Let us stimulate the interchange of ideas among Pacific scholars, businessmen, professional men and, indeed, men and women of all occupations and all walks of life.

Let us encourage Pacific-wide cooperation in scientific endeavors concerning problems that affect the entire community—such as oceanography, communications and space, to name only a few.

Let us develop a greater flow of tourism in both directions so that the citizens of the Pacific community can better get to know and understand each other.

Increased contact with our Pacific neighbors will widen tremendously our cultural horizons and richen our lives. A greater interchange of persons and ideas will help us make the unfamiliar familiar so that we may build on the firm supports of mutual understanding rather than falter on the rocks of ignorance.

Moreover, we must strive to inject new energy into our Pacific diplomacy.

Let us make it clear to our neighbors that America does not seek hegemony in the Pacific. Rather, we seek the establishment of a working partnership with the free nations of Asia and the Pacific Southwest to secure jointly our liberty, to work for our mutual prosperity, and to participate together in a great adventure of cultural enrichment.

A stronger Pacific community must be based upon mutual respect as well as mutual interest. Let us therefore respect the national integrity of our Pacific neighbors, some of whom are only now emerging as modern nations with a proud sense of their own identity. Let us applaud their achievements, help them with their obstacles, and treat them as partners to be consulted and not ignored. Let us also intensify our efforts to dissolve the small barriers that stand between us and the achievement of our great common objectives.

Among our most important diplomatic objectives in the Pacific must be that of bringing those nations into the Pacific community who lie within its confines but who do not now share its bounty or spirit as they should—Laos and Vietnam because they are now engaged in a fight for their lives against Communist aggression; Cambodia and Indonesia because for the time being they have misinterpreted history and believe that the future of the Western Pacific does not include the United States. Instead, they believe that the future lies with Red China, and they have acted accordingly.

These troubled southeast Asian nations are potentially very rich: their soils are fertile, their growing seasons long. They are generously endowed with natural resources. Their combined populations aggregate over 100 million people—100 million people who could contribute much to, and receive much from, the Pacific community. Let us then work diligently to bring these nations into the Pacific community that we and they might all be the richer and the safer for it.

To the end that the people of Laos and Vietnam may be freed from war and from the threat of future aggression, and to the end that Cambodia and Indonesia may see that they need not fear Communist China, Communist aggression in southeast Asia must be stopped once and for all and the situation stabilized.

At the same time, we must join with our Pacific neighbors to do what we can to help these southeast Asian nations lift themselves from stagnation and war into the chain of dynamic, peaceful development that characterizes the rest of the Pacific community.

This we can do by continuing our vigorous diplomatic efforts, by encouraging regional, self-help projects such as the Mekong River Basin development and by remaining in the forefront of those who advocate the creation of an Asian Development Bank which will encourage Asian nations to help themselves in a responsible way by providing them with the means and the credit to do it on a sound, businesslike banking basis.

Japan, Korea, Thailand, Taiwan, Malaysia, the Philippines, Australia and New Zealand are ready now to join in an Asian Development Bank with us. This will prove to be an important beginning in the creation of institutions through which we can join our mutual efforts for a better future in the Pacific basin. Later, others will be in a position to join when trouble subsides in Laos, Vietnam, and Cambodia, when Indonesia sees the prosperity of peace and the gain in cooperation against the losses of belligerence. There will be room for all who come in friendship and good will, who are willing to pledge mutual respect and undertake mutual responsibilities.

For America the Pacific community is a complex and many-faceted challenge, but countless opportunities beckon. The promised returns for our toil are large with value, and the stakes are tremendous.

At stake is the growing trade which is fueling the vigorous growth of the Pacific nations.

At stake is the promise of a culturally richer world.

At stake is the very survival of the United States as a Pacific power and perhaps as a nation.

Clearly, the Pacific community is worthy of our efforts. We must meet the challenge in the Pacific in all of its aspects. We must claim our opportunities there.

The key to both challenge and opportunity ultimately lies in understanding and knowledge. We must therefore educate ourselves about the Pacific. We must learn about its nations and its peoples. We must extend the scope of our vision that we may see the Pacific as an integral whole, as a community of nations.

This we have long been able to do with Europe. When the term "Europe" is used, we have little trouble in grasping its meaning geographically, economically, politically, and militarily. We are able to visualize the broad developments now sweeping that continent. We are able to grasp the interrelationships between, say, military strategy, economic prosperity and political stability in Europe.

But in Asia, these interrelationships all too often elude us; there, we tend to compartmentalize our thinking, more often than not focusing on the bits and the pieces rather than on the whole. Compact and close, Europe is tangible and meaningful. Asia, however, is vast and mysterious. Unlike Europe, knowledge of its geography, its cluture, its peoples is not so familiar to most of us Americans.

Unfortunately, we tend usually to focus only on the crisis areas in Asia rather than on news of progress and development. In Europe, we are, of course, very much aware of Soviet and American confrontation, of the recurring crisis in Berlin, and of the deeper problem of German reunification which underlies it. But we are equally aware of the great progress that Europe has made in the past decade, whereas in Asia, as I have long pointed out, developments which are sweeping the rimlands of the Pacific, and which are equally as exciting and equally as significant for us as those in Europe, lie hidden behind news of war in Vietnam, confrontation in Malaysia, and tension in the Formosa Straits.

We have been unable to see the forest of Pacific progress for the trees of Pacific troubles.

Yet, as in Europe, so in Asia, and understanding of the stories of crisis on the one hand and those of dramatic progress on the other, are intimately related to one another. I think that in this regard many of those who protest our policy in Vietnam do so because they are unaware of the dramatic progress taking place in the rest of Asia, progress that has been achieved free from Communist interference, progress that depends very much for its continuance upon an Asia that is strong, peaceful, independent, and not subject to the uncertainties of Communist Chinese suzerainty.

Understanding of the whole Pacific is thus terribly important for the American people. It is the ground upon which our Pacific efforts and Pacific policies must be based. It is the foundation upon which the Pacific community must be built.

Let us, therefore, become Pacific minded as we have become Atlantic minded.

President Kennedy once asked us to think "intercontinentally" as Alexander Hamilton had once asked his contemporaries to think "continentally." We have long been able to think "Atlantically." Let us now learn to think "Pacifically."

SENATE

THURSDAY, OCTOBER 7, 1965

(Legislative day of Friday, October 1, 1965)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

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

Eternal God, Father of our spirits, whose power is unsearchable and whose judgments are a great deep, at the beginning of today's deliberations we would quiet our hearts in Thy presence.

Give us to see that we will never find Thee in any mystery that may be disclosed beyond the frontiers of our present knowledge, but that we can find Thee in heavenly visions which are not denied, in truth that is not crucified, and in faith that does not falter though pressed by every foe.

O God, our lives are so swiftly lived; as the flower that fadeth and the grass that withereth, so are we, yet our dust can breathe Thy breath. Our relationships in the home, on the street, in the church, in the school, in the marts of trade, and in the halls of government can make us partners in Thy purpose and intent for ourselves, and for every child of Thine.

Help us to put into the fugitive fragments of every day such quality of devotion for the tasks of Thy universal kingdom of love that shall make us unashamed when the day is over and all the days are done.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, October 6, 1965, was dispensed with.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 6, 1965, the President had approved and signed the act (S. 596) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. SICKLES of Maryland as a manager, on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (H.R. 9567) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education, to fill the existing vacancy thereon.

The message announced that the House had passed, without amendment, the bill (S. 2232) to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

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.

DEATH OF MOTHER OF JOHN KAMPS

Mr. MANSFIELD. Mr. President, it was with sadness that I received word this morning of the passing of John Kamps' mother. John Kamps, an Associated Press reporter, is, as was his mother, an old friend of many years' standing.

He, as many of the Senators know, covers certain States within the Rocky Mountain region. The passing of Mrs. Kamps, a real Montana pioneer, will be regretted by many people of our State, but she will be remembered with kind thoughts and respect, I am sure, because of the many contributions she made to the betterment of our State, our area, and the Nation as a whole.

May her soul rest in peace.

REPORT ON U.S. TRAVEL SERVICE

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Commerce, transmitting, pursuant to law, a report on activities of the U.S. Travel Service, for the 6-month period ended December 31, 1964, which, with the accompanying report, was referred to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. GRUENING (by request):

S. 2610. A bill to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property; to the Committee on Government Operations.

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

By Mr. BENNETT:

S. 2611. A bill to amend title II of Public Law 874, 81st Congress, to reduce the minimum requirement with respect to the number of children required to qualify a local educational agency for a basic grant under such title; to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 2612. A bill for the relief of Mr. and Mrs. David Long; and

S. 2613. A bill for the relief of Tetsuya Numata; to the Committee on the Judiciary.

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 2614. A bill to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967; to the Committee on Commerce.

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

By Mr. RIBICOFF:

S. 2615. A bill to provide for the free entry of one Weissenberg rheogoniometer for the use of the Catholic University of America; and

S. 2616. A bill to remove the word "green" from the description of billiard cloth in the Tariff Schedules of the United States; to the Committee on Finance.

By Mr. DIRKSEN:

S.J. Res. 115. Joint resolution to require that reports on imports into the United States include the landed value of articles imported, and for other purposes; to the Committee on Finance.

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

By Mr. JACKSON (by request):

S.J. Res. 116. Joint resolution to provide for the administration and development of Pennsylvania Avenue as a national historic site; to the Committee on Interior and Insular Affairs.

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

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Mr. GRUENING. Mr. President, I introduce, for appropriate reference, a bill to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further use and donation of exchange sale property.

The Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations, of which I am chairman, held extensive hearings during the past summer for the purpose of reviewing and evaluating the administration of the donable property program, as authorized, by the Federal Property and Administrative Services Act of 1949, as amended. During the hearings we received testimony from a large number of witnesses, representing the Federal, State, and local governments, who are directly involved in the inspection, screening, and allocation of surplus property. All of the witnesses agreed that the donation of property which is surplus to the needs of the Federal Government, to public schools and public health institutions, is one of the most effective uses and greatest benefits that could be made of such property.

As a general rule when personal property becomes obsolete, worn out, or for some other reason is not needed by a Federal bureau or office, it is reported to a central office within the same department to ascertain whether it is needed by another office within the agency. If further utilization is not indicated within the same agency, the property is then classified as "excess to its needs" and reported to the General Services Administration for Government-wide screening.

As the GSA receives the information of excess property from the reporting agencies, it prepares detailed listings for circulation to other departments or agencies within the Government to determine whether the property is, first, needed by another department; or second, becomes surplus to the needs of the Federal Government. After this screening is completed and no Federal use is indicated by any agency the property is then made available for donation for health, education, or civil defense purposes.

This procedure for screening surplus property has been in effect for almost 20 years during which time more than $4 billion—in acquisition cost—of surplus has been made available to 4,000 health and medical institutions and over 30,000 schools, colleges, and educational activities throughout the United States. Under this program a substantial amount of classroom equipment, furniture, fixtures, and many items of supply have been made available to many schools which would not have otherwise been able to purchase such material.

During the hearings before the subcommittee it was revealed that unneeded property is sold by the holding agency before it becomes excess or surplus thereby diverting much-needed property away from the State and local schools. Should this practice continue and should the Department of Defense change its regulations, no property will be available for donation to schools and the intent of Congress will be destroyed by departmental regulations.

The subcommittee has received many letters and communications from teachers, school officials, and educators throughout the country stating that the property received by their schools through the donation program had been

invaluable to the health and education of school-age children and students. They have recommended that the Congress strengthen the program and make more surplus property available for educational use. They have also complained that a substantial amount of property which is usable and needed for educational purposes is now sold by Federal agencies before it becomes surplus. In some instances the schools have been compelled to bid against the surplus dealers in order to obtain the property for public use. We believe this property belongs to all of the taxpayers of this country and should therefore be made available for public use rather than sold. We believe greater benefit will accrue to more people through the donation program than by turning such property over to jobbers or speculators in Government surplus. For these reasons I have introduced this bill and believe that when our study of this program both here and at certain overseas installations is completed we will be in a better position to prove the need for this and possibly other amendments to the Property Act.

The amendment that I have introduced today is not intended to curtail or jeopardize Federal utilization of excess property but is designed to clarify the law, and establish for all time a procedure that will be clear to the people responsible for administering the law, that such property shall be disposed of in the following order: First, make available for Federal utilization under 202(a) of the act; second, made available for donation under section 203(j) of the act; and third, made available for exchange sale or sold to the public.

It is understood that the enactment of this bill will cause a slight reduction in the revenue received by the Treasury of the United States and reduce the augmentation of agency appropriations, but the overall effect will be negligible compared to the benefits which will accrue to health and education.

This amendment is long past due and I believe that it will be of great benefit to everyone concerned with the administration of the surplus property program. It will (a) clarify the purpose and intent of the law, (b) bring about uniformity in the disposal procedures, (c) make more property available for educational use and (d) increase efficiency and reduce paperwork.

Mr. President, I am firmly convinced that the donation of surplus property for use by schools and colleges in the training of the youth of this country will benefit our children, our community and our country for less money than anything we could do in our aid to education.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The bill will be received and appropriately referred.

The bill (S. 2610) to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property, introduced by Mr. GRUENING, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

U.S. PARTICIPATION IN EXPOSITION TO BE HELD IN ALASKA DURING 1967

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967 and I ask unanimous consent that it be referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be referred to the Committee on Commerce.

The bill (S. 2614) to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and by unanimous consent, referred to the Committee on Commerce.

REQUIREMENT THAT REPORTS ON IMPORTS INTO THE UNITED STATES INCLUDE THE LANDED VALUE OF ARTICLES IMPORTED

Mr. DIRKSEN. Mr. President, for some time I have been concerned with statements that have been made in respect to the size of the surplus in our balance of trade account. This of course is but one facet of our balance of payments, but the unusually high merchandise export surpluses that have been reported have been used as evidence of our competitive prowess in international trade as well as determining our position in respect to the balance of payments. Let me list at this point the surpluses that have been announced by the Department of Commerce for the preceding 17 years—value in millions of dollars:

Balance of merchandise trade:

1948	5,509
1949	5,413
1950	1,119
1951	2,969
1952	2,451
1953	1,349
1954	2,563
1955	2,803
1956	4,564
1957	6,252
1958	3,118
1959	779
1960	4,592
1961	5,439
1962	4,556
1963	5,289
1964	6,939

They appear in table 1, page 3, Overseas Business Reports, August 1965, U.S. Department of Commerce.

Mr. President, these figures are imposing indeed, but the question is how truly do they reflect the actual situation in regard to our real balance of trade? In other words how do we actually calculate our balance, what factors are included? These questions must be answered before we can furnish a correct answer to two most important questions. One is of course important to our domestic industry and that question is, Are we really competitive in world trade, so much that we can risk another round of tariff reductions in the negotiations currently underway at Geneva? These surpluses would indicate that we are competitive, that is why we must examine them more closely. The second question relates to our balance of payments. If our trade surplus, representing a plus factor in determining our balance of payments, is not of the actual magnitude represented then of course our situation in respect to our balance of payments becomes somewhat more clouded. All the more reason then why the method of calculation we employ in arriving at our balance of trade should be more closely examined.

I discussed this matter at a recent hearing before the Finance Committee with Secretary Fowler when he testified at the hearings on H.R. 8147, an act to amend the Tariff Schedules of the United States with respect to the exemption from duty for returning residents. The discussion appears on pages 29 and 30 of the hearings.

Later, Mr. President, I examined a statement presented to the Subcommittee on International Finance of the Banking and Currency Committee, which statement was prepared by Mr. O. R. Strackbein of the Nationwide Committee on Import-Export Policy. I felt that the paper went directly to the two questions I have listed above, although not perhaps in as much detail as might have been possible. After discussing this matter with Mr. Strackbein he prepared a second paper that goes into much greater detail in this field than did the first. These two papers give an extremely clear analysis of this particular problem, and I ask unanimous consent that they be reproduced in full at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. DIRKSEN. Mr. President, it appears that our trade position is changing, at least the Secretary of Commerce indicated this in a recent speech in New York on September 23. In his prepared remarks he said:

> We especially need to boost exports in order to offset the substantial rise in imports. Our exports for the first 7 months of 1965 are running only 1½ percent above those for the same period in 1964. But our imports are running 12 percent higher. This is a perilous cut into our trade surplus. It must not continue.

I quite agree with that statement, Mr. President, but I question whether this trend will be stopped by further reductions in duty before our international competitive position becomes more favorable. In view of the wide range and importance of Secretary Connor's speech, I ask unanimous consent that it be included in the RECORD following my remarks.

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

(See exhibit 3.)

Mr. DIRKSEN. Mr. President, in order to provide more information on our trade balance and to focus attention more closely on our international competitive position, I think it essential that our system of reporting trade statistics be expanded. To achieve this, Mr. President, I introduce for appropriate reference a joint resolution. This joint

resolution would direct the Secretary of Commerce to report all imports into the United States at the ports of entry on the basis of c.i.f. values, representing the foreign value plus the insurance and shipping charges incident to landing the imported merchandise at the port of entry. It would not require the Secretary to discontinue the present system of reporting but would only have the effect of providing additional, and in my judgment, very pertinent information. In addition the joint resolution provides that subsidized exports be more clearly identified so as to give us a somewhat better picture of our trade position.

I would also hope, Mr. President, that the staff of the Committee on Finance could look into this matter and perhaps in January provide us with statistics on trade adjusted so as to reflect landed value of imports for at least 3 or 4 preceding years. This would be most helpful, I believe.

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

The joint resolution (S.J. Res. 115) to require that reports on imports into the United States include the landed value of articles imported, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

EXHIBIT 1

BALANCE-OF-PAYMENTS PROBLEM

(Statement of O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, before the Senate Banking and Currency Committee, Subcommittee on International Finance, August 5, 1965)

In discussing the balance-of-payments problem the tendency is to treat it as if it were an independent entity, a disease, so to speak, to be treated by specific medication. This is an unfortunate tendency because the problem is not a thing in itself, but a reflection of the effects not only of basic policies but of independent developments. Some of the latter, such as rapid and uneven technological advancement in the world, different levels of wages and productivity, etc., lie outside of the field of conscious policy formation. Some aspects of the problem may therefore call for different treatment from that called for by other aspects.

There has been fairly general agreement among the witnesses on the elements of surpluses and deficiencies and on the magnitude of the overall American payments deficit. As usual there is some obscuration of the problem because of the intrusion of the mechanics of interest rates, flow of investment, financial liquidity, etc.; and complications arising from the effects of cross currents of policies. The general agreement on the magnitude of the deficit may itself, moreover, rest on a highly dubious base.

A considerable part of the discussion has been in the form of explanations of why the United States finds itself in the position that is troubling us today.

Some have concluded that we are very well off indeed, since our foreign assets seem to be in the magnitude of $85 billion while foreign claims against us are in the magnitude of some $50 billion. The American-owned foreign assets include not only plants and equipment but such real properties as are owned by our nationals abroad, including mine property, land, oil wells, etc. The trouble with such satisfaction as may be derived from contemplation of the two magnitudes is that it is not unlike the trouble of the real estate owner who finds himself land poor. In the present instance the nature of foreign claims against us are potentially so much faster on the draw than our claims against other countries that in a contest we would be full of holes before we had our six gun out of the holster. Short-term claims against us aggregated $28.69 billion at the end of January 1965.

Again, there are those who would be happy to get out from under the tyranny of gold as they call it—or the superstition of gold, as they may prefer, thus indicating that the magnitude of our gold hoard is irrelevant. The present level of $13.9 billion is then naturally neither inadequate nor a matter of concern. These sophisticates are so emancipated from the ties that bind people to customary practices that they cannot understand that the vanguard must not get too far out front. The value of the rear is often recognized only belatedly, as when the front gets cut off from it. Then it is sometimes too late to bring up the rear. Psychologically gold is still very important; and in the commercial and business world psychology is also important, sometimes supremely so. Such intangible elements as confidence, trust and credit are of psychological origin and cannot be disrupted without courting serious consequences.

If gold were of no importance, the present heavy drain on our supply, which is, as just remarked, now down to about $13.9 billion, or the lowest level since the late 1930's, we should not be worried. These hearings would not be necessary. Moreover, if economic theory were worth more than its weight in words, the international economic order should correct itself.

That self-correction does not occur is attributable to two facts. One is that controls interfere with the free play of economic laws; and the whole financial world is today operating under various controls. This fact does not discredit the theories as theories but makes them rather useless as points of reference. The other fact is that economic self-correction has nearly always been a harsh operation, causing more pain than people were willing to bear. Therefore, in our present-day softness we shrink from the prospect.

One example of the failure of self-correction has become very apparent in recent years. It was a favorite response by those who defended the heavy outflow of American dollars that the dollars would come back in the form of orders for our goods. Now the evidence is no longer rebuttable that this has not happened. Let me cite a few complaints.

Mr. G. Griffith Johnson, Assistant Secretary of State for Economic Affairs, testifying before this subcommittee on March 16, observed: "The question may be raised whether much quicker progress in our exports could be made if those countries which are complaining about excess dollars created by our deficits would spend them on imports from the United States."

The same witness had just said in the preceding paragraph: "Our postwar trade record—and our trade performance last year—has made clear that, overall, our industry and agriculture are able to compete. It is the opportunity to compete which we believe a successful Kennedy round will help to maintain and enhance."

As Abraham Lincoln might have said, these two statements just don't "scour." There is then a great mystery where none need be found. If these other countries have dollars burning their pockets and we have vast shiploads of competitive goods we would like to sell them, why do they turn away? The answer should not be far to find.

Elsewhere in the same statement the Assistant Secretary had said: "Our trade performance has, on the whole, been an encouraging demonstration of the fundamental competitiveness of American industry and agriculture."

Mr. Woodlief Thomas, chief economist, the Senate Banking and Currency Committee, in a commentary on these hearings during the first week, March 9–11, 1965, posed the question: "Why have recent large outflows of dollars not been matched by increased exports? Why do foreigners prefer to build up liquid dollar balances and eventually withdraw gold, rather than use dollars to buy more U.S. goods and services or make long-term investments in this country? What are the implications of this accumulation of dollar liquidity?"

Mr. Chairman, a few more questions like that and we may come on the trail of some truths that seem to be very elusive or mysterious or at least seem to be skirted by the official witnesses. They, the official witnesses, seem to cross and recross their trails rather than taking out after the real quarry. I say this in all due respect; for we should keep in mind that official witnesses have to foot the line of established policy. More on this later.

Economists, on their part, should not be surprised if classical economic laws fall by the wayside. Official interferences with laissez faire principles are indeed designed to disrupt the play of economic forces because it is thought and presumed that controls that obey certain lines of planning are superior to the free play of market forces. I do not say that this is right or wrong. It is simply a question of not being able to eat your cake and still have it. If market forces are set aside in deference to the exercise of conscious, thought-out interferences, it would be rash at the same time, to expect the benefits that might come from the free play of the market. It is not possible to abolish the free market and yet enjoy its benefits.

The contradictions that have been paraded before this subcommittee have been very impressive. Equally so has been the shying away from some unpalatable facts that have not been disclosed by the official witnesses, if they have indeed been discovered. The contradictions, to repeat, seem to me to come to rest on the fact that previously assumed positions must be defended—one such, for example, as the Kennedy round of tariff reductions. All sorts of odd arguments must be contrived in order to square available data with preconceived ends.

The burden thus placed on official witnesses borders on the superhuman. All data must support the existing trade policy. It was Procrustes who solved the problem of his iron bed by either cutting off or stretching the legs of his victims to make them fit the bed. Official witnesses learn to become experts at both surgery and traction. They must learn how to amputate and how to stretch the facts.

Having said this, several supporting examples are called for. Let me quote again from Assistant Secretary Johnson: "Since the formation of the European Common Market and the European Free Trade Association (EFTA) tariffs among the member countries have been reduced 70 percent. In a few years, member countries of these groupings will pay no tariffs at all on their exports to each other. By contrast * * * our exporters will face serious tariff barriers."

The upshot is that the Kennedy round is needed as a means of lowering those tariff barriers. This will have the further beneficial effect of reducing the incentive of our overseas investors to "get inside these barriers." This is to say our capital outflow would be slowed down; and that, of course, is very much in keeping with the present governmental improvisations.

Several comments are in order. One of these comments will be in the nature of a question, after this further quotation from the Assistant Secretary: "Dividing the world into two groups—Western Europe, Japan, and Canada on the one hand, and the rest of the

world on the other—we find that in 1964 we ran a commercial surplus of between $3.9 billion and $4 billion with the advanced countries and a commercial deficit between $200 and $300 million with the rest of the world * * *. More than 75 percent of the commercial surplus was with the Common Market. Our increase in exports to the Common Market since 1960 has been almost double the increase in our imports from there—about $1 billion of exports as against something under $500 million of increased imports."

My question is, with such a record of exports to the Common Market since 1960, a time during which the inside tariff was being drastically reduced by the EEC, what is the worry? Why do we need the Kennedy round to open the market still wider? Evidently we have had rather liberal access if our exports have increased by a billion dollars to that area while our imports from there increased only half as much.

Mr. Chairman, now let me say that there is indeed something to worry about, but not in the premises pointed to by Mr. Johnson.

We have indeed increased our exports to the EEC at a lively pace; but this was not really the result of a competitive process. Our investment in the Common Market has been running at a high level, as we all know. This flow sucked in with it a great volume of U.S.-made machinery. Between 1959 and 1963 our machinery exports to the EEC countries (Common Market) increased from $336 million to $874 or over $500 million. This increase of itself was enough to account for the increase noted in our exports to that area by Mr. Johnson.

What does this mean for our future exports in all reasonable expectation? It will mean a falling off of such machinery exports if our investments trail off. It will also mean that from the investments we have already made in the Common Market will spring a high output of varied products to be sold within the customs union rather than shipping them in from this country. Also, we may expect considerable exportation from the EEC base of our investors to third countries rather than from the United States. In yet other cases sales will even be made in this country from the EEC bases, as is already being done in some instances.

To this extent Mr. Johnson has something to worry about; but it is not something the Kennedy round would correct. Rather, the Kennedy round would aggravate our problem; for we must keep in mind that we are pledged to slash our own tariff rates in half under that round with "a bare minimum of exceptions," according to the ground rules agreed to by the President's Special Representative for Trade Negotiations, Mr. Christian Herter.

Such tariff reduction would open this market to an onslaught not only from the EEC countries but from EFTA and Japan, such as we have not yet witnessed. We must not overlook the fact that these countries have been quite well absorbed at home but that they will soon catch up with the home market. When they turn around toward us, the lid may well blow off.

Let me quote a little more—still from Mr. Johnson. In the same paper he observed: "I would like to say a few words about tariffs. We have made remarkable progress in reducing tariffs among developed countries since the reciprocal trade agreements program was instituted in the early 1930's, and particularly through the negotiations held under GATT since shortly after World War II."

If we did indeed do so well in our bargaining down foreign tariffs why will we then still face serious tariff barriers going into the Common Market after the customs union is completed?

It may be appropriate here to quote from another source, to throw some needed light on the "remarkable progress" we have made in reducing tariffs "among the developed countries," as Mr. Johnson observed.

The EFTA Reporter, publication of the European Free Trade Association, for May 7, 1963, No. 72, had this to say about the postwar reduction of trade barriers: "the tariff reductions negotiated through GATT in the conference at Geneva in 1947, at Annecy in 1949, at Torquay in 1951 and at Geneva in 1956, were of limited value in freeing trade. Their principal achievement was to reduce the barriers to trade with the United States market, which made a contribution to European recovery."

The trade conferences cited in the quotation were the principal ones dedicated to world tariff reductions. Only the one of 1960 was omitted, and it was of minor consequence.

These words do not comport with the "remarkable progress in reducing tariffs among developed countries as expressed by Mr. Johnson. "Limited value in freeing trade," as the EFTA expressed it, does not harmonize with "remarkable progress," unless making any progress at all was regarded as "remarkable."

There is a further comment possible on this point that confirms the EFTA statement while contradicting Mr. Johnson's. It is a well-known fact that European tariffs were distinctly lower than our own in 1934 when the trade agreements program was inaugurated. We have cut our tariff one way or another by an average of about 80 percent since that time. If the EEC countries had done anything comparable, which they did not, despite all claims of State Department officials to the contrary, our exporters would not now be faced with "serious tariff barriers" going into the EEC.

The fact of the case comes much closer to the unilateral tariff dismantlement by this country, as indicated in the EFTA statement. Moreover, we have not had recourse to nontariff trade barriers to a degree comparable with that of Europe and other countries.

The upshot of these observations is that the official posture in this field is essentially false, just as it was previously false to argue that our expatriated dollars would surely come back to us. Now that the facts are overwhelmingly to the contrary other false arguments are seized upon.

The fact is that we did not make "remarkable progress in reducing tariffs among developed countries."

Also, it is not true that the further sharp tariff reductions under the Kennedy round are necessary to stanch the outflow of yet more investment capital, or that we would export more to the EEC countries if their outer tariffs were reduced. If our investment flow were retarded we would lose in machinery exports perhaps more than we could gain in exports of the products that our foreign installations were designed to produce. We are already over there in such force that we may as well forget the idea that an opening of the EEC market would lead the way to vast exports of consumer goods from here, such as washing machines, radios, TV sets, automobiles, refrigerators, etc. Our own investors within the market will supply these goods and then will themselves not be anxious to see the outer tariff come down.

The slashing of the outer EEC tariffs would place us in the position of having first encouraged vast investments by our industries in the Common Market and in the EFTA, and then rendering the investments less justified and less attractive. We did as much in the encouragement of raw cotton production all over the world. When our exports fell off seriously as foreign cotton production responded to our aid, we began competing heavily with the production of the countries we had helped, by subsidizing our exports. Moreover, to rectify things at home, we were forced into a series of measures designed to ward off the ill effects of previous measures on our own textile industry; and we are not yet through with the chain reactions.

The Common Market was not created as an outlet for the products of our mass producers of consumer goods. Any notion that it was would be naive. The operation was entered into for the benefit of the constituent countries, and in that sense it has to date been pleasingly successful, although it must be said that the progress of Japan has outstripped both the EEC and EFTA without benefit of a customs union or a common market.

