster is being used to keep us from doing our duty and from carrying out our responsibilities. And, ironically again, it is being argued, for the most part, by those who have either voted to keep the existing rule XXII or have certainly been tepid in their support of any change.

V

CONCLUSION

So, Mr. President, we should pass this amendment.

An overwhelming and unanswerable substantive case has been made in its support.

The Mansfield-Dirksen substitute seeks to avoid our responsibilities.

After a decade of ineffective legislation aimed at guaranteeing the right of all citizens to vote, we should finally finish the job and do it right.

And, we should not let King Filibuster continue to reign in the Senate.

Mr. KENNEDY of Massachusetts. Mr. President, I should like to say how important and helpful it is to have the commentary of the distinguished Senator from Illinois on this important consideration. He brings to the debate a unique background, experience, and understanding of a variety of questions. Having his voice in support of this issue will, I know, be useful to all Members of the Senate in their consideration of the amendment. Once again, in his usual, constructive, enlightening style, he has pinpointed many of the most significant questions that have been raised. He has dealt with them effectively, efficiently, and with elucidation and conciseness.

I add my voice of commendation of the Senator from Illinois for his remarks in support of this important amendment, and commend them to the Senate for its deliberation in the closing hours of the debate.

Mr. DOUGLAS. I thank the Senator from Massachusetts.

Mr. CASE obtained the floor.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Who yields time to the Senator from New Jersey?

Mr. KENNEDY of Massachusetts. How much time does the Senator wish to have yielded to him?

Mr. CASE. Ten or fifteen minutes.

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from New Jersey whatever time he requires.

The PRESIDING OFFICER. The Senator from New Jersey is yielded 15 minutes.

Mr. CASE. Mr. President, I join the Senator from Massachusetts in expressing appreciation to the distinguished Senator from Illinois [Mr. DOUGLAS]. In his usual style, he has made a contribution to the enlightenment of all of us and to the enlightenment of the American people on this subject. He combines a great heart with erudition, common sense, and wisdom. It is a delight to serve with him in the Senate. It is a delight to sit at his feet on any subject, particularly the subject of civil rights, in which he has been a strong and effective fighter over many years.

Mr. DOUGLAS. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. DOUGLAS. I thank the Senator from New Jersey for his characteristically generous remarks. His own devotion to this cause is as great as my own, and his contributions have certainly been greater. It is a real joy to serve with him in the Senate and to find ourselves in agreement on this matter, as well as so many others.

Mr. CASE. I thank the Senator from Illinois.

Mr. President, I appreciate the fine statements which the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. JAVITS] have made in response to a letter from the Attorney General, in which the Attorney General has set forth his position that he prefers the Mansfield-Dirksen poll tax position rather than the one of-

fered by the proponents of the pending amendment.

In my opinion, the Attorney General's position is utterly demolished by the response made by the Senator from Massachusetts and the Senator from New York. I associate myself fully with their statements. I am glad, indeed, that the opportunity to bring this question into the open has been afforded by the Attorney General's action and by the answer made by the Senator from Massachusetts and the Senator from New York.

Mr. President, I have joined in sponsoring the pending amendment to ban the poll tax as a condition of voting because I am convinced it is a necessary part of an effective voting rights measure.

Three times in the last 8 years Congress has acted on voting legislation. Each time, our intent has been largely frustrated by stubborn and ingenious resistance. The time has come for us to act to discharge fully the responsibility placed upon us by the Constitution.

Amendment 14 declares in section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 reads:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment 15 states:

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.

I do not know how the matter could be stated more plainly.

The question before us is not one of constitutional authority. Our constitutional authority and our constitutional obligation are clear. The only question is whether the poll tax as a condition of voting is an instrument of discrimination in violation of the 14th and 15th amendments.

To me, the answer to that question is plain.

The notion that citizens should have to pay to vote is repugnant to the vast majority of Americans, and rightly so. For there is no legitimate relationship, historical or otherwise, between the payment of a head tax and the right to vote.

In this connection, I remind the Senate that the name "poll tax" derives from the old English word meaning "head." And it was as a head tax, unrelated to voting, that the poll tax first appeared in the United States, even before the adoption of the Constitution. Most of the Colonies had such a tax. But it was not related to voting. In most States which have a poll tax today, including Massachusetts, Vermont, Connecticut, Rhode Island, Maine, and New Hampshire, the right to vote is not conditioned upon its payment. The tax is collected in other ways and at other times than at elections.

It is significant that only after the 15th amendment, which I have read, was adopted to assure Negroes the right to vote that the four States—Alabama, Mississippi, Virginia, and Texas—which would be affected by this amendment, acted to require payment of a poll tax in order to vote.

They did not hide their purpose at the time. The Mississippi Supreme Court, in a decision shortly after the enactment of the poll tax in that State, frankly said that the primary purpose of the tax was to limit Negro suffrage. As for Virginia, a report made in 1942 by the Senate Judiciary Committee quotes Senator Carter Glass as saying at the constitutional convention which proposed the poll tax:

The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons and classes without distinction. We were sent here to make distinctions. We expect to make distinctions. We will make distinctions.

Those are the words of Senator Glass.

The evidence as to the origin of the Mississippi and Alabama poll tax is similar. The president at the Alabama convention stated, according to the Senate Judiciary Committee report:

The purpose of the convention was, within the limits imposed by the Federal Constitution, to establish white supremacy.

The historical record is replete with evidence showing that the poll tax was adopted in the Southern States as a barrier to Negro voting.

That it has been an effective one can also be documented. I cite only one example. In the case of *United States* v. *Dogan*, 314 F. 2d 767 (5th cir., 1963), the United States sought a mandatory injunction on behalf of Negro residents of Tallahatchie County, Miss., to force the sheriff of that county to accept their poll tax. The court's discussion of the facts showed that the county had approximately 6,000 white persons of voting age and 6,500 colored; that it had no colored voters; that no colored residents were permitted to pay a poll tax; that the policy of that sheriff, who was charged with collecting the tax, was to allow his deputies to accept payment from white applicants, but to have all colored applicants referred to him personally, and that of those colored applicants so referred, none was allowed to pay the tax. Affidavits in the record showed that one applicant had been trying regularly to pay her poll taxes from 1951 to 1962; another from 1952 to 1962. Each had been regularly turned down.

Senators have already filled many pages of the RECORD with other examples of the use of the poll tax as a means of disenfranchisement.

Time and again, State and local officials in certain Southern States have made plain their determination to evade compliance with the voting rights law. Who can doubt that, should we pass a bill which does not effectively deal with the poll tax, the dreary history of endless litigation necessitated by the refusal to register Negroes and to allow them to vote will have to be repealed.

Let us recognize the poll tax for what it is. In the words of our distinguished minority leader speaking in 1947—

A poll tax is not a qualification but it is a restriction.

That is true. It has no conceivable reference to the right of an individual to cast his vote wisely and well. It is a restriction designed to subvert the constitutional rights of thousands upon thousands of Americans.

The right to vote is the most basic of all rights of our citizens. It was the brutal rebuff of efforts to exercise that right that led only a few weeks ago to the march on Montgomery. In permitting the march, Judge Johnson declared—

The wrongs and injustices inflicted upon these plaintiffs have clearly exceeded and continue to exceed the outer limits of what is constitutionally permissible.

Surely, no one of us wants another Selma. Surely, no one believes citizens should have to risk life and limb to achieve a right most of us take for granted.

The opportunity is before us. Let us act now, once and for all, to provide truly effective protection of the birthright of every American citizen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Maryland [Mr. TYDINGS] is recognized.

Mr. TYDINGS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The junior Senator from Maryland is recognized for 15 minutes.

Mr. TYDINGS. Mr. President, I have listened to the remarks of the distinguished senior Senator from New Jersey [Mr. CASE] and the distinguished senior Senator from Illinois [Mr. DOUGLAS]. I believe that they have added a great deal to the debate and colloquy which have taken place in this Chamber for the past several days. The distinguished junior Senator from Massachusetts [Mr. KENNEDY] has ably stated the case for the pending amendment. I am honored to be a cosponsor of the amendment. I am pleased to be able to aid him in the effort to secure its adoption.

The senior Senator from Maryland [Mr. BREWSTER] is also a cosponsor of the amendment. He has asked me to state for him that if he were in the Chamber today, he would echo the statements which I shall express, and that he is wholeheartedly behind the adoption of its amendment.

As a member of the Judiciary Committee I have spent many hours during the past 2 months in hearings, in executive session, in briefings, and in innumerable strategy meetings to help fashion the best possible bill. We on the committee who support effective voting rights legislation were most fortunate to have as our leader, the Senator from Michigan [Mr. HART]. He has been wise, patient, and perceptive at every stage of our deliberations.

We were also fortunate to have on the committee the junior Senator from Massachusetts [Mr. KENNEDY]. He brought an energy, dedication, and sense of commitment that are in large part responsible for the fact that we have before us a bill which goes a long way toward recognizing the need for abolishing the poll tax. His perseverance is also largely responsible for the fact that we have before us an amendment that would do the whole job. This amendment is cosponsored by 9 of the 16 members of the Judiciary Committee and 30 other Senators. These members of the Judiciary Committee heard the testimony and deliberated on the entire bill.

Mr. President, I am frank to admit that when I first came to the Senate, the question of abolishing poll taxes in State elections was a rather nebulous proposal. I was skeptical at first.

After all, only 2 years before, we had adopted a constitutional amendment to abolish poll taxes in Federal elections. Moreover, I had some doubts that poll taxes were used to discriminate. The sums involved, I assumed, were trivial, and the opportunities for discriminatory application seemed, on the face of it, remote and insubstantial. Finally, I figured if these taxes were as bad as some claimed, they would be struck down by the courts.

As we on the committee dug deeper into this matter, day after day, I became convinced that my initial reaction was incorrect. I found that poll taxes are in fact used to discriminate both against the poor, the marginal farmers, and the Negroes. I become convinced Congress has ample power under the 14th and 15th amendments to outlaw these taxes when used as a condition of voting. Finally, I became convinced that we have a moral duty to act upon these facts, rather than leave this matter to the courts to resolve without an expression of national policy and purpose from the Congress.

My purpose here today is to share with my colleagues and constituents some of the factors that have persuaded me that Congress can and should ban the poll tax when used as a condition of voting. In so doing, I shall not attempt to make a comprehensive constitutional argument. That was done most effectively by the Senator from Massachusetts [Mr. KENNEDY] in his floor speech of April 13. Rather, I shall concentrate on two or three elements that seem to me particularly important to an understanding of why I feel that Congress should outlaw poll taxes in State elections.

To begin with, the poll tax as a condition for voting was conceived to deliberately disenfranchise the colored citizens of many States. Originally, poll taxes were used in some States in post-Revolutionary War days as a substitute for the holding of property as a qualification for suffrage. By the time of the Civil War, however, taxpaying as a qualification for voting had been eliminated in almost every State.

The great renaissance of the poll tax, as a condition for voting, occurred in the period 1890 to 1908. Every State of the old Confederacy adopted the poll tax during this period. This is also the period when most of our Southern States adopted the literacy tests, understanding tests, and other devices which are the principal subject of the Voting Rights Act now before us. This is also the subject of section 4 of the original bill, and the substitute amendment.

All these devices had a similar purpose—to reduce voting participation, particularly among Negroes. White southern leaders were convinced that the survival of white civilization in the South required wresting from Negroes the political rights which had been virtually foisted upon them by northerners during the Reconstruction period.

The record is replete, Mr. President, with proof that the principal purpose of the poll tax was to disenfranchise Negroes. One delegate after another who attended the constitutional conventions that imposed the poll tax and other suffrage limitations boldly proclaimed the principal purpose—to disenfranchise Negoes and not white citizens.

A delegate to the Virginia constitutional convention, J. C. Wysor, explained of the poll tax:

> It will not do away with the Negro as a voter altogether, but it will have the effect of keeping numbers of the most unworthy and trifling of that race from the polls. I do not know of anything better in view of the 15th amendment.

One of the delegates in the Alabama convention stated that he believed the poll tax would disenfranchise 10 Negroes to 1 white man. And the president of the Louisiana constitutional convention, in his closing remarks, frankly said:

> We have not drafted the exact constitution that we should like to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this State, universal white manhood suffrage, and the exclusion from the suffrage of every man with a trace of African blood in his veins. What care I whether the test we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the Negro from voting, and isn't that what we came here for?

Following his speech, Judge Thomas J. Semmes, chairman of the judiciary committee of the Louisiana convention of 1898, and a former president of the American Bar Association, described the purpose of the convention:

> We meet here to establish the supremacy of the white race, and the white race constitutes the Democratic Party of this State.

Throughout the States, the intentions were the same. In the words of one delegate to the 1890 Mississippi constitutional convention, the purpose of the convention was:

> To devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government, under the control of the white people of the State.

The Mississippi Supreme Court, writing in 1896, characterized the 1890 convention with this frank observation:

> Within the field of permissible action under the limitation imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race.

In addition to its iniquitous birth, Mr. President, the poll tax has lived a life of discriminatory application.

It is used, first, to disenfranchise poor people in violation of the 14th amendment.

It is self-evident that it is more difficult for a poor man than a rich man to pay a poll tax. Some have replied that the poll tax is so small as to be de minimus. They point out that the remaining poll taxes are all less than $4.50. I have summarized these taxes in a table which shows that the taxes in the four remaining poll-tax States are as follows:

State	Annual rate	Cumulative provision	Maximum charge
Alabama	$1.50	2 years	$3.00
Mississippi	2.00	do	4.00
Texas	1.50	None	1.50
Virginia	1.50	3 years	4.50

I reject the argument that $3 or $4 for the right to vote is insignificant. To be sure, most of our citizens, even in the poorer States, can find $3 or $4. But in my judgment if there is one person who cannot do so because he cannot afford the tax, the tax is discriminatory as applied to him.

What do we mean when we say "cannot afford to pay the tax"? In every case, the payment of the tax requires the voter to forgo some other expenditure. In the case of the wealthy citizens, they may give up little or nothing. But in the case of a marginal family, $3 or $4 may represent the cost of food or shelter for that day, or even a week. For a family on welfare, $3 may very well be more than one day's expenditures for all items. I think it is wrong to require a family to choose between bread and the ballot.

In this context the figures for the tax are not de minimus. The per capita personal income in Mississippi in 1962 was $1,282. This amounts to $24.65 per week. For that person, $4 is equal to 1 day's pay. The median family income for Negro families in the South in 1960 was $995. For this family their weekly income is under $20 and the poll tax in Mississippi amounts to one-fifth of a weekly budget.

These are, of course, average and median figures. Many families and persons earn below even these poverty levels. For them a $4 poll tax many mean giving up basic necessities of life.

The foregoing considerations apply equally, as I have stated, to poor whites and to poor Negroes. But it is important to realize that because there are a great many more poor Negroes than poor whites in Alabama, Mississippi, Texas, and Virginia, the poll tax also serves to discriminate in violation of the 15th amendment.

We are by this bill abolishing literacy tests in certain areas because they fall unequally on Negroes. Our reason for reaching this conclusion is that 100 years of discrimination in educational opportunities makes unfair the application of a literacy or educational achievement test.

The same considerations apply to the poll tax. One hundred years of discrimination in employment opportunities and

of economic oppression make unfair the collection of a tax as a prerequisite to voting.

What are the facts concerning the economic status of the southern Negro, as compared to white citizens.

First. In all other regions of the country the median income of a Negro individual is about 75 percent that of a white citizen—but in the South it is 40.2 percent.

Second. The median income for a Negro individual in the South is $995 per year. Elsewhere the Negro median income is $2,200 or more.

Third. The median income for a Negro family in the South is $2,322, for a southern white family it is $5,009. Median Negro family income elsewhere is $4,370 or more.

Looking at some specific States, the median income of a Negro family in Mississippi is $1,444, or 34 percent that of whites; Alabama, $2,009, or 41 percent that of whites; and in Virginia, $2,780, or just half that of whites.

In Alabama, 49 percent of all Negro families had 1960 incomes of less than $2,000, while only 19 percent of the white families earned below that level. In Mississippi, the same percentages are 66 percent for Negroes and 22 percent for whites. And in Virginia 35.5 percent of the Negro and only 7.8 percent of the white families earned below $2,000.

To me, these figures make hollow the argument that a poll tax of $1.50 or, where cumulative, $3 or $4 for an individual is not oppressive. If a Negro man and wife in Mississippi, who are at the median, wish to vote, they must pay 1 percent of their year's income, while southern whites at the median would pay less than four-tenths of 1 percent of a year's income.

Finally, many of these less fortunate citizens live in a barter or credit economy. They have cash when crops come in only long enough to pay the winter's bills. All other months they live on credit with merchants and landlords. When are poll taxes due? In the winter months.

Another element in the poll tax picture which is frequently overlooked is that these taxes must be paid long in advance of an election. Prof. Fredric Ogden, who has made an intensive study of the poll tax, writes in his book, "The Poll Tax in the South":

> In those States where the poll tax must be paid a considerable period before the primary and general elections, the monetary burden of the tax is supplemented by the time-of-payment provisions, which also have an effect upon the number of persons qualified to vote. Individuals are called upon to yield their hard-earned cash before knowing who the candidates will be. Since there is frequently little interest in an election to be held some months in the future, many persons neglect to pay the tax before the deadline. When the election draws near and candidates and issues—if any—are known, some persons may desire to vote only to find that they cannot because they failed to pay their poll taxes by the proper time. Thus, citizens may be prevented from voting not solely because they cannot afford to pay the tax but because they do not pay at the right time. This provision is most effective as a means of disfranchisement with the less educated groups who are frequently unaware of the time when the tax should be paid. It is also used to advantage by professional politicians who see that their followers have paid the tax, or who pay it for them, by the due date.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield myself 2 minutes.

If, as Professor Ogden has shown, the poll tax discriminates not only against the poor, but also against the less educated, I see no reason why it should not be thrown out by the Congress under the 15th amendment on the same basis as we are now throwing out literacy and educational achievement tests.

Finally, I wish to call attention to a little known feature of the poll tax that enables it to be administered in a discriminatory way. I refer to the requirement in Texas and Mississippi that the voter must present on the election day evidence that he has paid his poll tax. This means the voter must keep and preserve his poll tax receipt from 6 or 12 months earlier. This requirement can, however, be waived by local election officials. Professor Ogden reports that there is evidence that proponents of the poll tax at the time of its adoption felt that this requirement would work primarily to the disadvantage of the Negro. He concludes that the primary significance of the requirement of evidence of payment is that voting officials are in a position to waive the requirement for whites and not for Negroes.

I conclude, Mr. President, by saying that I am proud to cosponsor this anti-poll-tax amendment to the voting rights act of 1965. I believe its adoption will make this a far stronger and better bill.

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

Mr. TYDINGS. I yield.

Mr. DOUGLAS. I commend the junior Senator from Maryland for the excellent statement which he has made which is in keeping with the splendid record he has been making ever since he joined this body a few months ago.

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

Mr. TYDINGS. I yield 5 minutes to the Senator from Illinois, or whatever time he requires.

Mr. DOUGLAS. I will try not to indulge myself on the Senator's time.

The Senator from Maryland has made many excellent points. One point which I think needs to be carefully considered is the fact that Negroes and Mexican-Americans are largely disqualified in agricultural regions of the South, some in Virginia, throughout the countryside in Alabama and Mississippi, and some in the cities, as well as through country districts in Texas. Here they are largely in debt in the country regions. They are carried from one end of one crop to the harvesting of the next largely on credit and do not have much money in their pockets. Then, when they do get some money in their pockets, they have to use it to pay last year's debts, so that in many cases they are really in a condition of peonage. This means that the cost of the poll tax is a much larger share, as the Senator from Maryland has pointed out, of their available cash income than of their total income. When we add to this the fact that the poll tax is generally payable in the months after they have settled for the past year's debt, and when they are being compelled to resort to credit in order to buy food at the local store, it catches them at their weakest moment.

The Senator from Maryland deserves a great deal of credit for bringing out the subtle features of the poll tax which operates as measures of further disenfranchisement.

The last point the Senator made, namely, that in one of the States the receipt must be produced in addition, means that persons may have paid their poll tax and yet, if they have not kept the receipt, they can be disqualified.

I often find it hard to keep receipts and I can, therefore, imagine how those who do not have any filing facilities find it even more difficult.

I thank and congratulate the Senator from Maryland. He is making a great record in the Senate and in committee. It is a real source of joy to me to see so much young and vigorous blood coming into the Senate, men who have real causes at heart and who show such evident ability.

Mr. TYDINGS. I thank the distinguished Senator from Illinois for his kind remarks. The Senator has himself compiled a great record over the years. He has been a source of inspiration to many of us, long before we ever aspired to this august body.

The Senator from Illinois grasped the heart of my argument; namely, that in the rural agricultural economy of the four States which still have the poll tax——

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 2 additional minutes.

Mr. TYDINGS. In many families in these particular areas, payment of the cumulative $4 poll tax could mean the taking of food out of a child's mouth, or it might mean no rent for the child or no rent for the family. It becomes a definite economic sacrifice in many areas, sometimes amounting to a privation.

I feel strongly on this subject, as do all the cosponsors of the Kennedy amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement concerning discrimination in voter registration in the State of Virginia.

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

STATEMENT IN REFUTATION OF VIRGINIA'S DENIAL OF DISCRIMINATION IN VOTER REGISTRATION

The General Assembly of Virginia, at its 1958, 1960, and 1962 sessions, reflected the State's purpose of continuing its discrimination against Negro applicants for voter registration.

Section 20 of the constitution of Virginia as promulgated in 1902, read, in part, as follows:

"Every citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

* * * * *

"Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence, and occupation at the time and for 1 year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; * * *"

In January of 1958, a bill was introduced to require registrars to literally enforce the constitutional requirement that the applications to register be made "without aid, suggestion, or memorandum." This was viewed in the public press as "a bill that could upset voter registration practices followed in Richmond and other urban areas [by halting] the Richmond city custom of registering would-be voters on printed questionnaire cards." (Richmond Times-Dispatch, Jan. 30, 1958.) "It appeared the bill might be aimed at halting or delaying registration of groups of Negroes in various areas who have been encouraged and aided, in qualifying to vote, by the National Association for the Advancement of Colored People." (Id.)

This bill, as enacted (acts 1958, c. 576), required that the application be made "on a sheet of paper containing no written or printed data, information, question or words" (code S. 24–68). It added to code S. 24–71 these further ambiguous provisions:

"While making in writing his application for registration the applicant shall not be permitted to refer to any pamphlet, booklet, or other memorandum, printed or written, nor to discuss with any person any matter concerning the requirements necessary in order to register under this chapter.

"The registrar, upon request of the applicant, and in advance of his making written application, shall give the applicant information as to the requirements incident to registration and advise the applicant as to the pertinent provisions of this chapter and the constitution. The registrar shall furnish the applicant copies of the applicable provisions of the constitution and code of Virginia, provided, however, no other written or printed material shall be used or referred to by the applicant while making application for registration."

And it provided in code 24–53, as follows:

"Any registrar or assistant registrar who registers or permits the registration of any person who has not made application to register as required by and in conformity with this chapter and section 20 of the constitution may be removed from office by the electoral board of the county or city and if so removed shall be ineligible to serve as registrar anywhere in the Commonwealth of Virginia for a period of 5 years."

The Richmond News Leader (James J. Kilpatrick, editor) on May 2, 1958, expressed the legislative sentiment in these words:

"Now, that, we submit, is a perfectly fair and reasonable registration law, exactly in accord with the letter and spirit of Virginia's constitution. If a prospective registrant, holding in his hand a copy of the constitution, cannot read section 20 and comprehend its simple requirements, he has no business voting in Virginia. The law, as adopted, discriminates against no one; indeed, other provisions of the act, not quoted, provide new protection to the registrant who may believe he has been treated unfairly. And to touch the racial issue: The bill makes it easier for a Negro to register in Virginia than, say, in New York, where a literacy test is spelled out in some detail."

By the time the 1960 session convened, it had become apparent to the legislators that the 1958 amendments to the registration laws were in fact preventing white citizens from registering but that the NAACP was teaching Negroes how to memorize the requirements. Hence, by chapter 288 of the acts of 1960, the blank paper requirement of code section 24–68 was deleted and replaced by a requirement that application be made "on a form which may be provided by the registration officer" and, by chapter 614 of the acts of 1960, it was proposed that section 20 of the constitution be amended to require that application be made "on a form which may be provided by the registration officer, without aid, suggestion or other memorandum." As will be shown, the use of the underlined word "may" provided the means by which registration officers in areas heavily populated by Negroes (and in which most white citizens are registered) claimed and yet claim the right to require applications to be made on blank sheets of paper. At its 1962 session, the general assembly further amended code section 24–68 by providing that "application may be made on a form provided by the registration officer which may be "a sheet of ruled paper which is entirely blank but for a reference to an excerpt from section 20 of the constitution at the top and, at the foot, indication where the "date" and the "signature of the applicant" should be written.

In anticipation of the adoption of the proposed amendment to section 20 of the constitution, the general assembly, by chapter 422 of the acts of 1962, provisionally amended code section 24–71 to require the registrar to furnish a "form for registration" instead of the former blank sheet of paper. Notwithstanding the adoption of the constitutional amendment which made this change in the statute operative and notwithstanding the ruling of the district court in the litigation next mentioned, registrars in most of Virginia's southside counties furnish the Negro applicants the sheet of paper which, but for the constitutional provision at the top and indication of place for date and signature at the bottom, is blank.

On August 13, 1964, Negro residents of Greensville and Brunswick Counties and of the city of Petersburg brought an action against their respective registrars which was heard on September 25, 1964, on a motion for an interlocutory injunction. (*Wilks, et al., v. Woodruff, et al.*, U.S.D.C., E.D. Va., Richmond Division, C.A. No. 4073.) It having been shown that the registrars in Alexandria, Lynchburg, Richmond, and Henrico County provide applicants with forms which elicit the information required by the constitution and that the plaintiff Ann Jackson had made her application to the general registrar on a form substantially similar, that officer was "enjoined and restrained until further order of the court from denying Ann Jackson, and all other persons similarly situated, registration as a voter on the ground that the applicant for registration has furnished his name, age, date and place of birth, residence, and occupation at the time and for 1 year next preceding and stated whether he has previously voted, and, if so, the State, county, or precinct in which he voted last, upon a paper approximately 8½ by 11 inches in size, which sets forth all of the foregoing requirements with appropriate space for the answers to be supplied immediately adjacent to the requirements."

The attorney general of Virginia has indicated his purpose to appeal if after a plenary hearing the district court will adhere to its ruling of September 25, 1964. In short, the official policy of the State is to enable local registrars in their own discretion to deny registration to persons who cannot read and comply with section 20 of the constitution of Virginia without any aid, suggestion, or memorandum.

We do not know and have not heard of any white person's having been denied registration for failure to make proper application. We do know that persons have been registered without being required to make any written application. We do know that in the year 1951 several Negro residents of Sussex County appealed denials of registration to the circuit court of that county. We know that then one of the registrars required the applicants to identify several incumbent State and county officials. We do know that shortly thereafter the general registrar for that county demanded of several Negroes who had been previously registered that they come to his office and make applications or suffer their names to be purged from the books. (On advice of counsel they relied upon the "conclusive" presumption of code, sec. 24–105 that they had complied with all requirements of law, inasmuch as they had been registered for more than 6 months.)

We do know that in Virginia's southside counties, and particularly in those which have precinct rather than general registrars; e.g., Mecklenburg and Brunswick, some of the registrars are too often unavailable when Negroes want to register. One such precinct registrar, who apparently had no office, required the Negro applicants to go to the back door of his home; another to the back door of the theater where he is employed. Voter registration campaign workers have had to appeal to local Commonwealth's attorneys to overcome invented excuses of unwilling registrars such as an unfounded claim that the books were closed. Sizable groups of Negro aspirants were disappointed in Mecklenburg County last fall when, for example, the registrar decided to attend a tobacco festival rather than keep an appointment to register a group or, on another occasion, to plead at 10:30 a.m. that his supply of (modified blank paper) "forms" was exhausted. On the other hand, Negro voter registration campaign workers have observed registrars give "forms" to white applicants to be filled in at home or promise to register white applicants at a more convenient time and place.

Frequently, county treasurers volunteer to Negro taxpayers that they do not have to pay the poll tax or suggest that if you do not vote you need not pay the poll tax. County treasurers are known to have refused to accept payment of poll taxes until the taxpayer makes payment of his personal property tax. Section 24–129 of the code is generally interpreted by county treasurers as requiring an individual to personally take his poll tax payment to the treasurer's office, thus often adding the loss of a day's employment to the price of voting.

Innumerable other subtle practices, difficult to reach by litigation, serve the openly declared purpose of the constitutional convention of 1901–2 to end what then was called Negro domination but what was merely the promise of the 15th amendment.

S. W. TUCKER,
Chairman of the Legal Staff of the Virginia State Conference of NAACP Branches.

RICHMOND, VA., *March 31, 1965.*

Given under my hand this 31st day of March 1965.

My commission expires August 28, 1965.

EVALYN W. SHAED,
Notary Public.

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. AIKEN. Mr. President——

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. Mr. President, since the debate on the Kennedy amendment started, the news media have all stated that the purpose of this amendment is to insure voting rights to all the people of four States—Mississippi, Alabama, Virginia, and Texas.

Nowhere have I read or heard that the effect of this amendment would be a body blow to a basic sector of American democracy—the New England town meeting.

It was in the New England town meeting that our freedom was born and when that institution dies much of our freedom and self-government will die with it.

Speaking only for Vermont—for I am not familiar with all the governmental processes of the other 49 States, I can say that in my opinion the town meeting represents the nearest approach to true democracy to be found in the world today.

On the first Tuesday in March the people of my town gather at the town hall.

There they elect town officers for the ensuing year—raise money to pay the town's expenses and transact any other business which may legally come before said meeting.

On town meeting day all voters are equal—I have seen the wealthiest man in town take one side of a question and the woman who cleaned his floors and windows express herself vigorously on the opposite side.

She could go back to work for him the next day—but on town meeting day they were strictly equal and each one recognized this fact.

There are few restrictions for voting on town meeting day in Vermont.

One must have lived in the State since the previous April 1 and in the town for 3 months.

There is no literacy test whatever.

It is not necessary to be able to read and write—as it is in our neighboring States—although Vermont ranks high among all States as far as literacy is concerned.

An ex-criminal can vote in a town meeting in Vermont as soon as he is released from prison.

He has paid his debt to society and his past mistakes are not held against him.

We do have two requirements for voting in town meeting.

Before he can vote, one must take the freeman's oath—a sort of loyalty oath to the State.

One must also pay a poll tax based on a valuation of $1 if he is over 21 and under 70 years of age.

Persons actually poor—men in service and volunteer firemen are also exempt.

Payment of a poll tax in Vermont is a requirement for voting in town meeting only.

It does not apply to county elections, State elections, or Federal elections.

Only the town meeting—the basis of local government is involved.

Do Vermonters think that the poll tax is oppressive?

A short time ago the Governor of the State asked the legislature to pass a law prohibiting the poll tax and he was unmercifully beaten by a 196 to 34 vote in the House, with less than approximately one-third of his own party members of the house supporting him.

Why did the early freemen of New England adopt the poll tax?

It may have been partly for revenue—although in those days the tax rate was very low.

I believe it was more likely to impress on each man that if he were to enjoy such benefits as government could give him that he owed at least a minimum of responsibility to that government.

Why does one pay dues to the Grange, the Elks, the Knights of Columbus, the Masons, to a labor union, or any other order or fraternity?

Is not the privilege of being a voting member of your community of at least equal value?

Now we have the Kennedy amendment before us.

It provides, in effect, that the towns of Vermont—large or small—shall no longer have the right to run their local affairs.

The New England tradition to which all America owes much of its freedom today is to go out the window.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I have only 5 minutes.

The big boys in Washington will now take over and tell us what we can and cannot do.

It is all tommyrot to say that this amendment is necessary to insure the vote to the people of Mississippi, Alabama, Virginia, and Texas.

The 15th amendment can take care of that, if enforced.

And no one—not a single one of the cosponsors of the Kennedy amendment can show that any town in Vermont has ever used the poll tax to discriminate against any person because of his race, creed, or color.

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

Mr. AIKEN. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 additional minutes.

Mr. AIKEN. Mr. President, the adoption of this amendment would be only one more step toward the elimination of local self-government.

If the Congress can go this far, there is no limitation to its authority.

Almost certainly the Vermont freeman's oath—the giving of which obligates a person to be a good citizen—would go next and the Members of Congress who live in States where the county is the local unit of government should take notice.

If the Federal Government can take over the governmental machinery of a town, it can also take over the local government of a county.

Why is there such unseemly haste to pass this amendment?

With the constitutionality of a poll tax coming before the Supreme Court this fall, why should anyone frantically seek the adoption of this amendment now, when the Attorney General of the United States seriously questions its compliance with the basic law of the land?

If the purpose of the amendment were to be a test of strength between conflicting schools of thought, I would strongly and politely suggest to the factions involved that they utilize some other criterion, rather than jeopardize or weaken one of the basic institutions of democratic government, the New England town meeting.

I now yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Will the Senator be kind enough to yield for some questions?

Mr. AIKEN. I am glad to do so.

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield himself?

Mr. KENNEDY of Massachusetts. Such time as I may need.

I wonder if the Senator from Vermont would be kind enough to identify those parts of the amendment to abolish the poll tax which reflect on the town meetings of New England or the ability of such localities to hold those meetings in any way they desire?

Mr. AIKEN. I refer the Senator to the statement which he made on the floor last Friday afternoon, during a colloquy between us, when he said that his amendment would definitely outlaw the town poll tax of Vermont.

If Congress can outlaw that part of our town procedures, it can go on from there and outlaw others as well.

It is not the poll tax that I am arguing against so much, because if the Supreme Court says, after 170 years, that it is unconstitutional, we shall have to accept the decision. If my State desires to prohibit it, I will accept that, too. But the Federal Government ought not to have the right to go into a community, particularly a New England community, and tell us how to conduct our strictly local affairs.

Mr. KENNEDY of Massachusetts. I would gather from the Senator's observations that he feels that the amendment, if it were adopted, would prohibit a poll tax as a precondition for voting, and would therefore violate the town meeting concept in Vermont.

Mr. AIKEN. Absolutely.

Mr. KENNEDY of Massachusetts. The Senator feels, therefore, that the poll tax as a precondition to voting does not serve as a source of discouragement to people in Vermont. Is that correct?

Mr. AIKEN. Very little. There are always unpaid poll taxes, because there are always some people in towns on the first day of April when the poll tax is assessed against them who are perhaps away on construction work, or some other work out of the State, and consequently their poll tax is not paid because there is no particular incentive for them to pay it under those conditions.

Mr. KENNEDY of Massachusetts. Does the Senator feel that the payment

of a poll tax as a precondition to voting is similar to the payment of dues to the Knights of Columbus or to a labor union? Does the Senator hold those views in the year 1965?

Mr. AIKEN. I would think so. Perhaps the payment of dues to a labor union is a better example, because there is no fraternal interest there. However, it seems to me that a member of a labor union or any other organization ought to be able to vote without having to pay a poll tax or a membership tax as a prerequisite to voting in such an organization.

Mr. KENNEDY of Massachusetts. The Senator does not distinguish between the fundamental principle of our democratic right to vote and the right of people to belong to a fraternal organization?

Mr. AIKEN. I would hope that labor unions were democratically comprised also. I would hope that our fraternal organizations were not discriminatory in their operations. And I hope that they never will be.

Mr. KENNEDY of Massachusetts. But the Senator does not distinguish between the payment of a tax for the right to vote, a right which the Supreme Court has stated to be fundamental to all our rights, and the payment of dues to some fraternal or trade organization. And the Senator feels, as I gather from his discussion today, that the right to vote ought to be preconditioned upon the payment of a levy—whether it be a dollar or any other sum.

Mr. AIKEN. I regard the voters of my town and the other towns of Vermont as members of the finest fraternities in the world. I believe we should always remember that it is not what your country can do for you, but what you can do for your country.

Mr. KENNEDY of Massachusetts. I am familiar with those words.

Mr. AIKEN. One cannot think very much of his country if he cannot pay a dollar for the privilege of voting.

Mr. KENNEDY of Massachusetts. As a precondition to voting?

Mr. AIKEN. Yes. It is necessary to pay dues before a person can vote in a labor union.

Mr. KENNEDY of Massachusetts. Do I correctly understand that the Senator is generally in sympathy with the other provisions of the proposed legislation—the Voting Rights Act of 1965?

Mr. AIKEN. I am completely in sympathy with the provisions of the 15th amendment, that there shall be no discrimination on the ground of race, color, or previous condition of servitude. I cannot recall any incident in which the 15th amendment has been violated in my State.

Mr. KENNEDY of Massachusetts. Does the Senator from Vermont expect to support the voting rights bill as it applies to literacy tests?

Mr. AIKEN. Literacy tests?

Mr. KENNEDY of Massachusetts. Yes.

Mr. AIKEN. Some States have terrible literacy tests. In the Senator's own State a voter must be able to read the constitution of the State of Massachusetts. I hope everyone in the State has read the constitution. It is a prerequisite to voting in Massachusetts that every person be able to read the full constitution of the State of Massachusetts. There is no such provision in Vermont. I believe New York State has a perfectly horrible literacy test, which can be used to defranchise voters by the thousands. It might be well to do away with such tests everywhere.

Mr. KENNEDY of Massachusetts. Does the Senator from Vermont recognize the authority of Congress to do away with literacy tests when they serve to discriminate against individuals?

Mr. AIKEN. To the same extent that Congress has authority to do away with poll taxes. I am not sure, but probably they would have to undergo a court test.

Mr. KENNEDY of Massachusetts. But the Senator is willing to let the Court make such an adjudication; is that correct?

Mr. AIKEN. I do not say that I will agree with the decision of the Supreme Court. They have made some rather unusual decisions, from my point of view. But if the Supreme Court wants to make a decision, I feel we should have to accept that decision, unless we adopt a constitutional amendment which would obviate it.

Mr. KENNEDY of Massachusetts. What bothers me is that the Supreme Court has upheld quite clearly in some cases State literacy tests as constitutional; therefore, the States basically have the right to impose a literacy test. That concept has been upheld by the Supreme Court.

Mr. AIKEN. Then we ought to have a constitutional amendment to do away with them.

Mr. KENNEDY of Massachusetts. Yet here we are, with the proposed legislation before us, making, in effect, a finding under section 4 of the voting rights bill that literacy tests, which have been prescribed by States themselves, are being used to violate the 15th amendment rights of individuals.

It is difficult for me to accept the reasoning that, for the purpose of the proposed legislation, we will say that regardless of what the Supreme Court has said with reference to literacy tests we will suspend them where we find them discriminatory. Yet, as regards poll taxes, we hesitate to make a finding, and so act, because Supreme Court cases in 1937 and 1941 have held certain poll taxes constitutional. I think we all recognize that literacy tests have a closer relationship to qualifications in determining the real qualifications of a prospective voter than is the case with poll taxes. Nonetheless, we are in effect making a finding on literacy tests that we will suspend them because they are discriminatory. The problem I have in following the reasoning of my friend is that it seems to be somewhat innocuous for us to be saying we will do this by legislation, but that we, as Congress, do not have the right to prohibit the payment of a poll tax as a precondition to voting, when we can also show such taxes to be in violation of, not only the 15th amendment, but also the 14th amendment.

I say, with the greatest respect to the senior Senator from Vermont, who has had such a distinguished career in this body, who has made so many contributions, and who certainly represents in a most effective way one of the finest of all our States, and all our New England States, that it is my sincere belief that the great institution of town meetings that exists in so many of our communities would in no way be hindered by the adoption of the proposed legislation but would be furthered, and I believe further encouraged to make an even more significant contribution by the elimination of the payment of a tax as a precondition to effective participation in such meetings.

Mr. AIKEN. I thank the Senator from Massachusetts. I know that he is speaking in all sincerity. If the Senator will yield further, I should like to say that if the Supreme Court holds that literacy tests are constitutional—and admittedly the imposition of a literacy test would disenfranchise hundreds of thousands of people—it should also find that the town poll tax, which would disenfranchise hardly any people in my State at least, is equally constitutional. As I understand, that question will come before the Supreme Court this fall. I also understand that the proponents of the amendment feel that the action here today might influence the decision of the Supreme Court. I believe that regardless of what our action in the Congress may be on the Kennedy amendment, such action should not influence the decision of the Supreme Court.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

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

I continue to be deeply concerned about the efforts of some Members of this body to secure the passage of a statute which would prohibit the use of the poll tax requirement as a condition precedent to voting in State and local elections. Time after time that question has been presented to the Senate, and each time its Members have firmly taken the position that a constitutional amendment is necessary to outlaw such a requirement.

Likewise, every time the question has been presented to the courts of this Nation, both State and Federal, the courts have decided that the States have a constitutional right to require the payment of a poll tax. If that be true—and it has been uniformly held to be true—the Congress has absolutely no authority whatsoever to change that rule by statutory enactment. There has been no denial of the holdings of the court. The argument for the measure is an attempt to base upon a logical foundation the view that the practice should not be the rule, and therefore we ought to take a chance. It is proposed that we should take a "shot in the dark" and change that requirement.

Mr. President, I should like to have the attention of the author of the amendment and quiet in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I was saying that this is the first time that I have ever seen boldly written on the face of proposed legislation of any kind a doubt as to its validity. The frankness manifested is to be commended, but it is certainly an admission that the whole structure upon which the amendment is based is doubtful. I read now from section (d) on page 3 of the amendment:

> (d) If subsection (b) of this section is held invalid in its application to a State or political subdivision, for one year after the entry of a final judgment in such action no person shall be denied the right to vote in any election for failure to pay a poll tax or to make timely payment thereof if at least forty-five days prior to such election he pays the amount of the tax or taxes for one year as may be required by State law.

That language is an admission that the proposal is invalid. It is an admission that the courts have held contrary to the proposed amendment. It is an admission that heretofore the Congress has ruled contrary to the proposed amendment. So the proposed legislation is framed in the alternative, and in effect provides that if sections (a), (b), and (c) are unconstitutional, section (d) will apply. I say that is the first time I have ever seen that language boldly put into cold type in the face of proposed legislation. I have seen language providing that if any part of a bill should be declared invalid, the remainder shall control. But here is an alternative provision that states, "We ourselves have doubt about the validity of the proposal." Of course, we have doubt.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. STENNIS. I shall yield to the Senator from Massachusetts. I do not have much time available, but I shall yield to him before I finish.

The President of the United States and the Attorney General have stated that Congress does not have authority to abolish poll tax requirements by statute. Despite these unanimous decisions and precedents we are now facing another effort to take from the States this constitutional power.

During the current debate on S. 1564, the so-called Voting Rights Act of 1965, arguments have been advanced in support of the position taken by the proponents of the pending amendment which, in my opinion, reflect a weakness of desperation. In a Senate speech on April 13, for example, the junior Senator from Massachusetts used as an argument in favor of this amendment the fact that "the Supreme Court has not invalidated any act of Congress since the days of its obstruction to New Deal legislation in the thirties." If there is validity to this argument, the Congress may just as well forget the constitutional limitations on its power in any field and enact any possible legislation it may so desire. In that same speech, the cases of Brown against Board of Education, Baker against Carr, and others were cited, although they have absolutely no relevance to the issue of the constitutionality of poll tax requirements. While citing these cases as authority, the junior Senator from Massachusetts attempted to completely dismiss Breedlove against Suttles as having no application to the question, although the Supreme Court unequivocally stated therein that "to make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment"—302 U.S. 277, 283. The Supreme Court reaffirmed this position as recently as 1951 when it affirmed in a per curiam opinion the decision of the lower court in the case of *Butler* v. *Thompson*, 97 F. Supp. 17 (D.C.E.D.Va.), wherein a three-judge court held with reference to a poll tax requirement, "that such a law both fair on its face and also fairly administered does not offend the Federal Constitution is well settled"—97 F. Supp. 17, 22. In addition to these opinions of the Federal courts, innumerable State court decisions have upheld the validity of poll tax requirements. In fact, no court has ever held that the States do not have the constitutional authority to establish such requirements.

It would be better to say that under our constitutional form of government the Congress has no power whatsoever to abolish such a procedure merely by legislative enactment. Such questions have been before the Senate for many years; and only a few years ago the proper course was taken. A constitutional amendment was submitted to the States to abolish the poll tax in Federal elections. To that proposal there was offered by the ever energetic and well versed Senator from New York [Mr. JAVITS] an amendment in substantially the same form as the proposed legislation, except that on its face it did not carry an admission of possible unconstitutionality. Otherwise it was substantially the same as the proposal now before the Senate.

It was ordered to the Senate. I do not have the exact result of the vote before me, but I believe that by a vote of 3 to 1, or almost 3 to 1——

Mr. JAVITS. No, no.

Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. JAVITS. We shall yield the Senator more time; but on one vote, in 1957, we received 37 votes; so the result was fairly close. I shall give the Senator the vote on the prevailing side.

Mr. STENNIS. Fifty-seven?

Mr. JAVITS. No; 37 Senators voted in favor of the amendment. In 1960, we had 34 votes. I shall supply the exact result.

Mr. STENNIS. I thank the Senator from New York. At any rate by a decisive vote in 1962, the Senate rejected the very same idea, following an argument by the esteemed Senator from New York, who vigorously pursued the very same idea.

Congress then proposed a constitutional amendment to the States, the States in turn adopted it, and it is now the law of the land. That is the constitutional process that must be followed to reach any problem of this kind. I submit that that is what should have been done in this instance.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator from Mississippi has expired.

Mr. KENNEDY of Massachusetts. Mr. President, I yield from the time under my control whatever time the Senator from Mississippi needs.

Mr. STENNIS. The Senator from Massachusetts is most generous. I shall not impose on him much longer.

The esteemed junior Senator from Massachusetts also argued at that time that a requirement to pay $1 or $2 a year as a condition precedent to voting is an undue restriction on persons having low incomes. He stated:

> Since almost all Negroes deprived of their voting right by the tax have not paid in previous years, the cumulative provisions of the State laws are in effect. This means that a Negro in Mississippi whose income equals the State median must pay over 12 percent of his weekly income in order to vote.

Disregarding the validity of the legal argument that the poll tax requirement is economically discriminatory, this statement is highly misleading in two respects. First of all, there is no cumulative poll tax in Mississippi. The tax simply must be paid each year in the total amount of only $2; therefore, it is incorrect to infer that the cumulative tax would have to be paid each year. Secondly, the Mississippi poll tax provisions require the payment of the poll tax only once each year, not each week. It is therefore grossly incorrect to infer that the poll tax equals 12 percent of every week's income. As a matter of fact, using Mr. KENNEDY's figures, the annual poll tax of $2 in Mississippi equals only thirteen one hundredths of 1 percent of the annual median income of nonwhites.

The Senator from Massachusetts said that many Negro citizens were paid only once a year, or words to that effect. The Senator has not looked up the customs and practices, nor has he checked recently upon the methods of payment. Many of the people who work on the farms and in the fields, in agriculture, are paid every day, at the end of the day. They receive free transportation and are paid when they leave their work.

Many others, including those who work in factories, industries, and sawmills, or who cut timber in the woods, are paid at the end of every week.

Virtually all the rest, unless they are farming on their own land or on land they have leased, are paid at the end of a 2-week period. That does not cover all workers. But the rule is quite uniform. It is practically impossible to get workers to take jobs unless payment is made on this basis.

This is an illustration of how old facts have crept into the books, or how information that is not correct, or is used as factual either in favor of, or against a proposal, not used intentionally, not given out on purpose, to create a wrong impression, may change the whole aspect and outlook of this subject.

Some kind of token support of any kind of organized government is a good qualification before one is allowed to

vote. Many persons do not believe that. But I believe it, and almost everyone used to believe it. Instead of trying to tear down the qualifications and responsibilities of citizenship, we ought to be trying to build them up. I have not heard much said about the responsibilities of citizenship. All the talk has been with respect to removing some little restriction or limitation that gives a regulation the meaning and purpose of honest citizenship.

Surely no one can argue with any validity that such a requirement is prohibitory or even burdensome, and it clearly is not discriminatory. White residents of low income pay the same amount of tax as nonwhite residents of equal income. The imposition of the poll tax is simply a reasonable exercise by the State of its constitutional authority.

Mr. President, what position has the Attorney General of the United States taken on this question? Both in his sworn testimony before the House and Senate Judiciary Committees on the very bill now under consideration and publicly on national television, Mr. Katzenbach has unequivocally stated that the States do have the authority to require the payment of a poll tax as a condition precedent to voting. He acknowledged the holding of the Supreme Court in Breedlove against Suttles that the 14th amendment does not prohibit the use of such a requirement, and he further stated that he cannot prove that the poll tax has been used in violation of the 15th amendment. It would seem clear, Mr. President, that if the evidence were available to establish such proof, the Attorney General would have presented same to the Congress. But after years and years of investigation by the Justice Department and the other Federal agencies involved in the field of voting rights, this evidence simply does not exist.

Of course, it should also be pointed out that the President of the United States has publicly supported the position of the Attorney General within the past few days. Also, during his service in Congress, President Johnson consistently opposed efforts to abolish poll tax requirements by statute, although he stated on many occasions that he was philosophically against such requirements.

In passing, I wish to quote the words of a highly esteemed gentleman who was once a Member of the Senate. On March 9, 1949, as shown at page 2047 of the CONGRESSIONAL RECORD, Senator Lyndon B. Johnson, now the President of the United States, unequivocally stated:

> 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 legislature. 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 1 of the Constitution.

Those are not my words; they are the remarks of former Senator Lyndon B. Johnson. As President of the United States, he is standing firm. That was his belief as a Senator; it is his belief now.

More convincing than these executive and judicial opinions, however, is the action which this very body, the U.S. Senate, has taken on this question in the past. It is well known that the Senate has consistently refused to approve a statutory enactment to abolish the poll tax. Time after time such a proposal has been defeated. It was not until 1962 that the Senate finally adopted a joint resolution proposing an amendment to the Constitution to prohibit poll tax requirements in Federal elections. During the consideration of that joint resolution, a substitute was offered to abolish such requirements by statute. By a vote of 59 to 30, however, the Senate tabled the substitute and then passed the joint resolution by a vote of 77–16.

This action of the Senate was consistent with the position taken on every previous occasion when the question of abolishing poll tax requirements by statute has been presented to this body. It is the established precedent of the Senate, and it is in conformity with the law as written in the Constitution and interpreted by all courts of this land, including the Supreme Court.

Notwithstanding the authorities which I have cited, we are now asked to ignore the law and pass a statute to prohibit the States from exercising their constitutional authority to establish a poll tax requirement as a condition to voting. The Supreme Court has upheld the validity of such a requirement under the 14th amendment. The Attorney General of the United States, with all the vast investigative and legal powers of his office, has not been able to establish that such a requirement has been used in the violation of the 15th amendment; indeed, he did not even attempt to present any evidence on the question, and the Senate has firmly established the precedent that it cannot abolish such requirements by statute. In addition, the President of the United States has supported this position, as have the present majority leader and minority leader of the Senate. The weight of authority is overwhelming, Mr. President, and I believe the Senate will be disregarding its responsibility if it acts contrary to these well-established principles.

With all deference, I believe that to adopt the amendment would be reckless and would flout the Constitution. It is admitted on its face that the amendment itself is of doubtful validity. The question is not what we think of a poll tax, but whether we have the authority, under the grant of authority given by the Constitution, to act in the premises. I respectfully submit that we do not.

I thank the Senator from Massachusetts for yielding me additional time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 7 minutes to respond to observations made by the distinguished Senator from Mississippi; then I shall yield to the Senator from Indiana [Mr. BAYH] who wishes to make general comments about the amendment.

First, the record would be inaccurate if it in any way suggested that the President of the United States has not commented on the question involved in this important issue. He has done so on a number of occasions. Most recently, he has indicated his own personal belief that the poll tax, as such, should be eliminated.

He stated only that he is following the advice and counsel of the Attorney General in reaching a position that he has some question about the constitutionality of the complete abolition of the poll tax. However, it would be a distortion of the record to indicate that the President of the United States does not feel that the poll tax should be abolished.

In the President's message on the voting rights bill, he said:

> In our system, the first right and most vital of all our rights is the right to vote. Jefferson described the elective franchise as the ark of our safety. It is from the exercise of this right that the guarantee of all our other rights flows.
>
> Unless the right to vote be secured and undenied all other rights are insecure and subject to denial for all our citizens. The challenge to this right is a challenge to America itself. We must meet this challenge as decisively as we would meet a challenge mounted against our land by enemies from abroad.

It would be also a distortion if Senators were to read in the RECORD that the Breedlove case would be guiding so far as the amendment, which has been introduced and recommended by 39 Senators, is concerned. As I mentioned before, on Friday, and in my other speeches, the Breedlove case is not controlling. Breedlove was a white man. Breedlove never raised the 15th amendment argument.

The Breedlove case is only controlling as it applies to the privileges and immunities clause of the 14th amendment. It never reached, or it reached only inadequately, the equal protection provisions and the due process clause of the 14th amendment. The issue of poverty was never raised or suggested in the Breedlove case.

Mr. President, it is upon the basis of the 14th and 15th amendments that we have offered our amendment.

Listening to my distinguished colleague the Senator from Mississippi [Mr. STENNIS] discuss how meaningless are the cumulative provisions of poll taxes in the various States, it is ironic to realize that when Breedlove was asking for a writ of mandamus in the State of Georgia, they were attempting to charge him $13.50 to participate in the elective process in the State of Georgia at a time when the yearly tax in Georgia was around $1 or $2 a year. Breedlove was indeed a victim of the cumulative nature of the tax.

Georgia has been speedy in eliminating the poll tax as a precondition to voting. Of course, no such case could come before that distinguished court from that State at this time. We know, Mr. Presi-

dent, the States to which our amendment would apply.

The State of Virginia has a cumulative provision for some 3 years. It is difficult for me to understand why the cumulative provisions have been applied, if they were really seeking, in fact to somehow test the qualifications of a voter.

It seems to me that when there is a requirement, such as in Mississippi, that there should be payment not only for one particular year, but also for a second year in order for an individual to vote in an election in the second year, that in no way reflects on the adequacy of the individual to participate in the elective process. In Mississippi, you cannot pay up back poll taxes due. It is therefore difficult to justify the tax as a revenue device for schools.

I wish to be completely identified with the distinguished Senator from Mississippi when he says that he is interested in uplifting the qualifications of those who participate in our elective process. I, too, would like to see an uplifting of the qualifications. However, it is difficult for me to see how the simple payment of a poll tax deals in any way with the qualifications of an individual to participate in the electoral process.

I can understand how age denotes a certain quality of maturity, or that this can be a reasonable requirement legitimately established by the States. I can understand how the fact of residency is a qualifying factor. It is presumed that whoever has been a resident of a particular State or area for a certain period of time is familiar with local problems. I can understand why it is necessary for individuals to register in order to indicate that they have not committed crimes against the community, and are of good character. However, there is considerable question in my mind as to why an individual who is able to pay $2 or $1.50 in Texas, $1.50 in Alabama, or $1.50 in Virginia, is thus eligible to vote. An individual might steal the money with which to pay his poll tax and thus qualify. I cannot understand why this should denote any proof of a person's qualifications as a voter. Another individual may, because of an oversight, have missed a payment, but be an eminently qualified citizen. The fact that he missed the payment could result from the fact that Alabama and Mississippi do not even send out poll tax notices—and they do this on purpose to disenfranchise.

I must respectfully disagree with the Senator from Mississippi when he discusses some parts of the speech that I made on last Friday, in which speech I spoke about seasonal employment.

I certainly recognize that the Senator from Mississippi has an understanding of the economy that exists in his great State.

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

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 additional minutes.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Mississippi has an understanding of the business practices and procedures in his State. However, I pointed out in my speech of Friday that much of the employment of Negroes in Mississippi is on a rural economy basis and as is the case with many other States in the South is seasonal in nature.

Those who are employed in this seasonal employment will receive their small payment in the middle of the summer or in the fall. Nonetheless, whether they are paid essentially during that period, or paid daily, they are required to pay the poll tax not in the spring, summer, or early fall, but in the late winter.

I believe that we would have to recognize that in the rural economy of the South, most individuals who work on farms are paid on a seasonal basis. That fact affects their ability to participate in the elective process and pay their poll tax. It must be recognized that this operates as a hardship on the poor whites and Negroes in the States—the very individuals whom the bill would cover.

Mr. President, I appreciate the sincerity of the observations of the Senator from Mississippi. I have the greatest respect and admiration for him. I respect the position for which he stands today. I should not like my silence to be in any way accepted as admitting agreement with the observations that the Senator made in his remarks.

Mr. President, I yield 2 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, to supplement what the junior Senator from Massachusetts has just stated, I refer to the record of my previous efforts to have this matter dealt with by statute. On February 2, 1960 and on March 27, 1962, I moved the Senate to eliminate the poll tax by statutory amendment. On both occasions, the so-called amendment was before the Senate. On February 2, 1960, my motion was tabled by a vote 50 to 37. On March 27, 1962, it was tabled by a vote of 59 to 34.

I point that out because it bears so heavily on what we are attempting to do here. At that time, I pointed out that the poll tax was not a qualification. Qualifications come after the poll tax is paid. I pointed out that it is a tax. It is a tax burdening the right of an individual to cast a vote. That is unlawful under the 15th amendment. Congress has the right to eliminate the poll tax by statute.

That, in essence, is the argument which we have made here.

The Breedlove case has been cited. The Breedlove case is not an authority. The question was not raised in that case, in view of the timing of the decision. We did not get into the mainstream of the civil rights decisions until 1954 which indicates that the factual basis has now been laid for the courts to find that such a statute is constitutional.

I thought we should have that statement to complete the answer to the argument made by the Senator from Mississippi.

Mr. KENNEDY of Massachusetts. Mr. President, I yield to the Senator from Indiana [Mr. BAYH] such time as he may need.