Another aspect of our balance-of-payments difficulties revolves around our foreign aid outlays. There are those who maintain that elimination of foreign aid would go far toward bringing our international transactions into balance. Then there are those who say that our export surplus would fall by an amount almost equal to any reduction in foreign aid. Therefore elimination of foreign aid would not help. Our export surplus would shrink and leave us where we were. In fact the AID testimony is being pointed in the direction of seeking support of domestic manufacturers who have come to have a vested interest in vast exports attributable to foreign aid. According to Senator HART AID financed 45 percent of all U.S. exports of fertilizers, 37 percent of all exports of railway equipment and 30 percent of all U.S. exports of iron and steel mill products.

Mr. David Bell, Administrator of AID, in testimony before this subcommittee on March 9 was quite positive that there is "no direct relation between aid and an outflow of gold to AID recipients." He maintained that "the reverse is true." He said that "85 percent of new obligations are being committed for direct expenditure in the United States." He has no more occasions than one called attention of manufacturers and producers to their financial stake in the program to enlist their support against reduction of the outlays.

Let that be as it may. The fact that foreign aid has boosted our exports detracts materially from the brilliance of our $6 to $7 billion surplus in our merchandise export-import account. For example, in 1963 some 30 percent of our total farm exports moved out under foreign aid. Additional quantities moved under export subsidies, especially raw cotton, wheat and wheat flour. These latter shipments to Europe and Japan, although heavily subsidized, are reported in our official statistics as "commercial exports" and are counted as evidence that we are competitive in foreign markets.

In the official reports on our foreign trade there continues to be further confusion or coverup which adds to the obscuration of the vital facts. One example of this is the insistence on classifying subsidized exports of wheat and cotton as "commercial exports" so long as they are not a part of foreign aid. It will be helpful to quote Assistant Secretary Johnson once more: "our (agricultural) exports to these six countries (Common Market) increased from $1.2 billion to $1.4 billion from 1963 to 1964—all of them commercial."

Please note: "All of them commercial." The same thing is said about our exports of subsidized farm products to Japan and to the EFTA countries: all of them are classified as "commercial."

The error, or whatever it may be, lies in the citing of our "surplus" in "commercial" exports, which in 1964 was between $3.9 and $4 billion according to Mr. Johnson, as evidence of our competitive stature. This means that our exports of subsidized wheat, wheat flour, cotton, and dairy products to the EEC and EFTA countries and to Japan are included in the "surplus" that is said to reflect our competitive capability.

These subsidized exports do not belong in the "commercial" category if by "commercial" we mean "competitive" exports. The volume of these exports reached $1.38 billion in fiscal year 1963–64.

The fact is that our competitive capabilities melt away very rapidly if we delve a little further into the character of our official trade statistics and also into the makeup of the exports and their trend. What is left in a macabre finding that casts a pale light on our vaunted competitiveness.

It is only beginning to dawn upon us, and very slowly, it must be said, that there is a rather gross discrepancy between our official trade statistics and those of other countries. With few exceptions other countries record their imports on a CIF basis, meaning that marine insurance and freight charges are added to the invoice prices, while we record foreign invoice value, without adding shipping costs to this country. Should we follow the system in use in nearly all of the remainder of the world, our 1964 imports of $18.6 billion would have been expanded by perhaps 15 percent and this would have brought them to a level of about $21.4 billion. This would reduce our so-called commercial export surplus for 1964 from $3.9–$4 billion to a magnitude nearer $1 billion, and to a deficit if we subtract the $1.38 billion.

Add to this shrinkage a few more facts that should be before the American public, and the statement that "our trade performance has, on the whole, been an encouraging demonstration of the fundamental competitiveness of American industry and agriculture"—this statement previously quoted from Mr. Johnson, I say, becomes unintelligible.

From 1953 to 1962 the exports of the United States rose only 4.7 percent by volume, according to tables in the statistical yearbook of the United Nations for 1963, the latest edition (table 164, p. 488). Italy, by contrast, expanded her exports during the same period by 416 percent; Japan, by 369 percent; West Germany, by 202 percent; the Netherlands and France, by 125 percent and 118 percent respectively. The United Kingdom rose by 30 percent.

It will be said, and properly so, that the other countries were still at a low level in 1953. If we then take the measure from 1957, the results, while less sensational, nevertheless leave no doubt of the trend. The United States was again at the foot of the list, with an increase of a bare 1.8 percent by volume. Italy again took the lead with an export increase by volume of 152 percent. She was followed by Japan, as before, with 90 percent; France, with 66 percent; Holland, with 60 percent, and West Germany, with 47 percent. England again was next to this country in the meagerness of her export expansion by volume. Her increase was only 7.6 percent.

Once more there will be an explanation.

It will be said that in recent years; i.e., since 1958, the exports of the EEC countries was greatly stimulated by the effect of tariff reductions within the market. This explanation, however, does not account for Japanese export expansion.

Another measure of our competitive position may be taken from another table found in the United Nations Statistical Yearbook for 1963. This table relates to exports of manufactured products. This is the field that generates the most employment. Compared with farm products the production of manufactured goods represents many more man-hours of work.

Exports of manufactured goods, other than machinery and transport equipment (principally automobiles) from this country and Canada declined from 20 percent of the world's total in 1955 to 15.4 percent in 1962, a fall of 23 percent. Since Canada is not a heavy exporter of manufactured goods the decline fell almost wholly on the United States. (Separate statistics for the two countries were not provided.) (U.N. Statistical Yearbook, table 160, p. 468.)

With respect to the exports of machinery and transport equipment our exports dropped from 34 percent of the world's total exports in 1955 to 26 percent in 1962, a decline of 23.5 percent.

The share in chemical exports fell by 17 percent.

By contrast with these declines our share of the world's exports of food, beverages, and tobacco rose from 16 to 20 percent, a gain of 25 percent. However, these exports were less than 20 percent of our total exports. An increase was also registered in the share of total world exports of crude materials. This share (United States and Canada) rose from 18 to 21 percent in the same period, a rise of 16 percent. With respect to mineral fuels, and so forth, a sharp decline set in, dropping from 16 percent in 1955 to 8 percent in 1962; but these were less than 5 percent of our total exports.

The upshot is that this country has been losing ground heavily in that area of foreign trade in which we were previously at our best. We are importing a much heavier share of finished goods and manufactured foodstuffs while we are losing ground appallingly in those very pursuits that are most labor-intensive no less than capital-intensive. Capital-intensiveness, contrary to the widely expressed views of economists, does not mean less application of labor in the manufacture of the whole product. By the time automatically produced goods reach the consumer as much labor will have been expended, including the manufacture of all the machinery, the equipment and the research, parts, and so forth, as on labor-intensive goods. Eighty percent of corporate outlay goes for employee compensation in this country today, whether for assembly or parts production.

The upward lurch in our exports in 1964 was weighted heavily with agricultural products, where we have been scoring successive records in recent years. This is the field that depends most heavily on governmental assistance, and our gains there are hardly an index of competitiveness nor great breeders of employment.

So far as our employment problem is concerned our foreign trade gains are obviously in the wrong sector; or rather, we would be better served if our exports of manufactured products should outmatch or at least match the gains made by farm product exports. The gains we have experienced in exports of manufactured goods (mostly machinery) have been closely linked with the outflow of investment, and there is no reason to believe that this represents a permanent trend: quite the contrary if our investments are curtailed. Beside farm products and machinery our exports have fared very poorly.

Our firms are doing well overseas. Their sales abroad have had a trend very different from the sales trend in this country. Sales of our total manufacturing industry in the United States increased only 22 percent between 1957 and 1963 (Statistical Abstract of the United States, 1960, table 404; 1964, table 433). Sales made abroad by a number of selected American companies abroad rose from $12.4 billion in 1957 to $22 billion, representing an increase of 77 percent. This was more than three times the increase in domestic sales. (Survey of Current Business, U.S. Department of Commerce, October 1964, table 8, p. 12.)

It is also worth noting that during this period our private foreign investments in manufacturing rose 65 percent while investment in new plant and equipment at home rose only 16 percent. (Statistical Abstract of the United States, 1960, table 640; 1964, table 675; and Survey of Current Business, December 1964, table 1, p. 6.)

Further data on the trend toward foreign investment compared with the domestic is found in another survey. In 1960, a number of selected industries in this country that recorded a total investment of $8.7 billion sent $1.1 billion of the total abroad. This was 13 percent. In 1961 the proportion had risen to 17 percent and in 1964 to approximately 21 percent. These selected industries accounted for more than 60 percent of total American investment in new manufacturing plant and equipment. (Survey of Current Business, September 1962, table 4, p. 21; October 1964, table 4, p. 11.)

It should be noted again that our export of machinery was greatly stimulated by these foreign investments. They rose from $3.95 billion in 1957 to $6.53 billion in 1963. (Survey of Current Business, October 1964, table 8, p. 12.)

The simple implication of these trends is that the foreign scene is more attractive to our investment dollar than the domestic scene. That is why the dollars have winged their way overseas and to Canada.

Were we as competitive as official witnesses say, the story would be different. Foreign countries would use their high dollar reserve to buy our goods. We would not have to depend so heavily on subsidization and governmental assistance to promote our exports. Our balance-of-payments problem would soon disappear.

The burden of the United States, if we would change this highly unfavorable development, is to look to the causes rather than to interest rates and similar controls which, though necessary to treat the symptoms, do not reach the roots of the trouble.

The fact is that competitively we are badly out of joint. The foreign investment trend is the symptom, the sharp recent investment rise in this country to the contrary notwithstanding. Less than half of the expansion in domestic investment in new plant and equipment has gone into manufacturing; and of the part that did go into that channel over half went into modernization. This represents efforts to become more efficient and therefore more competitive.

Mr. William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, on March 10 said before this subcommittee: "The better we succeed in keeping our industries competitive in international commerce and the better we succeed in reducing our Government payments abroad, the less we will need to be concerned about capital outflow, and the sooner we can return to a system that leaves balance in capital account to the forces of a free market."

Others have emphasized the need to export more. This calls for a higher degree of competitiveness, i.e., greater efficiency.

But this is only to state another problem. Dr. Raymond J. Saulnier, former member and Chairman of the Council on Economic Advisers, on February 25 spoke as follows to this subcommittee: "In other words, our penetration of world markets is actually less than it was in 1960. This is where the big push of policy should come. Partly, it is a matter of getting our businesses interested in exports * * * especially consumer products."

Dr. Saulnier was right about our loss in our share of world markets; and he advised keeping wages "well within the rate of productivity advances." By way of emphasis he added "and I mean well within." The obvious question here is who will bell the cat if it is assumed that it should be belled.

Unfortunately the demand for greater efficiency and greater competitiveness overlooks a fundamental fact that will bring most of these efforts to naught.

Forced efficiency as a means of meeting import competition is artificial and succeeds more in reducing employment than expanding the market for goods. Reduction of costs

through technological advancement has indeed been the classical course of our economy in achieving ever expanding sales. It was highly effective in the field of consumer goods that enjoyed an elastic demand and were responsive to higher consumer income; but that is a far cry from the forced play precipitated by imports. The latter call for automation, etc., in domestic industries, not in good season but preemptorily as a means of holding their own. The conditions then are seldom conducive to the kind of market expansion that was the classical course after sharp cost-reductions on products that enjoyed an elastic demand.

Our principal economic malady today so far as the balance of payment problem is concerned is noncompetitiveness; but we should not make the mistake of turning our back on the very principles that are the underpinning of our system in frantic efforts to become competitive. If we do so we will strangle our economy.

It will not help our steel industry, our automobile, or our petroleum industry, our typewriter manufacturers or our makers of sewing machines or shoe manufacturers to reverse their present position of net importers if we sell more wheat or cotton or vegetable oil abroad.

Foreign markets may swim in dollars, but the owners of these dollars will not use them to buy our goods if they can get better prices or terms elsewhere. The fact is that they are buying more heavily elsewhere and it is not because they do not like our goods.

Yet we cannot willy-nilly reduce our costs without courting more unemployment and at the same time shrinking consumer purchasing power. We have indeed reduced costs in the past, and it was this pattern that led to mass consumption of our mass-produced goods; but we were not then faced, as we are today, by two retrofiring retarders. We were not surrounded by highly efficient technological sources of competitive goods bearing a low-cost labor advantage, while at the same time we had a defense in the tariff against confidence-discouragers embodied in imports of low-cost finished goods. Today such imports can quickly despoil the virtues of an elastic demand as a domestic market-expander, and leave the domestic manufacturer of such goods to his own devices of panicky automation as a means of survival.

In the years of a decade ago it was shouted that we must import more so that other countries could gather together enough dollars to pay for our exports.

Today that shouting is for more exports to get back some of the billions of dollars now embarrassing foreign countries, dollars that they will not use for more liberal purchases from us.

The upshot is that we have balance-of-payments difficulties. We are not unlike the kitten that knows how to climb a tree but, lacking reversible claws, does not know how to make the descent without risking a crash landing.

Let us at least halt our ascent to dizzy heights by calling off the Kennedy round and then doing what is necessary. Much of the out-rush of capital was prompted by anticipation of the Kennedy round. It will get worse if we go through with the tariff cutting. Moreover, we will aggravate our already overexposed condition, vis-a-vis imports of manufactured consumer goods; and that will invite a further calamity.

The time may not be far distant when repatriated returns on our foreign investments will exceed the additional annual outflow of investment capital. Such a reversal of the flow will help greatly in overcoming the present balance-of-payments trouble.

We should move away from use of our economy including foreign trade as an instrument of diplomacy. They do not mix well. What would appear to pull diplomacy's chestnuts out of the fire may be at direct odds with what would encourage business enterprise. The latter sometimes must be sacrificed for the common good; but to sacrifice it in behalf of a disputed and mangled doctrine is shortsighted. The free-trade doctrine has already exacted great sacrifices from the American system. It has saddled us with an insoluble puzzle: How to declimb from heights that make us dizzy and that we cannot endure forever, without slipping into an incalculable slide that we can neither arrest with all existing brakes nor render painless with a bed of cushions.

Our high wages assure our vulnerability, vis-a-vis the foreign technological leap. Yet our economy rests on the high level of wages and high consumer income to which they give rise. This plateau cannot be maintained against outside assault without defensive measures.

Even if the balance in our payments were restored little would be gained beyond a breathing spell, which, to be sure, is needed. It would not help us sell more steel, textiles or wheat abroad or more oil, shoes or fishery products. The balance of payments rotates principally on a political axis. Our economy takes the consequences. This may be inevitable, but let us not continue to allow a romantic doctrine to blind us to overwhelming realities. If we are to live on the heights, we must look to our foundations. Above all we need time to reexamine our direction which now clearly is wrong. We are asking in the Kennedy round more of the same that helped bring us to our present predicament. This policy more than the balance of payments needs examination.

EXHIBIT 2

CONCEALMENT OF U.S. GLOBAL COMPETITIVE LAG

(By O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, September 15, 1965)

The international competitive position of the United States has been the subject of controversy in recent years. The predominant theme has been that this country is indeed competitive as shown by the continuing high surplus in our merchandise export-import account. In 1964 this surplus was $6.9 billion, higher than in 1963 when it was nevertheless a very comfortable $5 billion and in 1962, when it stood at $4.3 billion. There was a healthy growth, it was said, from year to year; and, on the face of it, that was true. Hence the easy conclusion that all was well in our foreign trade merchandise account.

Only those who are familiar with the makeup of our balance-of-payments account were in a position to question the validity of the glib assumption that an export surplus in our merchandise account automatically was cause for exuberance.

The question is of concern because the status of the U.S. competitive capacity in international trade has a vital bearing on our trade policy, among other aspects of foreign economic policy, and on the employment problem of this country.

In order to test this status several aspects of our trade balance will be examined here:

1. The makeup of the export surplus;
2. The basis of import tabulation used by this country compared to that of other countries, and the distortion caused by it;
3. The balance in receipts and payments in export and import transportation (shipping);
4. The declining share of world exports enjoyed by this country in recent years;
5. The trend in our exports and imports of manufactured products.

These five headings will be examined in the order of their appearance.

1. THE MAKEUP OF OUR EXPORT SURPLUS

As mentioned above, our export surpluses of the past 3 years have ranged from $4.3 to $6.9 billion (the 1964 surplus). The year 1964 may therefore be selected for examination because that surplus was the highest of recent years.

While this surplus does not include military aid shipments, it does include AID and Public Law 480 shipments plus the so-called commercial exports of wheat, wheat flour, raw cotton, rice, dairy products, etc., that, although not a part of AID or Public Law 480 shipments, were nonetheless subsidized shipments, and cannot therefore be considered as evidence of the positive competitive capacity of either our industry or agriculture.

In 1964 (fiscal year ended June 30) exports of agricultural products "under Government-financed programs" amounted to $913 million. Those exported "with export payments" but recorded as "commercial sales for dollars" amounted to an additional $1,380 million: Wheat and wheat flour, $604 million; cotton, $530 million; milled rice, $132 million, and smaller amounts in dairy products, tobacco, oilseeds and products, and peanuts.

The two combined, i.e., exports under "Government-financed programs" and "commercial sales for dollars" "with export payments," were $2.293 billion. (See Foreign Agricultural Trade of the United States, May 1965, U.S. Department of Agriculture, p. 7.)

Turning now to our exports of nonagricultural products, the 1964 (calendar year) exports "financed by U.S. Government grants and capital" were $1.407 billion. (Foreign Agricultural Trade of the United States, July 1965, U.S. Department of Agriculture, p. 8.)

If the two are combined we find that $3.7 billion of our exports, agricultural and nonagricultural (the first category during the fiscal year 1963–64 and the second for the calendar year 1964), were not private commercial unsubsidized transactions, as they must be if they were to represent competitive sales. (The lack of dovetailing of the two sets of statistics, with an overlap of 6 months is not regarded as serious. If agricultural exports bulked larger in 1964 because of sales of wheat to Russia, so did total 1964 exports.)

If the $3.7 billion of exports are subtracted from the total surplus of $6.9 billion, the latter is reduced to $3.2 billion. No doubt our export surplus could be increased beyond the $6.9 billion if we elected to subsidize yet more exports.

2. THE BASIS OF IMPORT-TABULATION USED BY UNITED STATES COMPARED WITH OTHER COUNTRIES

The United States tabulates its imports on the basis of f.o.b. value, foreign port of shipment, or, in any case, without addition of insurance and shipping charges to U.S. port of entry. Nearly all other countries on the contrary, do compute their imports on the basis of cost, plus insurance and freight, or c.i.f.

The difference is appreciable. With the exception of Canada and Mexico, the costs of insurance and shipping charges range from some 15 to 25 percent. Of total imports some 20 percent come from these two countries. Therefore an average global percentage would need to be reduced by 20 percent in order to reflect the omission of these two countries.

Two other leading countries among our trading partners by which a test may be run are Japan and England. Each of these records its imports on a c.i.f. basis.

Our exports to Japan, of course, are the same as the Japanese imports from us. Therefore if we set down our exports to Japan over a 3-year period, such as 1962–64, and match these exports with the Japanese imports from us during the same years, the difference between the f.o.b., our port of export, and the c.i.f. value, Japanese port of

entry, can be calculated. By covering 3 years, the distortion caused by goods in transit in either direction at year's end and year's beginning, will be minimized. The following table will show the value of U.S. exports to Japan as computed by the United States and the value of Japanese imports from this country, as tabulated by Japan:

Year	United States exports [1] to Japan	Japanese imports [2] from United States	Difference, plus or minus
			Percent
1962	$1,415,000,000	$1,809,000,000	+27.8
1963	1,714,000,000	2,077,000,000	+21.2
1964	1,908,000,000	2,336,000,000	+22.4
3-year total	5,037,000,000	6,222,000,000	+23.5

[1] U.S. official tabulation.
[2] As tabulated by Japan on c.i.f. basis.

From this table we see that our exports to Japan were enhanced in value an average of 23.5 percent during the 3-year period of 1962–64 as a result of Japanese tabulation of her imports on a c.i.f. basis rather than f.o.b. U.S. port of export.

According to this tabulation Japan imported $1.185 billion more from us during the 3-year period than our statistics show as U.S. exports to Japan during the 1962–64 period.

If we now examine our imports from Japan, first as reported by our official import statistics and then by adding to those figures a percentage equal to the Japanese addition to our exports to them, i.e., by adding constructed shipping insurance and shipping costs, we will arrive at a proper basis for striking a trade balance between the two countries. The next table will show U.S. imports from Japan, as tabulated by United States, together with what the values would be laid down at U.S. port of entry if the insurance and shipping charges westward were the same as eastward to Japan from the United States. The same percentages of increment or increase resulting from the calculation in the first table will be used. Thus will the cost of U.S. imports from Japan approximate the c.i.f. value, U.S. port of entry. This will place our imports on the same basis as Japanese imports from this country:

Year	United States imports from Japan [1]	Same import if enhanced to c.i.f.[2]	Amount of increase
			Percent
1962	$1,357,000,000	$1,734,000,000	27.8
1963	1,498,000,000	1,815,000,000	21.2
1964	1,769,000,000	2,165,000,000	22.4
3-year total	4,624,000,000	5,714,000,000	23.5

[1] As recorded by United States on f.o.b., foreign point of exportation.
[2] By same percent as Japanese imports exceeded our exports.

If next we show U.S. exports to Japan as computed by United States, as already shown in the first table, and match them with U.S. imports from Japan on the constructed c.i.f. basis as shown in the immediately preceding table, we may strike our trade balance with Japan in the same manner as Japan and most other countries strike their trade balances:

Year	United States exports to Japan	United States imports from Japan (c.i.f.)	U.S. deficit
1962	$1,415,000,000	$1,734,000,000	$319,000,000
1963	1,714,000,000	1,815,000,000	101,000,000
1964	1,908,000,000	2,165,000,000	257,000,000
3-year total	5,037,000,000	5,714,000,000	677,000,000

The next table will show the balance of trade between the United States and Japan as computed by the United States and disseminated as the official trade statistics by the U.S. Department of Commerce.

Year	United States exports to Japan	United States imports from Japan	Apparent U.S. surplus
1962	$1,415,000,000	$1,357,000,000	$58,000,000
1963	1,714,000,000	1,498,000,000	216,000,000
1964	1,908,000,000	1,769,000,000	139,000,000
3-year total	5,037,000,000	4,624,000,000	413,000,000

Our official 3-year export surplus in our trade with Japan in the amount of $413 million is thus converted into a deficit of $677 million. The 1962 surplus of $58 million becomes a deficit of $319 million; the surplus of $216 million in 1963 becomes a deficit of $101 million, and the 1964 surplus of $139 million is changed into a deficit of $257 million.

Yet, all this time our national policy has been based on the erroneous notion that Japan, struggling as she was, was somehow unable to overcome the deficit in her trade with us. We were evidently on the face of it more competitive in the Japanese market than Japan was in the U.S. market.

If we keep in mind, further, that Japanese imports of U.S. raw cotton was highly subsidized by this country as a means of selling abroad and that the same was true of our exports of wheat and wheat flour to Japan—not indeed as a matter of foreign aid, but as a matter of being competitive in world markets—the deficit in our trade with Japan assumes even greater proportions. In 1964, for example, we exported to Japan $130 million of cotton and $110 million of wheat. (See FT 410, 1964, U.S. Exports, Department of Commerce.) These exports are recorded as "commercial sales" by the Department of Agriculture, and no doubt correctly so, but they were not sales that demonstrated our economic competitiveness.

Added to our constructed deficit of $257 million in our merchandise trade with Japan in 1964, the total deficit rises to $497 million so far as private commercial unsubsidized exports are concerned.

With respect to our merchandise trade with the United Kingdom the situation is quite similar. First we shall again show U.S. exports, as reported by the U.S. Department of Commerce and United Kingdom imports from us, as reported by official United Kingdom sources. We shall again use the 3-year period of 1962–64 so that the year-end and year-beginning distortions caused by goods in transit in both directions will be minimized:

Year	U.S. exports to the United Kingdom [1]	United Kingdom imports from United States [2]	Difference, plus or minus
			Percent
1962	$1,074,000,000	$1,333,000,000	+24.1
1963	1,161,000,000	1,395,000,000	+20.0
1964	1,468,000,000	1,790,000,000	+22.0
3-year total	$3,703,000,000	$4,518,000,000	+22.0

[1] U.S. official tabulation.
[2] As tabulated by the United Kingdom.

From this table we see that the value of the United Kingdom imports from the United States increased in value by an average of 22 percent during the 3-year period as a result of the c.i.f. tabulation base used by the United Kingdom. According to this tabulation the United Kingdom imported $815 million more from us during this period that we exported to her, f.o.b. U.S. port of export.

Next we shall examine our imports from the United Kingdom, first as reported by our official import statistics and then adding the percentages by which the United Kingdom imports exceeded our exports (representing the cost of insurance and shipping charges). This will give us an equal base for determining export surpluses or deficits in the two-way trade. The assumption is that the charges for shipping from the United Kingdom to the United States is virtually the same as in the reverse direction. We will add to our import figures from the United Kingdom, which are f.o.b. United Kingdom, the same charges the United Kingdom adds to our exports in order to arrive at the c.i.f. basis:

Year	U.S. imports from the United Kingdom [1]	Same imports raised to c.i.f.[2]	Amount of increase
			Percent
1962	$1,005,000,000	$1,247,000,000	24.1
1963	1,079,000,000	1,294,000,000	20.0
1964	1,141,000,000	1,396,000,000	22.0

[1] As reported by United States on f.o.b. basis, foreign point of exportation.
[2] Placed on c.i.f. basis, U.S. port of entry, by use of percentages shown in preceding table.

Next we set our exports to the United Kingdom, as computed by the United States for the same period against the calculated U.S. imports from the United Kingdom as shown in the immediately preceding table. It will then be possible to draw a balance in our trade on a roughly even basis with the United Kingdom method and that of nearly all other countries:

Year	U.S. exports to the United Kingdom [1]	U.S. imports from United Kingdom, c.i.f.[2]	U.S. deficits
1962	$1,074,000,000	$1,247,000,000	$173,000,000
1963	1,161,000,000	1,294,000,000	133,000,000
1964	1,468,000,000	1,396,000,000	[3] 72,000,000
Total	3,703,000,000	3,937,000,000	234,000,000

[1] According to U.S. tabulation.
[2] As constructed and previously explained.
[3] Surplus.

The final table shows the apparent surplus in merchandise exports enjoyed by the United States during the years 1962–64 according to official U.S. statistics as published to the world, to Congress, and the American people:

Year	U.S. exports to the United Kingdom [1]	U.S. imports from the United Kingdom [2]	Apparent surplus
1962	$1,074,000,000	$1,005,000,000	$69,000,000
1963	1,161,000,000	1,079,000,000	82,000,000
1964	1,468,000,000	1,141,000,000	327,000,000
Total	3,703,000,000	3,225,000,000	478,000,000

[1] Official U.S. exports (exclusive of "special categories" or military supplies).
[2] Official U.S. imports. (Statistical Abstract of the United States, 1964, table 1129; and Overseas Business, OBR 65-20, U.S. Department of Commerce, April 1965.)

Here we see an apparent 3-year surplus of $478 million converted into a deficit of $234 million. Yet, again, the world has been allowed to believe that we have been enjoying a comfortable surplus in our trade with the United Kingdom, thus demonstrating a competitive prowess we do not possess.

As in the case of Japan, among our exports to the United Kingdom are subsidized items such as cotton, wheat and rice, much lower, however, than our exports of these items to Japan. In 1964 the total for the three products was some $60 million, and these should not be counted as demonstrating our ability to compete commercially in the United Kingdom market.

It is difficult to obtain reliable import-export statistics for purposes of measuring U.S. trade with Western European countries other than the United Kingdom, because destinations are not always known. Shipments to internal countries with no seaports are often credited to the countries where the goods are landed. Goods may then be transshipped, thus maximating exports to some countries while understating those to other countries. Trade with Japan and the United Kingdom is not as subject to such aberrations.

The contiguity of the United States to Canada and Mexico also offers a problem in any endeavor to reach a global markup that would bring our import statistics onto a par with those of other countries. About 20 percent of our imports come from these two sources. While some shipping charges are incurred on shipments from Canada and Mexico to this country, they are small compared with those incurred from countries lying farther away. In arriving at a global factor or percentage of inflation to be applied to our total imports a reduction of 20 percent should be made to account for our imports from Canada and Mexico.

If we calculate an average of the two countries we have tabulated, i.e., a markup of 23.5 percent on our imports from Japan and 22 percent on those from the United Kingdom over the 1962–64 period, we arrive at 22.75 percent. If we subtract 20 percent from this 22.75 percent, to account for Canada and Mexico, we arrive at 18.20 percent.

It would seem safe to say then that a global percentage of 17½ percent should be a fair approximation to the actual difference between the U.S. import figures and what they would be if we converted to a c.i.f. basis.

It must be kept in mind that some European countries use a lower percentage when converting their own imports from f.o.b. to c.i.f. France is reported to use 10 percent. Such lower conversion factors are justified in those instances in which most of the trade comes from near rather than far countries. For example, in 1963 of Western Europe's $63.2 billion of total exports, $40.4 billion went to Western Europe, or very nearly two-thirds. In the EEC countries $25.8 billion in exports of a total of $37.5 billion also went to Western Europe. Therefore the conversion factors used by the European countries to convert from f.o.b. to c.i.f. do not apply to the United States. Our factor must be appreciably higher because, with the two exceptions mentioned, all other imports come from farther away. Some 80 percent of our imports come by ocean transportation, over half of it from Europe, Asia, and Africa, in 1963, thus incurring heavy shipping costs.

We may now with reasonable confidence apply a global conversion factor to our total imports.

In 1964 total imports by the United States, for consumption, were $18.6 billion. If the conversion factor of 17½ percent is used, this total will be increased by $3.25 billion, bringing the total to $21.85 billion.

Our total 1964 merchandise exports were $25.3 billion. (Survey of Current Business, U.S. Department of Commerce, July 1965, p. S–2.) Thus our export surplus would fall to $3.5 billion from $6.7 billion.

If we now bring forward the calculation that showed that of our total 1964 exports the $3.7 billion that moved under the various categories of governmental assistance, we are left with a global deficit of $200 million in our private unsubsidized commercial merchandise export account.