Mr. BAYH. Mr. President, I am pleased to have the opportunity to join with nearly 40 other Senators in cosponsoring the amendment of the Senator from Massachusetts [Mr. KENNEDY] which would provide a new section 9 of the voting rights bill in place of the substitute proposed by the distinguished majority and minority leaders. If adopted, this amendment would do four things: First, declare that the requirement of the payment of a poll tax as a prerequisite for voting violates constitutional rights protected by the 14th and 15th amendments; second, prohibit States and political subdivisions from collecting any tax as a condition for registration or voting; third, direct the Attorney General of the United States to seek declaratory judgments or injunctive relief forthwith in three-judge Federal courts against any State or local government which enforces or attempts to enforce such a tax; and, fourth, assure that any judicial determination holding this section invalid would not result for 1 year in the denial of the right to vote of any person who pays a required tax at least 45 days before an election.

This is a brief, capsule summary of the intention of the Kennedy amendment. Anyone who has had the privilege of reading the RECORD, or sitting in the Chamber to listen to the distinguished Senator from Massachusetts, cannot help but be impressed by the logic and eloquence of his argument. I rise to add one additional voice in support of the already complete argument that has been made by my colleague from Massachusetts.

Recently we have heard quoted on the floor a statement made almost 20 years ago by the man who later became leader of the Senate, and who is now President of the United States. We have heard references made about certain Supreme Court decisions in the last decade. One thing Members of the Senate must realize in considering the field of the Kennedy amendment is that we are now living in May 1965. Events are rapidly occurring that had not transpired when those statements were made on the floor and when those cases were decided in past decades. A declaration by the Congress of the United States such as is contained in the Kennedy amendment has not been before the Court.

This amendment, Mr. President, is predicated on the belief that Congress has the power to forbid the imposition of poll taxes as a qualification for voting in State and local elections. The basis for this power can be found, in my judgment, in the 14th and 15th amendments, which give Congress the authority to enforce their provisions by appropriate legislation. The due process of laws and equal protection of the laws clauses of the 14th amendment, and the prohibition in the 15th amendment against denying the right to vote on the grounds

of race or color, would thereby be implemented by positive congressional action.

It is imperative, it seems to me, that Congress positively declare that the imposition by State or local government of a poll tax invades constitutional rights of citizens of that given State. This finding may well prove to be very significant in the judicial determination of constitutional authority. Such a declaration serves official notice on the courts that the legislative branch, the Congress of the United States, after careful investigation and determination, has concluded that the exaction of a payment for the privilege of voting is not consistent with those rights. There is ample evidence to support the fact that judicial notice is paid to congressional declarations of findings in cases where national policy is at issue.

Mr. President, this is not a picayune issue. It is a matter of great national policy and concern. The Supreme Court looks to the Congress of the United States for a declaration on great national policy issues.

The amendment also forbids the collection of poll or other taxes as a condition for either registration or voting. As the Senator from Massachusetts [Mr. KENNEDY] so ably pointed out last Friday, however, this does not outlaw poll taxes as such. I think that should be emphasized. There are numerous States which still retain what is termed a "poll tax", or a head tax, but most of these do not make payment a condition for registration or voting. Only the four States of Alabama, Mississippi, Texas, and Virginia now have statewide taxes which must be paid as a qualification for voting. In addition the State of Vermont uses a similar tax as a test for voting in town elections. The 24th amendment, of course, abolished the poll tax for all Federal elections. Thus, for all practical purposes, section 9 will have direct impact only in the State and local elections of four States and in the local elections of a fifth. It will in no instance restrict the power of States to collect "poll" or "head" taxes which are not—let me emphasize the word "not"—linked to the franchise.

Mr. President, despite this limited application, there is real need for Federal action in this matter. It is irrefutable that the average income of Negro families in the four Southern States still retaining the poll tax is considerably lower than that of white residents. Other Senators have pointed out that in some cases the charge for poll tax purposes would cost a man and his wife the equivalent of earnings for a full day's labor, or even more. This indeed is a burden that might discourage many individuals from exercising their right to vote. I for one do not believe that there should be a price-tag placed on the voting franchise.

Moreover, this denial of voting rights is not limited to those of the Negro race. Poverty-stricken whites in these States are likewise discouraged if not prevented, from casting their ballots because of poll taxes. The distinguished senior Senator from Texas [Mr. YARBOROUGH] on Friday stated that in his State the poll tax bore more heavily on the citizen of Latin extraction than it did on the Negro. The Senator from Louisiana [Mr. LONG], the distinguished majority whip, emphasized the comparatively lower welfare payments prevailing in the poll tax States and the effect this would have on the lack of ability of poor people, especially older inhabitants, to become eligible for the franchise. It appears abundantly clear that the relatively small turnout at the polls which characterizes elections in these States is due in no small part to the exaction of a fee for the privilege of voting.

I remember the figures the Senator from Louisiana [Mr. LONG] mentioned. After poll taxes were removed in that State, in the next election the turnout increased by 65 percent—merely by reason of removing the price tag on the right to vote.

In still another respect the poll tax, as presently administered, is deplorable as well as unconstitutional. There is evidence demonstrating that some local officials have refused arbitrarily to accept payment of poll taxes offered by Negroes. Surely a system which permits such unchecked abuse of authority constitutes a denial of equal protection of the laws. Discrimination of this type justifies and, it seems to me, undergirds the finding by Congress that the poll tax has been used to deny the right to vote.

There is no doubt that the basic power to determine qualifications for voting is reserved to the States. Unless prohibited by the Constitution or forbidden by national law, States are free to impose legitimate—let me emphasize the word "legitimate"—restrictions on those who ballot in both National and State elections. From the beginning, States have adopted limitations on age, residence, and citizenship of voters, which have been consistently sustained in the courts on grounds of reasonable relationship to the exercise of the franchise. So long as they are not arbitrary or discriminatory, and do not violate express provisions of the 14th, 15th, 19th, and 24th amendments, such limitations are constitutional.

But what is the rationale of the poll tax? In what way is it related to reasonable qualifications for voting? It is difficult to discern how the payment of $1 or $2 a year can in any sense be a meaningful test of a person's ability to participate in the franchise. It is one thing for a State to lay down a minimum age, or length of residence as voting qualifications, or to disqualify convicted felons or persons incarcerated in mental institutions, but to bar otherwise qualified persons solely on the ability to read or write or the contents of their purse is an entirely different matter. That is what the poll tax does.

Under certain conditions, the pending bill would order the suspension of State literacy tests or other devices being used to prevent citizens from registering and voting. This is, of course, the heart and soul of the bill, the attack we make on the discriminatory effect of the literacy test.

Literacy tests, when fairly administered, may be said to have some relationship to voting competence, as I mentioned a moment ago. In any case, their relationship to voting is much more pertinent than the possession of sufficient cash to pay an annual fee for this privilege. Congress—most of us who have added our names to the so-called voting rights bill and many others who intend to support it—have assumed the authority to suspend their employment in the pending bill. The abolition by national statute of State and local poll taxes which have no reasonable relationship to voting competence is surely founded on constitutional principle as sound—if not more so—as the suspension of State literacy tests.

The key, of course, in both these instances is to be found in the denial of basic constitutional rights by arbitrary means. It matters not what the particular device may be which is employed by State or local governments as a method to deny the right to vote. Whether it be the white primary, literacy tests, discriminatory application of registration laws, official intimidation, or poll taxes makes no difference if the procedure is one which treats unfairly one segment of the citizenry as compared to the rest. The imposition of a tax on voting inherently carries with it the element of greater hardship on those least able to pay.

Historically, poll taxes were established, as a condition for voting—as the distinguished Senator from Massachusetts [Mr. KENNEDY] pointed out in his eloquent presentation last week, to widen the base of the franchise in order to provide additional incentive to come to the polls. As it was implemented and the base spread and became broader, they were gradually eliminated, only to be reestablished, following the Civil War, as a condition for voting after the 14th and 15th amendments were adopted. This in itself indicates that the enactment of such requirements were aimed at excluding Negroes from the polls. Statements made by contemporary authorities tend to substantiate that this was the real goal. Combined with long residence periods and literacy tests, poll taxes were an integral part of the so-called "Mississippi plan" which was enacted widely during the last part of the 19th century.

Further evidence of the discriminatory nature of these special tests is provided by the equally wide subsequent use of "grandfather clauses" which were designed to enable poor whites, who had become disfranchised by the Mississippi plan, to have their names added to the registration rolls without having to pass literacy tests or pay poll taxes. Although "grandfather clauses" were later held unconstitutional, in the meantime, large numbers of whites had been blanketed into the electorate without qualifying under the tests which barred Negroes from the polls.

To defend the use of poll taxes as an essential source of revenue to these States, finding a great need, it seems to me, would be rather difficult.

The Compendium of State Government Finances in 1964, compiled by the U.S. Census Bureau, discloses that State income from poll taxes is comparatively insignificant.

For instance, while the total revenue from State taxes in Alabama last year was over $384 million, the poll tax yield amounted to only $521,000, or less than one-seventh of 1 percent of the total income for the State of Alabama.

In Texas, the State tax revenue in 1964 totaled more than $1,100 million, but the poll tax produced only a little more than $3 million, or not much more than one-fourth of 1 percent of the total tax take of the State of Texas.

The Virginia poll tax brought in $1,826,000 compared to total State tax revenue of $437 million, or less than one-half of 1 percent.

No poll tax revenue is listed for the State of Mississippi, but in Vermont a total poll tax collection of $795,000 was reported out of a total State tax revenue of $56 million.

It would appear to be clear that the financial capability of State governments does not depend heavily on these taxes and would not be seriously jeopardized if the source of tax revenue were not in existence.

In any case, States would be free to collect poll taxes—or head taxes, or whatever we wish to call them—so long as they were not made a condition for voting.

The decision by the Supreme Court in the 1937 Breedlove case—which has been discussed between the Senator from Mississippi [Mr. EASTLAND] and the Senator from Massachusetts [Mr. KENNEDY]—which sustained the Georgia poll tax, has been cited frequently on this floor, as the basis and reason to vote against the Kennedy amendment.

It is important to remember that in that case the question of racial discrimination under the 15th amendment was not at issue at all.

The Court was confronted only with a claim for a denial of equal protection, on the ground that women and older persons were exempt from a poll tax assessed on a white male citizen. Moreover, there had been no finding or declaration on the part of Congress that imposition of a State poll tax in State or local elections would constitute a denial of voting rights. This is one thing Congress can establish by finding it essential to decide that this is a violation of a person's right to vote, an undue requirement and imposition on an individual prior to voting.

Mr. President, like the Mansfield-Dirksen substitute, the amendment proposed by the Senator from Massachusetts would direct the Attorney General to institute suits forthwith to prevent enforcement of the poll tax and to test its constitutionality. Attorney General Katzenbach has said that he would welcome a directive by Congress to challenge the validity of State poll taxes, but he doubts the wisdom of a legislative pronouncement which would seek to invalidate them by law. Instead, in his opinion, it would be more proper to seek court determination of constitutionality without a Federal statute banning poll tax requirements.

I have the greatest respect for the Attorney General. He has been a yeoman in the battle to guarantee all Americans the right to vote. Those of us who favor the Kennedy admendment have gained much from our discussions with him. He and our majority leader are to be complimented for the effort which they have made to reach some agreement, or a consensus to move forward.

It seems to me that if we feel that the poll tax is inherently wrong and that it is discriminatory, there is good reason for Congress to take a firm, positive stand directly prohibiting the exaction of fees for the privilege of voting.

By acting on its undenied powers granted by the 14th and 15th amendments, Congress makes known its express finding that poll taxes, when used by State and local governments as a condition for exercising the franchise, clearly deprive citizens of constitutional rights. Such a strong statement of policy would fortify any judicial relief sought by the Attorney General and would in no way delay or impede judicial determination of the issue.

The Attorney General would have a stronger hand to play before the Supreme Court, a stronger case to argue, if he were given a congressional declaration of national policy concerning the effect of the poll tax.

Finally, it seems circumspect to me to include the proviso which would operate only if the courts held that Congress lacked power to abolish poll taxes by law. This subsection provides that no person would be denied the right to vote for a period of 1 year following such a decision of invalidity if he paid any required tax at least 45 days before an election. Even though there is good reason to support the constitutionality of the proposed new section 9, inclusion of this saving clause would serve in case of an adverse judicial ruling, to prevent loss of voting rights of those who acted in good faith according to the provisions of the voting rights act, if it were to be amended by the Kennedy amendment. Far from indicating any belief by its supporters that the section may be invalid, this clause is only a safeguard against the unfortunate situation which might prevail in the unlikely event of a judicial holding that the section was unconstitutional.

Despite the argument of the distinguished Senator from Mississippi [Mr. EASTLAND] whom I respect and hold in the highest regard, it is not unusual to have a severability clause. Such clauses are included in many pieces of legislation. The RECORD should clearly state that it is in no way an indication of lack of faith on the part of the sponsors of the Kennedy amendment.

In conclusion, Mr. President, let me reiterate my conviction that the amendment submitted by the Senator from Massachusetts is the most expeditious way of achieving our common goal. In essence it would retain the feature of the Mansfield-Dirksen substitute which insures early judicial review, but would also strengthen our case by providing a clear declaration of policy and a positive exercises of congressional authority conferred by the 14th and 15th amendments. I urge the Senate to adopt this logical approach in order to end finally and conclusively this practice which weakens our democratic system and deprives many of our citizens of their full constitutional rights.

At long last, after more than a hundred years, we have come to the time in the history of our country when we must answer the question, What is the value of a vote? What value does the franchise have to the average American citizen? Is it 1 cent? Is it $1? Is it $1.50? Is it $2? Is it worth a man's life?

There are those who have given their lives at home and abroad to guarantee basic freedoms given to us by our Founding Fathers.

We must cherish all these fundamental freedoms; and among them we must cherish the freedom of the right to vote. Yet by permitting the imposition of a poll tax as a prerequisite to casting a vote we are in effect saying that it has a value, and that this is its value, that this is the value of the right to vote, that that is what it is worth in America.

I believe it is high time that in the Senate we say we will no longer tolerate a sales tag, a price tag on our right to vote.

I read with great interest in the newspapers recently that there are those who have called us a group of young liberals who are doing battle on this issue.

I wonder whether it is being a liberal to feel that we should guarantee to every American citizen the right to vote, the constitutional right to vote, indeed. The protection of constitutional rights is something that our conservative brethren have prided themselves on. Whether conservative or liberal, the important thing for us to realize is that in America we must remove the last vestige of discrimination, the last mechanism which presently exists, and which tends to make it more difficult for one man to vote than it is for another.

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

Mr. BAYH. I yield.

Mr. TOWER. I ask the Senator if he believes that the States where the imposition of a tax as a prerequisite for voting is used as an instrument of discrimination include Vermont and Texas?

Mr. BAYH. I said earlier, probably before the Senator came to the Chamber, that it is true with respect to Vermont so far as local town elections are concerned.

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

Mr. BAYH. Yes.

Mr. JAVITS. As a practical matter, we have made the distinction very clear in the amendment that we are dealing with a poll tax as a prerequisite to voting. Other than the four States involved, States have head taxes.

Mr. BAYH. Yes. Earlier I said that there are States—I believe my State is one of them—which assess a head tax. This has no relationship to a poll tax.

Mr. JAVITS. It is not a precondition to voting.

Mr. BAYH. That is correct.

Mr. JAVITS. One can vote, and then he is taxed, and he can be sued.

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

Mr. BAYH. I yield.

Mr. TOWER. In the period immediately following the Reconstruction period, we in Texas did not enact a poll tax. It was not done until about 1902. The question of inhibiting the Negroes from voting never entered into the debate. It was an effort to prevent vote frauds. There had been some massive vote frauds prior to that time. This tax was a means of policing the elections to the extent that we would not have further vote frauds.

I wish to have that clearly understood. It should be understood that never in my State has there been any use of the poll tax as a means of discriminating.

I point out further that Texas is one of the few States where there is a higher percentage of Negro eligible registrants than with respect to white eligible registrants, on a proportional basis. For example, about 56 percent of total eligible white voters are registered, and some 58 percent of the total eligible Negroes are registered to vote. In a number of counties, the poll tax is added automatically with respect to both whites and Negroes. There is no attempt to discriminate. I wish to make it clear for the RECORD that the tax has never been used as a means of discrimination.

I do not say that in some counties there has not been an attempt at intimidation to keep certain people from voting, as in the case of some people who are over 65. The poll tax, as such, has not been used as an act of discrimination. I wish to make that clear. It has not been used for that purpose in my State.

Mr. BAYH. All of us in this great body are permitted to exercise our own discretion on these subjects, and should do so continually. The thing that, in my judgment, puts the poll tax in the least favorable light is that by its very nature it has within its confines characteristics which, by its imposition as a tax, even a small one, has a discriminatory effect which imposes a greater hardship on a person with meager means than on one with larger income.

Mr. TOWER. However, according to the figures I cited those who are relatively low in the socioeconomic scale have been a little better and more conscientious about paying the tax and becoming qualified to vote than those who are somewhat higher in that scale.

Mr. BAYH. We have had considerable evidence that it has been discriminatory. I believe the Senator's colleague from Texas pointed out that the poll tax in his State hits many Latin Americans to a greater degree than it does Negroes.

Mr. TOWER. Probably the problem is that many Latin American citizens, being unable to read and write the English language, are not sufficiently informed to know what their duties and responsibilities as citizens are.

I further point out that the Senator from Vermont [Mr. AIKEN] has indicated that the elimination of the poll tax would have very serious consequences on town governments in his State. I wonder if any consideration has been given to that situation.

Mr. BAYH. The Senator from Massachusetts [Mr. KENNEDY] has discussed the subject at some length with the Senator from Vermont. I do not believe the Senators ever reached a position in which they obtained a consensus. But there was a full exploration of their views. It is difficult for me to see how the proposed legislation would impose a hardship on the State of Vermont which could not otherwise be eased without the imposition of the poll tax as a prerequisite for voting. It could be imposed as a head tax or a poll tax collected at some other time or enforced in some other way rather than as a prohibition on the right of a person to vote.

Mr. TOWER. Is it not conceivable that very often people do not pay their poll tax because they are apathetic and not conscious of what their duties and responsibilities as citizens are?

Mr. BAYH. There is nothing that we in this body can do to rid this country of apathy so far as civic irresponsibility and government irresponsibility are concerned.

I am sure that the Senator from Texas and the Senator from New York have spoken to college and high school young people on that subject, urging them to accept responsibility. There is nothing that we in this body can do to legislate away apathy. I wish there were. We would have 100 votes in this body to support it.

We must take away every vestige and every roadblock that is in the way of those who are nonapathetic.

Mr. TOWER. I thank the Senator for his discussion. I should like to say further that I am sure that adoption of the amendment would have the effect in my State of allowing some unscrupulous political bosses to bloc-vote certain people. The measure would afford them an opportunity to register those people. The registration would not cost them $1.75 a head, as it once did. It could have some consequences that were not anticipated by those who initiated the poll tax in my State in 1902 in an effort to cure vote fraud.

I thank the Senator from Indiana.

Mr. JAVITS. Mr. President, I yield myself a minute to reply to the Senator from Texas.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from New York is recognized for 1 minute.

Mr. JAVITS. In the first place, 1902 is a far cry from 1965. It is a small question of 63 years. There have been many iniquitous practices in voting in many parts of the country, including my native State, which have occurred in modern times. The period around 1890 and through 1902 was a period when the poll tax and other means to restrict the voting right came upon the scene. It was very unfortunate that it should have come at that time. It marked a new attitude on the part of the South toward the Negro franchise.

I know that the Senator from Texas feels very strongly about the voting right. I understand his views about the poll tax. But that historic point must be made.

Finally, our contention is not only under the 15th amendment provisions with respect to a direct factual showing of inhibition in voting, but also we think that practices have been shown to be widespread enough to justify the Congress in acting, even if they do not occur in many places in Texas.

Some have contended that the head tax is an imposition of a burden amounting to an abridgment of the right to vote, and also violates both the 14th and 15th amendments in and of itself, if used as a prerequisite for voting and an economic standard. I think the RECORD should be complete on that score.

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

Mr. JAVITS. I yield.

Mr. TOWER. I should like to ask what effect the amendment would have on a property qualification for voting in local bond elections.

Mr. JAVITS. I do not believe that what we are doing would have any effect on a property qualification for voting in local bond elections. Frankly, I would not be prepared to engage the Senator in any discussion of the law on that subject without knowing exactly what it is we are talking about. But I do not believe that anything that we are attempting to do in banning the poll tax would deal with that question.

Mr. TOWER. There is no implication in the amendment championed by the Senator from New York that could result in a court interpretation of congressional intent to abolish a property qualification which exists in perhaps most cities and political subdivisions in relation to bond elections.

Mr. JAVITS. I do not know what a court could read into an act of Congress. We have not referred to that. We have not dealt with it as a question of legislative intent. We are dealing with a specific measure—the poll tax. I can hardly see that the amendment would affect what the Senator has spoken about. But I could not stop any court from reading any implications it chooses into the law. Frankly, I do not see any.

Mr. TOWER. In other words, the Senator intends merely to deal with the poll tax and not with any other qualification.

Mr. JAVITS. That is the intention of the authors of the amendment, as I understand.

Mr. TOWER. I thank the Senator.

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

Mr. KENNEDY of Massachusetts. I yield to the Senator from Oregon such time as he may require.

Mr. MORSE. Possibly the single most significant defect in section 9 of the substitute bill is that it passes the buck from Congress to the courts.

For 87 years—from 1870 to 1957—Congress did pass the buck on civil rights to the courts. This was for a very simple reason that can be summed up in one word—filibuster. For that long period prior to 1957, the only part of our Government that enforced the 14th and 15th amendments was the judiciary.

Then came the civil rights laws of 1957 and 1960 which avoided the filibuster and the law of 1964 which overcame a filibuster. Purely and simply, the question before the Senate right now is this: Are we going to return to the buck-

passing filibuster era prior to 1957 or are we going to carry out the congressional responsibility to legislate?

We who support the antipoll tax amendment say that Congress should not once more "leave it to the courts"; we say that Congress should act, that Congress should carry out its responsibility, that Congress should enforce the 14th and 15th amendments.

In a nutshell this is what section 9 of the substitute bill does: it announces that evidence has been presented to Congress that the poll tax denies the constitutional rights of some citizens and then turns around and says to the courts, "We, the Congress, don't know what to do with that evidence, so we are leaving the job of weighing it to the courts. You tell us what this evidence and the 14th and 15th amendments mean. We just don't feel like using our powers to enforce those amendments."

Section 9 makes a mockery of the doctrine of separation of powers. In our tripartite system of Government, Congress is supposed to legislate and the Court to enforce and interpret that legislation. If the substitute bill stands, Congress will have failed in its major responsibility—to legislate.

In recent years the Supreme Court has been criticized for usurping the functions of Congress. I do not believe this is a fair criticism, for the Court has acted only when Congress defaulted in its responsibility. We who believe in the Court would be derelict in our duty were we once more to shift our responsibility there.

This evasion of congressional responsibility is not the only defect in section 9 of the substitute measure.

There is a grave question whether section 9 is not simply an unconstitutional request by the Congress for an advisory opinion from the Supreme Court.

The Attorney General already has power, under the 1957, 1960, and 1964 civil rights laws, to bring suit to protect the right to vote against unconstitutional infringement. If section 9 of the substitute goes beyond this authority, as its supporters assert, the additional authority must lie in a request for an advisory opinion from the Supreme Court on the validity of the poll tax. This the Court will not give.

In the Constitutional Convention of 1787 it was proposed to give to the President and to Congress the right to ask opinions of the Supreme Court, but this proposal was not agreed to. In 1793 President Washington, however, asked the opinion of the Supreme Court as to certain questions arising under Jay's treaty. The Court refused to answer upon the ground that it would act only in cases or controversies brought before them in due form (1 Willoughby, "Constitutional Law of the United States" (1929), 28–29).

Congress tried again to obtain an advisory opinion from the Court many years later. Congress failed. See *Muskrat* v. *United States*, 219 U.S. 346.

Strangely enough, even the request for the advisory opinion is unclear. Is it an advisory opinion under the 15th amendment only or is there a request for an opinion under the 14th amendment as well? The words "purpose or effect of denying or abridging the right to vote" in section 9(a) of the substitute appear to limit the matter to the 15th amendment and to rule out the important aspects of the due process and the equal protection clauses of the 14th amendment.

Another defect of section 9 of the substitute bill is that no provision is made for what happens if the Supreme Court declines to give an advisory opinion on the poll tax or if the Court should uphold the poll tax in the absence of congressional action outlawing it. If this happens, who would collect the poll tax—the Federal registrar or the State officials? Would a registrant have to pay back poll taxes or just for the current year? Would the payment have to be at the time required by State law which might be a year or two prior to the election? All these questions go unanswered in section 9 of the substitute bill.

In a word the substitute bill passes the buck to the courts, asks the Supreme Court for what may be an advisory opinion, and leaves unsettled what will happen if that opinion is not forthcoming or does not ban the poll tax.

Mr. McCARTHY. Mr. President, will the Senator yield 30 minutes to me?

Mr. KENNEDY of Massachusetts. I yield 30 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 30 minutes.

Mr. CLARK. Mr. President, will the Senator from Minnesota yield briefly to me?

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

FOREIGN POLICY

Mr. CLARK. I thank the Senator from Minnesota for yielding to me briefly for the purpose of making a couple of insertions in the RECORD.

Mr. President, on last Friday, the 7th of May, President Johnson made an extraordinarily fine speech on the Early Bird communications satellite television, during the course of which he reviewed the general foreign policy situation in which we find ourselves on the 20th anniversary of the end of World War II. I ask unanimous consent that the text of that speech may be printed in the RECORD at this point in my remarks.

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

[From the New York Times, May 8, 1965]

TEXT OF PRESIDENT'S SPEECH RECALLING V–E DAY

Twenty years ago the guns fell silent in Europe. Today we know those who gave their lives in that conflict did not die in vain.

We still live in an uncertain world. Men have not yet stopped war or put an end to poverty. Freedom, as always, demands courage, and unyielding vigilance and occasionally the life of a man.

And the alliance of the West is marked by arguments among its members. But on the whole, this 20 years has been a time of shining achievement, of promises realized, of hopes fulfilled.

Nowhere does this emerge more clearly than in the dramatic contrast between this 20 years and the 20 years which followed World War I.

LEAGUE IS RECALLED

On November 11, 1938, the 20th anniversary of the armistice, Munich was just 6 weeks old and war less than a year away. Depression scarred the face of Europe and the Americas; the League of Nations, hopeful herald of a new era, had dissolved in bitter nationalism, unchangeable suspicion and endless, useless debate.

And when new aggression threatened, Western leaders yielded to find that weakness only increased the appetite of tyrants.

In all of this America shared by failing to support the League and by standing apart from troubles of Europe. And war came. Again the lights went out.

When the dawn arrived 20 years ago today, it was a gray dawn. Tens of millions were dead and nations were shattered. Almost before the ashes had cooled, the shadow of Soviet ambition fell across the face of Europe.

It was perhaps fortunate that the new danger came when past failure was fresh. For we learned from the folly of the past.

First, instead of revenge we sought reconciliation. The result is that Western Germany and Italy and Japan are today trusted and flourishing members of the community of free nations.

Second, the narrow nationalism of rival states was replaced by a drive toward a unified Europe growing in intimacy and partnership with the United States.

The Marshall plan, history's most generous act by one country toward others, provided the foundation for this unity.

REALITY OF PROSPERITY

Third, we found policies that replaced the fear of depression with the reality of prosperity.

The Common Market and closer economic ties between all the nations of the Atlantic have been the catalyst of abundance.

Compared with 1938, America's production has almost tripled. Free Europe's production has doubled. The flow of goods between us has tripled and together we have opened the door to a world without poverty.

Fourth, the Atlantic nations replaced appeasement with firmness. We made it clear in Greece, in Turkey, and in Berlin that we would not yield 1 inch of European soil to aggression; as a consequence Europe is safer from attack and closer to enduring peace than at any time since V–E Day.

These, then, are the achievements of two decades: in place of depression, abundance; in place of division, unity; in place of isolation, partnership; in place of weakness, strength; in place of retreat, firmness; in place of war, peace.

LESSONS FROM THE PAST

We must not now forget in success and abundance the lessons that we learned in danger and isolation. None of us has sought or will seek domination over others. We have resisted the temptation to serve only our own interests. We have been successful because we've acted in a wider interest than our own alone.

Thus, the European nations have found strength and prosperity in building communities that stretch beyond old frontiers. The United States has committed its resources to European reconstruction and has committed its military strength to European defense.

America has steadily sought the strength of European unity rather than to exploit the weakness of European division. Our policy has had a single aim, to restore the vitality, the safety, and the integrity of free Europe. And with our help, Europe is better able to resist domination from within or without than ever before.

There are some efforts today to replace partnership with suspicion and to drive toward unity and a policy of division. The people of the Atlantic will not return to that narrow nationalism which has torn and bloodied the fabric of our society for generations; every accomplishment of the past has been built on common action and increasing unity.

DIVISIVENESS ASSAILED

Are our people more prosperous? Is peace nearer? Is the future brighter? If so, it is because we have drawn together the strands of union, and there is no problem that we now face which will not yield more easily to common and united action.

The kind of nationalism which would blight the hopes and destroy the dream of European unity and Atlantic partnership is in the true interest of no free nation on earth. It is the way back toward the anguish from which we all came.

Of course there will be differences among us. But they can be resolved through reason founded on respect.

Of course there will be difficulties. But they can be overcome by determination founded on belief.

Of course there will be dangers. But they can be faced by unity founded on experience.

Let us, therefore, continue the task that we have begun, attentive to counsel but unmoved by any who seek to turn us aside.

We will go all together if we can. But if one of us cannot join in a common venture, it will not stand in the way of the rest of us.

Each of our nations will, of course, respect and honor the achievements and the culture and the dignity of its neighbors.

But we do this better joined in common trust than divided by suspicion, for we do have a civilization to build.

MORE TRADE URGED

Here is some of our unfinished and urgent business.

First, we must hasten the slow erosion of the Iron Curtain. By building bridges between the nations of Eastern Europe and the West, we bring closer the day when Europe can be reconstituted within its wide historic boundaries.

For our part, after taking counsel with our European allies, I intend to recommend measures to the U.S. Congress to increase the flow of peaceful trade between Eastern Europe and the United States.

Second, we must work for the reunification of Germany. The people of Germany—East and West—must be allowed to freely choose their own future.

The four powers have special responsibility for Germany and Berlin. The shame of the Eastern Zone must be ended. It serves the real interest of none.

We must set the Germans free while still meeting the history-laden concerns that all understand. The United States is ready to play its full part in such arrangements.

EUROPEAN UNITY STRESSED

Third, we have a wide range of economic problems to resolve. Despite obstacles, we will continue to press for greater European integration and a freer flow of trade across the Atlantic.

We will also devise new proposals to expand world monetary reserves and to modernize the system of international payments.

Fourth, we must begin a new effort to find common instruments for helping the developing world. We are the rich nations in a world of misery. We are the white nations in a colored world. The treasured values of our civilization tell us it is right, morally right, that we should help others.

The lessons of experience and wisdom tell us that if we fail to help now, then some day, the tides of unrest will be surging along our own coasts. In fact, they already are there.

Fifth, we must work out more effective forms of common defense. All Atlantic nations who wish to do so have a right to share in collective nuclear defense while halting the spread of nuclear weapons.

Just as long as they are needed and wanted, strong U.S. forces, backed by strong nuclear power, will remain in Europe.

SOVIET AMITY SOUGHT

Sixth, we must work toward agreement with the Soviet Union. Our firmness in danger has shown that the door to conquests in the West is forever closed. Thus, the door to peaceful settlement is now open. It is in the interest of the Soviet Union and in our own to seek an end to tensions. I am sure that all the nations of the West share our own desire to work together toward any agreement that can hasten lasting peace.

These are a few, and only a few, of the great issues which face us as we move toward the third decade of increasing European unity and stronger Atlantic partnership.

My country is engaged in tiring and troubling enterprises around this struggling globe. Our American troops fight to hold back Communist aggression today in Vietnam; others try to protect the freedom of the Western Hemisphere. In Africa, in the Middle East, our energies are engaged with the responsibility that great power brings.

SOLIDARITY OF ATLANTIC

Everywhere, we seek to serve the common interest of the free. But the heartbeat of our policy and our expectation is with the nations of the Atlantic. We must all, Americans and Europeans, vow never to repeat the errors which have led to disaster, for America to stand proud in isolation or Europe to fall apart in rancor.

But it is not enough to keep from past mistakes. We must build the new achievements of our future, a future one in purpose, hope, and temper, reaching across the Atlantic to the civilization which it bred and taught and which Europe now welcomes in common trust.

In 1778 the French Government said of the struggling new United States of America, "The glory, the dignity, and essential interests of France demand that she should stretch out her hand to those States."

Well, the Atlantic tides have risen many times since then. Her waters have seen many a great captain. Many goods and dozens of armies make the passage. Yet the old dream stays—a great civilization touching both Atlantic shores.

How much grander is that dream than any hope to which a single nation can reach? How much more filled with a prospect of peace and the increasing welfare of man? The glory, the dignity, and the essential interests of all our States command us to the majesty of that Atlantic civilization. It shall be ours.

Mr. CLARK. Others may well stress different parts of that fine speech. A great deal of it is devoted to the need to shore up our Atlantic Alliance, to make progress in the reunification of Germany, to devise new proposals to expand world monetary reserves, and to modernize the system of international payments. I find myself in accord with all those comments of the President, but I should like to call the particular attention of Senators and readers of the RECORD to the sixth point made by the President in his speech. He said:

Sixth, we must work toward agreement with the Soviet Union. Our firmness in danger has shown that the door to conquests in the West is forever closed. Thus, the door to peaceful settlement is now open. It is in the interest of the Soviet Union and in our own to seek an end to tensions. I am sure that all the nations of the West share our own desire to work together toward any agreement that can hasten lasting peace.

With that statement I find myself in complete accord. It is an indication again that, if such a thing were necessary, the President has no truck with the theories advocated by certain columnists, and occasionally even by certain Members of this body, that we are engaged in a holy war against godless communism, but that, as James Reston said in an excellent column in the New York Times on Sunday:

Finally, there is, on this 20th anniversary of the end of the Second World War, a general realization in the West that the complex problems of today cannot be solved in ideological terms. Washington has had to transform its ancient concepts of capitalism; the labor government in London, its dogmatic ideology of socialism; and even Moscow, though not Peiping, its traditional assumptions about imperialist communism.

Mr. President, I ask unanimous consent that Mr. Reston's column, entitled "The Consolations of History," may 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 New York Times, May 9, 1965]

FIERY RUN, VA.: THE CONSOLATIONS OF HISTORY

(By James Reston)

FIERY RUN, VA., May 8.—The lonely hills are supposed to clear the mind and expand the vision, but the Blue Ridge is blind with fog this weekend, and the end of the yard seems as distant as the end of the century.

All we can see here in the mist is a cardinal sitting tailup on her nest in the heart of a boxwood just outside the cabin window, but we can hear, spanning the oceans and penetrating the fog, the voices and music of Washington, Moscow, London, and Paris celebrating the 20th anniversary of the end of the great European war.

We are shut in, but not shut out, which is the peculiar and wonderful paradox of the age. The voices from across the sea talk of peace, with funeral music for the dead in the background, and somehow, they give the impression this year that they have finally learned the lesson that the cardinal knew all along: that, whatever happens, life must go on.

WELLS' VISION

At the beginning of the last war, H. G. Wells saw the human race blundering down the slopes of failure to degradation, suffering, and death. He gave us a hard choice: adapt to the modern world or perish. The universe was bored with the stupidity of man, Wells thought, and he saw him being carried less and less intelligently and more and more rapidly, suffering as every ill-adapted creature must suffer, along the stream of fate to extinction.

Well, some odd things have happened since then. There has been "degradation, suffering, and death," and plenty of stubborn stupidity, but the world has not adopted Wells' "parliament of man," and yet it has survived and multiplied.

It has not found the unifying philosophy Wells advocated. It has not discovered a positive guiding principle. If anything, it has less faith in the perfect ability of man now than at the beginning of the two World Wars. It is still run largely by powerful pygmies, brigand adventurers, and what Wells called "a patchwork of staggering governments," but it has learned something.

SCIENTIFIC TERROR

Primarily, it has learned to fear itself. It is terrified of its own scientific achievements. It still envies and hates and desires as before, but it seems to have understood that total war with the instruments that could obliterate life itself cannot be employed for any rational purpose or objective, no matter how desirable.

This is the most negative-positive fact in the world today, and the most encouraging paradox. Roosevelt was wrong in contemporary terms: the only thing we have to fear is not fear itself, but the possibility that we might stop being afraid of atomic weapons and begin thinking we can be courageous enough to use them for political ends.

There are other hopeful signs 20 years after the last World War. America has made progress in adapting itself to the realities of power. It has realized, or at least accepted, the idea that the only power equal to the power of those who would challenge the concept of individual freedom, mercy and pity—the central traditions of Western civilization—rests with the United States. If this had not been so over these past 20 years, Communist power would probably be much more influential—if not dominant—today from the Elbe River to the North Sea and even to the Pyrenees—not to mention the Middle East and southeast Asia.

Also, despite our immediate preoccupation with the bad manners of De Gaulle, who seems to want us to stop defending everything except France, the fact remains that the West is more unified on the main issue of defending its civilization today than it was when challenged by the Kaiser or Hitler.

LIMITS OF IDEOLOGY

Finally, there is, on this 20th anniversary of the end of the Second World War, a general realization in the West that the complex problems of today cannot be solved in ideological terms. Washington has had to transform its ancient concepts of capitalism; the Labor Government in London its dogmatic ideology of socialism; and even Moscow, though not Peiping, its traditional assumptions about imperialist communism.

This creates great controversy in all capitals. Moscow and Peiping are arguing about who is the true Communist believer. The British Government is divided between the Socialist philosophers of the past and the new pragmatists of the present. France is divided between those who accept De Gaulle's nationalist way to glory and those who think that France's true glory is not national but universal.

These controversies over power, the past, ideology, and pragmatism will go on for the next 20 years no doubt, but meanwhile, what has happened in the last two decades will at least give everybody time to sort things out.

NO APOCALYPSE

Nobody has accepted H. G. Wells' intellectual concept of sanity among the nations, but nobody has yet had to face his apocalyptic view of the consequences of rejecting his ideas.

What the nations seem to have accepted is merely the cardinal's conclusion that life is better than death. Both sides in the world struggle remain faithful to their objectives, but fortunately nobody is prepared to use all the weapons at his command to fight for unconditional surrender.

Accordingly, a whole generation has now come to maturity since the last World War without any personal memory of either a major war or a major economic depression. This is something new in the 20th century. It is not good enough to meet Wells' conception of sanity, and it is not enough to avoid limited struggles in Vietnam and the Caribbean, but it is not total insanity, and this is at least a form of progress.

Mr. CLARK. Mr. President, I invite the attention of the Senate to an excellent column entitled "Foreign Affairs: The Unruffled Interior," written by C. L. Sulzberger, and also published in the New York Times of May 9, 1965. In his column, Mr. Sulzberger says that the President "will not allow the Vietnam war to frustrate his patient search for better understanding with Russia."

Also:

Washington's determination that the two superpowers must learn to live together has in no way been diluted.

I stress again, as I have many times in the past, that our foreign policy is obsolete in that so many in the State Department and elsewhere still view our overall policy as a vital fight between two ideologically opposed empires. This is not the truth. I am happy to note that the President does not agree with those who so hold. I commend him for his excellent stand in this regard.

I ask unanimous consent that Mr. Sulzberger's column be printed at this point in the RECORD.

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

FOREIGN AFFAIRS: THE UNRUFFLED INTERIOR

(By C. L. Sulzberger)

WASHINGTON.—President Johnson's European policy is based upon two broad intentions. The President will not be provoked into a quarrel with France nor permit differences with General de Gaulle to deflect the United States from tightening its alliance ties. And he will not allow the Vietnam war to frustrate his patient search for better understanding with Russia.

This is the essence of the administration's current approach and Mr. Johnson's Friday television message confirmed the persistence of his aims. They have been diverted by neither regional crisis in southeast Asia and the Caribbean.

NO BASIC RIFT

Despite irksome divisions between Paris and Washington, the President sees no reason to reclassify France's traditional listing as our "friend" and "ally." Even though De Gaulle does many things the United States would obviously prefer him not to do, Mr. Johnson regards such actions with calm. He sees no point in yielding to irritation. Rather than engaging in quarrels, he prefers to smile and turn the other cheek.

The President is confident in the strength of his position and never forgets that De Gaulle, now almost 75, cannot indefinitely hold power. Nor does Mr. Johnson forget that, together with resurgent French pride and nationalism, has come a more stable, vigorous France which unhesitatingly supported our position during the 1962 Cuban confrontation.

POLICY UNCHANGED

Consequently, unruffled, it is clear the President feels both sufficiently powerful and sufficiently right to persevere in his broad European policy while blandly disregarding French opposition. We will foster new efforts to encourage NATO nuclear sharing after the September elections in West Germany; and we will take new initiatives in the quest for German unification. Washington has seemingly persuaded Bonn that, when the proper moment comes, West Germany must be prepared to indicate what concessions it might be ready to make to achieve ultimate unity.

Evidently no progress can be made in the latter quest without improved East-West relations. Here again, therefore, as Mr. Johnson indicated Friday, he is eager to continue pressing for détente despite the complex repercussions of the Vietnam crisis. The President acknowledges Moscow's need, as communism's greatest capital, to denounce our Far East policy for ideological reasons; but he feels this political fact should not be permitted to interrupt the search for rapprochement.

Although, with all its intricate ramifications, the Vietnam war has made the Soviets tense, the President sees no reason for allowing this tension to get worse. Ambassador Dobrynin has apparently been told as much. Washington's determination that the two superpowers must learn to live together has in no way been diluted.

Therefore, despite the excitements of recent months, Mr. Johnson has not changed his mind about the wisdom of exchanging official visits with Moscow's leaders. He would still be happy to have them come to the United States and, if invited, to go himself to the U.S.S.R. He is said to believe that Khrushchev's trip to an Iowa farm had profound effect on Russian diplomatic, as well as agricultural, attitudes. Perhaps, if Khrushchev's successors were to tour American laboratories and factories there might be similar positive repercussions.

JOINT ENDEAVORS

Long-range Johnson policy will not be turned from its charted course by hidden pitfalls or unexpected obstacles. This policy reasons that if America and Russia can further develop the habit of working together, as they now do in such fields as space or the desalting of water, they will be increasingly less likely to wish to fight against each other.

These are clearly the fundaments of Mr. Johnson's attitudes toward our friends in the West and our adversaries in the East of Europe. Despite the haste and improvisation occasionally shown during emergency flaps such as Vietnam and the Dominican Republic, steadiness remains the objective. There is a mature and tolerant understanding of such factors as the internal need for present Soviet propaganda bitterness toward Washington or the pride, touchiness and nationalism with which De Gaulle has seasoned the stability he gave France.

REMARKABLE CALM

On the surface, there might appear to be paradoxical contrast between the air of precipitate haste that accompanies Presidential decisions when new crises erupt. But underlying such agitation there also appears to be a remarkably calm resolve not to be provoked by minor pinpricks nor to be impelled toward holocaust by local explosions.

The twin search continues—for unity with friends and accommodation with opponents. This inner and unruffled determination is more indicative of Mr. Johnson's real policy goals than the outer disorder that sometimes clothes its facets.

PEIPING AND WASHINGTON

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Peiping and Washington," published in the Washington Post.

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

[From the Washington (D.C.) Post, May 5, 1965]

PEIPING AND WASHINGTON

At a time when you might least expect it, several interesting moves were made here last week toward a dispassionate look at the United States relations with Communist China.

The U.S. Chamber of Commerce, without dissent, passed a resolution urging the administration "to explore steps designed to more effectively open channels of communication with the people of mainland China."

And while Ernest J. Loebbecke, chairman of the chamber's policy committee, said this was not aimed at trade with China, Robert P. Gerholz, the chamber's new president and a 1964 Goldwater supporter, told his first news conference that it makes no sense for the United States to be out of touch with China's 700 million people and trade could be "one of the magic formulas."

Also last week, the American Friends Service Committee, in cooperation with both Georgetown and American Universities, held the first significant national conference on American-Chinese relations since the Communists came to power on the mainland.

The conference's objective was to stimulate attention on the problem, rather than to promote any particular viewpoint. Some 800 conferees heard a gamut of speakers ranging from high State Department officials and the Nationalist Chinese Ambassador to Senators, a U.S. chamber representative, critical professors and an Indian diplomat.

It was perhaps no inadvertence at all that such a conference was held while the United States was involved in a war in South Vietnam aimed at containing Chinese aggression. For China is the primary lesion of U.S. problems in southeast Asia. In a way, for this country to face Asian communism in South Vietnam, or Laos, or Thailand, even in North Vietnam, is like a doctor treating a cancer patient limb by limb. The primary lesion of the Communist cancer is in Peiping, and sooner or later this Nation will have to address itself to China directly.

Businessmen and chambers of commerce, particularly the one in San Francisco, which used to depend so much on China's ports, tend to think that trade is the way to start a rapprochement. South Dakota's Senator MCGOVERN told the China conference that one first step might be to lift the restrictions on selling U.S. surplus grain to China, a restriction that he, as former director of the food for peace program, found particularly disagreeable.

The American Friends Service Committee, in a new booklet of Quaker proposals, suggested a more realistic look at Taiwan, support of its integrity but encouragement of China-Taiwan talks to settle the problem of competing Chinas.

Last week's events represented only small steps on the long road ahead toward resolving the United States-China impasse, an impasse so great that the two countries only talk to each other in sporadic secret and formal exchanges in Warsaw. But the steps were taken, and taken in the midst of an emotional heat toward China. The Quakers the two local universities and the U.S. Chamber of Commerce should be commended for their lead.

THE UNITED STATES AND CHINA

Mr. CLARK. Mr. President, last week the National Conference on the United States and China held a most interesting meeting in Washington. In the course of that conference, somewhat to my surprise, but also to my gratification it was said that the U.S. Chamber of Commerce had called upon our Government to open more effectively channels of communication with the people of mainland China. As the national president of the U.S. Chamber of Commerce said:

It makes no sense for the United States not to be in touch with a country of 700 million people.

I ask unanimous consent that the excellent address on the subject "The United States and China," delivered by the distinguished junior Senator from South Dakota [Mr. MCGOVERN] at the National Conference on the United States and China, be printed at this point in the RECORD.

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

EXCERPTS FROM REMARKS OF SENATOR GEORGE MCGOVERN, DEMOCRAT, OF SOUTH DAKOTA, NATIONAL CONFERENCE ON THE UNITED STATES AND CHINA, WASHINGTON, D.C., THURSDAY, APRIL 29, 1965

Over the years our preoccupation with the diplomatic recognition issue has made it almost impossible to consider other ways in which we might be developing useful contacts with the people of mainland China. I believe that it would be both in our own national interest and in the interest of international understanding for us to explore carefully the possibility of new initiatives.

It seems increasingly clear that there is much to be gained in the long run by at least limited contacts with China. I do not for a moment believe that broadening U.S. relations or admitting China to international organizations will transform Peiping into a democratic, congenial regime. It may, however, be a form of pressure toward less belligerent actions and toward conformity with the norms of international relations. As long as we treat China like an international outlaw, we cannot be surprised if she reacts by scorning our standards and judgments. Through greater contact with other nations, it would be far more difficult for Communist China to act as a law unto itself.

The Red Chinese leaders have used world hostility to generate xenophobia within the country. This emotional response is then exploited to win backing for difficult domestic and foreign efforts. By easing the obvious signs of world hostility, we might ultimately contribute to a relaxation of the internal regimenting and external pressures which are a source of very widespread concern.

So, while it may be difficult and perhaps impossible, it is worth trying to bring China into a constructive relationship with world councils. Therefore, I suggest that instead of staring transfixed at our diplomatic dilemma, we raise our eyes to consider other aspects of the problem. I do not believe the time is propitious now for the United States to extend diplomatic recognition to the People's Republic of China. In fact, I doubt that we will be able to take such a step in the lifetimes of Mao Tse-tung or Chiang Kai-shek. The revolutionary fervor of the first generation Communist leaders and such factors as Mao Tse-tung's personal grief over the death of his son in Korea on the one side, and the bitterness of the Nationalist defeat on the other, are still very close, probably too close for a lasting settlement.

But there are other approaches which we can follow that might open the way for useful relations between the Chinese mainland and ourselves.

First of all, I strongly support the stand taken by the U.S. Chamber of Commerce in its actions yesterday calling on our Government "to more effectively open channels of communication with the people" of mainland China. This declaration, adopted without dissent from some 1,000 delegates, was designed to encourage educational and cultural exchange between the two peoples. I think the new national president of the chamber of commerce spoke for many of us when he said: "It makes no sense for the United States not to be in touch with a country of 700 million people."

I think Chamber President Robert Gerholz, who favors trade, discussion, and cultural exchange with the Chinese, expressed the views of many Americans when he said "Any time you can get people around a conference table * * * I prefer it to bombing and going to war."

The issue of newsmen has long been a source of controversy in the United States-Chinese dialog. Until 1960, serious efforts were made to negotiate a press exchange. Then the Chinese abruptly changed their attitude and refused to consider any settlement of minor issues until the major question of Taiwan's status was satisfactorily adjusted.

Today, about 50 U.S. reporters have American passports validated for travel in China, but their persistent requests for visas from the Peiping government have been ignored. In nearly a decade only two U.S. newsmen have traveled in Red China, one a farm expert who, it is believed, received a visa inadvertently in Helsinki, and the other, Edgar Snow, whose longtime contacts with Mao Tse-tung secured his admission and a personal interview with Red China's leader.

Our Government might emphasize again our willingness to increase contacts by eliminating the requirement of special passports to China and other nations and allow adult citizens to travel at their own discretion whenever they could secure visas. The right to travel freely should be a basic right of American citizens. Our Government has nothing to lose by reasserting that stand. Although I would not expect any immediate results, such a step in the long run would make our own principles clearer and put the onus of a secretive and restrictive policy on the Peiping government.

I would also recommend efforts to improve the climate for economic relations between the two countries. Since no responsible Chinese official has ever proposed increased trade with the United States, there is no immediate likelihood for a flourishing trade. But the removal of present blanket prohibitions against trade with Red China—prohibitions that go back to the days of the Korean war—would enable individual U.S. firms to deal with the country much as they have with Soviet Bloc States in Europe. Today, the only goods that cross borders are publications and printed material, between libraries and various institutes, but this trickle might flow faster if present U.S. regulations were relaxed so that we might sell the Red Chinese goods on the same basis as we do the Russians.

Such an act on our part would not weaken American security in any way, but it could introduce China's industrial managers to American goods and methods. It could stimulate demands among the engineers and technicians—if not the politicians—for greater access to U.S. technical data. It could open the way for sales of wheat and other surplus crops to a nation which undeniably contains many hungry mouths.

In recent years, China's fast-growing population, unfavorable weather, and the failure of the "great leap forward" have resulted in chronic grain shortages. As a consequence, Peiping has purchased large quantities of wheat and other cereals from Canada, Australia, France and other sources. Indeed, Canadian farmers and exporters are experiencing an economic boom as a result of sizable sales to China and the Soviet Union. The Canadian, Australian, and French Governments have relaxed acreage controls, utilized their surpluses, and stimulated their agricultural and related industries.

One wonders if such a policy with reference to our own agricultural commodities is not in our national interest. The United States is struggling to control the output

of our farmers by acreage controls, land retirement schemes, and other expensive devices. We have sought to isolate our accumulated surpluses in Government-financed storage programs. Yet, the American farmer's amazing productivity has outstripped every control effort. Farmers have been heavily penalized rather than rewarded for their efficiency. They have been blamed for the high public cost of the farm control program; they have been subjected to tighter acreage restrictions; and they have seen their prices depressed by surplus production. Meanwhile, the Nation has suffered from a depressed agricultural economy and mounting public costs.

Given these factors, would it not be in the Nation's interest to lift some of the restrictions that have foreclosed U.S. grain sales in China and other parts of the Communist world?

Such trade would obviously be of economic benefit to us. I believe it is also a sound political and moral position for the Nation. It is a method of quietly demonstrating the efficiency of our type of agriculture, and it recognizes that even our political rivals should not be denied food which we have in abundance and which they might be willing to purchase.

As the former director of our food for peace program under President Kennedy, I believe that we should eliminate the political restrictions on our food for peace program. Various legislative and administrative rulings now prevent us from selling or granting food to most of the people who are so unfortunate as to live under Communist governments. I think this is a mistake which deprives us of a unique opportunity to advance our national interest and the peace of the world.

St. Paul admonished "If thine enemy hunger, feed him." Applied to food for peace, that advice is not only good religion; it is good economics and good politics.

It is good religion because it builds on the assumption that all men are brothers—even those who disagree.

It is good economics because it recognizes that a billion people live in the Communist world and that breaking down the barriers to international commerce in nonstrategic materials can be of material benefit to all.

It is good politics because it enables us to demonstrate the superiority of free, independent, family-type agriculture over the collectivized farms of the Communist world. In time this could lead to an important modification of the Communist system.

Food is one of the common denominators of international life. It ought not to be used as a barrier to divide mankind; it should serve as a unifying force in the world.

It is especially important that we remove political restrictions on our child-feeding programs. The cold war has claimed enough victims without applying it to infants, nursing mothers, and schoolchildren.

Of course, removing the political barriers around food for peace might not prompt all foreign governments, including mainland China, to admit U.S. food. But at least we would have taken a positive position before the world that will enhance both our moral and political capacity as a great power.

I think the American people overwhelmingly favored the commercial sale of wheat to the Soviet Union in 1963. I am equally convinced that they would support a policy of feeding hungry people in China or any other country in spite of our dislike for their Government. When I was director of food for peace in 1961, our office received literally thousands of letters from Americans in every walk of life urging that we offer food to relieve the famine on the Chinese mainland. No other issue drew so much spontaneous mail and so many thoughtfully written letters.

One tough-minded veteran Congressman suggested early in 1961 that the President publicly inform the Chinese that American ships loaded with wheat were on the way. They would be welcome to the wheat provided the Red Cross were permitted to supervise its distribution. If they rejected it, the ships would head for Hong Hong and the wheat would be stored there for the refugees. I still think this was an experiment worth trying.

In short, I regard our food abundance as a blessing of the Lord that ought to be taken out of the context of the cold war.

As a Senator from a great agricultural State, I have given special attention to both commercial grain sales and food-for-peace operations. But we need to reexamine our trade policies with China with reference to industrial goods, as well.

If we were to permit exports to China under validated and carefully checked licenses, I would not expect an immediate flood of orders on either side, but I would expect a gradual increase in sales and a growing interest on the part of their economists and industrial managers.

We have learned from our observation of Soviet Communist leadership through the years that the revolutionaries and ideologists are succeeded by managerial and professionally oriented men. As long as economic growth and development continue to be a major Communist goal, this trend in Communist leadership will probably continue. Our efforts should be directed at arousing interest and at least getting on speaking terms with these elements of Chinese society.

Partly as a result of U.S. policies, partly as a result of deliberate Chinese action, the leaders and people of the country have been cut off from most Western and all American contacts. The Sino-Soviet rivalry promises to increase Chinese isolation in the Communist world, but it might have the opposite effect in increasing China's need for intercourse with the Western democratic nations.

For decades, the United States was the principal exponent of the "open door" policy toward China. Despite the colonialist implications of that policy—spheres of influence, extraterritoriality and the like—it was a rational and honest policy, beneficial to both sides. Since 1950 the door has been tightly shut. There is little point in advocating rash actions to force the door suddenly open now, but I do believe the United States and her allies have much to gain by making the patient and no doubt frustrating effort to restore normal international, economic, and cultural ties with China. The most populous nation in the world with its highly significant position in Asia and its own nuclear arsenal must be included in world councils or all of our efforts at international peace and stability will be heavily handicapped.

Recognizing the hazards and difficulties ahead, I think we share the resolution of the late President Kennedy who concluded his great American University address of June 10, 1963, with these words: "Confident and unafraid, we labor on—not toward a strategy of annihilation, but toward a strategy of peace."

COMMUNIST CHINA

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of two broadcasts by Edward P. Morgan, of the American Broadcasting System Radio Network, one on April 19, and one on April 20. Both broadcasts refer to our relationships with China.

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

EDWARD P. MORGAN AND THE NEWS, SPONSORED BY THE AFL–CIO, AMERICAN BROADCASTING CO. RADIO NETWORK

APRIL 19, 1965.

A friendly foreigner said the other day that he was amazed at the number of Americans who participate, directly or indirectly, in governmental decisions. He wasn't referring to the size of the bureaucracy but rather the compulsion of so many different individuals and groups, in and out of Government, to speak their minds on, say U.S. policy in southeast Asia. Paradoxically enough, some observers have criticized the lack of dialog between the Johnson administration and the public over the whys and wherefores of our participation in the war in Vietnam. But events of the Easter weekend clearly illustrated the friendly foreigner's point. Some 15,000 undergraduates, teachers, housewives, and others demonstrated in Washington against U.S. Asian policy. Alaska's Senator GRUENING addressed them with sympathetic views, and Arkansas' Senator FULBRIGHT, chairman of the Foreign Relations Committee, stood by his advocacy of a temporary halt in our air strikes to see whether that gesture might not hasten peace negotiations. Meanwhile American newspaper publishers arriving in New York for their annual association meeting were quoted by the Times as finding widespread support around the country for President Johnson's policy in the conflict.

This is a glimpse of the open society at work. These colliding views are necessary. Somebody is mistaken. Or at least more mistaken than somebody else. But their honest disputes tend to create an atmosphere of some restraint. The President has not made reckless decisions in this crisis. He is not inclined to lunge toward a major objective, anyway. He has been, as somebody put it, both tough and reasonable. Perhaps it has been easier for him to maintain this difficult mix because so many people have been asking so many questions.

Still, in the pressure of day-to-day events we all may lose sight of a vital long-range question; sooner or later the fighting will be suspended in Vietnam. What happens then to our relations with that emerging colossus of Asia, Communist China? Very few responsible students of Asia advocate a sudden reversal of American policy in Vietnam, a pullout. But many experts argue that by concentrating on the war there we are limiting the influence we might have on the wider spectrum of events in Asia.