3. THE BALANCE IN RECEIPTS AND PAYMENTS FROM SHIPPING CHARGES

It might be thought that this deficit might be overcome by the earnings of our merchant marine in carrying our trade and that of other nations.

The day of such surpluses disappeared in 1958 when it shifted from a surplus of a bare $2 million to a growing deficit. This reached $113 million in 1959 and after some zigzaging rose to $300 million in 1963. In 1950 receipts exceeded payments by $215 million; in 1955, by $202 million. (Statistical Abstract of the United States, 1964, table 827.) This decline has occurred despite shipping subsidies that have grown from $133 million in 1959 to $226 million in 1963. (Ibid., table 524.)

These accumulations bring the trade deficit to some $725 million in 1963.

4. U.S. DECLINING SHARE IN WORLD EXPORT TRADE

The share of the United States in world exports has declined markedly in recent years. With two principal exceptions this shrinkage has been borne predominantly by manufactured products. Because of the high degree of subsidization in one form or another, the exports of agricultural products have expanded, thus demonstrating that our exports respond to the foreign aid and other methods by which this country pays for or helps pay for the exports; 1955 agricultural exports were $3.2 billion; in 1964 they had doubled to $6.3 billion. In the same period imports went only from $3.9 billion to $4 billion.

By volume total U.S. exports rose from an index of 100 in 1958 to 126 in 1963. World exports in the same period moved from 100 to 141. Our agricultural exports rose to 165 during the same period in value.

The following table shows the extent to which exports by volume have increased more (the United Kingdom among the leading trading nations excepted) from other countries than from the United States (Index: 1958=100):

Country:	*1963*
United States	126
United Kingdom	120
Netherlands	149
Sweden	151
West Germany	156
France	162
Belg-Lux	173
Japan	198
Italy	206
Canada	133

Statistical Yearbook, United Nations, 1964, p. 487 ff.

In the same period our imports went from 100 to 133 or 7 points higher than our exports.

From 1953 to 1963 the U.S. share of total world exports declined from 19 to 15 percent, or by 20 percent. From 1958 to 1963 it declined from 18.3 to 15 percent, or by 18.2 percent. This means that our lag began in the late 1950's.

5. TRENDS IN EXPORTS AND IMPORTS OF MANUFACTURED PRODUCTS

With respect to exports of manufactured goods the United States did less well even than with exports as a whole. The next table will show the trends in exports of manufactured goods from 1958 to 1963, where 1958=100:

Exports of manufactured goods

Country:	*1963*
United States	117
United Kingdom	117
Netherlands	162
Sweden	163
West Germany	155
France	165
Belgium-Luxembourg	161
Japan	209
Italy	235
Canada	134

Statistical Yearbook, United Nations, 1964, page 496.

Here again the United States lagged spectacularly behind all the other leading industrial countries (except the United Kingdom) in exports of manufactured products. Whereas our total exports had increased to 126, our exports of manufactured goods rose only to 117, and both lagged far behind Europe and Japan.

If we turn to exports of manufactured products other than machinery and transport equipment (mostly automobiles), we find that the U.S. share between 1958 and 1962 declined from 19.1 percent of the world's total to 15.4 percent. Total world exports of such manufactures increased 37 percent, that of the United States, only 10.7 percent. (See Statistical Yearbook of the U.N., 1963, p. 468. The 1964 yearbook dropped this table.) In these statistics Canada was combined with the United States, but this fact could be regarded as producing only a minuscule effect.

Even though U.S. exports of chemicals increased from $1.438 billion in the 1956–60 period to $1.922 billion in 1963, our share in world chemical exports dropped by 17 percent from 1955 to 1962. (Statistical Abstract of the United States, 1963 and 1964, and Statistical Yearbook of the U.N., 1963.)

With respect to machinery and transport equipment the decline was from 34 percent of the world's total exports in 1955 to 26 percent in 1962, a decline of 23.5 percent. This group includes automobiles. The U.S. share has fallen sharply in the exportation of automobiles in the past decade. However, our machinery exports have prospered in recent years in response to heavy direct foreign investments. (See below.)

If further evidence is needed to demonstrate the U.S. lag in international trade in manufactured goods by volume, it may be found in the trend of both our exports and imports compiled by the Bureau of International Commerce, U.S. Department of Commerce. By an index in which 1957–59=100, our exports of crude foodstuffs rose from 104 in the 1956–60 period to 158 in 1963 (prel.). This represented the upward swing of our exports of subsidized agricultural products and Public Law 480 shipments.

During the same period our exports of finished goods rose from 101 to only 113—a marked contrast. The one rose 58 percent; the other only 13 percent.

The opposite trend was visible in our imports. Crude foodstuffs rose from 98 to only 107. By contrast imports of finished goods rose from 100 to 152. (See Statistical Abstract of the United States, 1964, table 1230.) Imports of semimanufactures went from 100 to 132. Crude material imports virtually stood still, moving from 99 to only 101.

If these trends are translated into employment it will be appreciated that they are very adverse to this country. Trading of unprocessed goods for finished goods as represented by the recent trend, is not productive of employment, but quite the opposite.

There can be no doubt about the unenviable status of the competitive prowess of the United States in world markets. If we examine export trends a little more closely the deplorable position of most of our manufactured products, exclusive of machinery other than automobiles, will become apparent.

Machinery exports have boomed because of our heavy investments in foreign productive facilities. In 1964 we enjoyed a favorable export balance in machinery to the extent of $4.7 billion. Exports of machinery exclusive of automotive and aircraft rose by $2.34 billion from 1959 to 1963.

The only other item showing a large surplus was in chemicals, one of $1.6 billion, a large part of which consists of raw

material or semimanufactures. If these two items, in which our export surplus was $4 billion, are removed from our calculation it follows that our trade in virtually all other nonagricultural items must have left us with a higher deficit and a much greater lag in relation to world exports than might be guessed from the total balance.

According to detailed export-import statistics for 1962 (U.S. Statistical Abstract, 1964, tables 1222 and 1223), our exports recorded a deficit over imports with respect to a long list of broad categories. The total of the deficit was $4.6 billion. The greater part of these deficits were recorded by petroleum ($1.3 billion), nonferrous metals (copper, lead, and zinc, etc.) ($560 million), and paper and manufactures ($516 million). If subtracted from the $4.6 billion deficit, this nevertheless left $2.1 billion in our trade deficit in exports of a long list of items including rubber and manufactures, cotton and wool manufactures, sawmill products, wood manufactures, steel mill products, beverages and related products, leather manufactures, meat and products, fish and products, silk and manufactures, toys, athletic and sporting goods, precious metals, jewelry, etc., leather, and stone, cement, and lime—all of which recorded export deficits in 1962, even by U.S. tabulation.

That the deficit has grown in recent years may be seen from a comparison with the 1956–60 period. At that time the deficit was $3.3 billion averaged over the 5-year period, compared with the $4.6 billion deficit of 1962.

If we again eliminate the three leading deficit items; i.e., petroleum, nonferrous metals, and paper, and manufactures, the 1956–60 deficit drops to $1.3 billion. It rose to $2.1 billion in 1962.

A change in statistical compilation by the Department of Commerce prevents comparison of the preceding statistics with those of 1963 and 1964. However, the excess of imports of "other manufactured goods" not including machinery, automobiles, petroleums, and chemicals, rose from a mere $57 million deficit in 1958 to $1.68 billion in 1964. This confirms the trend. Nevertheless we went into another tariff-cutting round in 1960.

CONCLUSION

The foregoing analysis must lead to drastic revision of several factors that are basic to policy formation of a national trade policy.

1. The United States has been running and continues to run a deficit instead of enjoying a massive export surplus, as generally believed, in its merchandise export-import account in terms of private commercial unsubsidized exports.

2. We are in a growing deficit position in the exportation of many of our broad product classifications, other than machinery and transport equipment, foods, crude materials, and minerals. In some of these we are also running a sharp deficit: Petroleum and nonferrous metals.

3. Our imports have been shifting from raw materials toward finished goods and semifinished goods to the detriment of industrial employment in this country.

4. Our exports have been shifting toward agricultural products and raw materials, plus machinery in the field of manufactured goods. Machinery exports have been stimulated by our heavy foreign investments, which in turn reflect the reaction of our industries to our noncompetitive status at home and abroad vis-a-vis foreign competition.

5. Our exports have become increasingly dependent on governmental assistance of one kind or another.

6. Further tariff reductions should be shelved until our industries regain their one-time competitive status at home and abroad.

EXHIBIT 3

ADDRESS BY SECRETARY OF COMMERCE JOHN T. CONNOR PREPARED FOR DELIVERY BEFORE THE SECOND ANNUAL BUSINESS OUTLOOK CONFERENCE OF THE NATIONAL INDUSTRIAL CONFERENCE BOARD, WALDORF-ASTORIA HOTEL, NEW YORK, N.Y., SEPTEMBER 23, 1965

It is a pleasure to participate in a conference of this famous organization with which I personally had so many associations when I was in private industry.

For almost half a century, the National Industrial Conference Board has been serving business, labor, and government through such gatherings as this and through its outstanding research into economic problems. On behalf of our Government, let me commend the board's dedicated and able staff on its work—and also thank all of you who support this organization. You are contributing to the progress of the American economy.

Never has economic knowledge—and its wise application—been of more critical importance. For nothing less than national survival depends upon the strength of our national economy. Its power underwrites the military might that is the shield of freedom around the world. And it is the instrument through which we can help provide a better life for our people and for those elsewhere who want to live in peace and freedom.

This means that the rapid economic growth we have enjoyed for the past 4½ years must be extended. It also means that the expansion must continue in an orderly fashion, without the serious imbalances that result in costly recessions.

Today I would like to focus on this latter requirement—keeping the economy in balance. I mean maintaining balance under conditions of a growing economy which is approaching full use of resources—balance in relationships of prices, wages, profits, investment, inventories, and in other areas.

I especially include the need for balance in our balance of payments. You and other business leaders have heard me speak many times on this subject since President Johnson's voluntary program for correcting the deficit was launched in February. In every instance I have described the problem in such terms as "serious," "urgent," and "critical," and I have called its solution absolutely vital to the national welfare.

Today, after 7 months of the program, I am still using those terms—and if I could think up a stronger one, I'd use that too.

This does not mean that the program is lagging. On the contrary, the participating firms have already made important contributions to the improvement we have seen in the first 6 months of this year.

They've accomplished it by several methods:

One has been through repatriation of short-term financial assets. In the first half of 1965, more than $400 million of short-term funds were repatriated by the nonfinancial firms in the program.

Another method has been through a more rapid repatriation of income earned abroad. For the 380 companies whose reports have been tabulated, the income they brought home during the second quarter amounted to $675 million, a 13-percent increase over the first quarter.

A third way has been through restraint on capital outflows for direct investment in the developed countries. The data from the participating companies show a decline of $224 million from the first to the second quarter, a decrease of about 30 percent from the extremely high levels in the first quarter.

Fourth, through financing overseas investments by raising funds abroad. Companies in the program have reported foreign financing totaling about $400 million. This includes expansion of bank loans as well as the flotation of securities in the public market.

On the subject of direct investment, let me say that we recognize that the benefits of restraint on long-term investments will not become fully apparent until later this year and early next year. This is due largely to the fact that many companies already had projects in such advanced stages of development that they could not be cut back.

At the same time, I must state frankly that the present estimate of a 20-percent increase in 1965 in capital expenditures abroad for plants and equipment has given us a slight chill. We fervently hope that U.S. corporations will succeed in financing that hefty expansion abroad, particularly in Western Europe, because otherwise the capital net outflow for direct investments again will be dangerously high.

I wish I could say that a substantial rise in exports was the fifth way business was increasing its contribution to the balance of payments. Unfortunately such is not the case, despite the fact that many firms in the program are relying heavily on increased exports to help improve their contribution.

Strikes were one adverse factor in the picture, and a slower pace in economic expansion in Western Europe was another. I very much regret both situations and recognize fully that they were beyond the control of business.

But they only make more urgent than ever our need to step up exports in the remaining months of this year and on into next year.

Let me say it just as forcefully as I can to every corporation executive in America involved in the export business:

We need your best effort to increase your exports substantially. We need your help desperately. And we need it right now.

We need your help today, this week, this month, in order to cut our deficit down to manageable proportions this year.

We especially need to boost exports in order to offset the substantial rise in imports. Our exports for the first 7 months of 1965 are running only 1½ percent above those for the same period in 1964. But our imports are running 12 percent higher. This is a perilous cut into our trade surplus. It must not continue.

On Monday of this week I met with members of the Regional Export Expansion Council in Baltimore to discuss ways of increasing exports. Yesterday I met with Fred Foy, Gov. Luther Hodges, and members of the executive board of the National Export Expansion Council for the same purpose. Next week I will be in Denver to do the same with members of the Regional Export Expansion Council there.

This is our No. 1 priority—and I hope it is close to the top of the list for every businessman in the Nation who is concerned with exports.

Further than the need for balance in our international transactions, I want to discuss with you today the need for balance in other areas in the economy. Not that I think the subject has been neglected recently in the Nation's economic forums; on the contrary, several very forceful statements have been made on it in the past few months, as we all know.

And not that I think other serious imbalances are becoming apparent today, or that there's imminent danger of their appearance in the near future.

Rather, I want to discuss the need for balance in the period ahead because I think that the current lengthy period of expansion has revealed to us a fundamental new fact of economic life.

It is this: That balance is very possibly, in and of itself, one of the greatest of all stimulants to sound economic growth.

There are many others, of course: the application of science and technology through research and development of new products and new processes; the development of new markets by business both at home and abroad; improving the skills and increasing the productivity of our workers; and the application of wise fiscal and monetary policies by Government.

But none, I think, is more important than balance, particularly as our economy moves toward its full potential. For balance is a prime requisite for confidence in the future—and only confidence can unleash the dynamic force of the free enterprise system.

Balance assures labor of gains that are real, not a mirage.

Balance provides the confidence that prompts business to make long-range investments in research and in new plants and equipment—which pay dividends in expanded sales and profits.

And balance makes possible the application of Government programs that have a chance of making a real contribution to the economic well being of our people.

Serious imbalance, on the other hand undermines confidence, hinders cooperation among business, labor, and Government, makes planning difficult, gives rise to fear and uncertainty, and forces prudent businessmen to say, "Let's wait. Let's wait until we see which way things are going."

The consequences of such actions are well known to us all: slow economic growth, rising unemployment, a declining rate of capital investment, increasing Federal deficits, and spiraling inflation that both increases production costs and saps the buying power of consumers.

But balance, I should emphasize, does not in any way imply a static condition; it is not a synonym for dead center.

Certainly it does not imply a necessity to maintain the status quo among various segments of the economy. In fact, such a mystique itself promotes serious imbalances in both industry and agriculture.

Nor does balance imply the need for a sheltered economy, one protected from the winds of change that blow from every section of the Nation and from every corner of the globe.

Nor does the kind of balance we are talking about imply perfect balance in every detail—rigid, inflexible and unyielding.

Rather we are talking about the kind of balance that goes with a living economy governed by the free play of forces in a pluralistic society, and not one dictated, as in the planned economies, by monolithic government. Those economies—as we know and as they are finding out—are more dead than alive.

The balance we are talking about means freedom and movement and challenge. It means the open marketplace in which competitive forces operate to produce an equitable distribution of our gross national product among all our groups. It means that our resources are channeled into the most effective and efficient avenues.

In fact, the balanced growth we are enjoying today makes possible the change and adjustments that go with progress without working severe hardship on those involved or the economy as a whole. The dislocations that accompany technological change, for instance, can be coped with much more readily today than during a period of sluggish growth.

In addition, this growth period—because of its balanced character—is helping to allay the ancient fear that the longer an expansion lasts, the more likelihood of a severe crash. We are learning that it isn't the length of the expansion that threatens us, but the imbalances that arise.

Now all of this is not to say that we must run for cover in fear and trepidation every time forces that might have unbalancing effects make their appearance on the economic scene. As I just mentioned, this free and unsheltered economy is never in perfect balance, but, in a manner of speaking, is forever regaining its balance. Like the tightrope walker carrying the long pole, we are constantly using many stabilizing forces to keep the economy on an even keel.

One example is the vast productive capacity built into the economy in recent years, part of which we will be employing to meet our commitments in Vietnam.

The interesting part about this is the fact that the stabilizing ability of this increased capacity is the direct result of the balanced growth we are enjoying. For it was the balance in the economy that gave you business leaders the confidence to increase capacity in the first place.

This highlights the fact that the Nation relies primarily on the private sector to maintain the balance in various relationships.

And I should like to review for a moment some of the areas involved that will call for the continued exercise of labor and management statesmanship in the months ahead. While I am confident that the economy can handle the needs of Vietnam now contemplated without any difficulty, it is true that we will begin to approach capacity levels of production. And we must be on our guard against the various pressures which may result.

First, of course, it is necessary that we continue to maintain relative wage and price stability. The responsible action of labor and management in the steel settlement of 3 weeks ago points the way in this vital area.

Your distinguished chairman today, my good friend Roger Blough, and all the other leaders in steel, both management and labor, deserve the Nation's gratitude for this settlement. As President Johnson pointed out, the negotiators achieved a victory for all Americans.

My own experience at the White House during these negotiations made me proud that our free American system enabled an agreement to be reached on these vital matters. True, the Government participated in the final innings. But this was not Government intervention in any objectionable sense. Both sides admitted freely that the Government presence was welcome and, indeed, helpful under all the circumstances involved. In those tough bargaining sessions, both sides reacted responsibly to President Johnson's reminder that in the final analysis the national interest had to be the paramount consideration, and that the national interest would not be well served by a costly and disruptive strike.

This settlement in the steel industry will help us continue the record of the past 4 years, in which prices have been relatively stable while wage increases have been roughly in line with productivity advances in the private economy. From the first quarter low of 1961 to the second quarter of this year gross national product has increased by one-third in current dollars and by one-fourth in constant dollars. Yet in the face of these large advances, wholesale prices increased by only 1.2 percent and consumer prices by 5.6 percent, over this entire period.

This has meant increased real purchasing power by all segments of the economy. In addition, this relative price stability has made the United States more competitive in world markets during a period when other industrialized nations were feeling the pressures of inflation.

Wtihin the domestic economy, inordinate price increases necessiated by unjustified wage increases would erode the buying power of both business earnings and consumer incomes.

Of course, the price structure must be flexible enough to prevent imbalances from occurring in the supply-demand picture. But both unions and business firms must exercise restraint in periods of rising demand such as we are now experiencing.

Particularly is this true in the case of many items in which price increases play a secondary or even minor role, when it comes to affecting sales volume. But to the extent that higher prices are paid for some items, it leaves less buying power to purchase other items. So the total units sold would be less unless there were counterbalancing price declines elsewhere.

We must strive for a relatively stable price level, but specific price movements within the total must reflect the effect of market forces, just as they often have to reflect rising or declining costs.

The complement of our objective on prices is that labor costs be held within the productivity gains of the economy. Often what appears on the surface to be a gain for labor through relatively high wage increases turns out in the long run to be a loss in markets and in real purchasing power.

I think that labor realizes that the sharp increases in employment over the past 4 years, the drop in the unemployment rate, and the rise in personal income, are all attributable in part to wage-price stability.

A second area requiring balance is in the supply and demand for workers' skills. We can progress no faster than labor is trained to operate our increasingly complex machines.

And nowhere is closer cooperation among business, labor, and government more urgently needed. I especially include local and State governments, which conduct the vocational schools where the technicians and craftsmen of tomorrow are prepared.

Business has special responsibilities to work with the local educational system in making known the skills it will need, and in helping to develop programs that provide faculty members who have had actual job experience. In addition, I hope companies can step up their own programs for training new workers and retraining older ones in the specialized techniques peculiar to their own situations. Many firms have long had such programs, and their foresightedness has paid handsome dividends—both to themselves and the entire Nation.

Labor unions also can play an increasing part in this area by extending their apprenticeship programs or even setting up training schools for those who have been unemployed for a long time. And both business and labor should work diligently to assure equal opportunity in job training for all Americans, regardless of color or creed.

In the area of employment, let me take just a moment to commend business for its magnificent cooperation in carrying out the President's youth opportunity program this past summer. We had expected a marked increase in the unemployment rate, since we knew that an unusually large number of young people would be looking for work. Thanks to the splendid response of employers, the rate of unemployment declined to 4.5 percent during July and August, seasonally adjusted. I had the privilege of working with business on this program, and the experience was indeed gratifying when thousands of letters answering our call came pouring in to the Department of Commerce.

A third area requiring balance involves Federal Government receipts and expenditures. The powerful influence of these factors on the economy has been clearly demonstrated in the past year or two, and we must take them fully into account during the coming months.

As the economy grows, Federal Government tax receipts expand at a very rapid rate, and we must make certain that Government does not create a fiscal drag on the economy by taking more out of the income stream than it puts in. But the current requirements of Vietnam and the new programs approved by the current session of Congress,

such as education, housing, antipoverty, and regional development, are certain to call for increased expenditures.

Outlays under the new programs will be partially offset by savings in continuing Government activities and by discontinuing programs of lower priority. The budget formulation process now underway is extremely tight and exacting, and the President has put each agency under definite instructions to effect whatever savings are possible.

There are other areas requiring balance: in business inventories, in profit levels, in the fields of consumer and corporate credit, and others.

Together, I am confident that they will continue to be handled prudently and thus provide the confidence so necessary for a continued healthy expansion of the economy throughout 1966.

Of course, the Secretary of Commerce, like the Marketing Vice President, should always be an optimist, but this time I have good reason for being so. We are in the 55th month of expansion, the longest in our history, and the basic forces are favorable for further expansion. Confidence is high among both businessmen and consumers.

The recent Government survey on business plant and equipment expenditures indicates an increase this year of $6 billion, or 13½ percent, over such investment in 1964. Last February the estimated increase for the year was 11.7 percent. And early indications are that the capital investment program by private industry will continue at a high level in 1966.

The latest Census Bureau survey on consumer buying intentions indicates favorable levels for automobiles, houses, and durable goods.

In sum, the outlook for 1966 is favorable. I believe we will see a continuation of the cooperation among business, labor, and Government to achieve national goals in the public interest. And I am confident we will achieve an increasing standard of living for all our people, without the development of important excesses or imbalances in our national economy.

ADMINISTRATION AND DEVELOPMENT OF PENNSYLVANIA AVENUE AS A NATIONAL HISTORIC SITE

Mr. JACKSON. Mr. President, I introduce, by request, a joint resolution submitted by the President to provide for the administration and development of Pennsylvania Avenue as a national historic site.

The Secretary of the Interior, pursuant to the Historic Sites Act of 1935, has designated Pennsylvania Avenue between the Capitol and the White House as a national historic site. The joint resolution is necessary in order to provide funds for the administration and protection of this area.

I ask unanimous consent to include at this point in the RECORD a copy of the letter from President Johnson and the text of the legislation, together with the order of designation published by the Secretary of the Interior, and that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, the joint resolution will be received, the several requests for insertions in the RECORD are granted, and the joint resolution will be referred to the Committee on Interior and Insular Affairs, as requested.

The joint resolution (S.J. Res. 116) to provide for the administration and development of Pennsylvania Avenue as a national historic site, introduced by Mr. JACKSON, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, joint resolution, and designation presented by Mr. JACKSON are as follows:

THE WHITE HOUSE,
Washington, D.C., September 30, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting to the Congress herewith a proposed joint resolution to provide for the administration and developemnt of Pennsylvania Avenue as a national historic site.

Increasing concern with the shabby condition of Pennsylvania Avenue—the Nation's most distinguished and historic thoroughfare—led to the appointment by President Kennedy of the Council on Pennsylvania Avenue, which devoted almost 2 years to the preparation of plans for its rejuvenation. The work thus started has been carried forward by a Temporary Commission on Pennsylvania Avenue, created by Executive Order No. 11210 on March 25, 1965. The Temporary Commission recommended as the next appropriate steps the designation of the avenue as a national historic site and the proposed joint resolution.

The proposed joint resolution will provide for the administration and development of the avenue as a national historic site through a Commission on Pennsylvania Avenue. The Commission is to carry forward the work of the Temporary Commission and to coordinate activities along the avenue, including Federal or District projects in the area.

That Pennsylvania Avenue will be redeveloped is inevitable. We must be sure that this development will be of a character worthy of this historic axis, which has from the beginning linked the Capitol and the White House. The proposed joint resolution will be a substantial step toward this goal. I hope it will have favorable consideration from the Congress.

Sincerely,

LYNDON B. JOHNSON.

S.J. RES. —

Joint resolution to provide for the administration and development of Pennsylvania Avenue as a National Historic Site

Whereas in April 1964 a Presidential Advisory Council on Pennsylvania Avenue made certain recommendations concerning the proper development, use, and control of the section of Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House; and

Whereas a Temporary Commission on Pennsylvania Avenue, established by Executive Order No. 11210 of March 25, 1965, has undertaken a review of the recommendations of the Advisory Council and has initiated plans and programs to implement certain of those recommendations; and

Whereas the Secretary of the Interior, with the concurrence of the President, has declared Pennsylvania Avenue between the Capitol and the White House, and certain areas adjacent to it, to be a historic site within the meaning and scope of the Historic Sites Act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 461 et seq.): Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and determines:

(a) That it is in the national interest that Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House be developed, used, and maintained in a manner suitable to its ceremonial, historical, and physical relationship to the executive and legislative branches of the Government;

(b) That the work of reviewing, programing, and implementing proposals for the proper development, use, and control of Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House should be continued, with the maximum possible use of private enterprise in carrying out the development plan; and

(c) That a Federal agency created especially for the purpose is the most appropriate means by which to coordinate and implement all such actions.

SEC. 2. There is hereby established a Commission on Pennsylvania Avenue (hereinafter referred to as "the Commission"), which shall be composed of not more than 21 members to be appointed by the President from public and private life. One of the members shall be designated by the President as Chairman of the Commission.

SEC. 3. (a) The Commission shall review the development plan for Pennsylvania Avenue and, in consultation with other interested agencies of the Federal Government and the District of Columbia, shall from time to time make such modifications therein as may be necessary.

(b) The Commission shall coordinate the efforts of those agencies of the Federal Government and the District of Columbia which affect Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House, and shall take such action as may be necessary to insure that plans, programs, and activities relating thereto are properly integrated with the comprehensive plan for the National Capital and any other related plans prepared or developed by the National Capital Planning Commission or other appropriate authority.

(c) In addition to consulting with agencies of the Federal Government and the District of Columbia, the Commission shall consider the views of other public, quasi-public, and private organizations having a proper interest in the Pennsylvania Avenue area. The Commission shall also consider the views of owners and occupants of private property whose interests may be affected by any plans, programs, or actions of the Commission or the agencies whose activities are coordinated by the Commission. The Commission shall make every effort to minimize any harmful effects of such plans, programs, or activities on owners or occupants of private property on or adjoining the area affected thereby.

(d) The Commission, in carrying out its functions, shall utilize the services and facilities of other agencies of the Federal Government and the District of Columbia to the maximum extent possible.

(e) The Commission shall report to the President annually, and shall make such other reports to the President as he shall direct or as the Commission shall deem desirable. Such reports shall include recommendations for such further legislation as the Commission may consider appropriate for the proper performance of its functions or for the development of the area in other respects.

SEC. 4. No agency of the Federal Government or of the District of Columbia shall conduct, on Pennsylvania Avenue or the area adjacent to it between the Capitol and the White House, any project or program (1) relating to urban renewal, land redevelopment, or public housing, or (2) involving permanent construction, improvements, or facilities of a type designed to change the character of the area, without the approval of the Commission: *Provided,* That this prohibition shall not be effective if the President, notwithstanding the views of the Commission, shall approve such program or project: *Provided further,* That this section shall not

be applicable to areas under the jurisdiction of the Architect of the Capitol.

SEC. 5. (a) Members of the Commission who are officers and employees of the Federal Government or of the District of Columbia government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall receive compensation at the rate of $100 per diem when engaged in the performance of duties for the Commission. Each member of the Commission shall be reimbursed, as authorized by law (5 U.S.C. 73b-2), for travel and subsistence and other necessary expenses incurred by him in the performance of his duties for the Commission.

(b) The Commission is authorized to employ such personnel as may be required for the performance of its functions, and may procure the services of experts and consultants by contract or otherwise, but at rates not in excess of $100 per diem for individuals.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the duties and responsibilities imposed on the Commission by this Act.

SEC. 7. The provisions of this Act shall apply to those parts of Pennsylvania Avenue and the areas adjacent thereto as are included within the area designated by the Secretary of the Interior as a historic site under the provisions of the Act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 461 et seq.).

THE PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE, WASHINGTON, D.C.—ORDER OF DESIGNATION

Whereas the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. §§ 461 et seq.) declares it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas I have determined that certain lands in the city of Washington, District of Columbia, possess exceptional value in commemorating or illustrating the history of the United States within the meaning of the act of August 21, 1935, since within the area are situate Pennsylvania Avenue and historically related environs and since the area achieves national historical significance in the following manner:

Over a span of a century and a half the segment of Pennsylvania Avenue between the White House and the Capitol has symbolized the majesty and power of the American Republic and the triumphs and tragedies of the American people. Along this truly national thoroughfare travel the Presidents of the United States in the ritual procession following inauguration that marks the assumption of Presidential powers and duties and gives the Nation its first glimpse of the new Chief of State. Along it in death have traveled six Presidents and numerous national leaders in state funeral processions that expressed the Nation's sense of loss. Along it have occurred victory celebrations signaling the close of four major wars. On it occurred public ceremonies celebrating great national achievements. On it the Nation receives foreign heads of state and visiting dignitaries. And on it the Nation accords its acclaim to military, civil, and scientific heroes.

The Nation's great men and women trod the ceremonial way not only in the pageantry of victory and defeat, but also in daily activities reflecting and shaping national life. Along Pennsylvania Avenue and its adjacent streets stood hotels, boarding houses, and restaurant where statesmen lodged, dined, debated the issues of the day, and perfected courses of action that guided the Nation's destiny. In the theaters and places of amusement of this district they sought release from the cares of office.