One such observer is Alvin Hamilton, a conservative member of the Canadian Parliament from the province of Saskatchewan. As Minister of Agriculture in the Diefenbaker government, Hamilton was instrumental in negotiating the huge sales of Canadian wheat to China. His experience with Communist officials and his observation of the people in two trips to China, during which he traveled widely, make him cautiously optimistic about long-term relations between China and the West. But he is convinced the United States is hiding one of its most penetrating lights behind a dense bushel of doubt and moral platitudes in its approach to Asia.

In a speech to the Kansas Institute of International Relations in Wichita 3 weeks ago, Hamilton developed the theme he has been emphasizing publicly and privately around the continent: "I personally wish," he said, "that the Americans had more confidence in their real strength. I am not referring to their great military strength. I am not referring to the American concepts of self-determination or American style democracy. I am referring to the economic system that

has developed in North America. This corporate system of business * * * is (now) run by a managerial class that is so efficient that no form of organization in the world, particularly socialism, can ever hope to compete against it successfsully.

"The insidious efficiency that raises the living standards of so many people so quickly is the greatest conquering force the world has ever known * * *. In this challenge for mens' minds and loyalties, the appeal of the affluent society overwhelms all political dogmas." (The minute those American-type chain stores hit France, Hamilton mused on a more recent occasion, God help de Gaulle.)

Even Peiping, a dictatorship, is sensitive, Canada's ex-minister of agriculture insists, to consumer pressure. China is over its grave 1959–61 food crisis but it still buys Canadian wheat. Why? The Chinese love pastries, became fond of the cakes and better bread made possible by mixing Canadian grain with their own. The government heeded, Hamilton thinks, a consumer demand. And he suggests that a compelling reason for Soviet purchase of Canadian and American wheat in 1963 was to avoid a public furor and hence government loss of face that bread rationing would have caused.

Dissolving dogma and doctrine in the abundance of a supermarket is more easily said than done, particularly in terms of East-West trade with dictatorial control on one end. Furthermore, China has little we need, could afford to buy little from us. But Canada's Alvin Hamilton poses a challenge worthy of American ingenuity. If Washington can pursue a tough but reasonable course in Vietnam is it unreasonable to hope that a similar balance could be struck in the nonmilitary probes of China that must come?—unless of course we insist on going in with all guns blazing.

This is Edward P. Morgan saying good night from Washington.

EDWARD P. MORGAN AND THE NEWS, SPONSORED BY THE AFL–CIO, AMERICAN BROADCASTING CO. RADIO NETWORK

APRIL 20, 1965.

Communist China, with a population of 700 million or more, "is the largest group of people on earth under single management," as Canada's ex-Agriculture Minister Alvin Hamilton puts it. By 1980 on a huge land mass roughly the area of the continental United States and Alaska combined, there may be 1 billion Chinese living under Peiping's dictatorial regime.

How tightly can totalitarian leaders manage the lives of so many people? In two trips to China, in connection with trade and the sale of Canadian wheat, Hamilton found a "highly directed society, a high-pressure persuasion type of dictatorship. Loudspeakers are everywhere, on the corners, in the factories, on the farms, in railway coaches and Heaven knows where else.

What are the messages, blaring over the radio from 6 in the morning til 10 at night? "Work hard." "Keep fit." "Don't marry too soon," and whatever else is the party line including hatred of the imperialist United States. "Slogans cover walls. Demonstrations are massive. School curriculums have a heavy dose of anti-American propaganda."

English is taught through grades 1 to 12 but Hamilton was shocked to discover that the basic image of Britain comes from the romantic and adventure writings of Robert Louis Stevenson and the English text of American literature are passages from "Uncle Tom's Cabin" and "Huckleberry Finn" selected, apparently, to dramatize horrible discrimination against the Negro because of his color. There are singing exercises in which toddlers act out anti-imperialist slogans.

Still there is a question of the effectiveness of this brainwashing. The Soviet brand of it did not deter the young Hungarian freedom fighters in Budapest, many of whom were born under communism. In traveling through China as a Canadian Government official, Hamilton noticed "on trains and in the streets that very few people really listened to the constant [propaganda] barrage." Another observer noted that before and after the youth masses passed the reviewing stands with their posters and banners held high protesting the American bombing of North Vietnam, many of them were covertly holding hands. Hamilton found indications that "the majority of the participants enjoyed the release from work and more or less looked on the demonstrations as a chance to have fun."

Still there is no denying the fact that the Mao Tse-tung regime has singled out the United States as not just China's but the world's public enemy No. 1. In recent years, however, there seems to have been a subtle shift in Peiping's position. O. Edmund Clubb, long a China expert in the State Department and now a teacher at Columbia University, calls it the "doctrine of the intermediate zone." Peiping is at the pole of virtue, the United States at the opposite pole of evil, with most other nations—including Canada—at various gradations in between.

This posture of mutual hostility—for that is what it is—poses a large question: Do these two great powers continue on what can only be a collision course or can the courses be deflected sufficiently to avoid a head-on catastrophe?

But, some will say, how ill timed the question when only today the Chinese threatened to send men to Vietnam. My stubborn answer is, there couldn't be a more urgent time to raise it, before it is too late. I don't know what the answer is. The experts themselves disagree. But one thing is sure: Continued noncontact between the most powerful nation in the world and the most populous nation in the world can only lead to the disastrous contact of violence. A lot of hogwash has been written about how contacts should be made. Realism, not romanticism, must guide our approach. A world authority on Chinese and Soviet affairs, the German scholar Klaus Mehnert, warns in his monumental book "Peking and Moscow" that the Communists have by no means abandoned their objective of world conquest but changed circumstances have put unexpected obstacles in their path. The rift between Moscow and Peiping is deep and real. Given that fact, is it not logical, then, to suspect that the Chinese "offer" of manpower to North Vietnam was made as much to compete with a similar Soviet offer as to counter and threaten the Americans in Vietnam?

It is admittedly difficult, psychologically and otherwise, to explore approaches to China at this juncture but it is necessary. As a modest beginning the State Department might release the volumes, already bound but long gathering dust on Department shelves, on U.S. relations with China during the controversial years, 1944 to 1949; it should also reexamine the long-stymied project of an exchange of journalists. And the Government should ask itself, sharply: What real purpose is served in stifling the circulation of Chinese printed matter in this country? A scholar at Columbia University's East Asian Institute, for example, reports the Post Office Department has made it next to impossible to receive Chinese literature and periodicals, even for research. The Chinese are going to be difficult enough to deal with when we learn more about them without making perpetuation of our ignorance official policy.

This is Edward P. Morgan saying good night from Washington.

FLOOD DISASTER IN MINNESOTA

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter to me, dated May 4, 1965, from Hon. Karl F. Rolvaag, Governor of Minnesota, in which he commends the State, local, Federal, and volunteer agencies for the humanitarian work they have performed in assisting the people of Minnesota during the disastrous floods that occurred in recent weeks.

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

STATE OF MINNESOTA,
EXECUTIVE OFFICE,
St. Paul, Minn., May 4, 1965.

Hon. EUGENE J. MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: Minnesota is emerging from the worst flood disaster to hit this State in its history. The cost may well exceed $100 million; this, however, is but a fraction of the cost that would have been sustained had not preparations been made well in advance. These preparations, I believe, set a new high in the Nation. The extremely low loss of lives that can be actually attributed to the flood is perhaps the most gratifying of all. We had less than five deaths that could be attributed directly to this flood.

I believe our success, if there is success in a natural disaster, can be attributed to a pitifully small group of dedicated citizens who have worked untiringly for many weeks before the flood struck to prepare both our citizenry and our local units of governments for a possible disaster. This small group was comprised of our State, county, and municipal civil defense organizations. On these people fell the major burden of preparing for a disaster, of operating during the disaster, and now are intimately involved in recovering from the disaster. I would like to state here and now that had it not been for these people the cost of this disaster would have been many, many times greater in lives lost and property damaged.

Tragic as this flood has been, I believe I have seen a new high in cooperation between Federal, State, and local governments. The assistance provided the State of Minnesota through the Office of Emergency Planning, Executive Office of the President, the Office of Civil Defense, Department of the Army, and many, many other Federal agencies too numerous to mention, coupled with the preparation on State, county, and local levels has culminated in this success story.

We have seen civil defense function in a widespread natural disaster. Certainly their value to the citizens of this Nation, should we become involved in a major conflict of international proportions, would prove invaluable. The entire Nation should rise in praise of our civil defense program.

Sincerely,

KARL F. ROLVAAG,
Governor.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. JAVITS. Mr. President, do I correctly understand the Senator from Minnesota is yielding himself time in opposition to the amendment, and that this is with the permission of the majority leader?

Mr. McCARTHY. I am acting for the majority leader. I am speaking on the time available in opposition to the amendment.

Mr. President, I am opposed to the pending amendment. I take this position in opposition because I believe the language which has been agreed upon between the majority leader and the minority leader, together with the Department of Justice, which, of course, has primary responsibility for handling civil rights cases, represents the best approach to the achievement of the objectives which are sought by S. 1564. S. 1564 has, from the beginning, been conceived of as a bill of limited objective to meet a special problem. It has not been designed to solve all the problems of civil rights or all the problems of human rights or all the problems of equal rights in the United States.

It is my judgment that we have made mistakes in the past in civil rights bills, and that often the preambles went far beyond the potentials of the bills themselves to come anywhere close to achieving those objectives. In many instances, there was more rhetoric included in the bills than there was legislative language.

In this case, the language of the bill, the legislative substance of the bill, is somewhat closely related to the objectives set forth. I believe this relationship is maintained in the language that is proposed by the majority leader and the minority leader.

The first point which should be made clear is that the debate on the pending amendment is not really about a question of substance, but rather is one about two different approaches toward the same objective.

Of course, some Senators oppose the entire voting rights bill, as they have been opposed to every voting rights bill that we have considered in the past. They oppose the language of the pending amendment and the language of the Mansfield-Dirksen substitute. They would vote against the Mansfield-Dirksen substitute if that were the pending amendment, just as they would vote against the amendment that is now pending.

But there are also Senators who oppose the pending amendment but who share a common conviction that there is an urgent need to provide procedures to protect voting rights, and who are strongly opposed to the use of the poll tax as a qualification for voting in any election. The pending amendment is not a test of one's commitment to legislation to protect voting rights; nor is it a test of one's opposition to the use of the poll tax. It involves a difference as to means to be adopted.

Many of the arguments being made in support of the amendment are arguments against the poll tax rather than arguments against the Mansfield-Dirksen language, for which the amendment is offered as a substitute.

I have been a Member of Congress since 1949. I have heard all these arguments. I have made all these arguments. I would hope that those who are passing judgment on this debate would separate the arguments against the poll tax from the arguments that have a bearing upon the particular amendment.

I have strongly supported civil rights legislation ever since I came to Congress in 1949. In my first term, as a Member of the House of Representatives, I voted for an anti-poll tax bill. That bill would have outlawed by statute the payment of a poll tax as a prerequisite for voting for Federal officials in any primary or other election. I believe Congress had the authority to do this by statute and should have taken action at that time in advance of the response on the part of the courts. However, the proposal did not receive the necessary support in the Senate.

Later, a constitutional amendment to ban the poll tax was proposed, and as a Member of the Senate I supported that proposal. It has now become the 24th amendment to the Constitution.

In 1950, as a Member of the House, I voted for the establishment of a Fair Employment Practices Act. In the House, I voted for the Civil Rights Act of 1956, and again for the Civil Rights Act of 1957.

As a Member of the Senate, I have supported the effort to modify the cloture rule, which has long been the principal impediment even to the consideration of many civil rights bills. I was one of the minority of Senators in 1960 who worked for a stronger civil rights bill and for stronger provisions to protect the voting rights of all American citizens.

It is my opinion that had a majority of the Members of the Senate voted with us at that time, we would not have to be debating a voting rights bill today. We might be considering other aspects of civil rights or individual rights in America, but not this particular matter. The proposal of the late Senator Hennings, of Missouri, for safeguarding voting rights by administrative determination and procedures, which was rejected, would have met this problem effectively.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of the provisions of the Hennings amendment as they were printed in the RECORD on March 16, 1960.

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

[From the CONGRESSIONAL RECORD, vol. 16, pt. 5, p. 5745]

SUMMARY OF HENNINGS AMENDMENT

1. INITIAL FINDING OF DISENFRANCHISEMENT AND NOTICE TO PRESIDENT

(a) Judicial: In a proceeding by the Attorney General under section 131(c) of the Civil Rights Act of 1957, the Attorney General is required to notify the President, if the court finds that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color."

(b) Administrative: Whenever the Civil Rights Commission in a proceeding under section 104(a) of the 1957 act or another executive agency or department designated by the President to perform the same functions as the Civil Rights Commission makes a finding similar to that described in the preceding paragraph, the Commission shall notify the President.

2. APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

Upon notification of a judicial or administration finding that voting rights have been deprived, the President is authorized to appoint Federal enrollment officers from among qualified voters within the congressional district in question. The President may delay such appointment if he determines that State officials are making efforts to end deprivation of voting rights in the district.

3. ENROLLMENT AND ENROLLMENT RIGHTS

All persons belonging to the race discriminated against, who are qualified to vote under State laws and reside in area covered by the finding, are eligible to register with the enrollment officers and receive certificates of enrollment. Enrolled voters have the right to vote and have their votes counted in any State or Federal primary or general election in the district.

4. ENFORCEMENT

(a) Challenges by State of eligibility of enrolled voters in Federal district courts are permitted, but the enrollees are permitted to vote and have their vote counted subject to court determination of the validity of the challenge.

(b) Enrollment officers are authorized to attend elections, determine whether enrollees are permitted to vote and have their votes counted, and directed to notify the Attorney General of denials.

(c) The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings" and the courts are authorized to issue "permanent or temporary injunctions or other orders" to protect the exercise of such rights.

(d) In all cases of criminal contempt arising under the provisions of the proposal, conviction carries penalties up to $1,000 and 6 months' imprisonment. The judge can decide whether the trial shall be with or without jury. But the accused is given the right to demand a trial de novo before a jury if the sentence exceeds $300 or 45 days in prison.

Mr. McCARTHY. Mr. President, I supported and voted for the Civil Rights Act of 1964. Over the years I have sponsored numerous bills to prohibit unreasonable literacy tests, antilynching bills and other measures to establish procedures for protecting civil rights.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator indicated a few moments ago that he has supported the constitutional amendment approach to the elimination of the poll tax for Federal elections in 1962.

Mr. McCARTHY. The Senator is correct.

Mr. KENNEDY of Massachusetts. As I understand, the Senator also supported the amendment of the Senator from New York [Mr. JAVITS] which would have eliminated the poll tax by statute in 1962, which amendment was finally defeated.

Mr. McCARTHY. I believe the Senator is correct.

Mr. KENNEDY of Massachusetts. I thank the Senator.

Mr. McCARTHY. Mr. President, many of us with a clear and consistent record of demonstrating concern for civil rights over the years have had to be content with weaker and less effective civil rights bills than we judged necessary to solve the problem.

We find ourselves in this position again. The present bill falls short of what the Congress can and should do in the very limited field of registration and supervision of voting. I think this is

true of the original administration proposal, of the committee bill and of the Mansfield-Dirksen substitute. It will be true of the final bill, even if the pending amendment were adopted.

Congress has the authority to establish procedures to protect the right of citizens to vote at any place, any time there is evidence the right of a citizen to vote is denied or abridged on account of race or color. This is the language of the 15th amendment. It is also implicit in the 14th amendment. In some ways, the 14th amendment provides a broader base for voting rights legislation.

The bill before the Senate was never designed to accomplish all of these objectives. Although it gives promise of a substantial improvement in protecting voting rights, I regret that it was limited originally to the areas of massive discrimination. I believe that we should have attempted to enact legislation which would have applied a Federal remedy whenever discrimination exists on the basis of color, race, or other limitation. If I had had my way, I would not have limited the procedure to certain States and subdivisions in which it is clear that massive discrimination exists. I would not have confined it to certain tests and devices, or triggering devices, but would have had the procedures ready to remedy any kind of intimidation, harassment, or other practices which abridge the right to vote.

I and seven other Senators expressed our views to the majority leader and key members of the Committee on the Judiciary while the committee had the administration bill under consideration. We recommended in particular that the committee enlarge the bill to include the provision proposed by Senator Hennings in 1960: that is, to provide for an administrative determination by the Civil Rights Commission—or any group established by Congress for this purpose—and following this administrative determination, to authorize the President to appoint officers to enroll citizens of the race discriminated against.

Discrimination is discrimination, and the Federal Government has the right and the duty to enact appropriate legislation to offset discrimination in voting based on race or color wherever it occurs, whether in registration, or voting, or whether it is necessary to insure the correct counting of the votes that have been cast.

The Committee on the Judiciary determined to work within the structure of the administration bill. It modified and made additions. It improved and enlarged the bill in several ways. However, apart from the automatic triggering already in the administration bill, the procedure still rests largely on the complex and slow judicial processes. There is no provision for administrative determination and forthright administrative action.

In the legislative process each of us usually must settle for less, often substantially less, that we would prefer to see enacted. The nature of the majority rule decision is that we rarely have the opportunity to cast a vote for what we believe to be the ideal solution. We are called upon to cast a yea or nay vote on a particular amendment or particular bill as it stands. The issue on the pending amendment is not about an ideal, but rather, is between the Kennedy amendment or the Mansfield-Dirksen language.

There are also legal authorities on both sides. In this instance, the judgment of the Attorney General of the United States and the Department of Justice deserves special consideration.

In the Senate there are 100 experts on the Constitution. I do not feel that any Senator who is a lawyer is any better qualified to pass on fundamental constitutional questions than is a Senator who is not a lawyer. Some Senators have chosen to go outside Congress to consult experts. No one can find fault with that. However, eventually, we shall have a proper interpretation of the Constitution by the Supreme Court.

It is the Attorney General who has the responsibility in large part for enforcement of the voting rights bill. It is the Attorney General, as adviser to the President, who has a special constitutional duty to examine legislative measures of this type in the light of the Constitution and in the light of his special responsibility. It is his obligation to advise on the practical effects of a proposal as they may relate to a pending court cases and to advise on the comparative advantages and disadvantages of alternative means of meeting a problem or achieving the objective. I believe that he has spoken quite clearly in this case.

We should, of course, seek and consider the views of constitutional authorities. But we will vote on a specific amendment to a specific bill at a definite point in history—and the decision of Members of Congress must take into account all of these realities, not merely the speculation as to constitutionality. There is no need to prove ourselves.

In many conferences with Senators and most recently in a formal statement to the Senator from Montana [Mr. MANSFIELD], Attorney General Katzenbach has stated that he opposes the Kennedy amendment as compared to the Mansfield-Dirksen substitute language. He states:

> In my view, the Mansfield-Dirksen provision offers the safest, swiftest, and most effective course.

If Mr. Katzenbach had only stated the Mansfield-Dirksen language was the safest, I would not be as persuaded.

I believe we have had too many "safe" approaches to civil rights over the years. We are dealing with a situation in which voting rights have been denied over a period of many years. There are times when other reasons, including speed of redress, may be more important than the consideration of the safest approach. However, the Attorney General went on to state that the Mansfield-Dirksen language is the "swiftest and most effective course." I believe that the judgment of the Attorney General deserves our most careful consideration.

In his letter, the Attorney General explains why he thinks the Mansfield-Dirksen substitute would bring the swifter decision.

In answer to the suggestion that the gamble on the pending amendment is necessary to avoid an intolerable delay, he states:

> I say that is not true. In this area, I think everyone must realistically anticipate some measure of resistance to the law until the highest court has upheld the legislation. Indeed, the Kennedy amendment expressly adverts to enforcement of poll tax requirements after they have been outlawed, and makes such disobedience the predicate for a court test of the legislation. It is, therefore, the aim of both provisions to obtain a Supreme Court ruling as early as possible.

In my judgment, the Attorney General, who is going to be principally responsible for carrying on this fight, ought to be given a choice of weapons. His recommendation of what he needs ought to be weighed very carefully by the Senate. If he believes that something short in the way of a weapon, something which has been described by some as an inferior weapon, is more effective, we ought to consider his judgment on this point most carefully.

The Attorney General went on to explain why he believes the Mansfield-Dirksen language offers "the best opportunity for a prompt adjudication." I shall not take the time to review his argument, because it has been read into the RECORD and discussed in the Senate. I will only comment that the Attorney General states:

> As you know, the Supreme Court has agreed to hear the Harper case next fall, which involves a challenge to the Virginia poll tax solely on 14th amendment grounds. If, in the meantime, the Congress outlaws all poll taxes, partly as violating the 15th amendment, is there not a risk that the Court may deem it appropriate to dismiss or remand the Harper case until a lower court has had an opportunity to consider the validity of the new legislation which apparently moots the issue now before the High Court?

The Attorney General puts this in the form of a question. However, his next statement, I think, has an important bearing:

> No case can reach the Supreme Court sooner than the Harper case. It would be unfortunate to jeopardize this opportunity of obtaining a very prompt ruling.

The debate on the pending amendment, therefore, is not about whether or not one wants a strong voting rights bill. It is not about whether or not one wants the poll tax abolished as a condition of voting in State elections. It is not a question as to whether or not the Congress should express its legislative declaration that the right to vote has been unconstitutionally abridged by the poll tax requirement; on this point the Attorney General is quite clear, I think. He states:

> The views of Congress are as unequivocally expressed in the one measure as in the other.

It may be that the views are not unequivocally expressed in either, but any Supreme Court Justice, knowing what has been discussed and what has been said here, would understand what the views were to the extent he needs to understand them as the basis for making a decision on the Harper case or any

other case which may come before the Court.

Under both the Kennedy amendment and the Mansfield-Dirksen language the final decision will rest with the Supreme Court so far as constitutionality is concerned. The Mansfield-Dirksen substitute bill makes a legislative declaration that the poll tax represents an unconstitutional abridgement of the right to vote. I do not believe this is necessary. On the other hand, since there has been a discussion of a finding of fact or a declaration of policy, this minor point should be noted.

The Supreme Court has already agreed to hear a case involving the poll tax. The judicial procedures are already in operation to get a Supreme Court decision. Nothing in the pending amendment adds to that reality, and the Attorney General expresses his conviction that it may delay action toward a decision. This, I think, is perhaps the key consideration in the whole debate.

This is an issue which only the Supreme Court can decide. It can decide it without any declaration of intent on the part of the Congress, or without any finding of fact on the part of the Congress.

In other sections of the bill the Congress is establishing procedures to protect the right to vote. In the Civil Rights Act of last year there were complex situations to meet; there was a need to establish procedures for determining discrimination in relation to public accommodations, employment practices, and in other areas, and also of establishing ways of diminishing and preventing discrimination. What is involved in the poll tax issue is a very simple question—a constitutional matter which can be decided yes or no.

I should point out that on the authority of the Attorney General, the safest, swiftest, and most effective course is to retain the Mansfield-Dirksen language.

A number of arguments have been made either in support of the pending amendment or in opposition to the Dirksen-Mansfield language, which I believe are somewhat important. It has been rather common to cite views of lawyers on the committee and outside the committee. In my judgment, these are interesting citations, but they have no real bearing or significance on what Congress should do. We can weigh those opinions, if we wish, and then consider them against the recommendations or judgments of those lawyers who are called upon to deal directly with the problem. We have opinions from the Attorney General's Office on the Dirksen-Mansfield language: of the Attorney General, men like Burke Marshall, and John Doar, who have been in the "salty marshes" and at the "hot gates." They have been waging the fight with reference to this question for years. It is their primary responsibility and it is their personal commitment, which has been written into the record of their lives, that discrimination be eliminated; and their judgment should be weighed heavily by this body.

A second and more general argument raised is that when a constitutional issue comes before the Court, it comes on much stronger ground when Congress has given some indication of its interest in it, rather than when Congress has not acted.

This statement has some validity when applied to the broad areas in which Congress may or may not act. If Congress had chosen years ago to prevent discrimination in education, the Supreme Court might have acted more readily to eliminate discrimination in education. If Congress had acted 20 years ago to eliminate discrimination in public transportation, the Supreme Court might have been forced to decide on that question earlier than it did.

The general argument being made that the Court acts on stronger ground when Congress make its intention known cannot be applied with the same force to the area of constitutional responsibility. The Court has not waited for Congress to act in matters involving civil rights. We might reflect on the status of civil rights and the amount of discrimination that might still exist if the Court had waited on Congress to take action. The Court has been far ahead of us in this area, and continues to be ahead of us.

In the course of debate a special point has been made that discrimination of other kinds is really in many ways more serious than the poll tax. Repeal of the poll tax would still leave many hurdles and obstacles to full enjoyment of the right of citizens to vote. Discrimination through literacy tests, through economic reprisal, and even violence are among the devices which have been mentioned.

I share the concern over possible use and actual use of some of these devices, techniques, and methods for preventing citizens from voting.

There is nothing in the voting rights bill which would eliminate or diminish "economic reprisals," or violence or the threat of violence. Even the provisions for dealing with literacy tests are a limited approach.

It could be asked: Why not have an amendment which would eliminate all literacy tests, since they have been used to discriminate on a massive scale?

There are approximately 20 States which have literacy tests of one form or another. Although these tests are not used in every State to discriminate on the basis of race or color, they do discriminate. California requires a voter to be able to read the Constitution in English and write his name. In Connecticut, the voter must be able to read the U.S. Constitution and the Connecticut statutes in English. Massachusetts requires the voter to be able to read the State constitution in English, and in New York, one must be able to read and write English.

Literacy tests can and do discriminate against those who cannot read or write in English, even though they may be able to read another language.

Minnesota has no literacy test. In the last election, Minnesota had the highest percentage of citizens voting of any State except Utah. Utah had 77 percent. Minnesota had 76.3 percent. Massachusetts had 67.1 percent. New York 61.9 percent. California 62.7 percent.

I do not intend to offer an amendment to the pending amendment to provide that all literacy tests should be eliminated, although I believe that they should be. I do not know what the response of Senators who support the pending amendment would be if I offered such an amendment. I am sure that many of them would stand with me in support of the elimination of the literacy test throughout the country. On the other hand, many Senators have indicated in debate that they believe a literacy test in some form is not only defensible under the Constitution, but also necessary and desirable.

In my own judgment, there is no doubt that literacy tests have been used to discriminate on the basis of race or color, and also on the basis of cultural origin. We discriminate against immigrants and other Americans who have not yet established themselves. The same is true with reference to poll taxes, which have been used to discriminate on the basis of race or color; they have also discriminated against the poor whites.

In my opinion, the Mansfield-Dirksen proposal on the poll tax issue is adequate to the purposes of the bill. It rests principally upon the recommendations of the Attorney General. Their judgment and recommendation should be sustained.

Mr. MANSFIELD. I yield 2 minutes to the Senator from Vermont.

Mr. PROUTY. Mr. President, I rise to speak in opposition to the pending amendment to the proposed substitute for S. 1564.

This amendment has as its purpose and principal objective the prohibition of the collection of the poll tax on any State or local election, any place in the United States.

The general thesis of this voting rights bill is that discrimination against certain citizens, because of race or color, in the exercise of this franchise is unconstitutional and should, therefore, be prohibited.

I could not agree with that idea more. I cannot agree, however, with the pending amendment. As it is worded, it is only incidentally concerned with the right of the Negro to be free from racial discrimination in exercising the right to vote.

During the debates and the hearings on this question of the repeal of the poll tax, two primary objections to poll taxes generally have been offered.

The first of these is racial discrimination. No one can really deny the evidence that there has been a studied effort, in some places, to use poll taxes for discrimination purposes. No one has ever implied, nor to my knowledge has anyone ever suggested, that there was even any such discrimination in the State of Vermont.

In my State of Vermont, where there are only about 500 Negroes out of a population of almost 400,000, we have for years had a poll tax which is a condition to voting in our municipal elections which we call town meeting.

Initially, the proponents of this amendment were insisting that the only possible reason for a poll tax would be racial discrimination. That was either before they learned Vermont had a poll tax, or before they learned that it was

a precondition to the exercise of the vote.

Since the State of Vermont could in no way be accused of racial discrimination, those in favor of this amendment were obliged to look elsewhere for objections to our poll tax.

They seized, then, on the supposition that the poll tax discriminates against the poor. Even in this instance, they are wrong for the simple reason that the poor are exempt from the poll tax.

In fact, Mr. President, there are five groups of people exempt from the payment of the poll tax. They are:

First. Veterans of all wars including "Federal emergency services" providing they are on disability pension or compensation;

Second. State militia and fire companies in the option of the towns;

Third. Persons actually poor;

Fourth. Those receiving old-age assistance;

Fifth. Those on active military duty.

So, Mr. President, I cannot subscribe to the two principal reasons why the proponents of this amendment say it should be adopted.

There are two other perfectly good reasons why I am unable to support the pending amendment.