In its markets and shops they bought the necessities of life. In its hostelries they gathered for entertainments and celebrations highlighted by the quadrennial Presidential Inaugural Ball. In this area two Presidents, Lincoln and Garfield, were struck down by the assassin's bullet. And here, as time went on, the commercial center of the Capital receded before an eastward advance of the executive branch of the Government that ultimately produced the Federal Triangle and thereby introduced the monumental architectural scale characteristic of modern Washington.

The Pennsylvania Avenue district is anchored on each end by historic buildings of transcendent importance to the Nation. It contains structures of varying historical value and antiquity. It is associated with events and people of large consequence in the history of the Republic and its Capital.

An enduring and constantly enlarging symbolism dramatically clothes the district, composed of the avenue and its environs, with national historical significance; and

Whereas the establishment of the Pennsylvania Avenue National Historic Site will constitute a fitting memorial to the great personages of this Nation who have lived and worked in the area; and to the monumental events of national importance which have occurred therein; and

Whereas a plan has been developed for this great national thoroughfare by the Temporary Commission on Pennsylvania Avenue which presents an initial basis for enhancing these historical values in a fitting manner; and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, at its 53d meeting in Alaska, July 30–August 11, 1965, has considered the historical significance of Pennsylvania Avenue and its historically related environs in Washington, D.C., and found that this district possesses outstanding national historic significance: Now, therefore,

With the concurrence of Lyndon B. Johnson, President of the United States, I, Stewart L. Udall, Secretary of the Interior, by virtue of and pursuant to the authority vested in me under the act of Congress approved August 21, 1935, do hereby designate the following described lands to be a National Historic Site having the name "The Pennsylvania Avenue National Historic Site":

Beginning at a point on the southwest corner of the intersection of 15th Street and Constitution Avenue, NW., easterly along the south side of Constitution Avenue, to the southwest corner of the intersection of Constitution Avenue and Pennsylvania Avenue; then easterly along the south side of Pennsylvania Avenue to and including the outer circumference of First Street, NW., which forms an arc around Peace Monument; then westerly along the north side of Pennsylvania Avenue to the northeast corner of the intersection of 3d Street and Pennsylvania Avenue, NW.; then northerly along the east side of 3d Street to the northeast corner of the intersection of 3d Street and E Street, NW.; then westerly along the north side of E Street to the northeast corner of the intersection of E Street and 4th Street, NW.; then northerly along the east side of 4th Street to the northeast corner of the intersection of 4th Street and G Street, NW.; then westerly along the north side of G Street, NW., to the northwest corner of the intersection of G Street and 5th Street, NW.; then southerly along the west side of 5th Street to the northwest corner of the intersection of 5th Street and E Street, NW.; then westerly along the north side of E Street to the northeast corner of the intersection of E Street and 7th Street, NW.; then northerly along the east side of 7th Street to the point on 7th Street being the intersection of the north side of G Street with the east side of 7th Street, NW.; then westerly from that point along the north side of G Street to the point being the intersection of the north side of G Street with the west side of 9th Street, NW.; then southerly from that point along the west side of 9th Street, NW., to the northwest corner of the intersection of 9th Street and F Street, NW.; then westerly along the north side of F Street to the northeast corner of the intersection of F Street and 11th Street, NW.; then southerly along the east side of 11th Street to the northeast corner of the intersection of 11th Street and E Street, NW.; then westerly along the north side of E Street to a point approximating what would be the northeast corner of E Street and 13½ Street if the latter were extended north across Pennsylvania Avenue; then northerly from that point along a line forming a perpendicular to F Street, to the intersection of said line with the north side of F Street; then westerly along the north side of F Street to the northeast corner of the intersection of F Street and 15th Street, NW.; then northerly along the east side of 15th Street to the southeast corner of the intersection of 15th Street, New York Avenue, and Pennsylvania Avenue, NW.; then westerly along the south side of Pennsylvania Avenue to the southwest corner of Pennsylvania Avenue and East Executive Avenue; then southerly along the west side of East Executive Avenue to a point which would be the southwest corner of the intersection of East Executive Avenue and E Street; then easterly along the south side of E Street to the southwest corner of the intersection of E Street and 15th Street, NW.; then southerly along the west side of 15th Street to the point or place of beginning.

Subject to the limitation contained in the second sentence of this paragraph, the administration, protection and development of this national historic site shall be exercised in accordance with the provisions of the act of August 21, 1935. Unless provided otherwise by act of Congress, no funds appropriated to the Department of the Interior shall be expended for the administration, protection, and development of the Pennsylvania Avenue National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 30th day of September 1965.

STEWART L. UDALL,
Secretary of the Interior.

I concur:

LYNDON B. JOHNSON,
President of the United States.

SEPTEMBER 30, 1965.

PRINTING OF INTERIM REPORT ON SUDBURY RIVER, SAXONVILLE LOCAL PROTECTION, FRAMINGHAM, MASS. (S. DOC. NO. 61)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated August 26, 1965, from the Acting Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on Sudbury River, Saxonville local protection, Framingham, Mass., requested by resolutions of the Committee on Public Works, U.S. Senate.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

AMENDMENT AND EXTENSION OF THE SUGAR ACT OF 1948—AMENDMENT

AMENDMENT NO. 471

Mr. FULBRIGHT. Mr. President, the Senate will soon be asked to consider sugar legislation in the last few days of the session, as has happened so often in past years. The procedure is not unusual but the ramifications of this bill are far more significant than has been the case with previous sugar bills. This bill will freeze sugar import quotas in a set pattern for 6 years, with all of the equities and inequities the formula in the bill happens to create.

This time squeeze is symptomatic of the difficulties Congress has created for itself by trying to reconcile all of the conflicting interests involved in allocating foreign sugar quotas. The Congress is not qualified by temperament or expertise to set import quotas, but it has no choice under the present system. The system has been the cause of public embarrassment at home and violent reaction abroad. It carries both the seeds of scandal and revolution. When the public is confronted with a barrage of headlines about the activities of sugar lobbyists, as it has been for the last few weeks, there is little doubt about why the public has serious questions about this legislation. The sugar bill is the only major bill touching the lives of every American every day which is, in effect, written by the lobbyists. But who lobbies for the public interest? No one so far as I can see judging from the contents of the proposed legislation.

Perhaps the lobbyists have rendered a great public service this year. If the publicity given their activities results in some serious thinking in Congress about the inefficiencies and inequities of the way quotas are now allocated, the public, instead of their clients, could be the beneficiary. The only way to remove the stigma and the aroma created by Congress passing out sugar quotas to foreign countries is to put the responsibility for administering the system in the executive branch of the Government, where it belongs.

The Senate will be given the choice between approving a rigid sterile formula in the administration bill or revising in the patchwork allocations made by the House committee on the basis of unknown criteria. The members of the Senate Finance Committee are capable, intelligent men. But I doubt that many members feel particularly well qualified to decide on a country-by-country basis what such quotas should be from the standpoint of the Nation's foreign policy objectives and the interests of sugar consumers. Yet, members of the House Committee on Agriculture thought they were qualified to draw up a revised foreign economic policy for each of the producing nations. The results were predictable—with situations such as that of Argentina being cut by 42,200 tons, apparently because she failed to hire a lobbyist and relied on diplomatic channels to make her case.

This is not the way to protect consumer interests or advance our foreign policy objectives. Foreign quotas should either be set on the basis of criteria taking into account foreign policy considerations or we should buy sugar at world prices. Under the present system, we do neither.

I am submitting an amendment today which, if adopted, will lead to establishing an allocation system to rid the Congress of this legislative monstrosity and place the responsibility for fixing foreign quotas in the executive branch.

My amendment would accomplish these two things: First,, increase the domestic marketing quota by 580,000 tons, as requested by the domestic industry and as recommended by the administration and approved by the House committee; and second, request the President to submit to the Congress by April 30 of next year recommendations for legislation to establish within the executive branch a permanent system for periodic allocation of foreign quotas. The criteria for the system would be based on supplying consumers with adequate amounts of sugar at reasonable prices and effectuating the foreign policy objectives of the United States.

The Sugar Act does not expire until the end of 1966 and with the increase in the domestic marketing quota, there is no need for foreign quota legislation this year. The Secretary of Agriculture can continue to set quotas administratively next year, as he has for this year. The stipulation in the amendment that the President submit his recommendations for a permanent allocation system to the Congress by April 30 will insure that there is ample time for careful consideration of his proposals prior to what is expected to be an early adjournment next year.

I hope that Members of the Senate and especially the Finance Committee will give careful consideration to my amendment which I intend to offer in committee at an appropriate time, and I submit an amendment and ask to have it referred to the appropriate committee.

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

The amendment (No. 471) was referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILL

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the names of Senator RUSSELL of South Carolina, Senator BIBLE, Senator HARTKE, and Senator MURPHY, be added as cosponsors to S. 2482.

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

Mr. LAUSCHE. Mr. President, this is the bill which contemplates making it a Federal crime for any person to physically interfere with the movement of military men, equipment, or property. It provides that whoever purposely and willfully physically interferes with transportation systems which are carrying military men, property, or equipment shall be deemed guilty of violating the dignity and the law of the United States.

It is rather imperative, Mr. President, that a bill of this type be adopted.

At Berkeley College, in California, within the next few weeks, there will be held an assembly of students, and probably many visitors, in connection with which, the word has gone out, there will be a march on transportation systems which may be carrying personnel, equipment, and military property to the seacoast, to be loaded on ships.

I regretfully say to my colleagues on the floor of the Senate that I have been calling the Defense Department and officials of the Department of Justice to have them give their opinion on the bill to the judiciary department.

I have not received a response which I feel is compatible with the significance of the bill. It has now been pending about 2 months, but still no opinion has been expressed.

Mr. INOUYE. Mr. President, on behalf of the Senator from Florida [Mr. SMATHERS], I ask unanimous consent that our very able and distinguished colleague, Senator JENNINGS RANDOLPH, of West Virginia, be made a cosponsor of S. 1602, legislation which will permit voluntary retirement of traffic controllers after 20 years of service and having attained the age of 50.

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

ADDITIONAL COSPONSORS OF AMENDMENTS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the names of the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Florida [Mr. SMATHERS] be added as cosponsors of the amendments I offered yesterday to S. 1861, to provide additional assistance for areas suffering a major disaster.

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

HEARINGS ON IMPROVEMENT IN JUDICIAL MACHINERY OF THE COMMITTEE ON THE JUDICIARY

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce that hearings will be held by the subcommittee on the U.S. commissioner system, with a view toward broad-scale reform and overhaul of the system.

The hearings will deal with every aspect of the commissioner system, and, among other things, will focus specifically upon the qualifications of commissioners, method of appointment, compensation and tenure, the petty offense jurisdiction of the commissioners, pretrial proceedings, and the issuance of process.

The first hearing is scheduled for Wednesday, October 13, at 9:30 a.m., in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement pertaining to this

subject should communicate with the Subcommittee on Improvements in Judicial Machinery.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

H. Moody Brickett, of Montana, to be U.S. attorney, district of Montana, term of 4 years—reappointment.

Leonard T. Heckathorn, of South Dakota, to be U.S. marshal, district of South Dakota, term of 4 years—reappointment.

Emilio Naranjo, of New Mexico, to be U.S. marshal, district of New Mexico, term of 4 years, vice Dave Fresquez, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, October 14, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATIONS OF FREDERICK LANDIS, OF INDIANA, TO BE A JUDGE OF THE U.S. CUSTOMS COURT

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 Thursday, October 14, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Frederick Landis, of Indiana, to be a judge of the U.S. Customs Court.

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 North Carolina [Mr. ERVIN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. CHURCH:

Address delivered by him entitled "The Education Decade in America."

IMMIGRATION ACT

Mr. ERVIN. Mr. President, now that the Immigration Act has been signed by the President and the furor surrounding it has subsided, I believe it is appropriate to attempt to place this historic legislation in its proper perspective.

In the course of the several months of hearings and floor debate during which time the bill was fashioned, many misconceptions and exaggerations of the probable consequences of enactment were disseminated by many of the proponents and opponents. This is true not only of the bill itself, but also of my amendment to it which would place a ceiling on immigration from the Western Hemisphere.

The following points should be emphasized:

First. The act does abolish the national origins quota system, a fact which I regret; but it also does not necessarily have the effect of changing our historic population pattern.

Second. The act does not open the floodgates. On the contrary, it restricts immigration to those who have families already in the United States and to those who can contribute to the culture and economy of our country.

Third. My amendment will not reduce immigration from the Western Hemisphere. Rather it will stabilize hemispheric immigration to a maximum of its present rate or slightly above.

Fourth. My amendment does not discriminate against our neighbors in this hemisphere. As a matter of fact, they will receive a maximum quota far out of proportion to their share of the world's population. However, it does have the effect of eliminating, to a large extent, our historic discrimination which favors the nations of the Western Hemisphere as against all the rest of the nations of the world.

Mr. President, in order to make these matters clear, I ask unanimous consent that the following articles and editorials be printed at this point in the RECORD:

"The End of Quotas," an editorial from the October 1, 1965, edition of the Washington Star; "ERVIN Takes Lone Immigration Stand," an article by James K. Batten from the September 23, 1965, edition of the Charlotte Observer; "Immigration Bill Backed by ERVIN," an article by the Washington bureau of the Winston-Salem Journal appearing in that newspaper on September 23, 1965; "Immigration Curbs Indicated," an article by Richard L. Strout from the Christian Science Monitor of September 20, 1965; "ERVIN Makes Constructive Choice," an editorial from the Durham Morning Herald of September 27, 1965; and "An Historic Liberalization," an editorial from the Greensboro Daily News of September 26, 1965.

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

[From the Washington (D.C.) Evening Star, Oct. 1, 1965]

THE END OF QUOTAS

There are several things that the new immigration bill is not. It is not a special kind of civil rights bill, as Senator SPESSARD HOLLAND seems to believe. Nor is it the startling liberal innovation that Senator ROBERT KENNEDY has made it appear.

Commonsense, nothing more or less, impels the Nation to set up an immigration law based on family relationships and personal skills rather than national origins. There is nothing radical about this. Indeed, the only radicalism attending Senate passage of the measure was the spectacle of Senators HOLLAND and KENNEDY reaffirming their personal views on racial equality—something neither man really had to do.

Aside from this exchange, however, some pertinent things were said about the bill itself—both by Senator SAM ERVIN and the bill's manager, Senator KENNEDY of Massachusetts—that give it the luster of practicality.

Immigrant preference would go first to close relatives of American citizens. Secondary preference would be given to skilled individuals whose talents are needed in the American labor market. Some unskilled laborers and refugees would be admitted under the new system. But the ceiling on all immigration practically guarantees that the United States will never become a depot for a flood of undesirables.

More controversial is the provision imposing a special ceiling on immigration from our own hemisphere. But, again, the provision is more equitable than it seems. The numerical restriction on Latin and Canadian immigrants is only 50,000 less per year than restrictions on the rest of the world. The bill actually favors New World immigrants, but not so much that Latin America's population explosion will bring great waves of immigrants to our shores.

This is not a flawless piece of legislation. Some provisions, particularly those dealing with the reuniting of families according to closeness of kin, are confusing. But, as Senator ERVIN expressed it, the bill does not open the floodgates. The abolition of impersonal restrictions (as expressed in the quota system) is paired with the tightening of personal restrictions. And the result, which President Johnson plans to sign into law on Sunday, is about the best bill obtainable.

[From the Charlotte (N.C.) Observer, Sept. 23, 1965]

ERVIN TAKES LONE IMMIGRATION STAND

(By James K. Batten)

WASHINGTON.—Senator SAM J. ERVIN, JR., found himself stuck out in the cold with his principles Wednesday as the Senate approved a significant new immigration program that he had helped fashion.

The vote was 76 to 18, but 14 of the naysayers were southerners. His North Carolina colleague, B. EVERETT JORDAN, was among them, as were the two South Carolinians, DONALD S. RUSSELL and STROM THURMOND.

ERVIN, who has established himself in the Senate as something of an expert on immigration, admitted after Wednesday's vote that he felt a little lonely.

"But I was the only southerner who went to the subcommittee hearings and tried to do something about the bill while the battle was on," he said.

During those hearings and afterward, ERVIN managed to win acceptance for a limitation of 120,000 immigrants a year from the Western Hemisphere—the first such limitation on immigration from the Americas in the Nation's history.

Like the southerners who voted against the bill, ERVIN wanted to retain the old national origins quota system, which favored immigration from the countries of Western Europe that helped populate America in the first place.

But from the beginning, it was clear that the national origins system was doomed this year.

The bill would abolish the controversial national origins system but restrict for the first time immigration from Latin America and Canada. A fight is expected in a conference over the restriction, a move rejected in the House.

The Senate bill provides an annual quota of 170,000, an increase of 11,439, for non-Western Hemisphere immigrants, with no more than 20,000 from any single nation.

It sets a ceiling of 120,000 a year for Western Hemisphere nations, an overall total with no country-by-country limitation.

In last Friday's debate, ERVIN explained to his colleagues that two possible courses of action had presented themselves:

"The first was that I might concentrate my efforts in a forlorn fight to preserve the national origins quota system and suffer defeat in such fight without rendering any service to my country, other than that of loyalty to an ideal which I cherished.

"The second possible course of action which confronted me was to join with other members of the subcommittee in an effort to present to the Senate the best possible obtainable immigration law, curing the defects of the present law, without the retention of the national origins quota system.

"I felt that I could serve my country best by adopting the second alternative."

In working for the "best possible obtainable" law, ERVIN overcame efforts by the administration, particularly the State Department, to defeat his limitation on Western Hemisphere immigration.

The State Department argued that to impose such a ceiling would damage U.S. relations with Latin America. The Senate was urged to recognize the Nation's "special relationship" with its Western Hemisphere neighbors.

But ERVIN's rebuttal helped convince the Senate to impose the ceiling anyway.

"I submit that there is no relationship," ERVIN said, "which is closer or more 'special' than that which our country bears to England, our great ally that gave us our language, our law, and much of our literature.

"Yet under this bill my friends express no shock that Britain in the future can send us 10,000 fewer immigrants than she has sent on an annual average in the past.

"They are only shocked that British Guiana cannot send us every single citizen of that country who wishes to come."

As the debate wound to a close Wednesday, ERVIN was showered with tributes from the supporters of immigration reform.

Senator TED KENNEDY, of Massachusetts, the bill's floor manager, extended his "great appreciation and admiration for the Senator from North Carolina * * * it is a better bill because of his contributions."

ERVIN admitted that his vote Wednesday might not be popular in North Carolina. "They probably won't like it," he said, recalling that his mail had run strongly against the pending bill.

But critical citizens who responded to his letters of explanation, ERVIN added, uniformly backed his stand.

[From the Winston-Salem (N.C.) Journal, Sept. 23, 1965]

IMMIGRANT BILL BACKED BY ERVIN

WASHINGTON.—Senator SAM ERVIN came reluctantly to support of the immigration bill which the Senate passed yesterday, but in the end the Senator from North Carolina was one of the foremost supporters of the bill on the Senate floor.

The main purpose of the bill is to eliminate the national origins quota system which for many years has been the foundation of the Nation's immigration policy but which four Presidents have condemned as an embarrassment to the Nation before the world.

Senator ERVIN called himself yesterday "a great believer in the wisdom of the national origins quota system."

He has favored continuing the system, he said, and "frankly, I would still oppose its abolition if I had any hope of success."

SUPPORTS BILL

But he nevertheless voted for the bill as it passed, 76 to 18. Only five southerners joined him—Senators FULBRIGHT of Arkansas, SMATHERS of Florida, LONG of Louisiana, and GORE and BASS, both of Tennessee. All are Democrats.

Fourteen other southerners voted against the bill. They included Senator EVERETT JORDAN, Democrat, of North Carolina.

The Presidents who opposed the national origins quotas, and most of the Senators who voted to end the quotas system yesterday, object to the way the system has discriminated against immigrants from such areas as southern Europe and the Orient.

TWO COURSES

ERVIN said he saw nothing unjust in the system, but that it had become outdated because of exceptions to it, including special refugee laws. ERVIN said his realization that the quotas system would be eliminated by Congress left him a problem—and "two possible courses of action."

He explained:

"The first was that I might concentrate my efforts in a forlorn fight to preserve the national origins quota system and suffer defeat in such fight without rendering any service to my country other than that of loyalty to an ideal which I cherished.

"The second possible course of action * * * was to join in an effort to present to the Senate the best possible obtainable immigration law, curing the defects of present law without the retention of the national origins quota system."

HELPED REWRITING

"I felt that I could serve my country best by adopting the second alternative."

So several months ago ERVIN began working, within the Senate Judiciary Committee, to help rewrite the immigration proposal offered by the administration.

The result, ERVIN said yesterday, is "a good measure. * * * It is designed to restrict immigration to near relatives of those who are already in the United States * * * and to those persons who have something to contribute to the economic and cultural development of the United States."

ERVIN's foremost victory in the drafting of the bill was the insertion of an amendment limiting the number of immigrants the United States will accept from other nations of this hemisphere.

OPPOSED PLAN

The State Department opposed such a provision, even though Secretary of State Dean Rusk did agree that at some point, given a continuation of Latin America's population explosion, a limitation would have to be set.

Several days ago, after many private meetings involving administration officials, ERVIN, and other Senators, it was agreed that the Ervin amendment would be inserted in the bill and would stand without challenge by the administration on the Senate floor.

Senator EDWARD KENNEDY, of Massachusetts, the floor manager of the bill, was among the last to give in to the agreement.

But yesterday, KENNEDY praised ERVIN for his cooperation, and so, too, did Senator PHILIP HART, of Michigan, original sponsor of the bill. ERVIN had been "magnificent" in his work on the bill, HART said.

[From the Christian Science Monitor, Sept. 20, 1965]

IMMIGRATION CURBS INDICATED

(By Richard L. Strout)

WASHINGTON.—Over the opposition of the Johnson administration, the Senate apparently is headed toward applying immigration restrictions to the Western Hemisphere, including Canada and Mexico.

The House approved such a provision by a teller vote, but later narrowly defeated it on a rollcall. The Senate now has the House bill.

Latin America has the fastest growing population on earth. It would be unfair, some Senators argue, to reduce immigration from the United Kingdom by one-third, as the proposed system requires, while continuing unlimited immigration from Latin America.

The proposed bill kills the 41-year-old national origins system and substitutes a new formula which its sponsors call nondiscriminatory.

RESULT IN DOUBT

As first written, however, it discriminated against the rest of the world to the advantage of the Western Hemisphere, for it was only here that no numerical limits applied.

The State Department opposes restrictions on Latin America, arguing that the latter has a special relationship. President Johnson supports the stand. The strength of House-Senate opposition to the big loophole apparently has surprised the administration. The result is still in doubt and could be decided in conference.

In any case, immediate restrictions on Canada would not be applied. There will be a 3-year waiting period while Western Hemisphere immigration is studied by a commission of demographers.

Ultimately, under the plan, a ceiling of 120,000 immigrants would be applied to the entire Western Hemisphere, exclusive of parents, spouses, and children, to take effect July 1, 1968. How this total would be divided among Canada, Mexico, and other western nations is undecided.

RESTRICTION DEMANDED

Restriction on the Western Hemisphere is the condition on which Senator SAM J. ERVIN Jr., Democrat, of North Carolina, bases his support for the pending measure.

Senator EDWARD M. KENNEDY, Democrat, of Massachusetts, sponsor of the compromise bill has reluctantly accepted it.

Mr. ERVIN rejects the argument that Latin America requires a special relationship. "I submit that there is no relationship," he said, "which is closer or more 'special' than that which our country bears to England, our great ally that gave us our language, our law, and much of our literature.

"Yet under this bill my friends express no shock that Britain in the future can send us 10,000 fewer immigrants than she has sent on an annual average in the past. They are only shocked that British Guiana cannot send us every single citizen of that country who wishes to come."

The old national origins system of quotas has, in fact, broken down. Only about a third of present immigration enters under it. The big loopholes are immigration from the Western Hemisphere, refugees, and special "hardship" cases advanced in thousands by Congress.

INCREASE OF 60,000

The population of the United States increases annually, without immigration, about 3 million a year. Unemployment has averaged around 5 percent for some years. The new bill would ultimately allow an estimated 355,000 immigrants a year, though some place it much higher. This is about 60,000 more than the present immigration.

The new total would break down as follows: 170,000 given to the world exclusive of the Western Hemisphere. This would be allocated at no more than 20,000 to a country on a first come first served basis.

Thus England, which has been sending 30,000 immigrants a year, would be cut to 20,000.

Next, some 60,000 "immediate relatives" would be admitted to reunite immigrants with families left behind. Finally, a proposed ceiling of 120,000 would go to the Western Hemisphere, plus a category of "immediate relatives." Mr. Kennedy thinks this would add up to around 355,000.

BILLS ADMIT THOUSANDS

Such figures however are theoretical. Individual Congressmen are eager to aid constituents by passing special legislation for "hardship cases." These amount to thousands anually.

Senator ERVIN stresses the need of controlling Latin American immigration which, he argues, threatens to "double" every year. It has increased 400 percent in the past 10 years, he says.

Canada is feeling the drain of highly trained professional people, he says. "For every professional person who migrates to Canada," he says, "two leave."

Asiatic exclusion was a red-hot issue in the 1870's and 1880's. Congress first barred Chinese laborers in 1882. Sponsors of the pending bill argue that they are dropping anti-Asiatic discrimination. Actually, it is likely to be carried forward administratively, rather than by the much-criticized quotas.

[From the Durham (N.C.) Morning Herald, Sept. 27, 1965]

ERVIN MAKES CONSTRUCTIVE CHOICE

Senator ERVIN made a choice on the immigration bill that southern Senators and Congressmen have traditionally resisted.

He saw two alternatives: All-out negative opposition to a measure he opposed or grudging support given in return for revisions reflecting his views and those of his constituents.

Southerners have faced these alternatives for years, especially in civil rights issues. Repeatedly they have chosen bitter end opposition. They have wasted their time and talents in a resistance for resistance's sake that has produced nothing except personal political advantages among their own electorates.

There are, of course, important issues that leave a Senator or Representative no choice except to go down to total defeat with all flags flying. But the number of such issues is small. And the leather lunged cries of "never" by bitter-enders in the Congress have more often than not simply made defeat for the views of their constituents total as well as inevitable.

Senator ERVIN's objections to the immigration bill were undoubtedly shared by a majority of North Carolinians. Some of his technical objections eventually were shared by advocates of the bill from other States. It would have been easy for Senator ERVIN to do as other southern opponents did, to shout his undying opposition to the bill and store up yet another issue to show the folks back home how he had carried on for them against unnamed forces of evil.

Instead, the Senator chose to try to modify what he felt was objectionable. And having won modification, he recognized his responsibility to show by his vote that the final Senate version of the bill reflected views he represents.

This approach can be hard to explain on the stump back home. It offers none of the stemwinding possibilities so long utilized by the professional veterans of lost causes.

But there is no question of whether Senator ERVIN or the nay sayers served their States best in the case of the immigration bill. They added to their personal records. He added to a law.

[From the Greensboro (N.C.) Daily News, Sept. 26, 1965]

A HISTORIC LIBERALIZATION

Reform of America's archaic immigration laws now appears certain. Both House and Senate have passed bills that would abolish the 41-year-old national origins quota system, replacing it with equitable standards for the admission of immigrants; the House-Senate conference will be under heavy pressure from President Johnson to draw up a compromise measure as quickly as possible.

The 1924 law is patently discriminatory. Though it places no restrictions on immigration from Canada and Latin America, it imposes a limit of 150,000 immigrants each year on the rest of the world. Each country is assigned a quota, now based on the ratio to 150,000 of the number of persons of that national origin in the 1920 census. Thus, for example, the United Kingdom has regularly been assigned a quota of about 65,000; it corresponds to the 1920 census, in which 45 million of the 105 million Americans had British origins.

That figure alone reveals the intent of the bill: in 1920 the population of the United States was predominantly northern European in origin, and Congress wanted to keep it that way. The purpose of the bill was to restrict immigration from southern Europe and Asia by basing the quotas for those areas on their relatively small representation in 1920 census.

Thus Italy has had an annual quota of approximately 5,600; Greece, 300; Hungary, 900. In each of these instances and others, thousands of potential immigrants have been turned away—many of them seeking to join their families in the United States, others possessing valuable skills and talents. At the same time Great Britain has never met its quota; the closest it came was in 1946, when 33,552 Britons immigrated to the United States.

The inequity of this law—and its implied insult to the low-quota nations—has long been apparent. President Kennedy, the grandson of Irish immigrants, recognized the problem and outlined it in a small, posthumous book, "A Nation of Immigrants." The bill now on the verge of final passage was proposed during his administration, then endorsed and introduced by President Johnson.

In its House version, the bill conforms closely to the Johnson proposal. It continues unrestricted immigration from Canada and Latin America, and sets a maximum of 170,000 a year from the rest of the world. No country would be allowed more than 20,000 immigrants a year; that is, the sole limitation on nationality. Instead of gaining entry on the basis of the happenstance of his birthplace, a potential immigrant would have to convince U.S. authorities that he would be a valuable citizen. Close relatives of American citizens would be admitted without numerical restriction.

The Senate bill includes all these provisions and one other; it restricts Western Hemisphere immigration to 120,000 a year. That restriction is the creation of Senator SAM ERVIN, one of the few Southern Senators to vote for the bill; he argues that there is no "special relationship" between the United States and Latin America or Canada that surpasses the "special relationship" with Great Britain, and that therefore special privileges for Latin Americans or Canadians are unjustified.

Despite the justifiable concern of the State Department over the potential political impact of this provision, the arguments against it are not on balance convincing. If immigration should not be determined by national origins, why should it be determined by foreign policy or vague assertions of "special relationships"? Complete fairness demands that all be treated alike; whether 120,000 is too low or too high can be debated, but establishing a maximum does not seem unreasonable.

The Western Hemisphere restriction is far less important, however, than the broad and historic liberalization of American immigration law. Whatever compromise is finally approved, if it includes the basic elements of the Johnson proposal it will be welcome.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Small Business of the Banking and Currency Committee be permitted to meet during the session of the Senate today.

Mr. DIRKSEN. Mr. President, with great reluctance, I feel that I must object.

The PRESIDING OFFICER. Objection is heard.

DEACTIVATION OF SIX RESERVE DIVISIONS AND OTHER UNITS OF THE ARMY RESERVE

Mr. STENNIS. Mr. President, is the Senate still transacting routine morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I have an extraneous matter, not on the subject pending, and if no other Senator has anything in the nature of morning business, I ask unanimous consent, when other Senators have completed their morning business, that I be allowed to proceed for 18 minutes to present this matter, and that it not count as one of my appearances on the motion to take up.

The PRESIDING OFFICER. It will not count as a speech.

Mr. STENNIS. Mr. President, I ask unanimous consent that it not count as one of my appearances and that I be allowed to proceed for 18 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Mississippi is recognized for 18 minutes.

Mr. STENNIS. Mr. President, I have received many inquiries from Senators, as well as Representatives, and many citizens in the country at large, for information and comment on the recent announcement of Secretary of Defense McNamara with reference to deactivating six Reserve divisions and other units of the Army Reserve.

As I was the one who acted as chairman of the Defense Appropriations Subcommittee and also presented the bill on the floor of the Senate, which bill then went on to conference, where I was a conferee, I have a special responsibility, I believe, to the Senate on that subject, and I propose at this time to give a factual statement with reference to the entire matter which has been before Congress for the entire calendar year.

In a news conference last Thursday, September 30, the Secretary of Defense, Mr. McNamara, announced the disbanding of 750 Army Reserve units. After stating that Deputy Secretary of Defense Vance had appeared before a House Armed Services Subcommittee that morning and discussed the plan—meaning the plan to reduce the Reserves—Mr. McNamara said:

I think it is fair to say that they look with favor upon it.

Later in the same news conference, Mr. McNamara was asked questions and gave answers as follows:

Question. Mr. Secretary, did you get as favorable a response in the Senate to this plan that you apparently got in the Hébert committee this morning?

Secretary McNamara. Well, we haven't met with committees of the Senate in quite the same way as we did with the Hébert committee this morning, but those Members of the Senate with whom we have discussed it, I think, have responded as favorably as did Members of the House. Cy, is that a fair appraisal, do you think?

Question. That presumably includes Senator Stennis?

Secretary McNamara. I don't want to speak for individual members of the committee. I would rather you talk to him directly. Let me simply say we have talked to Members of the Senate, leaders of the Senate, in the Armed Services and Appropriations Committees and they have received the plan favorably. But I don't want to speak for any particular one of them. I think each of them might put some particular interpretation on his own appraisal of it and you should get it from him.

I do not know just whom Secretary McNamara intended to include as "leaders of the Senate, in the Armed Services and Appropriations Committees," but I assume he refers to the Senate conferees on the Defense appropriations bill and the members of the Senate Armed Services Committee who held hearings on this Reserve-Guard merger question. This would include the following Senators: Hayden, Russell, Hill, Ellender, McClellan, Stennis, Saltonstall, Young of North Dakota, Smith, Byrd of Virginia, Symington, Jackson, and Thurmond.

To ascertain the correctness of the Secretary's statement that the "leaders of the Senate, in the Armed Services and Appropriations Committees have received the plan favorably," I have personally talked with each of these Senators about the matter.

As to Senators Hayden, Hill, Ellender, McClellan, Young of North Dakota, Smith, Byrd of Virginia, Symington, Jackson, and Thurmond, I find that neither Secretary McNamara nor Deputy Secretary Vance, nor anyone for them, has ever mentioned this plan announced on September 30 to any of them in any form; that these Senators have not approved the plan, nor received it with favor; and, in fact, that these Senators had not heard of the plan until Secretary McNamara announced it last Thursday.

The remaining Senators of the group are Senators Russell, Saltonstall, and Stennis.

I have learned from Senator Russell that he was seen by Secretary Vance and this plan regarding the Army Reserves was discussed, along with other matters, but was not fully broken down or fully explained. Senator Russell tells me he did not approve the plan, nor did he "receive the plan favorably" in any way. Senator Russell has authorized me to repeat our conversation to this effect.

Senator Saltonstall was also visited by Mr. Vance, but he tells me that he neither approved the plan, nor "received the plan favorably." Instead, Senator Saltonstall advised Mr. Vance to seek legislation if Mr. McNamara were still pursuing the merger idea, and to "put the bill in at this session." Senator Saltonstall has authorized me to quote him to this effect.

I hope it will be understood that I was merely interrogating on the idea whether these Senators had received the plan favorably, as Mr. McNamara reported.

That leaves Senator Stennis.

Mr. Vance came to my office and discussed this matter about a week before Secretary McNamara's announcement. Secretary Vance's primary emphasis was on the problem of training new men, but he discussed the plan to some degree. Mr. Vance had no written explanation of this plan, but he did have a single sheet of paper with a column of figures thereon which related altogether to training loads and did not describe this plan as to the Reserve; this paper is classified or I would print it in the Record. Mr. Vance mentioned the fact that they proposed to deactivate some of the low priority Reserve units. He made reference to several Reserve divisions. But certainly he did not at all make it clear in his discussion with me that they proposed to deactivate 55,000 men in the Army Reserve, or that six entire divisions were to be swept out. If he mentioned the figure "55,000," I thought it was related in some way to the overall training program for all new men, including the 240,000 new men for the Army. Had such a proposal to deactivate 55,000 spaces in present Army Reserve units, or to take out six divisions, been clearly made I would have vigorously challenged him instantly and on the spot as proposing something far out of line from what is permitted in good faith by the language of the appropriations bill and far beyond what the conference understood.

I did tell Mr. Vance that the Senate conferees had in mind that under the language used, they would have some discretion to cancel out some of the so-called low priority Army Reserve units because the language did not require the full number of 270,000 men for the Army Reserves at all times. However, in the same breath I told Mr. Vance, with emphasis, that the Senate conferees certainly expected Secretary McNamara to live up to the full spirit and letter of the language of the appropriations bill which called for a planned strength of 270,000 men in the Army Reserves and that this number should be there on June 30, 1966. I emphasized this requirement and Mr. Vance did not dissent.

Mr. Vance did not ask me to approve the plan. Nor did he suggest that I do so. Nor did he suggest that I "look with favor on it." Had he asked for my approval or suggested that I "look with favor on it," this would have sharply focused my attention and I would have immediately called for a full explanation in writing, of just what the proposal was, as I had done prior to the Senate-House conference on the appropriation bill in regard to the so-called 17-State plan then proposed before the conferees.

I have dealt with this matter. When there was talk a month ago about a 17-State plan when this matter was to come before the Senate-House conference, I declined to discuss that 17-State plan until a full outline had been put in writing by the Department of Defense. I wanted to know exactly what they would do and not do. One reason for that is that it is a very complicated matter. It is never easy for me to understand these complicated tables of organization. I got lost very readily, and still do, when they talk about a military personnel plan that involves many small, medium, and large military units. In any event, whenever there has been proposed what I understand is a real plan, I have required that it be put in writing, with numbers and figures, so we can all understand it.

Had this new plan or proposal thus been fully set forth, I would have seen immediately its full import and vigorously objected because it is not in keeping with the spirit of the appropriation bill and is a long step on the merger plan which was expressly rejected by the conferences on the Defense appropriations bill.

I refer now to a brief quotation on that point from the conference report itself, as filed with the House of Representatives on this very appropriation bill, with the express wording contained in that appropriation bill and with the comment on the Army Reserve.

Page 3 of the conference report refers to what was done and concludes as follows:

> It should be clear from this action that the realinement or reorganization of the Army Reserve components can be effected only through the enactment of appropriate law.

I wish to make clear that I am not suggesting that Mr. Vance acted in bad faith in any way. In our discussion at my office, I feel he acted in good faith. He did entirely fail, unintentionally, to make it clear that they planned a reduction in the Army Reserve units of anything like the proportions Mr. McNamara announced. My firm position that they, of course, would keep the strength up should have made my position fully clear to him.

Mr. McNamara has a responsibility, of course, regarding the Army Reserve program. He was fully within his rights and was discharging his responsibility in urging the Congress to merge the Army Reserve and the Army National Guard. The Congress heard and fully considered his testimony and refused to allow him to make the merger. This decision was the responsibility of the Congress. Now, it is clearly the Secretary's responsibility to take the law as enacted by the Congress to apply for fiscal year 1966, and to operate in good faith within the spirit and the letter of that law, the Defense appropriation bill.

Two sides can argue about the possibilities of the legal meaning of the word, but no one can deny the spirit and good faith of the entire matter all the way through.

This bill, recently enacted, absolutely forbids the Secretary from transferring funds from the Army National Guard to the Army Reserve account, or vice versa.

This law requires him to keep the Army National Guard up to a minimum of 380,000. This same law gives him a small measure of discretion as to the Army Reserve in that the language of the law does not require him to keep the total of the Reserves up to 270,000 all the time—but it does demand a planned end strength in good faith that will bring a total of 270,000 Reserves at the end of fiscal year 1966.

Instead of a reasonable, modest move that would live up to this requirement, the Secretary brings forth a plan that immediately scuttles 55,000 places of the approximately 260,000 now on hand. At the same time, the Secretary says that he doubts that he can bring the manned strength back up to 270,000 by June 30, 1966. His statement on this point is a contradiction on its face of the positive mandate the Congress has given him. It is his obligation, of course, to adopt a plan that he thinks he can bring up or keep up to the 270,000 men, or very close thereto.

After consulting with competent military men, I am satisfied that the Secretary does not have to deactivate these 55,000 men in the Army Reserve. The plan announced by the Secretary of Defense on September 30, 1965, is not the most efficient nor the quickest way to increase the readiness of the Reserve forces. I have understood that another plan was processed by the Army general staff and presented to the Secretary, one which would have taken existing high-priority units, regardless of whether they were Army Reserve or National Guard, and increased their state of readiness. This alternate plan would take advantage of the condition of readiness as it exists in the units now, and build on it instead of going through a major reorganization with the inevitable loss of readiness that will result. The alternative plan would save time, would reduce the number of people brought in from civilian life, and would not turn out many military veterans who are trying to serve their country.

Most of these men to be released have been trained for 6 months or more by the Army. Many are well trained in hard technical skills. The Secretary of Defense says they are low priority units. I have found that the words "low priority" have no stigma, and that the phrase does not mean what it seems to mean, and that the term merely represents some kind of arbitrary dividing line. To illustrate the false meaning of the term, under the Secretary's classification, every single unit in the Georgia National Guard is classified as "low priority," while at the same time these same Georgia units have been winning more than their share of the citations for excellence.

There is no reflection on the fine Georgia Guard units in placing them in this category of "low priority," or to place them in this classification. They are above average.

In my opinion, the major purpose of this plan, announced on September 30, is not for training or retraining, or for military readiness. The major purpose of it is to begin a major scuttling of the Army Reserve.

I respectfully recommend that he reconsider his position; and, in view of the importance of this matter, I hope he changes his conclusions. The official orders have not been issued. Another plan in keeping with the language and spirit of the appropriation bill could easily be adopted.

There is far more involved in this hope than the mere adjustment of these figures for the fiscal year 1966. The same Secretary of Defense—and I feel kindly toward him—will be back before the Appropriations Committees next year, not only on the Army Reserve and National Guard matter, but on many other important matters. I do not want him to set the precedent of virtually ignoring the mandate of the Congress.

I do not attack the integrity of Mr. McNamara. In many ways his work is outstanding. But, in this case, I think he has let his intense interest overrule his judgment.

Also, Mr. President, I point out that the legislative branch of the Government is already playing a lesser and lesser role in the affairs of the Nation. With these enormous sums of money to spend each year and with the growing number of programs and the increasing amounts of money at the annual disposal of the many executive agencies, the Congress will soon be relegated to a mere figurehead unless it insists that its direction in money spending is fully carried out. I feel a special responsibility to fellow Senators on matters they partly entrust to me. But I feel an even greater responsibility under the Constitution of the United States to demand recognition for the legislative branch of this Government which is gradually but certainly losing its power, by being dwarfed and partly ignored by other departments of the Government. I expect to discharge my obligation to this body the very best I can, come what may.

One further word. The Secretary of Defense has issued more than one blast at the Congress for failing to turn over to him, without any strings attached, this Army Reserve-Army National Guard money so that he could put the merger into effect at once.

As I have been one of those in the Senate who has worked on this matter for several months, I hope that I am entitled to say a few words of counsel on this situation. Not only have I worked on this subject, but I am a constitutional officer in the legislative branch of our Government. My counsel is this:

If there are further blasts and criticisms of the Congress to be made on the Army Reserve-Army National Guard question from the executive branch of the government, let them come from the Chief Executive. He is the one in the executive branch under our Constitution who has the responsibility to deliver messages to the Congress and to comment on their actions. This power also rests with the people. But I do not find where a lesser official in the executive department has this responsibility.

I refer to one illustration, with only kind personal feelings toward Mr. McNamara.

On September 16, at a press conference, he was asked this question:

> Mr. Secretary, as a result of the action yesterday of the House-Senate conferees, have you abandoned plans to merge the Army Reserve?
>
> Mr. McNamara. No.

When asked what he would propose, he started by saying this:

> I want to emphasize that the congressional action perpetuates unneeded, wasteful, useless units in our Reserve and Guard situation.

He goes on for three paragraphs of kindred criticism about the conference report on the appropriation bill.

Mr. President, there were men on the conference who signed the conference report, who were on the Appropriations Committee when Mr. McNamara was in high school.

I want everybody to know that there are Members—and I do not include myself; I am only a beginner—on the Appropriations Committee and the Armed Services Committee who have a vast practical knowledge of the operation of the Guard, Reserve, Army, Navy, Air Force, and all of the other questions of logic and commonsense that go with the operation of the Government.

I refer to the Senator from Massachusetts [Mr. SALTONSTALL], who is the senior Republican member of the Appropriations Committee and a member of the Armed Services Committee. I refer to the Senator from Maine [Mrs. SMITH], who is a member of the Armed Services Committee and the Appropriations Committee.

They have a fine knowledge of this subject matter, and I do not propose to stand silent on this subject or any subject and have a conference report, that members such as those have signed, maligned and held up almost to abuse.

That is fine-looking language, coming from the Secretary of Defense, to go out into their home States.

I do not find authority for the Secretary of Defense to attack a member, group, or conference of the legislative branch. Let those criticisms come from the President of the United States, if the executive branch sees fit to do so. He has the responsibility to advise Congress. He can comment on anything that we say or do, and he does. That is his prerogative and responsibility. Our responsibility is here.

This is only one instance. There have been many.

There is one thing that can come out of the entire matter that would be wholesome and good, regardless of what finally happens to the Reserve.

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

Mr. STENNIS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. STENNIS. We, the Congress, must learn from these trends. We, the Congress, must firmly determine in our own hearts that we, the Congress, are going to strengthen our legislative decisions and the wording of legislation. We must determine that this is necessary to cope

with the mass of unilateral decisions coming from the Pentagon and from other departments of the Government year after year. I refer particularly at this time to the proposed merger of the Army Reserve and the Army National Guard. I have no personal interest in it as such. I am primarily interested as a Member of this constitutional body with legislative responsibility.

Mr. McNamara did not come to Congress and ask Congress to let him merge those two great organizations. He told us he was going to do it. His position was that it did not require legislation. I asked him from the beginning where he was going to get the money. But no, they were going to merge those two units.

What I have said about the legislative branch asserting itself, of course, applies to the House of Representatives; and what I have said about the ability of those Members of the Senate and their long training, activity, and responsibility, applies with equal commendation to the House of Representatives.

Inasmuch as I have been one of those Senators who worked on this matter for several months, I hope that I am entitled to say a few additional words of counsel. My further observation is this:

I hope that we can let this matter settle down and let both the Army National Guard and the Army Reserve know where they are, and let them get busy, without the loss of further days, in actual preparedness for developments which may come in the year ahead and in years to come. Let us deliver both the Guard and the Reserve from the state of terror which has held things at a standstill for a full year and which continues to do so. No effective planning can be done. All construction programs have been stopped. From the officials in the Pentagon to the newest private in the smallest unit in the field—no one has known and no one knows now just where he is.

I call this to the attention of Senators to establish for the record what has happened, for a factual statement of the case, and with the special urging that the Secretary of Defense reconsider his position and follow a plan more in keeping with the full letter and intent and good faith of the appropriations bill.

My prayer is, further, that Congress assert itself with more vigor and that this proposal be allowed to rest while we plan for greater preparedness.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may speak for 1 minute.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana on his time.

Mr. LONG of Louisiana. I congratulate the Senator from Mississippi upon the fine statement he has made. I have not had an opportunity to study the problem, but the Senator from Mississippi makes a good point. In these days, when we have a strong President, it is even more important that the legislative branch measure up to its responsibility than would have been the case in the days when we did not have a strong President.

Under the separation of powers doctrine, it was always intended that each branch of the Government should discharge its responsibilities, and that one branch should not submerge another.

As the Senator has so well suggested, if the Executive wishes to override the legislative branch, it ought at least be the President who does so, not a Secretary.

Mr. STENNIS. The President's criticism of anything we do is constitutional and, I believe, is generally acceptable in this body, whether we agree with his conclusions or not. But I believe we must stand up and cut off all the other activity; otherwise we shall be engulfed, overruled, downgraded, and discounted before the public.

Mr. LONG of Louisiana. I thank the Senator from Mississippi.

"GRANDMA" BRENNAN—A PIONEER LADY

Mr. HRUSKA. Mr. President, in these days of increased longevity, perhaps a 90th birthday is not the rarity it once was. Yet, today, I want to call the Senate's attention to a very important 90th birthday that was observed by a gracious pioneer lady in Omaha a few weeks ago.

She is Mrs. James F. Brennan, Sr., and those of us who have been her neighbors know her as "Grandma Brennan."

I am indebted to Mr. William C. Fogarty, Jr., a former Omaha newsman now on the staff of the St. Louis Chamber of Commerce, for furnishing me some of the details of this remarkable lady's life.

Mrs. Brennan was a pioneer to the Nebraska territory at a time when the Indians were in close residency in our mutual neighborhood. An immigrant from Essen, Germany, where she was born in 1875, she came to Omaha with her parents, Phillip and Louise Schleuter with her sister Helen and brother William in 1881.

Two other children were born to the family which settled at 1921 South 18th Street in Omaha. They were John and Louise Schleuter who reside there at present. Mr. Schleuter and his wife were offered purchase of a tract of land which is now 16th and Dodge Streets in the heart of downtown Omaha, but preferred instead—being farmers—a more outlying tract at the present address.

Her childhood was marked by recurrent visits from a tribe of Indians of undetermined origin who occupied native land in a wooded section which is now 22d and Center and an area south of Center. With no definitive research I would mark the tribe as either Omaha, Mandan, or Pawnee.

Many times as a child she would enter the family garden to be confronted by a stalwart Indian brave or chief seeking tobacco or coffee. The family, poor though they were but bred with the feeling of neighborliness, aided their Indian neighbors as best they could—not through fear—Phillip Schleuter was a former German Army corporal of Prussian extraction, but through a genuine desire to be good citizens in a wild but promising land.

It is indicative that Phillip Schleuter took out his citizenship papers upon the first day that he became eligible for this honor. He treasured this gift throughout his life and broke all ties with his fatherland, refusing even to correspond with relatives in his native Germany. "We are Americans now. This is our country," he was known to say.

In 1896 Gertrude Schleuter married James F. Brennan at St. Joseph's Church. This German national congregation was formerly a part of St. Mary Magdalene's where Mrs. Brennan went to school as a girl. Mr. Brennan was a native New Yorker of Irish extraction who arrived in Omaha in 1888.

He established a plumbing company there and held card No. 1 in the Plumbers Union until his death in 1945.

Mrs. Brennan was instrumental in an incident which occurred in Omaha in the late teens. Two Negro laborers who worked for Mr. Brennan as diggers came to the back door of the home to receive their wages. There had been a race riot in the city in which a Negro had been lynched. The men were quite fearful but needed their wages badly for their families. Mr. Brennan paid them but Mrs. Brennan added three words: "Go with them."

Wearing a revolver nakedly in his belt, he accompanied each of them to their homes and their terrified families, giving comfort and assurance that no harm would befall them. Many men who encountered Mr. Brennan and his Negro employees on the Omaha streets that night recalled it in much the same manner: "I would not stand to Jim Brennan that night."

Mrs. Brennan has 9 living children, 25 grandchildren, and 35 great-grandchildren. Her mother lived to be 93 years old and died in 1942.

The family has, of course, intermarried into the vast conglomeration of nationalities to which Omaha owes its greatness. Family reunions, which now require rather large halls to pay tribute to Mrs. Brennan, include Czech, Polish, Irish, German, Hungarian, and English.

Mr. President, the Brennan family and the Hruska family were neighbors for some 20 years. We lived a scant 2 blocks from the Brennan place. It is with fondness and with real sentiment that we view the arrival of the 90th birthday.

Notwithstanding this close personal relationship, thoughts which are uppermost are along these lines: Here is a personality which has witnessed the growth of Nebraska for its entire history with the exception of the first decade and a half, and has made a mighty contribution in the building of the Cornhusker State.

It is to lives and dedication such as this that Nebraska and the entire Nation owe their strength, vigor, and richness.

MAN OF THE YEAR

Mr. BARTLETT. Mr. President, the sea is Alaska's lifeline. While truck freight is increasing, the sea remains the State's main artery for shipping out and receiving goods and materials needed to support a growing economy.

As president of the Puget Sound Tug & Barge Co., of Seattle, John H. Lee has helped develop ways to improve service between the lower 48 and Alaska. Specifically, he played important roles in promoting such innovations as hydrotrains and big tug and barge combinations.

Alaskans appreciate his efforts. So do the reporters who cover the waterfront in Seattle. They named him the Maritime Man of the Year.

I ask unanimous consent that an article from the Marine Digest reporting Mr. Lee's honor be printed at this point in the RECORD.

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

JOHN LEE NAMED MAN OF THE YEAR

SEATTLE.—John H. Lee, president of Puget Sound Tug & Barge Co., was named Maritime Man of the Year by the Maritime Press Association at the group's annual banquet Wednesday night in the Arctic Club.

Lee was the 15th winner of the coveted annual award, given for the man who has done the most for the maritime industry in this area during the past year. The banquet is part of the celebration of National Maritime Week.

INNOVATOR

Lee won the award for his many years of service to the waterfront and his leadership in promoting innovations in the transportation field, most notably the Hydro-Trains, big tug and barge combinations which transport railroad cars of freight from any place in the United States to Alaska.

In addition to his job as top man at Puget Sound Tug & Barge, Lee heads several affiliated towboat interests and is president of Puget Sound-Alaska Van Lines, operator of the Hydro-Trains.

CASTRO MUST GO

Mr. SMATHERS. Mr. President, I would like to bring to the attention of my colleagues a most perceptive speech given by my very able and distinguished friend, the senior Senator from Connecticut, Mr. DODD at a dinner in Miami, Fla., on October 4 attended by more than 35 Cuban refugee organizations.

In his speech, Senator DODD stressed the significance of the large number of people who have fled Cuba since the Castro takeover and pointed out that the free peoples of the world "have failed to comprehend the historic significance of the massive exodus of refugees from every country that has fallen under Communist control."

I ask unanimous consent that Senator DODD's talk be printed in the body of the RECORD at this point of my remarks, since this very enlightening and excellent speech entitled "Castro Must Go" will be of interest to all of us.

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

CASTRO MUST GO

(Remarks of Senator THOMAS J. DODD before dinner tendered by Cuban refugees in the United States, Miami, Fla., October 2, 1965)

Dr. Freyre, leaders of the many Cuban organizations who have honored me with your presence tonight, veterans of the unfinished business begun at the Bay of Pigs, fellow citizens of the Americas:

It is with gratitude and a sense of profound humility that I accept this award from you.

It is an award which has all the more significance for me because it comes from people who know the meaning of freedom.

Indeed, those who give me this award know the meaning of freedom far better than most of the citizens of our hemisphere because they have given up all they possess to escape from the tyranny that now reigns in their beloved country.

Moreover, the Cuban refugees in our country today did not escape for the simple purpose of finding a better or more comfortable life within our free society.

Your presence at this meeting constitutes still another proof of your dedication, and of the dedication of all Cuban refugees, to the ultimate liberation of their suffering country.

Recently I have read articles by correspondents of some reputation informing us that the Cuban people have made progress under communism, that Castro has conferred upon them a national dignity which they did not previously possess, and that intellectuals, workers, and peasants are all united in their attachment to the regime.

In addition, there has, as you know, been a number of television programs which have in a very similar manner hailed the fraudulent advances claimed by the Castro regime and ignored all the evidence of failure and tyranny and of massive popular discontent.

I find it difficult to understand how anyone who pretends to be an objective correspondent can write such drivel about Castro Cuba in the face of the fact that over the past 5 years almost half a million Cubans have fled from Castro's vaunted Communist paradise, very frequently at the risk of their lives.

THE FUNDAMENTAL SIGNIFICANCE OF THE REFUGEE PROBLEM

The many Cuban patriots who are present here tonight know what it means to be a refugee. But I am becoming increasingly convinced that the people of our own country and of other free countries have failed to comprehend the historic significance of the massive exodus of refugees from every country that has fallen under Communist control.

I am sure that if people had a true understanding of the refugee phenomenon, everything else would fall into place.

There would be no fuzzy talk suggesting that communism might be a legitimate expression of the revolutionary aspirations of the masses.

There would be far less of a tendency to stick our heads in the sand, like so many ostriches, and wish that Communist aggression and subversion would go away.

Communism would be accepted for what it is: the most total tyranny in the history of mankind, a tyranny impelled by the logic of its philosophy to practice aggression and subversion against all those nations that have not yet been subjugated.

And once we had accepted communism for what it is, we would, I am convinced, draw the necessary conclusions for the defense of freedom.

Why do the free peoples of the world still fail to understand the fundamental significance of the refugee problem for the survival of their own freedom?

They must be aware, because these facts have been printed many times in their newspapers and periodicals, that at the close of World War II, several million Europeans refused to return to their Communist-dominated homelands and that many hundreds of them committed suicide when the Western powers, in compliance with the Yalta agreement, sought to repatriate them forcibly.

They must be aware too, that since the close of World War II almost 4 million Germans have fled from the blessings of the so-called "people's democracy" imposed by the Soviets in the eastern portion of their country, and that, despite the Berlin Wall, hundreds of them risk their lives to escape every month.

They must be aware, as well—because this fact has been mentioned over and over again in the press—that when Vietnam was partitioned by the Geneva Convention in 1954, almost 1 million refugees took advantage of a very brief period of freedom of movement to flee from the Communist rule that was descending on North Vietnam. And they must know, too, that inside South Vietnam today there are another half million internal refugees who have fled from regions under Communist control.

They must know, too, of the million or more Chinese refugees who have fled to Hong Kong and Portuguese Macao; of the hundreds of thousands of Hungarians who fled into Austria and Yugoslavia before the Soviet Red Army sealed the frontier after the brutal suppression of the great Hungarian revolution of October 1956; of the several hundred thousand Tibetan refugees who fled across the difficult Himalaya Mountains after the suppression of their national uprising of 1957.

They may have forgotten, because these things happened many years ago, that during the Korean war 5 million out of the 14 million inhabitants of North Korea took advantage of the chaos engendered by the war to seek sanctuary from Communist tyranny in that portion of their country controlled by the United Nations forces.

They may also have forgotten, because of the lapse of years, that of the 25,000 Chinese and North Korean prisoners in our hands when the Korean war terminated, 20,000 refused to return to their homelands, despite the very strong family ties that prevail in the countries of the Far East.

Perhaps the people of the free world failed to comprehend the true significance of the refugee problem because the problem has now grown to such gigantic proportions that it has become a meaningless statistic.

I think this is unquestionably part of the explanation.

But there is more to it than this, because every once in a while the refugee problem is brought to life for us by dramatic stories involving the heroism and the suffering and the testimony of individual refugees who have escaped from Cuba or from other Communist countries.

All of you in this audience, for example, will recall the tragic story of Vincente Mayans, the sole survivor of a group of 18 Cubans who sought to escape from their country in a small boat in June of last year. One by one, Mayans' companions died from hunger and thirst and exposure in the 17 days they spent at sea. And Mayan's own wife died in his arms shortly before his boat beached in Jamaica and he staggered ashore and collapsed.

You will recall the story, too, of Louis Casas-Martinez, the first Governor of Camaguey Province under Castro, who escaped from a Castro prison and who arrived in Florida this last July 30, delirious and sunblistered after 12 days at sea.

And only last week there was a small item in our papers about 67 Cuban refugees, the majority of them women and children, who were picked up at sea by a Panamanian fishing vessel after spending 3 days without food or water.

These were some of the survivors of the perilous crossing from Cuba to Florida, through waters that have come to be known as "machinegun alley."

But there are far more who died in making the effort, than there are who succeed. Indeed, I have been told that there are three who perish for every one who makes it to safety.

A British skipper who makes frequent trips to Cuba told the United Press some months ago—and I quote him:

"Time and time again," he said "we come across small boats drifting helplessly. Inside, we find bodies riddled with bullets—men, women, and children.

"I have seen many bodies floating on the sea also.

"There is nothing we can do.

"We either try to sink the pathetic little boats, or just veer away.

"Often we see gunfire in the distance and when we get to the spot we find more murder. It is carnage."

Against this background, it is the height of hypocrisy when Fidel Castro now informs us that there is no need for refugees to risk their lives in small boats because his government does not place any obstacle in the way of those who wish to depart.

And it is the height of hypocrisy, too, when Castro pretends that the only thing that stands in the way of the peaceful departure of all those who wish to leave is our own hardhearted attitude.

Castro will deceive no one who knows the facts with this propaganda diversion.

It is a matter of record that the United States has, to date, opened its doors to 270,000 refugees from Communist Cuba, and that even in recent months the rate of entry has averaged 1,000 per month.

It is a matter of record, to, that when in the fall of 1961 the United States offered to send in planes to remove some 20,000 Cubans who were waiting to leave, it was Castro who refused this offer.

The record will also show that those who wish to leave Cuba with the permission of the regime have been obliged to leave behind all their worldly goods as a condition of their departure.