The first of these is the question of constitutionality which surrounds the pending amendment. We all certainly feel very deeply the necessity of the early passage of a voting rights bill. It seems to me that no less a person than the Attorney General, Mr. Katzenbach, has sounded a warning clear enough for us all to heed. I quote from his letter to the majority leader, of May 7, where he said:

> I do not say that such a legislative prohibition is unconstitutional but I submit we must all recognize that the question is not free of doubt.

This question of constitutionality will very soon be decided by the Supreme Court. It is my understanding that the Court has agreed to hear a case next fall which would answer this question squarely.

Second, during its session this spring, the Vermont House of Representatives by the overwhelming vote of 196 to 34, defeated a measure which sought to repeal the poll tax on local elections in our State. I could not vote in opposition to this clear mandate on the part of our State house of representatives.

I am therefore compelled to vote against the pending amendment.

Mr. MANSFIELD. Mr. President, I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 7 minutes.

Mr. TOWER. Mr. President, in my opinion, the promulgation of constitutional voting requirements for local and State elections comes within the particular purview of the functions, rights, and responsibilities of each of our States.

In Texas the poll tax does not actually operate to prevent people from voting. Statistics indicate a very excellent record in my State in encouraging minority ethnic groups to participate in the political process. The amount of the tax is low enough so that persons are not deterred from voting, regardless of their financial or socioeconomic status.

It is most interesting to note that, percentagewise, more of the Negro segment registers in Texas than does the white segment of my constituency. A charge of discrimination in Texas through the use of the poll tax has no validity in the light of present day statistical analysis.

Mr. President, I ask unanimous consent that two articles indicating the percentage of registration in my State be printed at the conclusion of my remarks.

The first article is entitled, "Statistics and Voting Rights." It was published in the Evening Star on April 5, 1965.

The second article is entitled, "Statistics Bare Voting Bill Need." This article was published by the Committee on Political Education, AFL–CIO, on April 5, 1965.

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

(See exhibit No. 1.)

Mr. TOWER. Now, Mr. President, I will turn to refutation of certain charges made against the State of Texas on this floor, April 13, 1965, by a proponent of the pending amendment.

It was charged that "the history of the poll tax is so entwined with racial discrimination that it can never and will never be separated from racial discrimination." It was also stated that "the purpose of the poll tax in the Southern States where they have been enacted was clearly one of discrimination against Negroes."

Certainly I realize these statements as they relate to Texas were made unintentionally. I merely wish to set the record straight by turning briefly to Texas history as it relates to the poll tax.

I ask consent that a brief history taken from Laura Snow, "The Poll Tax in Texas: Its Historical, Legal, and Fiscal Aspects," 32, manuscripts, M.A. thesis, University of Texas, 1936, of poll tax legislation in Texas during the Republic be printed at this point in the RECORD.

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

CHAPTER II. HISTORY OF POLL TAX LEGISLATION IN TEXAS DURING THE REPUBLIC

On March 2, 1836, Texas declared its independence from Mexico, and on March 17, 1836, a convention which had met at Washington, on the Brazos, adopted a Constitution, and set up a government patterned after that of the United States. The Republic of Texas existed as a separate nation for a period of 10 years, and at the end of that time, it was formally annexed to the United States, and on February 16, 1846, the government of the Republic was committed into the hands of the State authorities.

As an independent nation, the Republic of Texas maintained relations with foreign countries, made and enforced its own laws, assessed and collected its own taxes, and in every way carried on the normal functions of government. Dr. Miller, in his "Financial History of Texas," says "that the history of the Republic is a chapter of difficulties and disappointments * * * and there were few financial expedients which were not resorted to."[1]

[1] Miller, Edmund Thornton, "A Financial History of Texas," p. 19.

During the era of the Republic four different poll tax laws were enacted. The first of these was that of June 12, 1837, which provided for a poll tax of $1 to be levied on all white males between the ages of 21 and 55 years of age.

The next law was that of January 16, 1840, which removed the upper age limit, and stated that an annual poll tax of $1 should be collected on every white male in the Republic 21 years of age and over.

By the act of February 4, 1841, the levy was continued at $1, but the age limit was revised to include all males between the ages of 21 and 45 years. This act also provided that exemption from the tax be extended to members of volunteer companies formed in the separate counties.

The last enactment of a poll tax law during the Republic was made just 2 weeks before Texas became a State. This act of February 3, 1845, provided that there should be levied and collected a poll tax of 50 cents on every white male of the Republic between the ages of 21 and 50 years of age.

Mr. TOWER. Mr. President, the poll tax in Texas continued through reconstruction, but its payment was not a prerequisite for voting until after the adoption of a constitutional amendment in 1902.

A Texas State Constitutional Convention of 1875 considered and rejected the payment of a poll tax as a prerequisite for voting.

There was continued expression of sentiment for the poll tax as a voting qualification until 1901, when the 27th legislature felt the issue should be submitted to the people as a constitutional amendment.

In general, the people of Texas at this time seemed to favor the adoption of the amendment, because of the existing dire necessity for what was termed ballot purification. Flagrant violations of election laws were in evidence in various parts of the State.

Dallas News editorials of October 2, 1902, and October 25, 1902, stated:

[From the Dallas (Tex.) News, Oct. 2, 1902]

The poll tax to be voted on at the approaching election should be adopted by a unanimous vote. One of the strongest arguments in favor of the amendment is found in the frauds often perpetrated by repeaters, imported voters, vote buyers, and other brokers in corrupt politics. It will be in order, to provide by statute that the tax must be paid and receipts taken some months before the primary or regular election is held. This, and other provisions for further safeguarding the ballot box will doubtless be provided by the lawmakers.

Another strong argument for it is: If the poll tax were large or burdensome, or brought back to the taxpayer no adequate return, the News would oppose an amendment exacting its payment as a condition precedent to voting. The tax is small and the returns are correspondingly large in Texas. The free school is of itself quite enough argument in favor of a change which is quite sure to add more than $100,000 to the educational fund. It is claimed that as many as 100,000 men now refuse to pay even a poll tax. It may safely be set down that some of these are active voters, and even hard workers in all movements to increase the burdens of others, and that they patronize liberally and criticize eloquently the public schools to which they contribute no support. It goes without saying that they should, at least, pay a poll tax. It is to be hoped that many of the delinquents will not wait to be coerced

by law, or urged to perform their first duties as citizens of this great State.

[From the Dallas (Tex.) News, Oct. 25, 1902]

The politician who goes forth under the new amendment to buy voters must pay more for them than heretofore, and still less will fall in the palms of the fellow who is eager to sell his suffrage. To begin with, at least $1.50 must be dropped into the public treasury in the form of a poll tax before the regular work of buying the man begins. For every voter that is bought, the amount of the poll tax must first be contributed to the State; then the margin demanded by the voter must be handed over to him. Many a voter has been bought for a dollar or less. Candidates who had the money, and found suffragans waiting about the ballot boxes for the best bid proceeded on the day of the election to treat the waiting squads and shell out a dollar apiece, and, thus, carry the day. * * * The waiting groups, a reproach to the people of the State will lose much of their power in politics under the new amendment.

By amending the Constitution you will render it practically impossible to buy this disreputable and dangerous balance of power. It will cost too much to do it, and such goods will not be bought many months before the date of delivery."

A Belton News editorial clearly endorsing the amendment stated:

Of course, the amendment aims at nothing less than the elimination of a very dangerous element from our biennial elections; namely, the floating and purchasable vote. It goes on the assumption that the man who pays his taxes will not sell his vote; that the man who pays his taxes will resent a bribe. If by that means our elections can be placed on a higher basis; can be freed even to a small extent of the corruptive influences of money, and can be made more nearly to express the real will and wishes of the people, then it is a good thing and should receive the unanimous endorsement at the polls.

The amendment means, perhaps, $150,000 annually added to the school fund, of which the children of Texas will get the benefit. The amendment doesn't impose a tax: it simply helps the State collect what is already due. The amendment does not discriminate against any class, but aims to make all share equally in both burden and privileges.

There was virtually no opposition to the amendment in the State. Of particular note was the fact that there was no evidence of opposition by Republicans, who had, of course, been most active in opposition to the proposal in 1876. The El Paso Herald, a stanch Republican paper stated in part:

Honest elections must be based on the poll tax, the Australian ballot, and the relentless prosecution and persecution of bribe givers and vote buyers.

The poll tax amendment was adopted by an overwhelming majority, November 4, 1902. Thus, in the subsequent session of the legislature, "an act to regulate elections and to prescribe penalties for its violators," was passed into law.

In summary, Mr. President, poll taxes have been paid in Texas ever since the Republic was founded, for more than 125 years. This head tax was designed to make every adult male share in paying the cost of government, and was levied for some 65 years before it had any relationship to voting.

As late as November of 1963, Texas voted down an amendment to abolish the $1.50 to $1.75 requirement of a poll tax receipt for voting in local and State elections. The adoption of the amendment would have repealed the requirement of a poll tax receipt for voting and replaced it with an annual registration requirement and a fee of 25 cents per voter.

The proposed amendment was defeated by a vote of 316,000 to 243,000.

I wish to emphasize, of course, that I believe every citizen should have the right to participate in the political process. It is indeed reprehensible that in some areas of the country this constitutional privilege is denied because of color. No defense can be made, I believe, for anyone who would so deny an American citizen of the right to vote, because of the coloration of his skin.

However, it is not merely a matter of singling out one or two of the many different types of State qualifications for suffrage and subjecting them to Federal jurisdiction and control. If this arbitrary Federal standard is to be imposed on those few States which have a poll tax, should we not also consider some of the qualifications for suffrage that we find in many other States, and then proceed to establish uniform Federal standards for them? I believe no such Federal standard should be adopted, because to do so could ultimately mean the destruction of our State electoral machinery.

It is interesting to note the wide variations in voter qualifications under election laws of the various States. State residence requirements range from 6 months to 2 years. County residence requirement for voting range from 30 days to 1 year. Precinct requirements range from 0 to 1 year. Age requirements differ in the various States.

Also, State requirements regarding other reasons for disqualification, such as felony—convictions, insanity, and so forth, vary widely. Responsible and uniformly applied State voter qualifications should not be stricken and replaced with Federal standards.

I yield the floor.

EXHIBIT No. 1

[From the Washington (D.C.) Evening Star, Apr. 5, 1965]

STATISTICS AND VOTING RIGHTS

(By Dana Bullen)

A major problem in the debate over the voting rights bill is that figures can be cited both to show that it goes too far and that it doesn't go far enough.

To understand the bill—and the changes that may be proposed shortly—it's necessary to put these statistics into perspective.

The table with this article provides a way of understanding the impact of many of the various proposals.

The present bill basically, would eliminate literacy tests and certain other voter tests in a State or county where less than 50 percent of those of voting age were registered or voting in 1964.

It also would provide for the appointment of Federal voter examiners when 20 or more residents of such areas complain to the Attorney General or when he decides this is otherwise necessary.

STATES WITH LITERACY TESTS

The basic standard would reach seven States—Alabama, Mississippi, Louisiana, South Carolina, Georgia, Virginia, and Alaska. They have both literacy tests and voting figures under 50 percent.

It also would reach 34 counties in North Carolina and 1 county each in Arizona, Idaho, and Maine. The States have tests, and these counties are below the 50-percent figure.

The table shows why Texas, for example, is not within the act's provisions. Although its voting percentage is under 50 percent, Texas has no literacy test.

REGISTERED VOTE TABLE

The following table shows the percentage of the voting age population that was registered or voting in 1964, the year to which standards in the administration's voting rights bill are geared.

The table also shows the percentage of Negroes of voting age registered in 1964 in the 11 Southern States for which such percentages are available.

States with a literacy test or other "test or device" for voting as defined in the administration's bill are marked with asterisks.

State	Percentage registered overall	Percentage voting overall	Percentage of Negroes registered
Alabama*	55	36	23
Alaska*		49	
Arizona*	66	55	
Arkansas	56	49.9	49
California*	75	65	
Colorado	82	68	
Connecticut*	81	72	
Delaware*	87	71	
District of Columbia	43	39	
Florida	71	53	64
Georgia*	63	43	44
Hawaii*	61	52	
Idaho*	94	76	
Illinois	87	74	
Indiana	93	74	
Iowa		72	
Kansas		65	
Kentucky	51	53	
Louisiana*	63	47	32
Maine*	90	65	
Maryland	71	56	
Massachusetts*	83	71	
Michigan	72	69	
Minnesota		77	
Mississippi*	44	33	7
Missouri		67	
Montana	82	70	
Nebraska		67	
Nevada	67	55	
New Hampshire*	92	72	
New Jersey	78	69	
New Mexico	90	64	
New York*	75	63	
North Carolina*	76	52	47
North Dakota		72	
Ohio		67	
Oklahoma	82	62	
Oregon*	75	69	
Pennsylvania		68	
Rhode Island	83	69	
South Carolina*	56	38	39
South Dakota	92	73	
Tennessee	73	51	69
Texas	56	44	58
Utah	86	77	
Vermont	87	68	
Virginia*	52	41	46
Washington*	90	72	
West Virginia	102	75	
Wisconsin		71	
Wyoming		73	

Figures in the 1st 2 columns, except those for the District of Columbia, are from material submitted by the Justice Department to the House Judiciary Committee.

Figures for overall registration in some cases might be inaccurate or inflated (as in West Virginia) because of ineffective purging of registration rolls.

Where overall registration figures are not given, it is because these States do not have a statewide registration.

The overall voting figures indicated in the 2d column, the committee was told, are based on statistics supplied by State sources to Congressional Quarterly.

Negro registration percentages in the 3d column are from other material prepared by the Voter Education Project of the Southern Regional Council and released by the Commission on Civil Rights.

Some registration figures were obtained in early months of 1964 and are less than the actual registration figure in November. For example, Kentucky lists registration of 51 percent, but voting of 53 percent. The answer appears to be that more people registered later.

New York, on the other hand, has a literacy test, but the State is not under the act. The reason is that both its registration and voting figures are above 50 percent.

The third column of the table shows, for 11 Southern States, the percentage of Negroes of voting age who are registered.

There are no official figures for the District showing what percentage of the Negro population here is registered. In 1960, there were 246,553 Negroes of voting age here.

It has been estimated that 77,000 Negroes were registered as Democrats in 1964 and that 7,000 Negroes were registered as Republicans. The overall registration was 219,687.

The Negro voter registration figures put other percentages in Southern States into perspective. They tend to support the administration's contention that its "triggering" standard for corrective action is workable.

For example, Louisiana has a voter test and a voting percentage of 47. It could argue the act should not reach it because Negro registration is 32 percent—over half the overall percentage.

Senator SAM J. ERVIN, Democrat, of North Carolina, maintains the "absurdity of using percentages" is illustrated by comparing his State's situation with that of its neighboring State, Tennessee.

Thirty-four of North Carolina's 100 counties would be under the act because the State has a voter test and these counties have percentages under the 50-percent figure.

ERVIN questions whether it can be demonstrated "by any law or logic" that his State is guilty of discrimination while Tennessee, with no test but 22 counties under 50 percent, is outside the act.

Negro registration in North Carolina is 47 percent, according to the Southern Regional Council, while the overall rate is 76 percent. Negro registration in Tennessee is 69 percent.

In Texas—which critics of the bill have contended was purposely excluded from its provisions—the Negro registration figure is 58 percent, while the overall registration is 56 percent.

Both critics and supporters of Negro voting rights can use such statistics to advantage, and county-by-county figures give them still another golden opportunity.

Why should Aroostook County, Maine—for example—where only 1 percent of the population is nonwhite, be covered, while Smith County, Tex., with a 27 percent Negro population, is not covered?

FORD CRITICIZES BILL

"This bill introduces a strange kind of geographical discrimination," said House Minority Leader GERALD R. FORD, of Michigan, in a recent speech at the National Press Club.

Ford said the bill would nullify the literacy test in Martin County, N.C., where 49.9 percent voted, but leave it in effect in Guilford County, N.C., where 52.5 percent turned out.

He emphasized, too, that the bill would not apply to the four Southern States in which 25 percent of the unregistered Negroes of the South are located—Arkansas, Florida, Tennessee, and Texas.

A bill introduced in the Senate 2 days before the administration's bill was presented would use the percentages of Negro voter registration to "trigger" voting rights action.

Under this bill, introduced by Senator PAUL H. DOUGLAS, Democrat of Illinois, and nine other Senators, any State employing a test would have to drop it if less than 50 percent of the members of any race of voting age were unregistered.

The same result would occur if less than 50 percent of the overall voting age population did not vote in the November 1964 election. The table shows which states would be affected.

Another provision of this bill would require the President to assign Federal registrars for any voting district in which less than 25 percent of any race of voting age were not registered.

Whatever standard is finally employed as a "trigger," it apparently will have to meet the mounting pressure to deal with areas of discrimination not reached by the present bill.

STATISTICS BARE VOTING BILL NEED

Statistics speak eloquently of the need for a new voting rights law with teeth in it strong enough to overcome the tactics of delay, discrimination, coercion, and violence that have limited Negro voting in some States for generations.

In Alabama, 111,000 Negroes were registered to vote in the 1964 elections; 370,000 of voting age were not. In Louisiana, 164,700 were registered; 350,000 were not. In South Carolina, 144,000 were registered; 227,000 were not. In Georgia, 270,000 were registered; 343,000 were not.

In Mississippi, the figures are even more shocking: only 28,500 Negroes were registered for the 1964 elections; 394,000 were not.

Throughout 11 Southern States, only 43.3 percent of voting age Negroes were registered in 1964, a total of 2,174,000. Unregistered were 2,843,000. This contrasts sharply with the 73.2 percent of whites registered in these States.

The chart below illustrates conclusively the need for new voting rights legislation.

Southern Negro voter statistics by State

State	Total Negro voters as of Nov. 1, 1964 [1] (1)	Increase since Apr. 1, 1962 (2)	Percent of eligible Negroes registered (3)	Percent of eligible whites registered (4)	Percent Negro of total registered (5)	Percent Negro of voting age population (6)	Presidential winner and margin, 1964 (7)		Unregistered Negroes of voting age (8)
Alabama	111,000	42,700	23.0	70.7	10.4	26.2	BG	213,625	370,000
Arkansas [1]	105,000	36,000	54.4	71.7	14.6	18.4	LBJ	70,932	88,000
Florida	300,000	117,500	63.7	84.0	12.0	15.2	LBJ	42,599	170,000
Georgia [2]	270,000	94,500	44.0	74.5	16.8	25.4	BG	94,027	343,000
Louisiana	164,700	13,000	32.0	80.4	13.7	28.5	BG	122,157	350,000
Mississippi	28,500	4,500	6.7	70.1	5.2	36.0	BG	303,910	394,000
North Carolina	258,000	47,500	46.8	92.5	11.7	21.5	LBJ	175,295	293,000
South Carolina	144,000	53,100	38.8	78.5	17.0	29.3	BG	93,348	227,000
Tennessee	218,000	67,100	69.4	72.9	14.4	14.9	LBJ	126,082	96,000
Texas	375,000	133,000	57.7	53.2	12.5	11.7	LBJ	704,619	275,000
Virginia	200,000	89,900	45.7	55.9	16.0	18.8	LBJ	76,704	237,000
Total [1]	2,174,200	698,000	43.3	73.2	13.0	22.4	LBJ	369,164	2,843,000

[1] Arkansas figures are as of Jan. 1, 1965.
[2] Voting age 18.

Source: Voter Education Project of the Southern Regional Council.

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

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

EAST-WEST TRADE

Mr. JAVITS. Mr. President, I wish to comment briefly on two significant reports issued on May 7 concerning East-West trade. One was issued by the President's Special Committee on U.S. Trade Relations with East European Countries and the Soviet Union, headed by Irwin Miller, chairman of the board of Cummins Engine Co., and the other by the Research and Policy Committee of the Committee for Economic Development—CED—under the chairmanship of Theodore O. Yntema, chairman of the Finance Committee, Ford Motor Co.

Although differing in some respects, both reports call for the expansion of trade in nonstrategic goods with the Eastern European bloc of nations, which are considered to be allied with the Soviet Union for the purpose of promoting our foreign policy objectives in Eastern and Central Europe.

Both reports recognize the need for giving the President authority to conduct our trade policy with these countries in a revised form and selectively. Both urge that Government-guaranteed credits granted to Eastern European countries be limited to 5 years, that East-West trade be conducted in convertible currencies, and that trade negotiations with these countries should involve the reasonable settlement of such outstanding commercial problems, as debts, the danger of dumping of commodities and other items, the arbitration of commercial disputes, copyrights, and similar subjects.

The Committee for Economic Development—CED—although not its European and Japanese counterparts, agreed with the President's committee that a change of U.S. trade restrictions should be confined to Eastern European countries allied with the Soviet bloc.

The CED committee also suggests the creation of a new intergovernmental agency, to be known as the Committee on East-West Trade, under the jurisdiction of the OECD, the 20-nation Organization for Economic Cooperation, and Development, to insure uniformity in credit terms granted to the Eastern European countries. It will be remembered that this is one of the big bones of contention between the European countries that trade with the Soviet bloc and Central Europe, and the United States.

We have stuck to the 5-year credit basis as being our concept of the outermost limit of what we ought to make without trade becoming foreign aid.

This Committee on East-West Trade would also become the means to harmonize the East-West trade policies of all OECD countries, of which the United

States is one. These policies have been in disarray and disharmony.

If there is one thing that needs to be done, it is to bring about a harmonization of policy with respect to the whole Western industrialized world and Japan in respect to trade with the Soviet bloc in Eastern and Central Europe.

In substance, the positions taken by the Miller committee and by the Yntema committee of the CED are generally parallel with the views that I hold. I have made my position clear on repeated occasions—in a report I submitted to the Joint Economic Committee in November 1961, as a result of an investigative trip to the U.S.S.R.; in a full floor statement on October 3, 1963, analyzing the pros and cons of East-West trade, so far as the United States is concerned; and in a statement on February 24, 1965, at a hearing held for that purpose by the Senate Committee on Foreign Relations.

There is a great need for flexibility in the U.S. approach to nonstrategic trade with the European Communist bloc. Our European allies, for reasons of geographic location, their need to engage in a very large export and import trade—unlike ourselves, because with us it represents a relatively small part of our gross national product—and their particular national interest, have engaged in the last decade in substantially broad trade with their Communist neighbors. During this period our position with respect to East-West trade has remained rigid and has been steadily eroded by what might be called this competition with the Soviet bloc. It is not so much that we can do much more business with the Soviet bloc, though we probably can with countries like Poland, Czechoslovakia, Hungary, and Rumania, the so-called satellite countries, than we can with the Soviet Union itself, but the main point is it has represented a state of disharmony with our allies in Western Europe. This has been harmful to the economic future of the Atlantic community.

It is, therefore, essential that we revise our trade policies toward the European Soviet bloc within the dictates of our national interest as defined by the President, in partnership with the Congress—and I emphasize this—in partnership with Congress, and at the same time press for a common Western policy on East-West trade.

It is quite clear that without a revision of our policies with respect to nonstrategic goods, it would be extremely difficult for the United States to reestablish a common policy with our allies. I have advocated—and I get much support in my view from these two distinguished committees in their reports—a code of fair trade practices, insuring that the European Soviet bloc would conduct its trade relations with the non-Communist world in line with normal world trade practices, like those set down by GATT, the General Agreement on Tariffs and Trade, as a good starting point for negotiations, first among members of the OECD—the 20 national organizations in Europe, Japan, and the United States—and then between the OECD and the European Soviet bloc nations.

The President, in his state of the Union message on January 4, 1965, indicated that following a full-scale study of ways to increase peaceful trade with the eastern European countries and the Soviet bloc, such as the one completed today by the President's Miller committee, he would report to Congress his conclusions and recommendations.

I hope very much that as he makes this report the President will do two things; first, recognize that Congress should be a full and equal working partner with the executive branch in determining what should be the revised policy; and, second, emphasize the essentiality of harmonizing the policies of the United States and the other countries in OECD—the other 19 countries—in this vexing issue, which, if resolved, could be tremendously helpful to the future of economic cooperation in the whole Atlantic Community.

I ask unanimous consent that an article dealing with this subject, published in the New York Times of May 7, 1965, 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, May 7, 1965]

PANEL SUGGESTS EASING OF CURBS ON SOVIET TRADE—PRESIDENTIAL GROUP CALLS FOR FLEXIBILITY IN COMMERCE WITH EASTERN EUROPE

(By Felix Belair, Jr.)

WASHINGTON, May 6.—A Presidential commission on East-West trade reported today that a relaxation of restrictions on trade between the United States and the Soviet Union and the Communist countries of Eastern Europe would help promote American foreign policy objectives.

In an 8,000-word report released by the White House, the group urged that the President be authorized by Congress to relax or tighten such restrictions on trade in nonstrategic commodities and equipment depending on the state of U.S. political relations with the Communist bloc.

The report also recommended, however, that "the United States should in no case drop its controls on strategic items that could significantly enhance Communist military capabilities."

PENTAGON DECISION

It said the Defense Department should have complete authority to decide whether any U.S. export item would contribute to the Communist military potential.

The study group did not recommend any change in trade policy toward Communist China, North Korea, North Vietnam, or Cuba.

It said the only basis for its proposals was to make possible some "hard bargaining" by the United States for political advantage. Ordinary motivations, such as for economic or financial gain, have no place in trade relations with the Communist countries, it said.

In any case, the volume of trade and the profits involved would be "negligible," the study group found, amounting in the current year to less than the $200 million of expected exports to Switzerland.

RELATIONS A FACTOR

On the other hand, the possibility of influencing through expanded trade both the internal evolution and external behavior of Communist countries in Eastern Europe far outweighs any political or military risks involved, it said.

Within this general framework, the commission urged that Congress legislate a special category of tariff agreements.

Under this authority, the President could negotiate bilateral trade pacts that would be subject to cancellation at any time and renewable after periodic review of political relations with the individual country.

The report made these further recommendations:

The President should have continuing authority, as now, to permit Government-guaranteed commercial credits of up to 5 years on trade with the Communist countries "if such terms are normal to the trade and if they are considered to further the national interest."

The Federal Government should decide and provide in bilateral agreements "the permitted scope of the trade in terms of security considerations." But within such limits, the amount of the trade that takes place should be left to U.S. business and the U.S. consumer to decide.

It also said:

The United States should insist in trade negotiations with Communist countries that payment for its exports must be made in convertible currencies. It should oppose "any governmental linkage of exports and imports."

Both in bilateral trade agreements and in extending Government guarantees of private commercial credit, the United States should insist on a settlement of private claims stemming from expropriation of American property and, in the case of the Soviet Union, of the United States lendlease account fixed by this Government at about $800 million.

The United States also should require from Communist countries such trade connecessions as guarantees against "dimpling" and other forms of market disruption, assurances regarding the arbitration of commercial disputes in third countries, and for the protection of patents and other commercial property.

Release of the report by the Presidential study group coincided with similar recommendations by the Committee for Economic Development, a nonprofit, nonpolitical research and education organization of 200 businessmen and educators.

Its primary purpose is to develop national and international policies designed to attain high employment within the framework of a free society.

Like the Presidential study group, the research and policy committee called for expanding trade with the Soviet Union and other East bloc countries, including Poland, Czechoslovakia, Bulgaria, Rumania, Hungary, and Albania.

It was joined in this by counterpart organizations in Western Europe and Japan. The latter refused to go along, however, with the proposal that relaxation of trade restrictions be confined to the Soviet Union and the Eastern European countries.

The European and Japanese businessmen said that Communist China had to be included in any call for trade expansion with Communist countries because it had one-fifth of the world's population and was now going through a period of intensive economic development.

One committee proposal in which its companion organization joined went beyond the recommendations of the Presidential commission. This called for creation of a new intergovernmental agency to be known as the Committee on East-West Trade.

The new group would be set up under auspices of the Organization for Economic Cooperation and Development, an adjunct of the North Atlantic Treaty Organization.

The principal reason advanced for the new agency was the need for uniformity in the credit terms to be provided by the West in trade with Communist countries.

The committee report noted that the "ingredients of a credit war" already were present in the competition for Communist trade between Western European countries on the one hand and the Japanese on the other.

TWENTIETH ANNIVERSARY MEMORIAL SERVICE FOR JEWISH VICTIMS OF NAZI EXTERMINATION EFFORT

Mr. JAVITS. Mr. President, I call attention to the celebration at Hunter College in New York on Sunday, at a great mass meeting for former Jewish victims of Nazi extermination effort marking the 20th anniversary memorial service of the date when the concentration camps were liberated. I had the honor of speaking there on Sunday, as did the president of the board of education, who was my opponent when I ran for reelection in 1962, also Charles A. Silver, a former president of the board, and my very distinguished colleague from New York [Mr. KENNEDY].

I am sure that my colleague would join with me in calling attention to the depth of tragedy which was revealed by those hundreds of faces of people who had been marked with the blue stenciled numbers of the Nazi concentration camps, with people who probably now weigh twice or more what they weighed when they were liberated. One man told me that he weighed 75 pounds when he was freed. He had lost every single member of his family, without exception—man, woman, and child.

It is necessary to emphasize that point, because only 20 years have elapsed. It is too soon to forget. We are reminded of many urgent things that we are not doing that this terrible memory should stimulate us in doing.