It will also show that, despite Castro's claim that his regime has placed no obstacles in the way of those who wish to depart, the process of granting permits has, in fact, been a highly selective one, so that some applicants have received their permits immediately while others have had to wait a year or more, or have been refused permits outright.

Castro now talks about permitting the close relatives of all Cuban refugees in the United States to depart voluntarily from a minor Cuban fishing port beginning October 10.

I think the State Department has hit the nail on the head in describing the language of his offer as "vague and ambiguous" and in stating that the terms of the offer "raise doubts about its seriousness."

The State Department has informed Castro that if he is really in earnest about reuniting Cuban families and saving Cubans from the perils of small boat crossings to Florida, there are channels through which the discussions can be arranged with a view to accomplishing this humanitarian objective.

I know there is much speculation about Castro's motives in making this offer.

Castro's embarrassment over the epidemic of small boat escapes and small boat disasters and his desire to score a propaganda point is unquestionably part of the reason. But there is reason to believe that he would also like to encourage the departure of parents and grandparents who have passed the age of productivity and have become a burden on his economy. In addition, Castro would probably like to get rid of some carefully selected disaffected elements—if only because his jails and his concentration camps are now filled to overflowing with anti-Castro Cubans.

But whatever his motives may be, I am pleased that the State Department has responded to Castro's challenge by throwing the challenge back to him.

I hope that, as part of his offer, Castro will now instruct his patrol vessels to cease the reckless machinegunning of refugee boats, which has turned the straits of Florida into the Berlin wall of this hemisphere.

If Castro's offer truly signifies a relaxation of his government policy toward would-be refugees, this is a development to be welcomed. But I remember that there have been repeated ups and downs in Castro's attitude toward those who wish to leave this country.

And I know that when Red China, under the pressure of a nationwide famine, dropped all restrictions on the movement of refugees into Hong Kong, the restrictions were reimposed with added severity as soon as China's internal situation had eased a bit.

While free citizens in our own country and other Western countries may marvel at the heroism and endurance displayed by the refugees from Communist tyranny, I still say that the full significance of the refugee problem escapes them.

They do not realize how difficult and painful it is to abandon your home and all that you possess, to leave behind your friends and loved ones, to tear up your roots, to forsake the land in which you have been born and which you love, for an uncertain future in an alien country.

Nor have our citizens given adequate thought to the fact that in modern times there have been only two types of tyranny—the Nazi tyranny and Communist tyranny—which have spawned refugee problems of massive proportions.

Among the countries of the Americas there have been many different kinds of autocracies and military dictatorships and personal dictatorships, the best of them half benevolent, the worst of them cruelly repressive. But apart from a relative handful of opposition leaders, these dictatorial regimes produced no mass outpouring of refugees.

Even the Trujillo dictatorship which, before the advent of Castro, was unquestionably the most tyrannical regime in the hemisphere, gave birth to nothing which remotely resembled the mass flight of anti-Castro Cubans.

Why is this?

The answer, I believe, lies in the fact that the traditional dictatorships of the past, as despotic and evil as some of them unquestionably were, nevertheless accorded their citizens a certain option.

The price of open political opposition under these regimes was frequently imprisonment or exile, and sometimes death. But the ordinary citizen was still able to live his life without personal harassment so long as he abstained from opposition to the regime. And so long as this was possible, the ordinary citizen, as the record of history will show, has almost without exception preferred to remain in his own country rather than becoming a refugee—no matter how much he might have disliked the regime in power.

But the Communist regime accords its subjects no such option. Under communism it is impossible to seek personal sanctuary in political neutrality. The Communist regime not merely denies the right of political opposition, but it demands the right to govern every aspect and every hour of the private lives of its subjects.

It demands of its subjects that they abandon their belief in God and substitute for it a belief in Stalin, or Mao Tse-tung, or Castro.

It takes away from parents the right to guide the education of their children.

It takes away from the farmers the right to till their own land and to sell their own produce.

It takes away from the workers the right to organize in unions of their choosing and to withhold their labor when they feel that they are being unjustly compensated or unjustly treated.

It takes away from the intellectual and the artist the basic right of self-expression, and converts them into cogs in the propaganda apparatus of the totalitarian Communist state. It utterly destroys their self-respect, demanding that they become instruments for their own abasement and for the enslavement of their people.

Everyone is told what to read and what to think and what to do. And the leisure time which people in other countries use to refresh themselves, mentally and physically, is superseded by compulsory brainwashing and indoctrination sessions.

No person, no matter how menial or how exalted his position, can escape from the merciless and relentless total dictatorship over personal life which is the unique hallmark of communism.

This is the significance of the refugee phenomenon. And this is the reason why millions of people have fled from Communist rule in every part of the world—and why the flight is always in the one direction and never in the other.

And this is the answer to all those irresponsible and fuzzy-headed correspondents who are taken on guided tours of Cuba and who then write tendentious accounts about the great progress achieved under the Castro regime and about the love of the Cuban people for the bearded monster who governs them.

ON MORAL NEUTRALISM

There are some who may concede that all that I have said here about the Castro regime is true, but they hold that this is none of our affair.

To these I reply that no man who considers himself a citizen of the free world can ignore the tyranny of Castroism, any more than he could ignore the tyranny of Adolf Hitler.

The possession of freedom is a blessing which imposes an unescapable moral duty on all those who partake of it. No man can be truly free who is not prepared, in the words of Thomas Jefferson, to swear "upon the altar of Almighty God, eternal hostility to all forms of tyranny over the minds of man."

Our society suffers from a rather widespread affliction which I have sometimes described as moral neutralism.

On the domestic plane, it manifests itself in the indifference of those citizens, who, in an appalling number of cases, have stood idly by while murder and rape were committed in their view.

On the plane of world affairs, it manifests itself in a parallel indifference to crimes perpetrated against entire peoples, not merely in far away Tibet or China, but right on our own doorstep, and almost within view of the United States.

Our moral neutralists may take comfort in the thought that he who does nothing is guilty of no crime. I do not think that history will judge them so lightly.

During World War II, a well known Lithuanian Jewish leader, by the name of Julius Margolin learned something about the reality of Soviet communism from the vantage point of a Siberian slave labor camp. When he was liberated, he wrote a book describing the incredible inhumanity to which he had been witness. And he concluded his report with these words: "And those who in reply only shrug their shoulders, I consider moral abettors and accomplices of banditry."

This, I believe, will be the verdict of history on the moral neutralists of our time.

THE DANGER OF A HEMISPHERIC VIETNAM

In my speech before the American Legion convention in Portland several weeks ago, I warned against the danger of a hemispheric Vietnam, with Dominican uprisings and Vietnam insurgencies occurring simultaneously in half a dozen or more Latin American countries.

I must confess that I was surprised by the reaction to my speech. Many people told me that I had pointed to a danger that they had not been aware of.

But it was not I who invented the concept of a hemispheric Vietnam. You will find this concept repeated over and over again in the recent literature of Castroism. Castro and his scribes openly liken the position of Cuba to that of North Vietnam. And they openly proclaim their intention of creating a condition of general insurgency throughout Central America and the South American Continent.

Every week brings additional evidence that Castro and his henchmen throughout the Americas are moving rapidly to put this plan into execution.

For example, the Latin American Times recently published a document put out by the Guatemalan Communist movement, which calls itself "the Revolutionary Movement of November 13," or "MR-13," for short.

More than any other document of the Latin American Communist movement which has yet been published, it spells out the aims of Castro communism and it underscores the immediacy of the dangers that confront the nations of the Western Hemisphere.

"The year 1965 will be of the greatest importance," says the document. "The Guatemalan Socialist movement will make an enormous leap forward * * * we must be prepared, arms in hands, with the revolutionary Marxist-Leninist policy and program which will enable the revoluntionary movement of November 13th to lead the masses to victory."

But the document does not confine itself to Guatemala. It calls for the establishment of a "federation of Socialist republics of Central America"; and it announces that invitations have been issued for a "guerrilla conference" embracing representatives of the guerrilla movement in Venezuela, Colombia, and Guatemala.

"This conference would have as its object," said the declaration, "the interchanging of experiences, forms of struggle and tactics, mutual support and the extension of guerrilla and revolutionary warfare to new countries of Central and South America."

When Castro was seeking power, he and his comrades were obliged to conceal their intention and pretend that they were simple nationalist revolutionaries or "agrarian reformers." But so brazen have the Latin American Communists become and so arrogant in the conviction that they are riding the wave of the future, that they no longer trouble to conceal their aggressive intentions.

It is the intention of MR-13, says the document "to implant in Guatemala, the power of the workers—the dictatorship of the proletariat—constructing a workers' state, oriented toward socialism * * *"

"No advance is possible," continues the declaration, "without arming the masses and without destroying the machinery of the capitalist state—that is, making a Socialist revolution as in Cuba."

The declaration scoffs at the inability of the United States to stem the tide of history. "The social impotence of North American imperialism," says the documents, "is completely apparent from its inability to overcome the socialist revolution in South Vietnam."

Such is the language of Castro communism today.

I recall that in the 1930's there were many people who were disposed to scoff at or to discount the remarkably detailed plans which Hitler spelled out in "Mein Kampf." They said that if Hitler really meant it, he would not have thus publicized his intentions in advance. How wrong they were.

"Mein Kampf" turned out to be a terrifyingly accurate blueprint for Hitler's actions through the 1930's and through World War II.

The declaration of the Guatemalan Communist movement constitutes a manifestation of Castro's intention as open and as brazen as the intentions that Hitler spelled out in "Mein Kampf."

Let us hope that we in the United States will not be foolhardy enough to ignore this manifesto of Castro communism as we ignored the manifesto which Hitler wrote into "Mein Kampf."

CASTRO MUST GO

In my speech before the American Legion convention, I said that there could be no real peace and no true social progress in the Americas unless Castro was eliminated.

I said that Castro must go and Cuba must be liberated.

And I further said that, given the assistance to which they are entitled, the Cuban people will prove to the world that they are capable of making their own Hungarian revolution.

But whereas the Hungarian revolution was put down, the coming Cuban revolution will not be put down.

For when the Cuban people rise up against the Castro tyranny, as the people of Hungary rose to a man against their own quisling Communist tyrants, Castro will not be able to count on the intervention of 5,000 Soviet tanks to save him from the retribution of history.

I realize only too well that a single speech cannot dispel all the public misinformation and confusion on the subject of Castro, or all the wishful thinking that still goes on in official circles.

If this confusion and wishful thinking is ever to be overcome, the facts about the Castro tyranny and about Castro subversion in the Americas will have to be restated again and again and constantly brought up to date; and those of us who are aware of the facts will have to shout hard enough and long enough and often enough to compel the attention of those who are not aware of the facts or who, knowing the facts, refuse to face up to all their implications.

Speaking as one Senator, I pledge to you that over the months that lie ahead, I will do everything in my power to bring the fact to the attention of the American people and the American Government, and to press for an affirmative policy designed to eliminate the cancer of Castroism and to restore freedom to our friends and allies, the brave people of Cuba.

I intend to address myself repeatedly to the theme that "Castro Must Go" on the floor of the Senate and in my public appearances, and as often as suitable occasions can be found.

I do not regard this as a personal crusade in any sense of the term.

I know that there are many Members of Congress who feel as I do about Fidel Castro and the menace of Castroism, who have already spoken up on the subject and who are prepared to speak up on it again.

It is my hope that these many Members of Congress, impelled by the growing urgency of the situation throughout the Americas, will now pool their talents and their energies in support of a positive program to expel Communist despotism from the hemisphere.

Let me conclude my statement to you with my closing words before the American Legion Convention: "Castro must go and Cuba must be liberated so that the countries of the Americas can together embark on that true democratic revolution which we in our country have pioneered, and which points the way to the future for all mankind."

A RESPONSIBLE APPROACH TO RESOURCE DEVELOPMENT

Mr. BARTLETT. Mr. President, the Conservation News, published by the National Wildlife Federation, carried an article this week entitled, "A New Dawn on Admiralty Island." This article, written by Will Johns, shows careful research and responsible reporting on a resource development proposal of the U.S. Forest Service which will mean a great deal to the people of Alaska.

The U.S. Forest Service announced last July an 8,750-million board feet, $25 million timber sale on Admiralty Island, Alaska. Admiralty Island lies within the Tongass National Forest which takes up most of southeastern Alaska, popularly known as the panhandle.

Mr. Johns' article discusses the criticisms to which the Forest Service has been subjected because of this announcement. More importantly, Mr. Johns points out the fallacy of these criticisms.

In his conclusion, Will Johns challenges the Forest Service to remain responsible in "applying multiple-use principles in not only the harvest of timber but also in the protection of other, equally important natural resources—soils, waters, fish, and wildlife."

Mr. President, I have supported the Forest Service down the line on the Admiralty Island timber sale proposal because of the careful preparation and incorporation of adequate safeguards they have written in each step of the way. I feel certain that the Forest Service will meet Will Johns' challenge and I, too, along with all the others concerned, will be watching carefully.

Mr. President, I ask unanimous consent that Will Johns' article, "A New Dawn on Admiralty Island" be printed in the RECORD at this point.

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

[From Conservation News, Oct. 1, 1965]

A NEW DAWN ON ADMIRALTY ISLAND

(By Will Johns)

Mention Admiralty Island in conservation circles these days and you will immediately set off four distinct, but interrelated, controversies. As never before, conservationists

are showing increasing concern over one of the largest islands in the southeast Alaska archipelago—100 miles long, 25 miles wide and containing 1,064,960 acres of land plus 11 lakes.

To some conservationists and sportsmen, Admiralty Island means only one thing—brown bears. Certainly these big game animals are Admiralty's most publicized resource. National outdoor magazines regularly feature hair-raising accounts of hunts for Alaska brown bears and to many hunters, bagging one of these trophies constitutes the thrill of a lifetime. Thus, any threat to the continued existence or welfare of these big bears, on Admiralty or anywhere else, arouses a great deal of interest and concern. But although Admiralty is a better-than-average spot for hunting the brown bear, there is a general misconception that the island is literally teeming with the big beasts. Actually, during 1963–64 a total of only 615 brown and grizzly bears were taken by hunters (most of them local residents) in all of Alaska and the average take from Admiralty Island is only 20–30 bears per year. The average cost of a bear hunt for a nonresident has been estimated at about $2,000, including transportation, guide services, licenses, food, lodging, etc.

Other conservationists view Admiralty Island almost entirely from a fish standpoint, either sport or commercial—and with good reason. The island contains 15 major salmon spawning streams, 11 of them producing 100,000 or more fish per year.

Still another group of conservationists view Admiralty Island as a prime site for outdoor recreation, much of it of the wilderness type. They look to Admiralty for the best in camping, hiking, nature study, and wild adventure. Some even recall talk down through the years of making the area a National park so that it could be preserved although 50 years ago such an idea was more prevalent than it is today. As conservation philosophy has matured, it has recognized that it is impossible to "preserve" nature and halt ecological progression.

Finally, Admiralty evokes an image of forests—of timber and pulpwood and other forest products. By far the greatest number of people, both within and outside of Alaska, recognize and concern themselves with Admiralty's vast forest resource. And since the island is part of the Tongass National Forest administered by the U.S. Forest Service, it should be obvious that the area is managed as much, if not more, for its timber resource than it is for bears or salmon. Alaska, of course, is famous for its forests and of its total of 21 million acres in national forests, some 16 million acres are included in the Tongass (of which Admiralty is but a part). Under the Forest Service's widely applied and generally accepted multiple-use concept, the Tongass and Admiralty have been, are now, and will continue to be managed so that all natural resources can be protected and perpetuated, at the same time, however, being put to the maximum possible use for benefit to man.

Some bear hunters, salmon fishermen and wilderness preservationists, nevertheless, view forest management and timber harvest plans with alarm. They view any woodsman who doesn't spare a tree as a destroyer of bear habitat, a prime cause of soil erosion which silts up salmon spawning beds, and a destroyer of natural beauty. For them, the sound of the axe, bulldozer, or chainsaw sounds as a death knell for the single resources in which they are interested, even as they read their newspapers or magazines (made from wood pulp) sitting in their easy chairs (made from hardwood bolts) before their fireplaces (burning logs) in warm homes (made from plywood or wood siding).

For those interested in Alaska and Admiralty Island, therefore, the news out of the Forest Service's region 10 headquarters in Juneau this summer came with the impact of a July thunderstorm. On July 30, indeed, the Forest Service of the U.S. Department of Agriculture announced plans to sell 8,750 million board-feet of timber on the North Tongass National Forest in southeastern Alaska. The offering will include merchantable timber stands on portions of the mainland south of Juneau, the west side of Admiralty Island, and two areas near Yakutat. It is the biggest timber sale in Forest Service history and perhaps the biggest ever offered anywhere in the world. The contract for the proposed sale calls for a 50-year cutting period and includes requirements for the installation of a wood pulp mill. Some foresters feel the sale, in addition, may also support a plywood mill, a sawmill, and perhaps a chipping mill operation, although these are not required in the initial bidding. The contract for the sale does provide that the plant, or plants, will be installed and placed in operation prior to July 1, 1971. Eventually, this single sale is expected to give the Federal Government a direct return of about $25 million and contribute a product value of over $750 million to the economy of Alaska.

"Plans for this sale have been long in the making," said Edward P. Cliff, Chief of the Forest Service, in announcing the sale. "It is a part of our long-range program to develop the use of national forests in Alaska. Previous 50-year timber sales have been made at Ketchikan, Wrangell, and Sitka during the last 14 years. These have resulted in substantial industries with major contributions to the economic base of the communities concerned." An amount equivalent to 25 percent of stumpage will be turned over annually to the State of Alaska for schools and roads. An additional 10 percent will be allotted to the Alaska region of the Forest Service for development or maintenance of national forest roads and trails. Cutting operations generally will be planned on a 5-year basis while detailed annual plans will specify timber to be removed, areas to be left uncut for enhancement of other resources, methods to be employed in timber removal for protection of soil and water values, and other provisions necessary for day-to-day logging operations. Specific contract clauses provide for the prevention and control of erosion on logged areas plus prevention of sedimentation and pollution of streams and lakes. Others provide for special care in logging or roadbuilding near areas used by wildfowl or brown bears as feeding areas; protection of esthetic values in areas of prime scenic beauty; prevention and control of forest fires; and the protection of trout and salmon streams.

How much of a threat will a timber-cutting operation of this size be to Admiralty's brown bears and salmon? Some conservationists, and particularly a few outdoor writers reaching a widespread audience through national sportsmen's magazines, have been highly critical of past logging on Admiralty and surely a timber harvest of this size makes past forest operations look like child's play. A favorite target of the vindictive in previous criticism has been clear-cutting (some call it block cutting). To the casual observer, clear-cut areas do look like natural invitations to disaster as far as bear and salmon are concerned. Hardly a tree is left standing and it is easy to jump to the conclusion that all food and cover has been wiped out for bears, while the exposed soil is poised for a mass runoff into nearby streams, loading them with silt and debris which would soon put an end to salmon runs. But those who have stayed with the land on Admiralty and elsewhere in Alaska report that looks can be deceptive. Forests regenerate fast in Alaska where topography, climate, and rainfall all combine to produce tremendous growth rates. Depending on the site, it takes only 3 to 5 years to have a uniform green brush type of new cover. Within 10 years vigorous seedlings will take over and within 30 to 40 years it takes an experienced eye to tell that the area has ever been logged. In one previously cut area at Twelve Mile Creek on Prince of Wales Island, logging over an 8-year period showed no measurable increase in water sedimentation. Annual survey counts show, in fact, that more salmon are using the stream now than before the area was cut. Forest Service regulations and timber sale requirements are strict and every sale (including the logging plans, roads, bridges, etc.) is conducted with the approval and advice of the Alaska Fish and Game Department, the State agency responsible for the protection and management of native fish and game species. In one instance where the timber operator violated provisions of his contract, an Alaska Fish and Game Department biologist on routine aerial patrol noted stream siltation, notified the Forest Service, and they shut down the logging operations for 10 days (at $1,000 per day in wages, equipment, etc.) until the contractor rebuilt the road and took corrective action. The effects of various aspects of logging upon the salmon producing potentials of Alaskan streams have been the subject of concentrated study at the Maybeso Experimental Forest near Ketchikan for the past 15 years. These studies—a cooperative effort by the Bureau of Commercial Fisheries of the Fish and Wildlife Service, the Fisheries Research Institute of the University of Washington, and the Forest Service—have shown that logging operations in Alaska, when conducted under reasonable controls, are not harmful to the spawning capabilities and production of adjacent streams.

As for the effect of timber harvest on brown bears, the Forest Service has been maintaining records since 1935 on brown bear populations in typical areas of coastal Alaska, including Admiralty, Baranof, and Chicagof Islands. During the same period there has been a constant series of timber harvesting operations throughout the sampled areas. Data recorded have shown that there has been no significant change in brown bear populations during this 30-year period. While brown bear may avoid an area where logging is going on, they will return as soon as the logging ceases. On Admiralty two special bear management areas (refuges) were established in the early 1930's where no hunting is permitted. These are known as Thayer Mountain (60 square miles) and Pack Creek (21 square miles). Both are closed to brown bear hunting by regulation of the Alaska Fish and Game Department. Over the past 30 years, there has been no significant difference in bear populations on the island.

As a new dawn of resource management and utilization breaks on Admiralty Island—on its vast forests, huge brown bears, and teeming salmon—Alaska's striving for economic growth will continue to be a center of conservation interest. But in opening the door for the greatest timber harvest in our 49th State's history, the U.S. Forest Service has taken upon itself a tremendous challenge and responsibility in applying multiple-use principles in not only the harvest of timber but also in the protection of other, equally important natural resources—soils, waters, fish, and wildlife. Thousands of Alaskans, American sportsmen, outdoor writers, and conservation organizations will be watching the results—and will be the first to sound the alarm if any resource is sacrificed at the expense of another.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK

Mr. DODD. Mr. President, tremendous strides have been made in recent

years, in the task of finding suitable employment for the physically handicapped.

Gov. John Dempsey, in a statement issued for "National Employ the Physically Handicapped Week, October 3–9," summed up this progress as follows:

> Indeed, handicapped employees, who have demonstrated outstanding capabilities in innumerable instances, constitute today an important part of the Nation's labor force and make a valuable contribution to economic progress.

The Governor correctly emphasized the need for an expansion of employment opportunities, not only for the physically handicapped but for the mentally retarded and for those who have recovered from mental illness.

To quote again from Governor Dempsey's excellent statement:

> Thanks to recent strides in medicine and rehabilitative processes, patients with a history of mental illness can enjoy again a normal life if they are not denied the prospect of gainful employment. Let us strive, therefore, to provide this opportunity.

I fully agree with his views on the hiring of the handicapped, and ask unanimous consent to have the Governor's statement reprinted in the RECORD at this point.

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

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, OCTOBER 3–9, 1965

(Statement by His Excellency John Dempsey, Governor, State of Connecticut)

In the 20 years since the designation of the first National Employ the Physically Handicapped Week employers have found that persons with physical disabilities are satisfactory employees in every respect when they are placed in positions suited to their qualifications.

Indeed, handicapped employees, who have demonstrated outstanding capabilities in innumerable instances, constitute today an important part of the Nation's labor force and make a valuable contribution to economic progress.

This year National Employ the Physically Handicapped Week is observed from October 3 through 9. It is appropriate to point out in connection with this observance the need for expansion of employment opportunity, not only for those with physical impairment but also for the mentally retarded and those who have recovered from mental illness.

Thanks to recent strides in medicine and rehabilitative processes, patients with a history of mental illness can enjoy again a normal life if they are not denied the prospect of gainful employment. Let us strive, therefore, to provide this opportunity.

I am grateful to the many employers in business, industry, and government throughout Connecticut who have shown consideration for handicapped job applicants. The Governor's Committee on Employment of the Physically Handicapped has made noteworthy progress toward its goal of full and equal employment opportunity for all persons and I urge continued support of this worthy effort.

Dated at Hartford, September 3, 1965.

TRIBUTE TO DOROTHY TITCHENER, OF BINGHAMTON, N.Y.

Mrs. SMITH. Mr. President, the success of a woman in public service is a matter of very keen interest to me. There are far too few women in key spots in public service. Consequently, there is often an unrelenting glare of the spotlight on such a woman. Someone has very aptly put with the observation that if a man errs the observation is "what is the matter with that man" while if a woman errs the observation is "that's just like a woman."

It is in this context that I am extremely proud of a woman in public service who has so demeaned herself as to create greater respect for women in public service. She is Dorothy Titchener, of Binghamton, N.Y., who not only has performed a great public service in the field of housing but has never accepted a penny for her daily work.

Woodie Fitchette has captured in words her service far better than I could ever express. He has done it in his column of July 11, 1965, in the Binghamton (N.Y.) Sunday Press. I ask unanimous consent that his column of that date be placed in the RECORD at this point.

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

COLUMN BY WOODIE FITCHETTE

It will be a long time before Binghamton sees another woman like Mrs. Dorothy Titchener.

For years she has ruled over the Binghamton Housing Authority with a firm but compassionate hand.

Now 66, she shows no sign of slackening the gruelling pace she has maintained for years. A new public housing project—Binghamton's third—will rise in the eighth ward as part of the city's downtown urban renewal program. Mrs. Titchener will be there to see that things are done right.

What she didn't know about building when she took over the chairmanship of the housing authority years ago was plenty. But she learned fast and well.

A grizzled old contractor once told us he would have a better chance of fooling a building inspector than Mrs. Titchener with sloppy work.

During most of her career on the housing authority, Mrs. Titchener has been putting in an 8-hour day, 5 days a week. She never has been paid a nickel for her efforts.

Her husband was Paul F. Titchener, a man of means and position. It would have been simple for Mrs. Titchener to have played the role of the grand dame and been a leading society belle.

But like her husband, she chose to immerse herself in the public life of her town. Few have done better in their chosen jobs.

She has worked quietly for the most part. There have been times when questions were raised about some phase of the city's public housing efforts. On occasion, Mrs. Titchener has gone before city council to answer critics. Her won-and-lost record is as good as any other in town.

There is an austerity about Mrs. Titchener. Some might even call her crusty. But her work in public housing has been marked with a rare sensitivity.

An editorialist wrote a few years ago:

"The Binghamton Housing Authority under the chairmanship of Mrs. Titchener has contributed greatly to the proper function of public housing. Mrs. Titchener especially has worked tirelessly to install in tenants a spirit of stewardship and neighborliness and good living.

"This special essence has been missing in public housing in some communities. It is to the credit of Mrs. Titchener and the tenants that Binghamton's experience has been conspicuously good."

A reporter who has covered the public housing field for some time may have put it even better when he said the other day:

"I've had my differences with her. But if I had to name the woman in this city that has made the biggest public contribution, it would be Dorothy Titchener without a doubt."

The planned public housing project that will go up near the north bank of the Susquehanna River will be among the most important undertakings in Project 1 of the urban renewal program.

It is reassuring to know that Mrs. Titchener will be around to keep an eye on things.

THE JAMES MADISON MEMORIAL ADDITION TO THE LIBRARY OF CONGRESS

Mr. BENNETT. Mr. President, I am sorry other commitments prevented my being on the floor at the time the Senate approved the conference report on the proposal to erect the third building for the Congressional Library and include in it a memorial to James Madison.

I have considered it an honor to have been appointed a member of the James Madison Memorial Commission, and I am very happy that Congress has finally approved what was essentially the final recommendation of that Commission. I hope work will proceed rapidly so that this memorial may be added to those for Washington, Lincoln, and Jefferson. While this, as a library for scholars, may not have the same public appeal as the other three, in the long run it may actually prove to be more productive in terms of its impact on the knowledge and thinking of the American people.

PRESIDENT SALUTES LIBERTY

Mr. MONDALE. Mr. President, I was deeply moved when I saw the immigration bill signed by the President at the base of the Statue of Liberty.

We all know what this symbol of liberty represents to us here in this country, and to the countless thousands overseas. It represents what is best about America: openhanded generosity, a faith in people—a light for a brighter tomorrow.

When the President signed the bill into law, he remarked:

> Now, under the monument which has welcomed so many, the American Nation returns to the finest of its traditions.

As he said, the days of unlimited immigration are past, "but those who come will come because of what they are—not because of the land from which they sprung."

As we know, "who are you?" can mean something different in terror-ridden lands or lands of despots than what it means here. No one in this land needs to be related to royalty. No one need to fear because of his religious beliefs, racial background, or cultural heritage.

The President said:

> When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, strong enough to clear the land,

enduring enough to make a home for freedom, and brave enough to die for liberty, if necessary. And so it has been through all the great and testing moments of our history.

The President noted that this bill will not add importantly to our wealth and power, and yet he also said that it represents one of the most important acts of this Congress and this administration.

A nation's strength, after all, is never in its "wealth and power" but in its spirit, in its justice for its people.

DEMOCRATS GET HELP IN REELECTION FIGHT

Mr. SIMPSON. Mr. President, the Wall Street Journal of September 9 carried an article by Alan L. Otten entitled "Democratic Freshmen in Congress Get Help for Reelection Fight." The article by Mr. Otten meets the high standards the Nation has come to expect from the Wall Street Journal. The author delves deeply into the gimmicks, mechanical, and political, which are employed by the administration to help retain the 48 freshmen Democratic Congressmen elected in 1964. As Mr. Otten quite correctly points out, "They have been the vital margin for the passage of Great Society bills." They are considered all important to the ambitious designs of the Great Society.

The article illustrates the myriad ways in which a politically minded administration can use the tax money of Republicans and Democrats alike to perpetuate in power a voting majority which guarantees passage of its proposals. It is a most illuminating piece of reporting.

I ask unanimous consent that the article by Mr. Otten from the September 9 Wall Street Journal be printed in the RECORD.

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

DEMOCRATIC FRESHMEN IN CONGRESS GET HELP FOR REELECTION FIGHT—MINDFUL OF THEIR SUPPORT IN KEY VOTES, THE ADMINISTRATION AIDS THEM IN HOME DISTRICTS

(By Alan L. Otten)

WASHINGTON.—A few days ago, about 50 bankers, businessmen, farmers, school administrators, county officials, and other residents of Representative JOHN HANSEN's Iowa congressional district came to Washington at their own expense for 2 days of briefings on the multitude of Federal programs available to help their area.

They heard poverty-fighter Sargent Shriver, Agriculture Secretary Orville Freeman, Housing Administrator Robert Weaver, and more than a dozen other top spokesmen for the Great Society.

The session was organized by Representative HANSEN, but the turnout of so many high officials was due less to his ingenuity or persuasiveness than to another attribute: Mr. HANSEN is one of 48 freshmen Democratic Congressmen who last November unseated Republican incumbents.

President Johnson badly wants Mr. HANSEN and his 47 colleagues reelected next year to provide, as they have this year, the vital margin for passage of crucial Great Society bills. The word has gone out through the administration to do everything possible to give these all-important freshmen a helping hand.

White House staffers, agency officials, the Democratic National Committee and House Democratic leaders are all joining in the most ambitious freshmen aid program ever.

FAVORS FOR FRESHMEN

Agency officials turn a specially attentive ear when freshmen call for help on a stymied project for the folks back home, and make sure the newcomers get the chance to put out the first announcements of defense contract awards, new housing or public works projects, and other Federal favors for their districts. House leaders arrange helpful committee assignments for the newcomers (all four freshmen from Washington State got their first committee choices) and try to insure at least a full hearing for bills that might particularly help them.

The White House includes freshmen at publicity-producing bill-signing ceremonies, and it's a rare freshman who doesn't now have two or three Presidential pens. Every month each of the 48 receives a notice of all Cabinet members and other top appointees who will be in his district the coming month on Government business and will be willing to stay to speak at a fundraising lunch or dinner.

The national committee arranges for each freshman to meet secretly, with a White House man sitting by to show the President's interest, with congressional liaison men from a dozen or more agencies; the lawmakers are told to be quite specific about the ways they need help from the agencies. The committee has assigned half a dozen special staffers to the freshman contingent—to write speeches and newsletters, help with special problems in administrative agencies, recruit staff (and even persuade one man that it would be poor politics to hire as his chief administrative aid the 27-year-old son of his biggest campaign contributor). The committee also has elaborate arrangements to teletype the lawmaker's press releases directly to city rooms of hometown papers and to transmit recorded or filmed statements swiftly to back-home radio and TV stations.

RESULTS BACK HOME

There's evidence that this special interest is yielding meaningful results where it counts back home. Representative WESTON VIVIAN, of Michigan, feels his freshman status helped make the Small Business Administration sympathetic to a hometown insurance company whose reserves had fallen because of unusually large tornado damage claims. Representative ROY MCVICKER, of Colorado, found that a call to the White House helped a constituent get a hearing—previously refused—on a claim for disability benefits from the Federal agency he'd been working for.

Hearing the Senate might soon act on a Republican-sponsored bill to set up a Herbert Hoover National Historical Site in Iowa, House leaders tabbed for early action a similar measure sponsored by freshman Democrat Representative JOHN SCHMIDHAUSER; it was his bill that became law.

For quick voter impact back home, Representative JOHN RACE, of Wisconsin, phones the Democratic National Committee a statement that the Giddings & Lewis Machine Tool Co., of Fond du Lac, has received a $16,000 contract to train 60 workers in electronics and machine assembly; Representative DAVID KING, of Utah, phones that the U.S. Information Agency has just informed him the Mormon Tabernacle Choir has been invited to represent the United States at the Toronto Fair of 1967. A recording machine at party headquarters takes down the Congressmen's statements and relays them to radio stations in their home districts.

What's more, the committee made special arrangements to air-express to TV stations in Representative WILLIAM HATHAWAY's district in Maine, for showing that same night, his filmed announcement of administration approval for building the Dickey Dam on the St. John River.

"We still have to work to get things done," concludes Michigan's Mr. VIVIAN, "but the word is clearly out not to slam the doors in our face just because we're low on the committee lists."

Declares Representative ROBERT SWEENEY, of Ohio: "My father was a Congressman and I used to be around his office and I worked on Capitol Hill part-time when I was going to college. I've never seen any freshman class paid so much attention. But," he adds, "it's bread cast on the waters for the administration."

The sessions legislative record makes vividly clear the reason for the administration's concern for the future of the freshman class. Again and again the 48 new House Democrats who replaced Republicans have provided the votes to attain Mr. Johnson's major goals.

From this group came no less than 46 House votes against the Republican alternative to the administration's medicare bill—a proposal rejected only by 45 votes. Forty-four of the newcomers voted for the new Department of Urban Affairs, approved only by 33 votes. Thirty-nine of them voted against the House Republican motion to kill the adminstration's rent subsidy plan, rejected by a mere six votes.

Says Majority Leader CARL ALBERT: "This is a very dedicated group. Without them, we couldn't have passed aid to education, medicare, rent subsidies, and a good many more. We want them back."

CONFIDENT OF COMEBACKS

Administration officials seem increasingly confident that most of the 48 will be coming back for a second term. "Many of these were flukes in the first place," says a White House strategist. "They were carried in by the Johnson landslide or the anti-Goldwater landslide, however you want to call it. But incumbency has some advantages, and most of them feel that being part of a Congress that has produced so much important legislation will help. And then there's all we're doing to help them. I'd say now that barring a real Republican tide next year, there's only a handful that won't come back."

To be sure, many ingredients of the Democrats' freshman aid program are not new or unique. Republicans try to do somewhat the same for their Congressmen; being in power, though, permits the Democrats to do far more for their incumbent lawmakers. Many aid techniques are available to all House Democrats, and have been so before, but it's the narrowly elected freshmen who need and use the help the most.

Not all the freshmen are enthusiastic about the aid program. Mr. SCHMIDHAUSER says, "There's a lot of talk about the advance information we get, but the fact is I still find out about a lot of new Federal programs in my district by reading about them in the papers." Another freshman complains, "There's a tendency among national committee officials to spend more time bragging about what they're doing than actually doing things."

AN AILING PROGRAM

Several freshmen share the view of Representative FLOYD HICKS, of Washington, that "The most important thing they can do to help me get reelected is to get this session adjourned so I can get back home and start talking to voters." Colorado's Representative MCVICKER, vice president of an informal club of freshmen Democrats, maintains that "If they'd give us an air credit card, they could forget about everything else. We're killed by the cost of those weekend trips back to the district to keep up our contacts."

Some Democratic devices haven't worked out too well, either. This year national committee officials launched an effort that seemed like a natural: To get an unofficial campaign organization set up in each freshman's district that would staff his office there on a volunteer basis, carry on year-round

voter registration campaigns and line up speaking invitations for him (with the round-trip fare home paid by the inviting group).

To advance this notion, three 2-man teams held over 40 meetings around the country. But, partly for fear of the wrong public reaction, very few of the freshmen have tried to follow up on this spadework, and a national committee official concedes: "It's not working as well as we'd like. A number of Congressmen were scared by the publicity the meetings received back in their districts."

FIRST INTERNATIONAL SCIENTIFIC MEETING ON THE POLAR BEAR

Mr. BARTLETT. Mr. President, a unique conference was held at the University of Alaska September 6–11, 1965.

The subject of the conference was the polar bear; the participants were scientists from the United States, Canada, Denmark, Norway, and Russia.

It was, to my knowledge, the first international conference held on the future of the polar bear, one of the mightiest of mammals.

When I first called for such a conference in February, I had no indication if the suggestion would strike receptive hands in this country or in the other nations which border the habitat of this stateless beast. I had no way of knowing whether governments caught in the conflicts of a cold war would have the time, energy or concern to take part in a conference dedicated to preserving an animal.

I did not know that if such concern did exist, it would be strong enough to overcome other roadblocks to international cooperation.

Mr. President, the speed with which invitations to the conference were accepted indicated the concern was there and that it was strong enough to attract representatives to a conference table.

Mr. President, I am happy to report that unifying concern for one of the great animals of the earth carried through the 5-day conference. I am pleased with the results of the talks, not only for what they portend about the future of the polar bear, but for what new avenues of international cooperation they might have opened.

Secretary of the Interior Stewart Udall and I announced the conference in July. President Johnson took an immediate interest in the meeting. The President, who gave me the honor of being his personal representative, felt that the conference could have a much broader implication than just an exchange of scientific data on the polar bear. The President was referring to the hope that the international meeting would be a new forum for international cooperation serving the cause of peace. I concurred in this hope.

The President's hope was not vain.

I feel that the Fairbanks conference is more than just a beginning on international cooperation with respect to the polar bear.

I believe that the success and atmosphere of the conference should be expanded into other areas of arctic research and development.

There is no reason why we should not now branch into other areas, hold technical meetings on other arctic problems confronting the circumpolar nations.

I am thinking now of such areas as economic development of the arctic north, arctic biology, arctic radiation, advancement of our anthropological knowledge of the arctic aboriginal peoples, arctic ice studies, and perhaps a study of the walrus similar to that on the polar bear.

Mr. President, I do not simply throw these out as suggestions, I intend to study and explore them with the State Department, as well as with educational and private institutions interested in the arctic.

I am hopeful that we can perpetuate the spirit of international cooperation demonstrated at Fairbanks last month through future conferences. We benefit not only from the exchange of scientific knowledge, but also from the contribution to world understanding resulting from such international experiences. The more we know about other countries, and the more we cooperate with them in solving mutual problems, the better are the chances that mankind will be around to worry about the future of the polar bear.

In looking at the broader results of the Fairbanks conference, we should not overlook significant steps made toward saving the polar bear from extinction.

My interest in the polar bear and the interest of my State in the polar bear comes from the fact that Alaska borders on the Arctic Ocean and counts the polar bear as one of her native creatures. My concern comes from the fact that we know so little about this magnificent animal. This lack of knowledge was the principal theme of my address to the conference where I pointed out that we do not even know whether there is one population or several populations of bears, moving from nation to nation on the slowly revolving ice pack. The meeting, I suggested, should be concerned with means of improving world information on polar bear movements, reproduction, longevity, and population structure.

Mr. President, the meeting was as good for polar bears as it was for people. Many points were agreed upon. The discussion of the delegates was intensive and held in a spirit of full cooperation.

The results of the meeting have been compiled in a series of 18 documents. I have selected several which I feel should be called to the attention of my colleagues and to readers of the RECORD and I ask unanimous consent that the Summaries of Country Reports, the resolutions, the Statement of Accord, the Conclusions and Recommendations, and the final list of participants be printed at this point.

I also ask that the President's letter naming me his representative at the conference be printed in the RECORD.

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

SUMMARIES OF COUNTRY REPORTS

(NOTE.—Summaries contained herein were submitted by the respective participants and were not subject to approval of the delegates.)

CANADIAN WILDLIFE SERVICE BRIEF

1. Polar bears have evolved from a brown bear stock in the latter part of the Pleistocene. There is some evidence to indicate that Eurasia has been the dispersal center for the species.

2. Romans evidently knew of polar bears about A.D. 57. Other early references to the species occur in the Japanese imperial records and Norse sagas.

3. Adaptations of polar bears to cold are: Thick winter pelt and short furry ears. Their white coats help to hunt seals more efficiently on the pack ice. Their teeth indicate specialization from a formerly omnivorous back to a mainly carnivorous diet (seals).

4. At present the most appropriate scientific name for the polar bear seems to be Ursus maritimus, Phipps 1774. Until more detailed taxonomic studies are completed, it is suggested that polar bears be considered as belonging to a single circumpolar species.

5. Although polar bears of both sexes and various ages occupy dens, pregnant females seem to be most regular in this habit, usually denning from October to April. Common denning areas in Canada are: southern Banks Island, Simpson Peninsula, eastern Southampton Island, and eastern Baffin Island. Females bring forth their young, usually twins, in late November or early December. Mothers with cubs leave their dens in March or April and journey down to the sea ice to search for whitecoat seals. Mating usually occurs in mid-April. Gestation period in the polar bear lasts about 8 months. There is reason to believe that embryonic development begins about late September or early October. Sexual maturity occurs about the third or fourth year. Adult females can bring forth cubs the third winter after a previous birth. Limited evidence suggests that the sex ratio of polar bears in the Canadian Arctic is 50–50. Although lactation may continue for 21 months, polar bear cubs are generally weaned by July. Cubs usually become independent at 18 months of age. Molting, which begins as early as May, is completed by August. Polar bears can live to over 30 years of age.

6. During the last glaciation and within historic times, polar bears occurred south of their present range.

7. Canadian Wildlife Service polar bear investigations have included collections of pathological, reproductive and skeletal material, besides particular studies of den ecology, milk composition and taxonomy.

8. The Canadian kill has approached 600. In Canada most bears are taken by Eskimos with dog sleds, about 70 percent of the kill falling between March and May. Highest kills occur near Southhampton Island, Resolute Bay, Clyde River, and Sachs Harbor. Generally kills are divided equally between the sexes and about 20 percent of the entire kill is cubs (0 to 2 years).

9. Polar bears are hunted mainly for their skins. Revenue from pelts can greatly augment the income of Canadian Eskimos; it may be particularly valuable during poor trapping periods. Eskimos in the Northwest Territories retain about 20 percent of the pelts for personal use, selling the remainder.

10. In Canada only northern natives may legally hunt polar bears. Northwest Territories legislation prohibits killing of cubs under 1 year of age, or females accompanied by cubs under 1 year of age. Scientific licenses to take polar bears are issued with great care. Revisions to present legislation are being considered.

11. Some decreases experienced in regional polar bear stocks may not have been entirely due to overhunting, but may have been influenced by encroaching warm ocean currents which destroyed essential elements of polar bear habitat.

12. Future research should involve establishment of confident population estimates, and major patterns of population movement. A thorough study of polar bear reproductive biology and population limiting factors under natural conditions should be carried out, in addition to collection of other data necessary for a life equation of the polar bear. Reliable aging techniques for polar bears should be developed. The Canadian Wildlife Service plans to continue earlier research, while looking into some of the problems mentioned.

13. International cooperation might be exercised effectively in publication of an international polar bear data sheet each year. Basic information could include total kill, sex and age composition of kill, kill chronology, in addition to brief notes on general progress or critical problems in research and management.

14. International collaboration might involve exchange of personnel for polar bear marking projects.

15. Consideration should be given to an international agreement protecting mothers with cubs up to 2 years of age, and polar bears generally during the May-October period in international waters.

THE POLAR BEAR IN GREENLAND

In Greenland the polar bear has three important breeding places: East Greenland—especially northeast Greenland, Melville Bay and the Kane Basin. Lone bears may be found all over Greenland, although it is rare along the west coast between Frederikshäb and Diskobugt. The occurrence in northwest Greenland is closely related to the mass of Baffin Bay ice in the eastern part of Davis Strait, and occurrence in east and southwest Greenland is closely related to the mass of east Greenland ice east off Greenland and in the southern part of Davis Strait and to the number of ringed seals in these two ice concentrations.

Trading statistics for polar bear harvest in Greenland goes back to 1793.

The polar bear catch as a whole was on the increase in northwest Greenland until approximately 1865, while it was falling in southwest Greenland during the same period. Then the picture turned. After about 1865 the bag rose in southwest Greenland and dropped in northwest Greenland. After 1930 the bag was poor all over west Greenland but still high in east Greenland.

The number of polar bears killed in Greenland was highest around 1920 with approximately 200 animals. At present the figure is about 100. Occasionally one to four cubs have been taken by the Greenlanders at Scoresbysund and sent to the zoo in Copenhagen. The decrease is hardly due to exaggerated hunting, since after 1920 the drift ice has been more scarce and the ringed seals have gone north in both east and west Greenland. Hence the bears prefer to remain in the north, in the Spitsbergen area and in northern Canada, respectively. All through the extensive area of the east Greenland ice, the polar bear is closely related to the ringed seal and occurs in numbers when the ringed seals are plentiful.

We will rarely have many polar bears simultaneously at southwest Greenland and northwest Greenland because mass penetrations of east Greenland ice do not coincide with mass penetrations of Baffin Bay ice toward the coast of Greenland—and the polar bear depends on these two masses of ice for transportation.

The polar bear curve for southwest Greenland shows approximately 11-year maximums. A similar "rhythm" is found for the harp seal, the eider duck, Greenland whale and other animals dependent upon the drift ice.

The sun-spot curve hardly has a direct influence on the number of polar bears, but it may possibly have one on the drift ice which serves the polar bear as biotope and as transportation.

The climatic conditions of the present day on both sides of Greenland are too unstable for the country to hold any very great population of polar bear. Wintering and breeding in a den, the polar bear needs a constant arctic climate without periods of thaw and melting of snow in the winter. Such conditions often occurring with the periodical penetration of the Atlantic climate far to the north, alternately in east and west Greenland, the polar bear cannot have established breeding territories in the southern parts of the country.

The polar bear is of great importance for the Greenland population in Thule, Scoresbysund, and Angmagssalik, and Greenland will be very interested in any work concerning protection of this animal.

Preservation regulations

In the inhabited parts of Greenland no preservation regulations for polar bear are in force for the resident population. People who are not resident in the country may not carry on polar bear hunting. Motorboat hunting in Melville Bay is prohibited.

In the instructions of the Royal Greenland Trading Department to shipmasters, the following provisions are to be found: "The crew and passengers of the ship are forbidden the discharging of shots from the ship on polar bears."

In northeast Greenland, north of Scoresbysund, and in north Greenland, north of Petermanns Gletcher, the following preservation regulations were introduced in 1956 in regard to polar bears:

"1. Polar bear cubs as well as female polar bears accompanied by cubs are unconditionally protected.

"2. The hunting of other polar bears is permitted only from November 1 to May 31, inclusive.

"3. The hunting of polar bears is permitted only with rifles of a caliber not less than 6.5 mm. and with soft-nosed bullets. Only persons experienced in hunting and in the use of rifles are permitted to hunt.

"4. The use of poison, foot traps, or spring guns is prohibited.

"5. Along the coast between the trapper's cabin at Cape Borlase Warren and Cape Berlin, and on the neighboring islands, the use of spring guns is permitted as a protective measure at cabins which are temporarily abandoned, on the condition that the spring guns be distinctly marked and the nearest authorities informed. These spring guns must be removed at the close of the trapping season. (This point will be abolished as soon as possible.)

"6. Hunting from aircraft is prohibited."

NORWEGIAN HUNT AND MANAGEMENT

Hunting statistics show that the Norwegian take averaged 324 polar bears per year during the period 1946–65, making up a total of 6,608 bears for these 21 years.

Although the bears have been caught from Newfoundland-Labrador to Novaja Zemlja, the largest number have been harvested in the Svalbard area, either by wintering hunters and weather station crews or by sealing vessels operating there during summer. The total harvest shows a decreasing trend in this period due to smaller catches by sealing vessels. Hunt by wintering hunters and weather station crews shows increase during these years, and rough estimates of catch per unit of effort indicate that polar bears have been increasing in numbers in the Svalbard area during recent years. However, several factors affect the validity of this conclusion.

In the management of the polar bear in Svalbard, both the demand that it should be preserved as an outstanding element of the arctic fauna and the economic importance of the animal as an object of hunt and a predator of seals should be kept in mind.

Current regulations render the species complete protection in Kong Karls Land in the eastern part of Svalbard where denning occurs, regulate the catch by trophy hunters and prohibit the catch of living cubs.

Proposed bag limits on harvest by trappers and weather station crews can make it possible to keep the total annual catch at a desired level.

Norwegian research on the polar bear has been occasional only. An expedition to study polar bear biology in Kong Karls Land during the winter of 1967–68 might contribute to an international effort in future polar bear studies.

THE POLAR BEAR: DISTRIBUTION AND STATUS OF STOCKS; PROBLEMS OF CONSERVATION AND RESEARCH (U.S.S.R.)

1. In view of the fact that the polar bear is found on the territory of several countries, and that its numbers have decreased throughout its range, necessitating effective measures for its conservation, it is desirable that all nations having possessions in the Arctic prohibit the harvesting of polar bears. As a minimum measure, the harvesting of this species should be prohibited for a period of 5 years, beginning January 1966, and subsequently limited.

2. The limitation of the world catch of polar bears, beginning in 1971, and the capture of live cubs for zoological parks, beginning in 1967, should be established by special agreements between the Governments of the U.S.S.R., United States, Canada, Denmark, and Norway, or by their designated organizations.

3. Each of the nations named in paragraph 2 should independently determine on its own territory the regular and mass breeding places (denning places of pregnant females) within the next 5 years and establish, at its own discretion, permanent sanctuaries and reserves in such areas.

4. National groups for the study of polar bears should be established as part of competent Government agencies of the U.S.S.R., United States, Canada, Denmark, and Norway, the objectives of such groups to include the preparation of information on measures taken by each country for the conservation of polar bears, and on the results of biological research. On our part, we wish to state that in the U.S.S.R. such a group exists as a part of the Main Administration of Conservation, Sanctuaries, and Game, Ministry of Agriculture of the U.S.S.R.

SUMMARY OF PAPER PRESENTED BY THE U.S. DELEGATION

Population size

The number of polar bears in areas adjacent to Alaska is unknown. Sows with newborn cubs occur less frequently than would be expected in a typical population. An overharvest of bears adjacent to Alaska is not indicated by studies of biological data from animals killed by hunters.

Distribution

During the winter, bears are found on the sea ice of the Chukchi Sea and Bering Straits south to St. Lawrence Island. As the ice moves northward in spring and summer, bears move with it. Bears do not regularly come ashore in Alaska, and regular denning and foraging places on shore are not known. Bears do not occur on St. Matthew Island as they did during the 1800's, possibly because of changes in ice conditions.

Value

The main economic value of polar bears has changed during the past 15 years as the harvest has changed. Formerly the main value was as a subsistence item for the Eskimos. Presently the main value is as a source of sport and trophies to hunters and a source of income to Eskimos, guides, and service

organizations who supply supplies to hunters. The 1965 harvest of 292 bears contributed approximately $450,000 to the economy of Alaska.

Hunting methods

Small aircraft, working in pairs, fly out from shore bases, locate a bear, and land so that hunters may stalk it. Natives hunt on foot or with dog teams in the vicinity of villages. Regulations preclude hunting from boats in summer.

Distribution of harvest by area

The majority of polar bears are taken north of the Bering Straits in the Chukchi Sea from Diomede Islands to Point Hope, and adjacent to Point Barrow. Lesser number are taken in contiguous areas. Few are taken south of Bering Straits. Areas of sea abundance are favored by polar bears.

Distribution of harvest by time

Most bears are harvested in March and April. Hunting is not allowed between April 20 and October 15 except by residents (without the use of aircraft) who may kill bears for food. The harvest by Eskimos is small in winter.

The take averaged 117 per year during the 1925–53 period. It has risen since then because of increased hunting pressure and in 1965 the take was 292 bears.

Distribution of harvest by class of hunter

Harvest methods have changed during the past 15 to 20 years from one primarily by natives to one by sport hunters. This is the result of the development of more efficient hunting methods by trophy hunters and a lessening dependence of Eskimos on game for subsistence.

Harvest composition

Sex composition of the harvest for the past 5 years has averaged about 75 percent males. Native hunters are nonselective toward sex of bears hunted, resident white hunters are somewhat selective toward males, and nonresident hunters are highly selective toward males.

Hide and skull sizes over the past 5 years have remained fairly constant. Average yearly hide measurements (length plus width) have been between 16.4 and 17.4 feet; average skull measurements (length plus width) have been between 23.8 and 24.9 inches. The lack of a downward trend in size of hides and skulls indicates a large reservoir of adult males, that stocks are not presently being over exploited.

Population characteristics

Guide and hunter observations recorded during March and April since 1958 indicate an average litter size of 1.86 for cubs of the year (14 observations) and of 1.58 for cubs older than 1 year (363 observations).

Observations of more than 2,300 bears made by hunting guides since 1958 during March and April indicate the following population composition:

	Percent
Cubs of the year	1
Cubs 1 year plus	31
Sows with cubs of year	Tr.
Sows with cubs 1 year plus	20
Other bears	47

Most of the relatively few newborn cubs observed on the Alaskan icepack have been far enough away from shore that it is believed they were born on the icepack. The large number of cubs older than 1 year that remain with their mother, plus sightings of two sizes of cubs older than cubs-of-the-year, indicates that at least some offspring remain with their mothers for slightly more than 2 years.

Regulations

Regulations have become more restrictive over the years as hunting pressure has increased. Present regulations allow one bear per hunter per year to be taken between October 15 and April 20. Females with young and bears through their second year of life are protected. Since 1961 hunters have been required to show hides to the game department for examination and to provide harvest data.

Beginning in 1966, hunters will be required to bring skulls to game department biologists for examination. If harvest data and life history studies indicate that stocks are being overharvested, regulations will be enacted to limit the harvest within the annual recruitment.

Research

Present research includes the collection and analysis of harvest data and specimens and a systematic program of recording guide and hunter observations. A much more intensive and extensive research program is required if the polar bear is to be adequately managed in the future.

THE ARCTIC INSTITUTE'S PROPOSAL FOR RESEARCH ON THE ECOLOGY OF POLAR BEARS

The Arctic Institute of North America, a private scientific organization, has been concerned for the past 20 years with research in the Arctic and the dissemination of scientific information concerning the Arctic. For several years methods for international circumpolar studies of the polar bear have been under discussion and the proposal submitted is the result of these discussions. The purpose of presenting it is to provide a basis for discussion and to inform all delegates that the Arctic Institute is interested in accepting a role of international coordination, dissemination of information, and participation in certain circumpolar aspects of the research work.

The proposal suggests that teams of biologists be sent to the Arctic by each country to mark bears with ear tags or other appropriate permanent markings. Bears would also be marked with dye to permit local observation. It is hoped that about 500 bears could be marked over a period of 3 or 4 years. The data from these marked bears should be collected from reports of hunters and could be used to determine the polar bears' movements throughout the Arctic.

Recent developments in telemetry indicate that it might be possible to attach a radio transmitter to a number of bears in each country and to follow the movement by readouts from a polar orbiting satellite. This would give a continuous surveillance of up to 40 bears over the entire Arctic Basin.

Since this program would require the capture of a large number of bears on a circumpolar basis, every effort should be made to learn as much about the bears as possible. Complete information should be taken on each bear including blood samples. Each bear should be studied locally as long as it remains within range.

A study of the size and complexity of this one is beyond the capability of any one group. It is suggested that the Arctic Institute of North America be active in the overall coordination of the project. Dr. Vagn Flyger and Dr. Martin Schein are interested in engaging in the project. In addition to the coordination activities, they could develop capture and marking techniques which might be used by biologists from other countries.

It is hoped that this project would provide opportunities for many graduate students to work on advanced degrees. Frequent exchange of scientists would be desirable.

By using an extensive and multidisciplined approach such as this plan envisages, it will be possible to learn not only much worthwhile information about the physiology, pathology, and behavior of polar bears but to gain appreciable insight into their movement patterns and life cycle as well. On the basis of this latter information, it would then be possible to establish sound wildlife management procedures to insure a continuing healthy population of the animals.

RESOLUTIONS APPROVED BY THE FIRST INTERNATIONAL SCIENTIFIC MEETING ON THE POLAR BEAR UNDER ITEM 12 OF THE AGENDA

RESOLUTION I

Whereas the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States of America, have shown their interest in the welfare and continued existence of the polar bear, a valuable circumpolar international resource; and

Whereas scientists and conservationists of these governments have met and contributed greatly to the knowledge of the polar bear; and

Whereas problems of mutual concern relating to this resource have been discussed; and

Whereas recommendations for the taking of additional measures to secure needed research and management data have been made: Now, therefore, be it

Resolved by the delegates thus assembled, That they do wish to express their appreciation and thanks to the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States for having made possible the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6–10, 1965; be it further

Resolved, That a copy of this resolution be sent to the governments of the nations concerned.

RESOLUTION II

Whereas Secretary of the Interior Stewart L. Udall and Senator E. L. BARTLETT have demonstrated their foresight concerning the future of the polar bear; and

Whereas Stewart L. Udall and Senator E. L. BARTLETT did jointly announce on July 8, 1965, that they were calling an international conference of Arctic Nations to pool scientific knowledge on the polar bear and to develop recommendations for future courses of action to benefit this resource of the Arctic region; and

Whereas such a conference was successfully concluded on September 10, 1965, at Fairbanks, Alaska: Now, therefore, be it

Resolved, That the delegates to this conference do wish to commend and to express their appreciation to Stewart L. Udall and Senator E. L. BARTLETT for this action.

RESOLUTION III

Whereas the Honorable William A. Egan, Governor of the State of Alaska, has shown keen personal initiative in the convening of the First International Scientific Meeting on the Polar Bear, at Fairbanks, Alaska, September 6–10, 1965; and

Whereas Governor Egan provided invaluable assistance, cooperation and support to the successful conclusion of this conference: Now, therefore, be it

Resolved, That the delegates to this conference do commend and thank Governor Egan for his invaluable assistance.

RESOLUTION IV

Whereas President William R. Wood, of the University of Alaska and Mrs. Wood and members of President Wood's staff, demonstrated their keen personal initiative in the calling of the First International Scientific Meeting on the Polar Bear; and

Whereas President and Mrs. Wood and staff members did render invaluable assistance, guidance, and cooperation; and

Whereas President and Mrs. Wood and staff members extended warm greetings and hospitality to the delegates to this conference held at Fairbanks, Alaska, September 6–10, 1965: Now, therefore, be it

Resolved, That the delegates to this conference do wish to express their sincere

thanks and appreciation to President and Mrs. Wood and staff members.

RESOLUTION V

Whereas Gen. Andy Lipscomb, commanding general, Fort Wainwright, Yukon Command, U.S. Army did show keen personal initiative in the success of the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6–10, 1965, and

Whereas General Lipscomb did extend warm greetings and hospitality to the delegates and guests of the United States: Now, therefore, be it

Resolved, That the delegates to the First International Scientific Meeting on the Polar Bear do wish to express their appreciation and thanks to General Lipscomb.

RESOLUTION VI

Whereas the Alaska Department of Fish and Game demonstrated keen initiative in the convening of the First International Scientific Meeting on the Polar Bear; and

Whereas the Alaska Department of Fish and Game provided invaluable assistance and cooperation in making arrangements, providing secretarial assistance and otherwise assisted greatly in the successful conclusion of the conference held at Fairbanks, Alaska, September 6–10, 1965: Now, therefore, be it

Resolved, That the delegates do wish to express their thanks and appreciation to the Alaska Department of Fish and Game.