It has been 16 years that a United Nations treaty against genocide has been awaiting Senate consent to ratification. I do not see how we can face ourselves on such a 20th memorial service without at least bringing it up for hearing. If the Senate wishes to turn it down, let it be turned down. But that is the best memorial we could erect to those 6 million Jewish martyrs of Europe who were exterminated by Hitler.

There is a great problem in the world about the reunification of Germany. We are preparing to do something about that now. I think that must be coupled with an understanding that Germany must be fully integrated, especially if we are seriously to consider its reunification as a member in the best standing of pan-Europe, bearing in mind the tragic history that we have had with nationalism in Germany.

It brings up problems with relation to Israel and the terrible jeopardy in which that country is placed, notwithstanding the fact that it is the one secure and safe haven which, had it existed in Hitler's time, might have rescued hundreds of thousands, perhaps millions, of those who were otherwise exterminated. Other cries for justice are brought to our memory by the unbelievable bestiality and inhumanity of what took place in Europe toward the close of the 1930's and through the early 1940's.

The one thing that I should like to leave with Senators and Members of the House of Representatives who will read this RECORD is that oft-repeated but, in this case, unbelievably apposite statement: "Lest we forget; lest we forget."

Let us never forget what was the capacity of a whole people in making a leader like Hitler, and then in one way or another supporting him through a terrible war and through terrible crimes upon the world. Let us not forget all those who served with him, and all the controversy which surrounded the Nuremberg trials. Those things could be settled by the genocide convention. Let us examine our own consciences and see whether we are doing everything that as decent human beings we can do as a fair memorial to this terrible tragedy.

One of the things which is immediately within the grasp of the Senate, and which is the least we can do, is at long last to hold hearings on the ratification of the United Nations convention against genocide.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks an article from the New York Times of May 10, 1965, concerning this tragic memorial meeting.

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

VICTIMS OF NAZIS MARK LIBERATION—JEWISH SURVIVORS OF DEATH CAMPS MEET AT HUNTER

Six survivors of Nazi death camps stood on the platform of Hunter College auditorium yesterday afternoon and lighted six candles in memory of 6 million Jews who died at the hands of the Nazis.

And as Cantor Moshe Koussevitzky intoned the Hebrew prayer Ani Maamim ("I Believe"), many in the audience of 1,000 wept softly.

It was this hymn—1 of the 13 articles of faith written by Maimonides, the 13th-century Jewish philosopher and physician—that was sung in the concentration camps and by the fighters of the Warsaw ghetto uprising.

That uprising, which began on April 19, 1943, lasted for 44 days; only a handful of the 60,000 ghetto residents survived.

In the background at the Hunter College ceremony was a large banner, in Yiddish and English, that read: "We Will Never Forget."

The sobbing deepened when Cantor Koussevitzky intoned the El Mole Rachamin ("God, Full of Mercy")—the prayer for the dead—and led the survivors in the recitation of the Kaddish, another memorial prayer.

All in the audience had been in Auschwitz, Dachau, Treblinka or Buchenwald.

The ceremony marked the 20th anniversary of the liberation of those camps. It was held under the auspices of the Jewish Nazi Victims of America at the college, 695 Park Avenue.

SENATORS WELCOMED

Moses Socachevsky, president of the organization, a survivor of Buchenwald, expressed the gratitude of his assemblage for their liberation, for the chance to rebuild "our lives in the beloved United States of America."

There were ovations for Senator ROBERT F. KENNEDY and JACOB K. JAVITS when they emphasized that the cruelty of the Nazi regime must never be repeated.

"The world," said Senator JAVITS, "owes a duty to Nazi victims—that of never forgetting."

Senator KENNEDY said that "part of our determination never to let the senseless cruelty of the Hitler years happen again must be channeled toward maintaining the security of Israel."

Other speakers included Dr. Hillel Seidmann, a survivor of Warsaw ghetto and a writer for Jewish and Israel publications; Jacob Katzman, general secretary of the Farband Labor Zionist Organization, James B. Donovan, president of the New York City Board of Education; Harrison S. Goldin of the American Jewish Congress, and Charles A. Silver, who represented Mayor Wagner.

APPOINTMENT TO EIGHTH CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The PRESIDING OFFICER. On behalf of the Vice President, pursuant to the provisions of Public Law 86–42, the Chair announces the following appointments to the Eighth Canada-United States Interparliamentary Group to attend the meeting to be held at Ottawa, Montreal, on May 20–24, 1965: MIKE MANSFIELD, EUGENE MCCARTHY, LEE METCALF, B. EVERETT JORDAN, DANIEL K. INOUYE, STEPHEN YOUNG, GEORGE D. AIKEN, LEVERETT SALTONSTALL, JOHN SHERMAN COOPER, MILWARD SIMPSON, LEN B. JORDAN, and JAMES B. PEARSON.

IS THE OAS WRITING HISTORY ON THIS CONTINENT? THE STORY OF HOW PRESIDENT JOHNSON'S MOVE IN THE CARIBBEAN IS BEING VINDICATED

Mr. MANSFIELD. Mr. President, I yield whatever time is necessary to the Senator from Alaska.

Mr. GRUENING. Mr. President, I thank the distinguished Senator from Montana.

The Organization of American States is now meeting at the Pan American Union to decide what action to take with relation to events in the Dominican Republic. The outcome of that meeting will be of historical dimensions. What the 20 special delegates from the American Republics decide to do about the Dominican situation will determine whether OAS machinery for peace and security in the Western Hemisphere moves forward into the context of the 1960's or grinds to a disastrous halt.

On May 6 I pointed out on the floor of the Senate that the situation in the Dominican Republic is totally different from the one we face in Vietnam. For one thing it is at our front door in the Caribbean. It is not on the continent of Asia. I commend the President for his swift action in the Dominican Republic, both for humanitarian purposes—the saving of lives—and for heading off Communist takeover in the Caribbean. I also urged that our initial action be made as soon as possible a joint concern of all the American Republics. I am glad that the administration did indeed lay the matter before the Organization of American States.

Unhappily, the U.S. press has been gravely derelict in reporting what has transpired in the OAS with regard to the Dominican crisis. Reports continue to imply that the United States overacted in the Dominican circumstances. While generally accepting the necessity to rescue U.S. nationals and other foreigners whose lives were endangered, commentators express doubts regarding the wisdom of expanding our mission to prevent a Communist takeover. Many reports

question the extent of Communist infiltration.

Yet, to my knowledge, none of the major wire services, newspapers, or radio-television systems have taken the trouble to examine the findings of the OAS investigating team that returned from the Dominican Republic last weekend. The Special Committee of the OAS consisted of the following five Latin American Ambassadors: Ricardo M. Colombo, Argentina; Elmar Penna Marinho, Brazil; Alfredo Vazquez Carrizosa, Colombia; Carlos Garcia Bauer, Gutemala, and Frank Morrice, Panama.

On Friday night, May 7, the Council of the OAS met to question the Committee regarding its findings in the Dominican Republic. The meeting lasted almost until 3 o'clock Saturday morning. While the meeting was private and the press not admitted, the OAS Council decided to release its proceedings so that the hemisphere—indeed the world—could be apprised of the true situation in the Dominican Republic.

The Pan American Union made the document available to the press on Saturday night about 8 p.m. The text is in Spanish, so it appears that reporters who do not read Spanish simply ignored it existence. I understand that the OAS secretariat does not provide translations of proceedings in languages other than those in which they transpire. Since the text of this particular meeting is so important, I shall put the entire document into the RECORD as soon as I have it translated.

Meanwhile, it is imperative that the gist of the Ambassadors' revelations be widely publicized. If we are to judge the efficacy of U.S. policy and to plan for similar episodes in the future, we must first understand what is taking place in the Dominican Republic. What better source, then, than the views of five Latin American Ambassadors, from five exceedingly diverse Latin American countries, sent to the Dominican Republic in the official capacity of investigators of the OAS?

Here, then, are some of the highlights of their testimony.

The members of the Special Committee were asked to report on the degree of Communist infiltration in the rebel and junta forces. The Ambassadors of Argentina, Brazil, and Colombia all expressed their opinion that the degree of Communist infiltration had indeed reached worrisome proportions. Ambassador Colombo of Argentina revealed that Colonel Caamano himself recognized that Communist infiltration was a great problem for the rebels.

The delegate from Brazil put the situation this way:

> Mr. President, to corroborate the affirmative answers just given by my colleagues from Colombia and Argentina and add an aspect which I believe can help to clear the focus that can be given to this problem, I wish to say, Senores Special Delegates, that with the total collapse of public authority—since neither the forces of the junta of government (Benoit, Santana and Saladin), nor those of Colonel Caamano controlled the situation—the Dominician State practically disappeared as a juridicial-political entity, dissolving into a kind of no-man's land. The arsenal had been handed out to the people, and all of the disoriented population, adolescents and fanatics, carried modern automatic armaments, in an excited state which was even more exacerbated by constant radio broadcasts of obvious subversive character. Neither I, nor any of the members of this Committee, I believe, am in condition to assert with assurance that the movement of Colonel Caamano, backed by the really popular figure of ex-President Bosch, is an essentially Communist movement. But one fact is indisputable: during the state of true anarchy in which the country was engulfed for various days, especially the capital, where bands of snipers sacked, killed, and did not obey anyone, whatever organized group disembarked on the island could have dominated the situation. For that reason, and on this the majority of the chiefs of foreign missions there agree, all the members of the Committee are in accord in admitting that the movement of Caamano, although authentically democratic in its origins, since none of us believe sincerely that Caamano is a Communist, could rapidly have been converted into a Communist insurrection.

The special delegate from Uruguay—Senor Oribe—asked whether the situation is such that it would endanger the peace and security of the hemisphere.

As you know, Mr. President, collective action by the inter-American system can be invoked only in the case that the peace and security of the hemisphere are endangered. Otherwise, collective as well as unilateral action would be considered intervention in the internal affairs of a member state, and hence prohibited by Charter of the OAS.

In answer to this crucial question, the special delegate from Colombia replied:

> The first question is: Is the situation such that it endangers the peace and security? My answer is "Yes;" yes, there exists a situation which endangers the peace and security. The reasons are very clear. A disturbance or even a war in one member state is not the same where there exist elements of order and constituted authority as in a state where one can see, one can judge the degree of, and one can document the absence of constituted authority. What to do, Senor Delegate, faced with the absence of a state? What does the (inter-American) system do when a state does not exist? What happens when blood is flowing through the streets; what happens, Senor Delegate, when an American country—and I am going to speak frankly so that your Excellency meditates with all the clarity that we recognize you possess—if those conditions are found, in the vicinity of Cuba? Do we sit in the balcony to watch the last act of the tragedy? Do we sit as in a bullring awaiting the entrance of the matador and his crew? What to do, Senor Delegate? We are in a movement of the struggle of international communism; and we are in the world, Senor Delegate, and America is not separated even by the sea from other continents. The Dominican Republic, as any country in America, is a part of the (inter-American) system, and it is the system which will suffer when any of its members is headless. The problem we face is not one of juridical concepts, subject to an exact legal interpretation. The problem is one of deep political significance, of continental importance, much graver than that of any of the other American revolutions.

Mr. President, the five OAS delegates, all of them Latin Americans themselves, have performed a magnificent service for inter-American peace and solidarity. They have, in a very real sense, vindicated President Johnson's decision to act quickly in the Dominican situation.

Now the question of the future of the Dominican Republic has moved on to an inter-American stage. The OAS Special Committee has declared that, in the anarchial situation in the Dominican Republic, there existed the danger of a Communist takeover. Hence, the OAS presence in the Dominican Republic is warranted as a counterforce to extracontinental intervention in an American Republic.

The question which the OAS must now face concerns returning that tragic little American Republic to a semblance of peace. It is not enough to have nipped off an impending Communist subversion. I believe that the OAS now has the responsibility to protect the Dominican people from either a tyranny of the left or the right. The prospect of a Communist tyranny should not be an excuse to permit the establishment of an abhorrent dictatorship of the Trujillo stripe.

The United States, having intervened to stave off a Communist dictatorship, cannot now abandon the Dominican people. The OAS, having in effect condoned the U.S. intervention and turned it into a collective action, now must assume the responsibility for assuring that the Dominican people do indeed get the opportunity to exercise those democratic rights upon which the Charter of the OAS is based.

It is my understanding that the meeting at present in progress will concern itself with the next collective steps to be taken in the Dominican Republic. As is clear from a reading of the discussion by the members of the Special Committee, both sides in the present conflict in the Dominican Republic respect the inter-American system, have faith in it, and desire to cooperate with it. This augurs well for any imaginative attempt by the OAS to proceed to the tough task of reconstruction.

I do not underestimate the tremendous problem ahead in any collective effort to help the Dominican people on the path of attaining a viable, democratic government. But I am convinced that the effort must be made. I fervently hope that the Council of the OAS, presently meeting, will hasten to establish a committee of distinguished hemisphere citizens to serve as advisers and counselors in the Dominican Republic until such time as democratic elections can be held to record the voice of the Dominican people.

As soon as I can obtain a translation of the May 7–8 session of the OAS, I shall insert it in the RECORD. It is required reading for all those who wish to know what really transpired in the Dominican Republic that led the United States to risk the opprobrium of our Latin American friends by landing U.S. marines on Latin American soil for the first time in a generation.

In short, we may be on the eve of a great turn of events in the history of American relations. If these materialize as a result of President Johnson's swift action coupled with his efforts to get the Organization of American States to take over, then the tragic losses of life in the Dominican Republic may not have been

in vain. This could well be the most important change in hemispheric policy since President Roosevelt's declaration of the good-neighbor policy early in his administration and his subsequent efforts to make the Monroe Doctrine, as he termed it, "a joint concern" of all the American Republics.

The President, as we know, has been in touch with the outstanding apostles of democracy in the Latin American world: Romulo Betancourt, the great ex-President of Venezuela; José Figueres, former President of Costa Rica; a figure of international standing; and our own Luis Muñoz-Marín who has written a bright page of history in the Caribbean. In the case of Muñoz-Marín, it has always been regretted by those who appreciated his great statesmanship that it could not have been exercised on a scale larger than a small island—Puerto Rico. Maybe the opportunity has now come for him to put his great talents and vision to work in behalf of the whole hemisphere.

Finally, let me say again that President Johnson is to be commended for his swift statesmanship and action in the Caribbean, although I find it difficult to understand the size of the military commitment that has been made. But as of now, we must all hope that a hemispheric organization will move in, and, as I said on the floor of the Senate last Thursday, relieve the United States both of the responsibility and the onus of unilateral intervention.

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

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

RECESS

Mr. MANSFIELD. Mr. President, under the agreement previously entered, I ask unanimous consent that the Senate stand in recess until 12 o'clock noon tomorrow.

There being no objection, the Senate (at 5 o'clock and 18 minutes p.m.) took a recess, under the order previously entered, until tomorrow, Tuesday, May 11, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 10, 1965:

U.S. ATTORNEY

Harold D. Beaton, of Michigan, to be U.S. attorney for the western district of Michigan for the term of 4 years, vice George E. Hill, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Mercer Cook, of Illinois, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to The Gambia.

Ridgway B. Knight, 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 Belgium.

George A. Morgan, 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 Republic of Ivory Coast.

Barney B. Taylor, of Michigan, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Ronald I. Spiers, of Vermont, for appointment as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America.

Godfrey Harvey Summ, of Virginia, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Morris H. Crawford, of Virginia, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Fredrick C. Ashley, of Ohio.
John M. Beshoar, of Colorado.
Warren Clark, Jr., of the District of Columbia.
Raymond H. Collins, of Missouri.
Wilfred F. Declercq, of Missouri.
Roger R. Gamble, of New Mexico.
Richard E. Ginnold, of Washington.
Kenneth Allen Hartung, of New York.
Arthur D. Levin, of Rhode Island.
Charles T. Magee, of the District of Columbia.
Edward Michael Sacchet, of Maryland.
Cameron H. Sanders, Jr., of New York.
William L. Swing, of North Carolina.
Norman E. Terrell, of Washington.
Miss Lenore E. Westfahl, of Wisconsin.

The following-named Foreign Service officers for promotion from class 8 to class 7.

Paul G. Berry, of Maine.
Kenneth W. Bleakley, of New York.
Duane C. Butcher, of Oklahoma.
David P. N. Christensen, of Nevada.
Jared J. Collard, of Washington.
Lowell R. Fleischer, of Ohio.
Richard M. Greene, Jr., of California.
George H. Haines III, of New York.
Lauren Wells Jackson, of New Jersey.
Charles E. Lahiguera, of Rhode Island.
Thomas G. Martin, of Alabama.
Shirl F. McArthur, of Washington.
Joseph D. McLaughlin, of Kansas.
Donald E. Mudd, of the District of Columbia.
Bruce S. Pansey, of Rhode Island.
Irwin Pernick, of New York.
Gordan R. Powers, of Idaho.
John P. Riley, of New Jersey.
Miss Ruth M. Schimel, of New York.
John F. Simmons, Jr., of the District of Columbia.
Gilbert J. Sperling, of Pennsylvania.
Thomas Ronald Sykes, of Illinois.
Paul Daniel Taylor, of New York.
Thaddeus C. Trzyna, of California.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Sydney Goldsmith, of New Jersey.
Alphonse F. La Porta, of New York.
Stephen O. Lesser, of California.
Miss Sheila-Kaye O'Connell, of Massachusetts.
John H. Penfold, of Colorado.
Bruce C. Rogers, of New York.
Theodor Rumme, of Massachusetts.
James W. Shinn, of California.
James E. Taylor, of California.
John Way Vincent, of Illinois.
Miss Sarah D. Wilkinson, of California.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

William E. Barreda, of Texas.
David L. Blakemore, of New York.
Colby Cornish Coombs, of Massachusetts.
James J. Ehrman, of Wisconsin.
Thomas P. Gallagher, of New Jersey.
Arthur H. Hughes, of Nebraska.
Richard L. Jackson, of Massachusetts.
Dennis W. Keogh, of the District of Columbia.
Peter S. Maher, of Illinois.
Gene B. Marshall, of New Hampshire.
Richard Keller McKee, of Illinois.
Walter M. Notheis, of California.
John E. Ormond, Jr., of Rhode Island.
Alan Parker, of Kansas.
Albert J. Planagan, of New York.
Bruce F. Porter, of Iowa.
Mark S. Ramee, of New York.

The following-named Foreign Service reserve officers to be consuls of the United States of America:

J. Donald Blevins, of Virginia.
Paul E. Carr, of Virginia.
Bernard F. Coleman, of Illinois.
Ted D. Girdner, of Maryland.
Raymond A. Loughton, of Utah.
Lee E. Patton, of Virginia.
Rafael Sancho-Bonet, of Puerto Rico.
Frederick Warner, of California.
Walter G. LaPointe, of Maine, a Foreign Service reserve officer, to be a consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service reserve officers to be vice consuls of the United States of America:

Paul E. Arnold, of Virginia.
Eugene M. Geiger, of Pennsylvania.
Robert B. Goodwin, of Massachusetts.
Carl E. Trettin, of Virginia.

The following-named Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

John Basarab, of Pennsylvania.
Mark T. Colby, of Florida.
Condit N. Eddy, Jr., of New York.
James B. Fletcher, Jr., of Florida.
Thomas B. Graham, of Tennessee.
William J. Hood, of the District of Columbia.
Richard L. K. Jung, of New York.
Francis G. Meyer, of Virginia.
James D. Montgomery, of Tennessee.
Henry D. Morgan, of Virginia.
Walter L. O'Brien, of Illinois.
Edwin J. Pechous, of Illinois.
Peter J. Romano, of the District of Columbia.
John J. Seidel, Jr., of West Virginia.
Terry R. Ward, of Pennsylvania.
Leroy S. Wehrle, of Illinois.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Miss Giulia Assante, of New Jersey.
Miss Elsie C. Bell, of California.
Miss Myrtle J. Eckblom, of Washington.
G. Ryder Forbes, of the District of Columbia.
Charles W. Stuckey, of Alabama.
Wayne A. Swedenburg, of Illinois.
Elwin T. Vangas, of New Hampshire.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1965:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to

the grades indicated in the Coast and Geodetic Survey:

To be lieutenants

Freddie L. Jeffries.
Gerald R. Schimke.
John D. Boon III.

To be lieutenants (junior grade)

Paul W. Larsen
Leland L. Reinke
Henry L. Pittock III
Ronald W. Elonen
John B. Jones III
Thomas E. Ryder
Christian Andreasen
Carl N. Davis
Edward E. Jones
Frederick J. Kuehn, Jr.
Robert H. Leininger
John E. Dropp
Conrad E. Huss
William Y. S. Williams
Lindle E. Barnett
William J. Cooke
Neal A. Horst
Joseph W. Dropp
Walter F. Forster II
Delwyn C. Webster
Joseph T. Smith
Peter M. Schidrich
Robert C. Westphall
Billy G. Morrison
Danford A. Moore
William R. Klesse
Gerald M. Ward
Woodrow E. Bliss, Jr.
David L. Hough
Phillip C. Johnson
Rodger K. Woodruff
James M. Wintermyre
Karl W. Kieninger, Jr.
Karl S. Karinch

To be ensigns

Leonard T. Lynch, Jr.
Thomas F. Scygiel, Jr.
Stanley M. Hamilton
Leonard Larese-Casanova
Dennis E. Youngdahl
Kirk P. Patterson

EXTENSIONS OF REMARKS

Citation and Distinguished Service Award Presented to the Honorable Harley O. Staggers, of West Virginia, by the American War Mothers Yesterday at the 41st Annual Mother's Day Ceremonies in the Amphitheater at Arlington National Cemetery

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. KEE. Mr. Speaker, just yesterday, Sunday, May 9, the American War Mothers conducted their 41st annual Mother's Day ceremonies in the amphitheater at Arlington National Cemetery.

During this ceremony the American War Mothers presented a special award honoring the officers and men of our Armed Forces in South Vietnam in appreciation of patriotic and dedicated service to country. This was presented to the members of our Armed Forces now serving in South Vietnam through Gen. Harold K. Johnson, Chief of Staff, U.S. Army, representing the Joint Chiefs of Staff.

Mr. Speaker, I am delighted to have this opportunity to share with you and the Members of the House the fact that the American War Mothers presented the following citation to the Honorable HARLEY O. STAGGERS, the distinguished dean of the West Virginia congressional delegation:

The Founding Fathers of the United States of America devised a system of government, unique to its time, under which its citizens could freely seek their chosen goals, and the Nation as a whole could prosper and progress. Providing for three separate and distinct areas of authority, the Constitution delegates to the Congress the solemn responsibility of legislative power. It has been, and is, for those men who have followed that Continental Congress to build the edifice of a great Nation upon this foundation of great principle.

Since 1948, the Honorable HARLEY O. STAGGERS has served in that great body as a Member of the House of Representatives from West Virginia and now dean of the West Virginia congressional delegates. Appointed to important committee assignments on the Interstate and Foreign Commerce Committee, the Post Office and Civil Service Committee, and the Veterans' Affairs Committee, he has worked with a diligence recognized by the continued support of the people of West Virginia, and with regard at all times for the national interest and the welfare of all Americans.

The American War Mothers believes that skilled and dedicated leadership is essential to the continued security of this Nation and is privileged to commend the Honorable HARLEY O. STAGGERS for distinguished and faithful service marked by excellence of achievement and honor in the Congress of the United States of America.

In addition, the American War Mothers presented its Distinguished Service Award, which was a plaque with the following words inscribed thereon:

The Honorable HARLEY O. STAGGERS for distinguished and faithful service, marked by excellence of achievement and honor in the Congress of the United States of America.

I take this opportunity to highly commend the American War Mothers for selecting our esteemed colleague, Congressman STAGGERS, to receive their annual Distinguished Service Award.

Three Hundredth Anniversary of Staten Island Reformed Church

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. MURPHY of New York. Mr. Speaker, the Staten Island Reformed Church celebrated its 300th anniversary this year and on May 2 at the 4 p.m. service a beautiful plaque was unveiled. The plaque reads:

In 1665 a small group of the first Dutch settlers to come to the shores of this island banded together for the worship of Almighty God. Through three centuries, faithful men and women have continued this ministry to the community, the Nation, and the world.

John M. Braisted, Jr., district attorney for Richmond County, and a member of the Reformed Church, played the organ for this historic service.

A message from President Johnson to Rev. Jack Hascup, pastor, was delivered by me as follows:

THE WHITE HOUSE,
Washington.

Rev. JACK HASCUP,
The Reformed Church of Staten Island, Staten Island, N.Y.:

I have learned with much pleasure from Congressman MURPHY that the Reformed Church on Staten Island is observing the 300th anniversary of its founding.

On this joyous and memorable occasion you may recall with pride and satisfaction the many fruitful years of service rendered by your church to God and to your community.

I am happy to extend to you and to your members my heartiest greetings and warm congratulations. I hope that the years ahead will be replete with abundant blessings for you and for the members of your church.

LYNDON B. JOHNSON.

The church services were edifying and enlightening to all who attended. In the front row of the church, seven little girls in Dutch costumes set the tone for the occasion and they were a reminder to all that although costumes and materials have changed, the principles and faith in our heritage and religion have not.

The former pastor of the church from 1948 to 1959, Rev. Cornelius Vander Naaid, gave the principal address.

Fifth District Voters Support President's Position in Vietnam

EXTENSION OF REMARKS

OF

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. MONAGAN. Mr. Speaker, each year during the past 5 years I have conducted a poll of public opinion in the Fifth Congressional District of Connecticut, which I have the honor to represent. I have just completed a tabulation of the returns on my most recent questionnaire which covers 14 major issues confronting the Congress and the administration, and never before has the questionnaire turned up a more significant registration of public opinion than the current one. It is particularly noteworthy because of the nature of the response to the questions concerning Vietnam.

I include in the RECORD the complete chart of the results of my questionnaire, but I want to call particular attention to some of the highlights. On the issue of Vietnam, 38.8 percent, or a plurality of those answering, favored intervention in strength by U.S. forces, 36.4 percent opposed such action, 24.8 percent expressed no opinion. The answers become more significant and I am sure that the President will take comfort in the knowledge that 68.6 percent flatly opposed

withdrawal of U.S. support from South Vietnam and 62.6 percent favored expansion of our present support program for the people and army of South Vietnam.

While this study is the fifth which I have conducted, it is the first report of sentiment from the redistricted Fifth Congressional District, the boundaries of which became effective with the convening of the 89th Congress.

I am happy to tell you that my constituents are continuing to demonstrate a gratifying interest in the problems of government. In response to approximately 20,000 questionnaire cards distributed by me, at no cost to the Government, I received a total of 3,300 returns or 16.5 percent and these were mailed to me by my constituents at their own expense. In addition, I received hundreds of letters from constituents who commented at length on the issues listed, having found unduly restrictive the confinement to the "yes" or "no" of the printed questionnaire.

I am grateful to the people of my district who have assisted me by their participation in this survey. While I do not look upon these returns as an official mandate, they are helpful guides and indicators of public opinion trends. I shall, of course, continue to exercise my own judgment in voting on the issues.

I want to point out the heavy registration of support for revision and improvement of presidential and vice-presidential succession and inability laws and for a 60-day limit on presidential campaigns, which have been two of the subjects in which I have taken a very personal and particular interest. Among other subjects in which I have initiated legislative action and which have won strong support in the survey are an accelerated program of Federal assistance for local-State effort to curb water and air pollution; a constitutional amendment to permit the voluntary recitation of prayer in public schools; Federal legislation to guarantee the right of voting registration for every citizen; and an additional income tax exemption for persons paying expenses of college students. There are others, but these are the ones most favored.

With your permission, Mr. Speaker, I include at this point the complete tabulation of the 14 sections and the several subsections covered in my 1965 questionnaire, showing the total scores both in figures and in percentages:

Results of questionnaire, April 1965, JOHN S. MONAGAN, 5th District of Connecticut

	Yes		No		Undecided	
	Total	Percent	Total	Percent	Total	Percent
Do you favor?						
1. (a) A program of hospital and nursing care under social security?	2,019	61.2	1,145	34.7	136	4.1
(b) Extension of present programs based on general tax revenue?	1,591	48.2	736	22.3	973	29.5
2. (a) Withdrawal of U.S. support from South Vietnam?	610	18.5	2,263	68.6	427	12.9
(b) Expansion of our present support program for the people and Army of South Vietnam?	2,026	62.6	719	21.8	515	15.6
(c) Intervention in strength by U.S. forces?	1,281	38.8	1,201	36.4	818	24.8
3. Repeal of sec. 14(b) of the National Labor Relations Act of 1947?	702	21.3	921	27.9	1,677	50.8
4. Revision of immigration and nationality laws by elimination of the national quota system?	1,690	51.2	1,187	36.0	423	12.8
5. Inclusion of private and parochial schools in benefits of Federal programs of aid to education?	1,851	56.1	1,317	39.9	132	4.0
6. Abolition of House Un-American Activities Committee?	745	22.6	2,052	62.2	503	15.2
7. A 60-day limit on presidential campaigns?	2,811	85.2	357	10.8	132	4.0
8. A constitutional amendment to permit the voluntary recitation of prayer in public schools?	2,683	81.3	436	13.2	181	5.5
9. (a) Appropriations for U.S. foreign aid program (military)?	1,726	52.3	1,141	34.6	433	13.1
(b) Appropriations for U.S. foreign aid program (economic)?	1,956	59.3	944	28.6	400	12.1
10. Additional income tax exemption for persons paying expenses of college students?	2,547	77.2	604	18.3	149	4.5
11. Accelerated program of Federal assistance for local-State effort to curb water and air pollution?	2,799	84.8	323	9.8	178	5.4
12. Revision and improvement of presidential and vice-presidential succession and inability laws?	3,010	91.2	101	3.1	189	5.7
13. Termination of selective service (draft)?	759	23.0	2,211	67.0	330	10.0
14. Federal legislation to guarantee the right of voting registration for every citizen?	2,908	88.1	250	7.6	142	4.3

A Monument to Freedom

EXTENSION OF REMARKS

OF

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. VAN DEERLIN. Mr. Speaker, many of us have filled requests for American flags which have flown above the Capitol. On a recent visit to my San Diego, Calif., district, I was able to fulfill a more unusual request. It was from the students of the Horace Mann Junior High School, who wanted a Colombian flag.

They wanted it to help mark the completion of a school project so laudatory that I wish to share the information about it with House colleagues.

Because of the imagination and efforts of these young people, a remote community in the southernmost Province of Colombia will have a public school for some 400 children—a school it might otherwise have waited a long time for.

The project was undertaken with Peace Corps cooperation. That agency put the San Diego school in touch with community leaders in Barrios Unidos, Garzon, in the Province of Huila. The children of this village were without any school whatever. An aroused citizenry had earmarked the land needed, and was getting it cleared for construction—mainly on hope—when the San Diego school youngsters entered the picture. It was then estimated that as little as $1,400 in outside money would cover the cost of sand, rock, cement, and fencing needed for the physical plant—utilizing contributed labor.

Despite offers of assistance from adult groups, the Horace Mann students decided that this was to be their project. And early in the spring they launched a whirlwind round of money-raising activity: a student jazz concert, a benefit student-faculty basketball game, a bake sale, a weekend carwash center, the gathering of trading-stamp books redeemable in cash.

Slowly, the funds accumulated—to the full $1,400. Under the direction of Peace Corps volunteers on the scene in Garzon, the money is making possible a five-room school where no school existed before.

As Horace Mann's principal, C. Russell Henzie, puts it—

> The benefits flow both ways. An urgently needed school is being built for children woefully lacking in education. It is not financed with Government funds or foreign aid, but by private funds from our San Diego students and self-help from the people of Garzon.
>
> The people building the school will feel the pride and satisfaction of having participated to their capacity, and the students of Horace Mann can be proud of the fact that they have helped build a lasting monument to freedom. It has been said that "Only the educated are free." What better way to promote freedom than to build a school?

Due special mention for their efforts in this great project are James Harrington, faculty advisor to the Horace Mann student body, and the following students: Earl Altshuler, student president, Pete Keyser, Kirk Kiloh, Bobby Belkin, Randy Flynn, Rod Boone, Bill Coady, Becky Overton, Mike Drakulich, Linda Moore, Kathy Crosthwaite, Glen Skirvin, Frank Apgar, Pete Snyder, Carol Knott, Sandy Overton, and Carol Lamden.

Thank you, Mr. Speaker.

Questionnaire to 22d District of California

EXTENSION OF REMARKS

OF

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. CORMAN. Mr. Speaker, at the beginning of each session of Congress, I send a legislative questionnaire to all households in my district, soliciting the views of my constituents on the important issues before us. This year's questionnaire was mailed to 152,000 households in the 22d Congressional District.

At this time, I would like to make the results of my fifth annual questionnaire an official part of the RECORD:

QUESTIONNAIRE RESULTS

1. I have listed below a number of issues of vital public concern. Please check the three items you believe deserve priority in Congress (listed in order):

	Percent
(a) Reexamination of foreign aid	15.7
(b) Juvenile delinquency, narcotics, and crime	15.2
(c) Taxes and economic growth	10.4
(d) Diversification of the private economy to provide for less reliance on Government contracts	9.7
(e) Aid to education	9.5
(f) Reapportionment of State legislatures on a population basis	8.4
(g) Training and employment opportunities for youth	7.7
(h) Reexamination of national defense requirements	7.6
(i) Space research and exploration	5.5
(j) Needs of our senior citizens	5.3
(k) Regulation of mail-order purchase of firearms	5.0

2. Please indicate any or all of the following measures Congress should enact in the field of education:

	Percent		
	Favor	Oppose	No opinion
(a) Establishment of Federal scholarships to enable more high school graduates to attend college	50.2	43.8	6.0
(b) Extending work-study programs, which provide oncampus jobs, for college students from middle-income families	60.1	29.9	10.0
(c) Awarding of grants to help States buy books for elementary and high school libraries	40.4	49.1	10.5
(d) Aiding low-income school districts	61.0	31.6	7.4

3. If Federal money is used to assist public schools, should it also be made available to children in private and parochial schools? (Examples, providing textbooks or shared classroom space.) Yes, 51.5 percent; no, 43.4 percent; no opinion, 5.1 percent.

4. In order to promote more responsible and effective law enforcement, should the Federal Government establish institutes to assist in the training of police and correctional personnel? Yes, 50 percent; no, 39 percent; no opinion, 11 percent.

5. How do you rate Robert McNamara as Secretary of Defense? Doing good job, 42 percent; fair, 23.5 percent; poor, 20 percent; undecided, 14.5 percent.

6. Is it a proper function of Government to provide birth control information? Yes, 70 percent; no, 24 percent; no opinion, 6 percent.

7. What do you think the United States should do in South Vietnam? (Check the course of action that seems most preferable to you.)

	Percent
(a) Expand the war into North Vietnam and go all out to win	47.2
(b) Work toward a negotiated settlement through the United Nations and withdraw our troops when a settlement has been reached	25.4
(c) Continue current policies of military support, without expanding or reducing our efforts appreciably	17.4
(d) Withdraw our military troops and advisers immediately and let the Vietnamese solve their own problems	10.0

8. Federal excise taxes are charged on many luxury items. (For example, a 10-percent tax is levied on the retail price of perfume.) If you agree with me that Congress should cut excise taxes, please indicate in what order they should be eliminated or modified.

	Percent
Telephone service	40.5
Automobiles	22.9
Appliances	20.4
Cosmetics	5.0
Theater admission	4.2
Cigarettes and tobacco	2.6
Liquor	2.2
Furs and jewelry	2.2

9. Do you favor or oppose medicare, that is, hospital care for persons over 65, financed through the social security system? Favor, 47.8 percent; oppose, 42 percent; undecided, 10.2 percent.

10. Our national objective is to land an American on the moon by 1970. Do you support this program? Yes, 68.7 percent; yes, but the program should be slowed down, 14 percent; no, 17.3 percent.

11. I have introduced legislation to create a National Commission on Economic Conversion and Diversification and to establish regional centers to place the findings of science usefully in the hands of American enterprise. Do you favor this approach as a means of creating new markets and industry to widen the employment base in our valley? Yes, 66.3 percent; no, 18.4 percent; no opinion, 15.3 percent.

12. Do you favor continuance of this type of questionnaire? Yes, 95.3 percent; no, 1 percent; no opinion, 3.7 percent.

Statement by Senator Smathers and Address by Vice President Humphrey at Annual Meeting of the President's Committee on Employment of the Handicapped

EXTENSION OF REMARKS

OF

HON. GEORGE A. SMATHERS

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Monday, May 10, 1965

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD my remarks entitled "Inspiration of the Handicapped" and those made by the Vice President of the United States, on April 30, at the annual meeting of the President's Committee on Employment of the Handicapped.

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

INSPIRATION OF THE HANDICAPPED—STATEMENT BY SENATOR SMATHERS

It is an inspiration to us all when we see men rise above crippling handicaps and go on to render significant contributions to society.

Such men inspire not only those of us who are more fortunate but, more importantly, those who have been disabled and who must make major readjustments to life.

Roger W. Irving, of St. Petersburg, Fla., is that kind of a man.

On April 29, Mr. Irving was honored as the Handicapped American of the Year and received from Secretary of Labor W. Willard Wirtz a special plaque.

At 72, Roger W. Irving is continuing to lead an active and useful life despite multiple handicaps including the loss of an arm, the removal of his larynx because of cancer, and a recent sight impairment.

Despite this, Mr. Irving has rendered outstanding service to his fellow Americans—ranging from the Boy Scouts to laryngectomees like himself, to whom he has taught the technique of regaining speech.

I regret that other duties prevented me from being present at ceremonies honoring Mr. Irving on April 29.

Mr. Irving demonstrates so graphically that a physical handicap need not be the end of a career. He is a credit to the State of Florida and the entire Nation.

Vice President HUMPHREY has summed up, I think, some excellent thoughts on the contributions of men like Roger W. Irving and the role of the handicapped in society.

The Vice President's remarks were prepared for delivery April 30 at the annual meeting of the President's Committee on Employment of the Handicapped.

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED ANNUAL MEETING, APRIL 30, 1965

Four years ago, Emik Avakian won the President's trophy as Handicapped Man of the Year. Mr. Avakian is severely cerebral palsied, almost unable to sit in a wheelchair.

Years ago, he had to fight his way into college against the advice of counselors who thought he was too severely handicapped. Now an electrical engineer, he is also a brilliant scientist. He devised a lightning-fast reservation system whereby airlines can tell how many seats are available on all flights.

He couldn't hold a pencil, so he invented a typewriter that could be operated with his breath. He is at present working on use of a computer to control radiation beams that might perform bloodless surgery on that part of the brain which, if injured, can cause cerebral palsy.

This disabled American acts to overcome not only his own disability but to make possible new vistas for the able as well as for the disabled. Others are joined in this struggle. This administration is committed to it. And so are you.

This February, President Johnson wrote to the Nation's employers:

"Given encouragement and hope, our handicapped citizens can competitively earn a useful place in our great land of opportunity. They have the courage. All they need is a chance to prove themselves."

It is you who are providing that chance—you of Governors' committees and mayors' committees, you who are leaders of business, of labor, civic groups, veterans, and other voluntary organizations.

Your teamwork with the President's committees, the U.S. Vocational Rehabilitation Administration and State rehabilitation agencies has opened employment doors which for too long were barred to the handicapped. You opened those closed doors by first opening closed minds. Those minds had arbitrarily rejected the disabled as being allegedly "unemployable." But "open minds," "open hearts," friendly outstretched hands have changed that picture.

Thus, as an example, last year, 8,300 men and women who had been regarded as completely outside the labor force—because they were mentally retarded—were put to gainful work. They represent only a small portion of the 3 million retarded who are capable of doing a job. But this important beginning does show what can be done.

I honor those—in the National Association for Retarded Children—and in cooperating organizations who blazed this path of progress.

This October will mark the 20th anniversary of the first celebration of a special week to employ the handicapped.

Eighteen years ago it was my privilege, as mayor of Minneapolis, to issue one of the first municipal proclamations for observance of that week. At that time, the secretary of our mayor's committee was a young Purple Heart veteran named Orville Freeman. Today, as Secretary of Agriculture, he is leading the fight to aid America's rural disabled.

In this auditorium today are many pioneers of jobs-for-the-handicapped. You have proven that it is definitely good business to employ the handicapped.

And it is good government and good citizenship to get a disabled man off the welfare roll onto a payroll and a tax roll.

For years, the roll call of honor for the handicapped was headed by the predecessor of your great Harold Russell a fellow Minnesotan, the late Gen. Melvin Maas. Though blind, General Maas "saw" this need of the Nation and responded magnificently to it.

He led us closer to the time when all men and women in our society will have opportunity to develop their talents and skills.

The goal of this administration is—as it was General Maas' goal—opportunity for all Americans. We seek opportunity for all who would work to lift themselves.

The handicapped do want to work. The handicapped do not want pity. They do not want handouts. And they do not want "made work." They ask only that they be trained for meaningful jobs they can perform and that, whenever necessary, jobs be adapted so they can perform them.

That is not too much to ask.

But the job-seeking handicapped comprise a long waiting list. Three million Americans have disabilities which still keep them on the fringes of community and family life.

Year by year, the numbers of the rehabilitated are—fortunately—rising. In 5 years, we hope to reach the annual mark of rehabilitating 200,000 each year.

But the time gap implicit in these figures confirms how far we still have to go.

Meanwhile time hangs heavy on those waiting their chance for a job. Is there anyone among us who can calculate the anguish of the man or woman forced to wait or who vainly applies for employment—time after time—only to be rejected?

For these men and women we are determined to open up more jobs. Jobs are needed, too, not just for the disabled—but for millions of the impoverished.

The poor and the disabled are frequently one and the same.

Some 40 percent of the disabled are poor.

It is no coincidence, too, that the poor are blighted far more frequently by mental retardation and mental illness than are more fortunate citizens.

One handicap tends to breed others. A vicious cycle goes on and on. Starting with disability or with poverty, it leads to other forms of deprivation—to psychological, cultural, social or other wants.

To remedy this tragic pattern—to provide for the deprived, to uplift the poor, the disabled—a peaceful war is being fought in this Nation.

The war against poverty is simultaneously a war against disability—to prevent disability before it strikes, to treat disability if it does strike, to cure disability, if possible, or to relieve it and to rehabilitate the victim.

Against single or multiple handicaps, your administration is mobilizing every sound weapon that the ingenuity of man's mind and the devotion of man's heart can devise.

History-making legislation—Federal aid to primary and secondary education, including special education—aid to evaluate the potential of the disabled and to expand sheltered workshops—aid for regional medical centers—is being passed.

It is being passed because of the broad support of American citizens—especially the citizens in this audience.

I urge you in this audience not just to receive—passively—the qualified handicapped who are sent to you, and not just to hire them.

I urge you to go out and see the handicapped—where they live, where they train. See them in sheltered workshops. See them, too, in companies which are successfully employing them. Listen to them.

Then participate in the new program of employment seminars which mayors throughout America are now organizing.

Examine the program of jobs-for-the-handicapped in your own State and community. Meet the targets you have set for job placements and then go on to achieve still higher targets.

What you are doing is not only economically right but morally right.

In the future, despite our progress, we face formidable problems.

Most of our efforts must now be directed against fortresses which thus far have resisted progress. I refer to such citadels as mental illness, mental retardation, and epilepsy.

Recent history proves that the walls of an enemy fortress—like poliomyelitis or tuberculosis—"will come tumbling down" if public and private forces combine to concentrate national attention upon it.

Long since, American genius broke the sound barrier. Now let us break the prejudice barrier—the poverty barrier—the disability barrier—the psychological barrier which denies any man his due.

Jobs for disabled Americans are a blessing for every American. Let us multiply that blessing.

Free Elections, Not Anticommunism, Should Be Goal of U.S. Intervention

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. FRASER. Mr. Speaker, we need some plain talk about the nature and morality of intervention because the action of the United States in the Dominican Republic these last 10 days has outstripped, or at least fails to correspond with the contemporary attitude about intervention.

Intervention in the internal affairs of other nations is strongly condemned. This principle is found in the U.N. Charter and it is even more explicity stated in the Charter of the OAS. Yet we intervene every day in the affairs of other nations. The total thrust and purpose of American foreign policy is aimed at influencing events in other nations ranging from our military strength designed to deter others from starting a war to economic assistance aimed at speeding development in the recipient nations.

These kinds of intervention have been acceptable and not thought to be inconsistent with the prohibitions contained in the various multilateral charters because they are peaceful in character. They do not employ force.

We are using force in South Vietnam. Intervention in South Vietnam has been justified on the ground that the insurgency war had external origins and continues to have outside support thereby constituting aggression within the meaning of the U.N. Charter. The charter permits us to intervene when there is aggression. We have not taken that claim before the U.N., however.

Today, we have taken another step. We are employing force in the Dominican Republic to quell a revolution which admittedly was of internal origin. We need to talk about these events and what they mean, because the quality of our leadership—its morality, if you will—is being called into serious question, both by our own citizens and abroad. We must reconcile our actions within the more fundamental values which are generally shared by mankind.

UNITED STATES AND THE DOMINICAN REPUBLIC

In 1963 President Bosch, elected 7 months earlier and strongly supported by the United States, was overthrown by a military coup. We protested and suspended aid but did not send in the Marines.

In the past 10 days the United States did intervene in the Dominican Republic when a new revolution sought to restore President Bosch to power. We did so because of our fear of a possible Communist takeover in that revolution. But the hard truth is that most revolutionary movements seeking to oust a military sponsored or nondemocratically based government will contain some Communists. They may lean toward Moscow, toward Peiping, or they may be indigenous types. If they were in charge, they surely would not reestablish democratic institutions in that country. But how can we know with accuracy the role they are playing? One can assume that the more resistance encountered by the revolution the more the Communists move toward control. Yet their influence cannot be easily identified nor can we assess their prospective control if the revolution is successful.

One is not reassured by the cries from some within the United States that our own civil rights movement is Communist inspired, nor by the tendency in Latin America to classify social reformers generally as Communists, just as General Wessin with whom we are cooperating calls former President Bosch Communist, which he is not.

Thus, if the United States continues to use this rationale of a possible Communist takeover for intervention, we are placed in a peculiar and untenable position. We do not intervene when democratic institutions are destroyed by a military takeover, but we do intervene when efforts are made to restore such institutions because of the inevitability of Communists attaching themselves to the cause.

This is a wholly unsatisfactory state of affairs. This type of asymetrical intervention can only lead to increasing isolation from our friends and increasing involvement in the civil wars of other countries.

The fundamental objections to forceful intervention come from the experience of mankind, particularly from the experience of those who have been the victims of intervention. Countries which have been under colonial control and countries which though emancipated have been subjected to the strong arm of the larger powers are particularly sensitive. We need only ask how we would feel if other powers were to intervene with force in our affairs.

NONINTERVENTION IS NOT AN ABSOLUTE PRINCIPLE

Yet it is perfectly plain that nonintervention is not an absolute principle paramount above all others. My clearest example is the genocide committed by the Nazis against the Jews. Who among us could ever again stand by and say this was no concern of ours? A contemporary example is the ruthless, uncivilized treatment which South Africa accords its non-European population. Nor can civilized people ignore the wholesale denial of political and personal rights by totalitarian governments on both the left and the right. In short, there are more compelling considerations to determine our conduct than that of nonintervention.

THE PROMOTION OF REPRESENTATIVE DEMOCRACY

The promotion of representative democracy as a form of government is one principle to which the principle of nonintervention must often give way. American foreign policy is bottomed on the belief that a world of democratic nations provides the most favorable environment for our own security. Our faith in the democratic process has deep pragmatic roots. The genius of this process is its ability to effect change without revolution. Moreover, experience has shown that governments which have a mature political process permitting the free exercise of the ballot are least likely to engage in military adventures and are most likely to add stability to the international community.

OAS NATIONS ARE COMMITTED TO PROMOTING DEMOCRACY

In the Western Hemisphere, to establish and maintain representative democracy is an important goal of the Organization of American States. In the Charter of Bogotá which set up the OAS in 1948 as a "regional agency within the U.N.," there appears the following language:

> The solidarity of the American States and the high aims which are sought through it require the political organization of those states on the basis of the effective exercise of representative democracy.

A conference of Western hemispheric nations was called in 1962 on this question. It is interesting to note that this conference, called the "First Symposium on Representative Democracy," was held in Santo Domingo, capital of the Dominican Republic, from December 17 to 22, 1962. One of the activities of the conference was the observation of the December 20 election which brought that island its first representative government after 30 years of the Trujillo dictatorship.

It was the conclusion of that OAS symposium that "the other fundamental principles of the American regional system would become truly meaningful only insofar as all the member states adopted a vigorous constitutional policy favoring the establishment or consolidation of such a political system within their respective national territories."

So the principle is well established in our hemisphere to promote representative democracy.

INTERVENTION IN DOMINICAN REPUBLIC MAY BE JUSTIFIED

The action of the United States in the Dominican Republic can be justified, in my opinion, if the basis for such intervention is explicitly stated as the need to preserve the right of the people to choose their own government. This statement needs to be followed by action consistent with this objective. If the United States promptly moves toward the holding of free elections and requests the OAS to take over in the interim, then I see the total effect of intervention resulting in the strengthening of democratic institutions on the island, the avoidance of bloodshed, and the will of the people being observed.

What must be avoided at all costs is the establishment of a client government dependent upon outside forces for support. This would utterly destroy any moral foundation for our action.

These steps in support of the right of the people to choose their own government would not be easy. The Dominican Republic lacks strong traditions of public service. It had barely the veneer of an effectively organized and functioning government.

Suppose that under OAS sponsorship an election is held and someone is elected President who finds himself unable to meet the demands of his people for adequate wages, employment, and economic progress. Then the country moves more closely toward another coup, revolution, or civil war? Then what is the role of the OAS or the United States?

There is no easy answer to this dilemma, and every course of action involves calculated risks. For my money, however, I would choose the right of self-government unrestricted except for a continuing guarantee to the people that their right to choose their own leader would be respected and enforced. This would mean that a military coup or any other revolution would automatically bring forward OAS forces designed to enforce these basic constitutional processes. This is the kind of intervention which in my judgment is highly moral and is sorely needed.

Had this type of guarantee been in effect in 1963 President Bosch could have called upon the OAS or the United States for help in defending his constitutional right to his office. Such a procedure would, of course, be giving free license to the people to vote into office good and bad presidents alike, some of whom might well damage the economy or welfare of the Nation. Unfortunate as this might be, there is no other acceptable solution which does not place our goals in serious jeopardy.

MULTILATERAL FORCE IS BEST

I have suggested that the OAS take on these new tasks, because multilateral intervention carries assurance that announced reasons for intervening are indeed genuine and unlikely to become subordinated to someone else's national interest. Confidence in the multilateral agency is thereby engendered. Moreover, the presence of multilateral forces favorably changes the psychology flowing from the use of force.

The prime example was the recruitment for use in the Congo of small nation forces which had no history of colonialism. Logistical support, on the other hand, was supplied by the larger nations. The same concepts applied in the Dominican Republic would be of enormous assistance.

THE ROLE OF THE UNITED NATIONS

Although the OAS seems the logical agency to effect a transition to a popularly elected government, the United Nations may be the logical vehicle for a major economic program which must surely follow the reestablishment of a democratic government in this country which suffers from illiteracy and high unemployment. The U.N. Economic Commission for Latin America, the U.N. Special Fund and Expanded Technical Assistance programs or the World Bank might well be asked to accept substantial development responsibilities in the Dominican Republic in cooperation with the Inter-American Committee for the Alliance for Progress. This possibility should be explored because the United States should make perfectly clear to the world as well as to the Dominican Republic our willingness to employ multilateral agencies to carry out a program of economic assistance to which we will make substantial contributions rather than insist on a bilateral aid relationship.

The possibility of the United Nations becoming the multilateral agency to intervene in support of free elections needs further consideration. The OAS Charter provisions are explicit in rejecting such a role today—but they can be changed. The U.N. Charter provisions are not so explicit and in the case of the Congo the U.N. found a way to intervene. For the moment the political problems within the U.N. probably preclude such a role, leaving regional organizations such as the OAS and the OAU in the best position to act if they will. There is no inherent reason, however, why the U.N. should not act when requested to act by a freely chosen government which is threatened by forces within the country.

UNITED STATES MUST ANNOUNCE ITS OBJECTIVE OF FREE ELECTIONS

Some implications which follow from this examination of our intervention in the Dominican Republic are inescapable. We need to firmly fix in our minds and announce to the world that our objective is the preservation of the right of people to choose their own government. It is in these terms that we must justify the use of force, and not on the grounds of anticommunism. Moreover, this requires a reexamination of our position

on coups which are committed by the military forces in these countries.

It is my fervent hope that events in the Dominican Republic will cause this Nation to take a good, hard look at what it really seeks to do—and then to speak the truth. If a fundamental reexamination follows these events it may bring a new surge of enthusiasm and commitment to the enormous undertakings of this Nation across the globe.

WE ARE AT A CROSSROADS

It is my considered judgment that the United States stands at one of its most crucial crossroads since World War II. The energetic application of force by President Johnson has filled a vacuum, but like the genie in the bottle, we may have uncorked an ill spirit which can do more damage to the United States than any other single action taken since the end of World War II. People across this entire globe will be watching with close attention the steps now taken by our Government. If there was ever a time when the fundamental morality of our Nation had to be demonstrated, that time is now. This fundamental morality must be pursued vigorously to its logical conclusion despite the calculated risks which are involved.

The Organization of American States likewise stands at a crossroads. The doctrine of nonintervention uncritically accepted these past decades must now be reexamined with eyes which also comprehend the enormous moral implications of the events which are unfolding. If the OAS meets these challenges, it can literally transform this hemisphere with new relationships which recognize man's responsibility to man and our mutual interdependence in our common efforts to secure the blessings of freedom for posterity.

Times Herald-Record of Middletown, N.Y., Wins Award

EXTENSION OF REMARKS

OF

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. DOW. Mr. Speaker, I am pleased and proud to report that the Middletown Times Herald-Record in my 27th Congressional District of New York, has won first honorable mention among tabloid newspapers in the annual Ayer competition for excellence of typography, makeup and printing.

For the past 35 years the N. W. Ayer Award has been coveted by English-language daily newspapers published in this country, to whom the contest is open. This year's entries numbered 700.

As the top prize—the Ayer Cup—went to a regular-size newspaper, the award to the Middletown Times Herald-Record places it first among tabloids.

I wish to take this opportunity to publicly applaud its most talented management and staff for their very fine achievement.

Air Force Academy Report

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, last Thursday, May 6, the report to the Secretary and Chief of Staff of the Air Force by the Advisory Committee on the U.S. Air Force Academy was released to the public. Named after the chairman of the advisory committee, former Chief of Staff of the Air Force, Gen. Thomas D. White, it brings to a close an unfortunate episode in the history of the Air Force Academy during which 109 cadets were dismissed for violating its honor code.

As I have mentioned previously, the Secretary of the Air Force, Eugene M. Zuckert, handled this affair which had the potential of seriously damaging the whole fabric of our military service institutions with commendable effectiveness, candor, and understanding. The frank revelation of the cheating incidents and the judicious corrective action taken by the Air Force kept this incident in its proper perspective and reaffirmed the high caliber and integrity of our officer and cadet corps.

Even before the conclusion of the investigation, Secretary Zuckert appointed a board composed of the following outstanding individuals to review and analyze the basic causes of the cheating episode in terms of an evaluation of the structure and working of the Academy:

Gen. Thomas D. White, chairman.

Prof. Hardy C. Dillard, dean of the Law School, University of Virginia.

Lt. Gen. Joseph J. Nazzaro, vice commander in chief, Strategic Air Command.

Dr. Robert L. Stearns, former president of the University of Colorado.

Charles B. Thornton, president of Litton Industries.

The report of this committee is thorough, straightforward and consistent with the competency, forthrightness and professionalism that has marked the handling of this entire affair.

I was particularly impressed with the recommendations on the extension of the minimum tour of the Superintendent and the Commandant as well as the appointment of a permanent Advisory Board to keep the Secretary and Chief of Staff advised on all aspects of Academy policies and operation. The adoption of these recommendations will tend to develop at the Academy greater stability of management and a continuity of operations.

The committee is to be commended on its remarks with respect to athletics. The report bears out what I have always felt—that athletics are vital to a well rounded Academy program. However, the point is well made that the primary purpose of the Academy—to produce career officers—is being achieved.

The report clarifies the role of the foundations which provide scholarship aid to young men who need additional scholastic training to qualify for admission to the Academy. In the past 3 years, the Falcon Foundation funds have supported 67 scholars of whom only 4 were known to have high potential for varsity level athletic participation. In the same period, the Gertrude Skelly Trust has aided 45 scholars, all of whom were sons of career military personnel; the trust does not take athletic ability into account.

In its consideration of the honor code itself, the committee clearly pointed out that the code did indeed set a high standard, but one not out of line for a profession committed to public trust and mutual confidence. A military organization depends for its success upon a deep sense of personal responsibility by each member to the group at large. The high calling of the Air Force officer and the demands made by the profession of arms lends support to the choice of the high standards which the cadets have adopted.

The prohibition against toleration which rounds out the cadet honor code is its most exacting and difficult standard. Since honor is not an exclusive value, a very real conflict may develop between personal friendship and a higher loyalty to the cadet wing which the toleration clause embodies. Here too, however, the standard which cadets exact of themselves, though far more rigorous, is not without roots in society at large.

When we consider that these cadets will someday be our military leaders and could be called upon to make decisions determining the life or death of our Nation, or perhaps civilization, we must expect that they will be trained to adhere to the strictest codes of honor and moral integrity.

The members of the committee who unselfishly devoted their time and energy to prepare this authoritative report are to be congratulated for the great service they have rendered the Air Force and the Nation.

National Distinguished Service Award To Be Given Speaker McCormack

EXTENSION OF REMARKS

OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 10, 1965

Mr. MORSE. Mr. Speaker, I wish to call attention to the great honor to be tendered to you on Thursday of this week when you receive the National Distinguished Service Award of the National Association of State Directors of Veterans' Affairs.

Every Member of this House knows how well you deserve this high honor. Throughout your service in this body, you have given the interests and concerns of our Nation's veterans a high place in your thoughts and efforts.

I am pleased to add my congratulations and good wishes to those of other Members of the House on this occasion.