RESOLUTION VII

Whereas the persons involved, collectively and individually in preparing and handling documents, in translating and interpreting languages, in secretarial and stenographic work and otherwise providing necessary services to the successful conclusion of the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6–10, 1965; and

Whereas these persons worked long, diligently, cheerfully and efficiently: Now, therefore be it

Resolved, That the delegates to the First International Scientific Meeting on the Polar Bear do wish to express their thanks and appreciation to these persons.

RESOLUTION VIII

Be it further resolved, That copies of the resolutions passed at the First International Scientific Meeting on the Polar Bear be sent to the governments, agencies and persons to whom they are directed.

STATEMENT OF ACCORD

A number of scientists and conservationists of northern nations who feel a responsibility for the preservation of arctic animals have been concerned about the adequacy of scientific knowledge for the effective management of polar bears. That concern led to the holding of the First International Scientific Meeting on the Polar Bear at Fairbanks, Alaska, September 6–10, 1965. The proceedings of this meeting have confirmed that scientific knowledge of the polar bear is far from being sufficient as a foundation for sound management policies.

1. It is the mutual opinion that as polar bears are found not only on lands and seas of nations around the Arctic Ocean but in international waters as well, and that as polar bears move over large areas beyond national waters, polar bears be considered as an international circumpolar resource.

2. It is mutually recognized that each nation, within whose territory polar bears are found, or whose citizens harvest the species in international waters, should take such steps as each country considers necessary to conserve the polar bear adequately until more precise management, based on research findings, can be applied.

3. It is agreed that all cubs and females accompanied by cubs, require protection throughout the year.

4. It is the mutual opinion that each nation should conduct to the best of its ability a research program on the polar bear within its territory or adjacent international waters to obtain adequate scientific information for effective management of the species. It is recognized that each nation will determine the character of its research.

5. Each of the nations participating in this meeting should give consideration to the prompt exchange of research and management information obtained on polar bears. It is suggested that the International Union for the Conservation of Nature and Natural Resources, or similar international organization, be invited to receive and distribute information on polar bears submitted to it. It is therefore desirable that each nation designate an agency or office responsible for receiving and distributing polar bear information both nationally and internationally.

6. It is desirable that future international scientific meetings be called on the polar bear when urgent problems or new scientific information warrants international consideration.

7. The requirements for the completion of matters arising from the First International Scientific Meeting on the Polar Bear suggest that the Office of the Secretary General be continued until final documents have been printed and distributed to participating delegations and until other business directly associated with the conference has been dealt with.

CONCLUSIONS AND RECOMMENDATIONS

(The conclusions and recommendations contained herein were submitted by the respective delegations and were not subject to approval of the meeting.)

RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF CANADA)

Internal recommendations

Management:

1. That the hunting of polar bears with the aid of any motorized vehicle (e.g., snowmobiles, motor toboggans, aircraft) be forbidden.

2. That the number of polar bears taken by one hunter be limited to six per year, and that no hunter be allowed to fill the bag limit of any other hunter.

3. That a closed season on polar bears be enforced from May 15 to October 1.

4. That hunting of mothers with cubs up to 2 years of age, and cubs up to 2 years of age be forbidden.

Research:

1. That the Canadian Wildlife Service reinvestigate a cooperative effort with the Provinces of Manitoba, Ontario, and Quebec to ascertain a minimum polar bear population for the Hudson Bay region by simultaneous aerial survey work in autumn.

2. That efforts be made to investigate patterns of polar bear movement in the Hudson Bay region by using a wide spectrum of marking devices and techniques.

3. That the Bear Bay area of Devon Island be examined as a possibly common denning area for polar bears.

International recommendations

Management:

1. That each nation concerned take steps to conserve adequately the polar bear in its respective territories until such time as sound data is available on national bear stocks so that more precise management measures can be applied.

2. That the IUCN be approached with regard to organization and distribution of an international polar bear data sheet, as generally outlined in the IUCN submission to this conference.

3. That consideration be given to an international agreement protecting mothers with cubs up to 2 years of age, and polar bears generally during the May-October period in international waters.

4. That legislation forbidding the killing of denned mothers in order to capture live cubs for scientific or display purposes be considered, particularly if a method of taking the young from their mothers in the water proves widely feasible (see Khuzin, Priroda 10, 1960. Reference Doc/13, Techniques 3.

Research:

1. That each country should be responsible for research within its territorial limits and immediately adjacent international waters, through exchange of scientists on a visiting basis should be encouraged to promote liaison and standardization. Reference Doc/3, General Recommendations 2.

2. That research be emphasized on the effect of variations in climate, sea ice conditions, snow cover on land, coastal topography, degree of open water and ocean currents in relation to abundance of polar bears, Reference Doc/3, Specific Research Recommendations 5, and Doc/8.

3. That attempts be made to establish confident population estimates of polar bears on regional, national, and international levels.

4. That attempts be made to establish major patterns of polar bear population movement on regional, national, and international levels.

5. That thorough studies of polar bear reproductive biology and population limiting factors under natural conditions be carried out.

6. That an international polar bear meeting of this nature be held again in 1968.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATE OF DENMARK)

Under the impressions of the negotiations of the First International Scientific Meeting on the Polar Bear, the Danish delegate will propose to the Greenland Government that the aspects of research which have been laid out by Dr. Tener and Dr. Harington be considered in regard to the suport it can be given from Greenland particularly by collecting data, skulls, and other desirable parts of polar bears killed in Greenland, by collecting information on observed dens, by registration of all bears obtained in Greenland and surrounding sea area, and by supporting any tagging and marking experiment which might be desirable and practically possible, including returning of tags.

Concerning preservation regulations, the Danish delegate will propose to the Greenland Government that:

1. The protection of polar bear cubs in northeast Greenland be in force for cubs in their first and second year.

2. The prohibition of spring guns shall be extended to cover the whole of Greenland.

3. The prohibition of use of aircraft for hunting shall be extended to cover the whole of Greenland and the high seas around Greenland for aircraft starting from Greenland Territory.

4. Hunting by snowscooters and motorsledges be prohibited.

RESOLUTION

At the First International Scientific Meeting on the Polar Bear it was agreed:

1. That the polar bear belong to all nations and that the governments in the countries around the Polar Sea, Canada, Denmark, Norway, U.S.S.R., and the United States, are responsible for the preservation of this animal.

2. That each government is requested to encourage scientific investigations on the biology and environs of the polar bear to solve many still unknown questions concerning this animal.

3. That the harvest of the polar bear never must reach such a high that it brings the existence of this animal in danger.

4. That in any legislation on the conservation of the polar bear, particular regard will be taken to the right of the native populations in the countries concerned, their methods of hunting, and particular need for this valuable animal in their daily way of living. For other hunters the polar bear only means money, but for the native population, it means existence and the whole way of life.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF NORWAY)

The proceedings of the First International Scientific Meeting on the Polar Bear have confirmed that our knowledge of polar bear abundance, population dynamics, and biology is far from being sufficient as a foundation for sound policies of management. However, data presented at the meeting indicate that the polar bear throughout a substantial part of its circumpolar range still may be abundant.

The Norwegian delegation to the meeting therefore recommends to its Government that:

1. Attention should be given to the question of promoting research on polar bears.

2. Future research should (a) be planned according to the requirements outlined by the elected technical secretary, Dr. John Tener, Canada, in Doc/13 of the proceedings of this meeting; and (b) as far as possible be coordinated with research performed in other countries.

3. Efforts should be made to make sure that, until further knowledge has been gained by national or international research, the annual Norwegian harvest of polar bear not exceed a reasonable level. Bag limits on harvest by wintering trappers and weather station crews should be considered as means to achieve this. Additional regulations should be imposed to render polar bear cubs and females accompanied by cubs a greatly increased degree of protection.

4. Information on research, management, and harvest should be exchanged on a regular basis with all interested nations, organizations such as IUCN, and research workers. An agency or office should be assigned the duty of receiving and distributing polar bear information both nationally and internationally.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF THE U.S.S.R.)

We will inform our Government of the results of the meeting and of the fact that in evaluating our proposals on effecting a total prohibition of polar bear harvesting, the meeting did not support these proposals. However, the participants in the meeting gave them a high appraisal and will submit to their governments a number of proposals for intensifying conservation measures and further restricting the hunting of this species within the limits of their states.

As regards [proposals for] research on the polar bear, they will be carefully studied by the Coordinating Council on the Study of the Polar Bear of the Ministry of Agriculture of the U.S.S.R., and we feel confident that research on a whole series of problems will be carried out.

We will inform all participants in the meeting of the decisions taken.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF THE UNITED STATES)

Conclusions

1. There is much concern throughout the world about the status of polar bear populations and about the methods used by hunters in taking this species.

2. Scientific data presented at the First International Scientific Meeting of the Polar Bear clearly indicate the need for an expanded and an accelerated research program on the polar bear to gather and analyze additional data on: (a) Population, size and structure; (b) mortality, natural and from hunting; (c) movements and distribution; (d) productivity; and (e) related data.

3. Data presented indicate that polar bears may have increased locally during the past several years in some parts of their range. Movements of pack ice influence polar bear distribution and abundance, making it difficult to interpret available data or arrive at population estimates. Since the polar bear feeds largely on seals, it can in some areas and under some conditions compete with man for this resource.

4. Scientific data presented in the papers at this conference have made a great contribution to the storehouse of knowledge on this highly valuable international circumpolar resource. Available data indicate a lack of information on populations, size and structure, annual increments, mortality rates, movements and distribution, as well as relationship of harvest to annual production.

Internal recommendations

1. The delegates of the United States will recommend to their Government that the necessary resources and manpower be made available to assist in gathering these data.

2. The U.S. delegates will recommend to their Government that present methods of harvest and annual take be studied to determine whether additional restrictive measures are necessary for its nationals in international waters. Adequate harvest regulations cannot be formulated without data on a worldwide basis. The need for investigations by circumpolar nations will be emphasized.

General recommendations

It is recommended by the delegates of the United States that:

1. An international scientific committee on the polar bear should be established with representatives of Canada, Denmark, Norway, Union of Soviet Socialist Republics, and the United States of America meeting regularly to discuss and analyze research and management data and to make further plans as necessary for the proper management of this valuable resource. The delegates of the United States will recommend to their Government the establishment of such a committee.

2. The nations of the Arctic conduct an expanded and an accelerated research program on the polar bear with emphasis on security data related to: (a) population status, (b) mortality factors, (c) distribution and movements, and (d) productivity. Such data should be compiled at least annually and exchanged promptly, through the IUCN or other organizations. Every effort should be made to work cooperatively and to develop new research techniques, procedures, and methods as may be necessary to secure needed data. Consideration should be given to an exchange of scientists, upon invitation, between Arctic nations in furtherance of gathering research and management data.

3. As an initial step toward a cooperative international effort, the delegates recommend the compilation of a comprehensive bibliography on the polar bear, the draft material supplied to the other nations by the United States and Norway to be used as the framework for this compilation. The U.S. delegation offers to publish and distribute this under joint sponsorship.

Comments on other papers

Canada: The U.S. delegates endorse the recommendations of the delegates of Canada with respect to future research plans and conservation measures.

Denmark: The delegates of the United States endorse the recommendation of the delegate from Denmark relating to the need for studies of all Arctic birds and mammals in relation to climatic factors.

Norway: The delegates of the United States endorse the recommendations of the delegates of Norway with respect to the need for research and management of this valuable resource.

U.S.S.R.: The delegates of the United States greatly appreciate the data presented by the delegates from the U.S.S.R. and would be happy to organize a national group within the United States for a cooperative study of the polar bear.

The delegates of the United States appreciate the recommendations of the U.S.S.R. that there be a 5-year worldwide closure on the harvest of the polar bear and that there also be a limit established on polar bear harvests each year from 1971 on—such limits to include the live catch. The delegates of the United States will be happy to refer this request to their Government for its consideration. On the basis of present scientific information it appears unnecessary to sustain a closure for a specified number of years. If data obtained through the recommended research program should indicate a need for such a closure, this matter would be brought to the attention of our Government at once and referred to the international committee. Until such time, the harvest should be conservative.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE AMERICAN COMMITTEE FOR INTERNATIONAL WILDLIFE PROTECTION)

The First International Scientific Meeting on the Polar Bear has accomplished a highly important purpose in summarizing existing knowledge concerning the species. The delegates from all countries are agreed that among the most vital points in a program of research are data on populations and population trends. This information is, of course, essential for future management of the resource and for perpetuation of the species. The American Committee for International Wildlife Protection desires to suggest that, until we know the numerical status and trend and until we have assurance that adequate management practices can be applied, it would be wise and proper to proceed conservatively by reducing the only mortality factor within man's power to regulate—the hunting kill. The American Committee offers the suggestion that the delegates recommend a 50-percent voluntary reduction in the annual kill of polar bears within the various countries for a period of 5 years, or until agreement is reached on the basis of scientific research that a higher kill will not endanger the species. It would also seem proper to reduce to a minimum the kill of female bears accompanied by cubs. Furthermore, the American Committee hopes that the countries concerned will work toward the evolution of public sentiment against the use of aircraft in the sport hunting of the polar bear.

FINAL LIST OF PARTICIPANTS

OFFICERS OF THE MEETING

Chairman: C. Edward Carlson, United States.

Technical secretary: John S. Tener, Canada.

Secretary general: James A. Slater.

CANADA

Delegates:

John S. Tener, staff specialist (mammalogy), Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

C. R. Harington, wildlife biologist, Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

DENMARK

Delegate: Christian Vibe, Greenland research, University of Copenhagen, Copenhagen.

NORWAY

Delegates:

Torger Oritsland, member, Norwegian Institute of Marine Research, Norwegian Fisheries, Directorate, Bergen.

Magnar Norderhaug, member, Norwegian Polar Institute, Oslo.

UNION OF SOVIET SOCIALIST REPUBLICS

Delegates:

Ivan A. Maksimov, deputy chief, Central Board of Conservation, Reservations and Wildlife, Ministry of Agriculture, Moscow.

Vladimir L. Sokolov, Soviet Exhibition of Economic Achievement, Moscow.

UNITED STATES

Presidential representative: The Honorable E. L. BARTLETT, U.S. Senate, Washington, D.C.

Delegates:

C. Edward Carlson (chairman), Chief, Division of Wildlife Research, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C.

Samuel E. Jorgensen (vice chairman), Chief, Office of Foreign Activities, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C.

James W. Brooks, Director, Division of Game, Alaska Department of Fish and Game, Juneau, Alaska.

John J. Craighead, Montana Cooperative Wildlife Research Unit, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Missoula, Mont.

Vagn Flyger, Office of Naval Research, Department of the Navy, Washington, D.C.

Richard C. Hagan (secretary of delegation), Office of International Conferences, Department of State, Washington, D.C.

Karl W. Kenyon, wildlife research biologist, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Juneau, Alaska.

Jack W. Lentfer, wildlife research biologist, Alaska Department of Fish and Game, Anchorage, Alaska.

INTERNATIONAL ORGANIZATIONS: ARCTIC INSTITUTE OF NORTH AMERICA

Delegate: Robert C. Faylor, Director, Washington office, Arctic Institute of North America, Washington, D.C.

INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES

Delegate: C. R. Harington, wildlife biologist, Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

Observers:

Neil Argy, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Fairbanks, Alaska.

Max C. Brewer, director, Arctic Research Laboratory, Barrow, Alaska.

M. E. Britton, Office of Naval Research, Department of the Navy, Washington, D.C.

Helmut K. Buechner, ecologist, Smithsonian Institution, Washington, D.C.

John J. Burns, Alaska Department of Fish and Game, Nome, Alaska.

Victor H. Cahalane, vice chairman, American Committee for International Wildlife Protection, New York, N.Y.

Robert Charles, office of Senator BARTLETT, Washington, D.C.

Frank Cook, Alaska Big Game Trophy Club, Anchorage, Alaska.

Richard A. Cooley, Alaska Research Center, Juneau, Alaska.

Frederick C. Dean, the Wildlife Society, College, Alaska.

Salvatore DeLeonardis, Wildlife Specialist, Bureau of Land Management, Department of the Interior, Anchorage, Alaska.

James D. Erskine, U.S.C.G., CGC Bittersweet, WLB-389, Ketchikan, Alaska.

Samuel J. Harbo, University of Alaska, College, Alaska.

Frank Jones, Regional Supervisor, Game Division, Alaska Department of Fish and Game, Fairbanks, Alaska.

Kathleen Kirkpatrick, office of Senator BARTLETT, Anchorage, Alaska.

Eugene V. Miller, Board of Fish and Game for Alaska, Fairbanks, Alaska.

William H. Mills, International Scientific and Technological Affairs, Department of State, Washington, D.C.

Richard G. Prasil, regional naturalist, National Park Service, Department of the Interior, San Francisco, Calif.

Robert A. Rausch, leader, big game projects, Alaska Department of Fish and Game, Fairbanks, Alaska.

Robert L. Rausch, Arctic Research Center, U.S. Public Health Service, Department of Health, Education, and Welfare, Anchorage, Alaska.

Robert C. Reeve, vice president, Conservation Committee, North American Big Game Records Commission, Boone and Crockett Club, Anchorage, Alaska.

Glenn E. Schweitzer, Department of State, Washington, D.C.

Richard Simmonds, research veterinarian, Arctic Aeromed Laboratory, Fort Wainwright, Alaska.

David L. Spencer, supervisor, wildlife refuges, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Kenai, Alaska.

Charles O. Stirling, project manager, Musk Ox Project, University of Alaska, Fairbanks, Alaska.

Robert B. Weeden, game biologist V., Alaska Department of Fish and Game, Fairbanks, Alaska.

Ross A. Youngblood, Bureau of Land Management, Department of the Interior, Fairbanks, Alaska.

SECRETARIAT

Secretary General: James A. Slater.

Technical secretary: John S. Tener.

University liaison: Wendell Wolfe.

Documents officer: Elizabeth C. McAllister.

Stenographers: Alycemae Fryer, Yvonne Marie Fullerton, Claudia Hinman, Judith A. Mitchell (September 9–10); Eleanor Pierce.

Language services: Natalie K. Latter, Ross Lavroff, Alexis B. Tatistchef, Asta Aristov, Irene Miloshevich.

THE WHITE HOUSE,
Washington, August 24, 1965.

Hon. E. L. BARTLETT,
U.S. Senate.

DEAR BOB: I am delighted that you will be able to convey my greetings on the opening of the First International Scientific Meeting on the Polar Bear. I am happy that the United States is host for this meeting, and I am hopeful that in the years ahead it will be possible to have similar discussions in numerous subjects of common concern.

Cooperation on polar scientific problems will be of benefit in many ways. It will provide a means of exchanging important data and information and a framework for coordinated action leading to the proper management and conservation of Arctic natural resources.

International cooperation, now being fostered worldwide by International Cooperation Year, has a value over and above the immediate results of this conference. Peace and the avoidance of world destruction are paramount and the problems of man the world over are indivisible. Anything that furthers man's ability to cooperate with his neighbor serves the cause of peace.

Clearly, this conference is exemplary in serving this cause. May your discussions regarding the polar bear provide another path to continued international cooperation.

Sincerely,

LYNDON B. JOHNSON.

THE CHICAGO SCHOOL CRISIS

Mr. DIRKSEN. Mr. President, on September 30, 1965, Mr. Francis Keppel, U.S. Commissioner of Education, notified Mr. Ray Page, the superintendent of public instruction for the State of Illinois, that no further commitments of school funds for the Chicago schools could be made because of "probable noncompliance" with title VI of the Civil Rights Act of 1964 and the regulations thereunder.

Mr. Keppel's letter further stated:

We are sending members of our staff to discuss the matter with you.

On October 2, just 3 days later, Superintendent Page wired Commissioner Keppel and in his wire set out a text of a telegram he had already sent to Mr. Raby, governor of the coordinating committee in Chicago. Mr. Page stated that he was prepared to meet at any time on this problem.

No investigators appeared to discuss the matter with Superintendent Page; no staff members appeared. By noon of October 5 there was still no reply to Superintendent Page's telegram. Repeated efforts to contact Commissioner Keppel by telephone were unsuccessful.

The proposed action by Mr. Keppel was taken under the provisions of title VI of the Civil Rights Act of 1964. An examination of that title sets forth certain requirements:

First. There must be an express finding on the record after an opportunity for a hearing that there was a failure to comply.

Second. There must be notice of noncompliance and that compliance cannot be voluntarily obtained.

Third. The Commissioner must file a report on the controversy with those committees of the Senate and House of Representatives which have jurisdiction over the matter, and it must be a full written report setting forth grounds for the action taken.

Fourth. No action can be made effective until 30 days after the report is filed with the appropriate congressional committees.

Insofar as I can determine, there has been no finding on the record; there has been no opportunity for a hearing; there was no notice of noncompliance or a chance to solve the problem by voluntary means; and there was no notice served on the House and Senate committees having jurisdiction.

The press reports that the controversy has been settled and the matter adjusted after a telephone call by Mayor Daley to the White House. This, however, does not settle the problem. If these requirements of the statute can be ignored once, they can be ignored a hundred times, and the basic question is whether the law clearly setting forth the intent of Congress and the procedure prescribed by the statute shall be so patently ignored.

The matter is of such moment that it merits immediate and careful investigation, and I had intended without delay to bring this to the attention of the chairmen of the Senate Labor Committee, the Senate Judiciary Committee, and the Senate Appropriations Committee.

Since my first efforts to get to the bottom of this problem, I received a telephone call from the U.S. Attorney General, Mr. deB. Katzenbach. He pointed out the complexities of the problem and

that he was entrusted with the responsibility of working out procedures under the statute and that he would do so without delay. I am quite agreeable to this arrangement because I regard the Attorney General as a man of his word and as a man of diligence who will speedily attend to this problem and make a report as quickly as possible. I shall be awaiting this report, but on theory that the handling of the Chicago case, which I regard as rather outrageous, might become a precedent in future cases, I believe this matter must be vigorously pursued.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 283 Leg.]

Aiken	Hayden	Pastore
Bartlett	Kuchel	Proxmire
Boggs	Lausche	Randolph
Burdick	Long, La.	Ribicoff
Clark	Mansfield	Robertson
Dirksen	McClellan	Russell, S.C.
Douglas	McNamara	Russell, Ga.
Gruening	Morse	Stennis
Harris	Murphy	Talmadge

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mrs. NEUBERGER], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Delaware [Mr. WILLIAMS] are absent on official business.

The Senator from New Jersey [Mr. CASE], the Senator from New York [Mr. JAVITS], the Senator from South Dakota [Mr. MUNDT], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Iowa [Mr. MILLER] is absent by leave of the Senate.

The Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BASS, Mr. BENNETT, Mr. BIBLE, Mr. CARLSON, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOMINICK, Mr. ELLENDER, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. FULBRIGHT, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. HILL, Mr. HOLLAND, Mr. HRUSKA, Mr. INOUYE, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MORTON, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. SIMPSON, Mrs. SMITH, Mr. THURMOND, Mr. TYDINGS, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. MCCLELLAN. Mr. President, on July 28 the House of Representatives passed by a 221 to 203 rollcall vote, a very narrow majority, H.R. 77, a bill that would repeal section 14(b) of the Taft-Hartley Act of 1947.

It is highly gratifying and reassuring to me that all four of the Representatives of Arkansas voted against repeal of this provision of the existing law. It was also most gratifying when my colleague, the distinguished junior Senator from Arkansas [Mr. FULBRIGHT], on Tuesday of this week, took the floor and made a very illuminating, forceful, and persuasive argument against the enactment of this measure.

Today I am happy to join with all my colleagues from Arkansas and with a great number of other Members of this body in opposing this measure. I am glad to take this opportunity to make a formal protest by expressing my views for the record.

Mr. President, the sentiments that I shall express here are shared by a great majority of the people of my State, in my judgment; and I know that they are shared by a great number of union members who are among my constituents. I know that, because they have written and stated frankly that, while they are strong believers in unionism, they do not believe the acceptance of unionism should be compelled or should be forced on any man. They take the position that they should be able to join a union of their choice. That is the way it should be. Therefore, they would not subscribe to or support a measure or any action that would resort to compulsion as a substitute for freedom of choice.

Mr. President, the American labor movement has enjoyed tremendous success over the years and it has the potential to perform even greater service for its members and for the economy of this Nation. That movement grew out of a justifiable desire on the part of working people to improve their conditions of employment, to secure fair wages, and to provide deserved better living standards for their families. The pursuit of those goals is in the best tradition of unionism. If I were a wage-earner, I might well be inclined, and I think I would be inclined, to join a union. But, Mr. President, I would want to have the choice of joining a union. I would not want to be compelled to join, and that is precisely the issue which is presented by the pending bill to repeal section 14(b).

If we repeal that provision, we will be putting the Federal Government's stamp of approval on compulsory unionism. Of course, in the process we will also be saying that the Constitution and the Bill of Rights are meaningless scraps of paper. And we will also be saying that the individual right of choice—which is an inherent and imperative ingredient of freedom—is no longer valid or permitted; that it is of no consequence. In brief, Congress by such ill-advised action would be saying that it will bow to the demands of organized labor leaders and, in the process, disregard the oath to support and uphold the Constitution of the United States—the oath taken by each and every Member of this body.

This Nation has always prided itself—and rightly so—on the protection of individual liberties and on that rock was our greatness achieved. How then can we subvert that principle by enacting legislation that will result in telling more than 50 million nonunion working men and women of this country that they must forgo part of their precious heritage—the right of free choice—for the sake, not of some great pressing national interest, emergency, or urgency—but rather for the sake of compulsory unionism?

Have we lost all sense of reason—have we forgotten the dedication to fundamental rights—have we forgotten the 10th amendment to the Constitution? I have not and shall not. Moreover, I can say that no court in this land could uphold the validity of a national compulsory unionism law if it correctly construes the Constitution. The very idea is foreign to every institution we hold sacred in this country.

Since when has it become the American way to compel membership in a private organization? Since when has it become American to compel that a trib-

ute be paid to an organization for the privilege of holding a job? What has happened to the inviolable right of association and the right of choice—indeed—the very right to work; to earn the bread of life?

I will yield to no man in support of the principles of honest unionism but neither will I yield in my dedication to a higher principle—the principle of individual freedom, and of voluntary association in private organizations. Unions have grown mightily without the benefit of compulsory membership and I think that it perverts the real value, the true worth and integrity of unionism, to say that it has reached that level of stagnation that it needs the bolstering support of compulsion by law from the National Government. And since when is it the function of the Federal Government to provide any private organization with a captive membership? The very idea of this is repugnant to the concept of decency, justice, and democracy. Are we to believe that the cause of unionism can no longer stand on its own merits? Must persuasion yield to force and dictation? I hope not.

One searches the record in vain for one simple, cogent reason why this proposed measure should be enacted. The President recommended enactment of this bill by saying simply:

> With the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States, I recommend the repeal of section 14(b) of the Taft-Hartley Act.

Reduced to its simplest terms this presumably means that in the name of uniformity we should repeal section 14(b). And we will have plenty of uniformity, all right, if we enact this bill—uniformity in the sense that we will deny the States the right or authority to act in this field—uniformity in the sense that we will be giving the power of conscription to the labor lords of the United States so that they can swell the size of their already vast armies and control them with dictatorial power.

Surely this is not what our President meant when he based his recommendations for this legislation on the grounds of uniformity. But one is at a real loss to know exactly what lay behind the quest of the mystical uniformity. Is mere uniformity so great—so sacrosanct—that we must fall in line to honor it? Or are we faced with a legislative proposal so bereft of any real national interest that we must seek its enactment through a quagmire of vague innuendos? Uniformity is achieved by dictatorship—not by democracy. Uniformity and subservience are the progeny of slavery and not fruits and blessings of freedom. Uniformity is inimical to independence, personal liberty, and the dignity of man.

Mr. President, I wonder how many Senators, indeed, how many people across this great Nation, are truly aware of the high stakes involved in the repeal of 14(b). By stakes I do not mean individual rights, precious as they are, or the rights of States, as vital as they are, but I mean stakes in the terms of money that will flow into union treasuries as a direct result of the enactment of the pending bill.

Mr. President, those stakes are big, and the jackpot that will be reaped by the unions by the repeal of 14(b) will run into hundreds of millions of dollars. How is this possible? By the simple enforcement of the many multi-State contracts which are currently used to a great extent by the unions. Under such contracts, provisions for the payment of initiation fees, dues, service charges, and special charges are already written into the contracts for all the States covered by such contracts. Only in those States having right-to-work laws are these initiation fees and dues presently uncollectible. However, provisions to levy and collect these tributes are written into many such contracts currently in force in the right-to-work States. Today those provisions are unenforceable. But just as soon as 14(b) is repealed, those provisions will be resurrected, and the unions will pull the lever on the biggest jackpot this Nation has ever seen.

Thousands—perhaps millions of working men and women—will suddenly find themselves faced with the payment of initiation fees to join unions running from several dollars to $100 or more, plus monthly fixed levies, to say nothing of the special fees and service charges.

With this bonanza at hand it is easy to see why some union officials are so militant in their drive to eliminate section 14(b).

In its zealous campaign for the enactment of this repealer, organized labor lays great stress on the argument that it is needed to conquer the free rider. A brief review of the situation that gave rise to the so-called free rider is sufficient to explode this myth and labor's dog-in-the-manger attitude about it.

The so-called free rider is the result of the unions' own doing, for it was the unions that insisted on the right of exclusive bargaining since the time of the enactment of the Wagner Act. Under this practice, the union becomes the exclusive representative of all employees in its collective bargaining unit, even though many employees in the group may have voted against such unit. The union fought for that power and has vehemently resisted any and all efforts to have it modified. Now it comes in whining that nonunion employees in a unionized plant are getting all the benefits of the collective bargaining negotiations without paying any dues or service charges to the union.

But the truth is that the unions have captured these so-called free riders and now seek to have them pay tribute for the privilege of being captive. So we are not dealing with free riders, Mr. President; rather, we are dealing with captive coworkers, who have already had their own freedom of contract diminished, and who are now being told that they must pay ransom for that privilege. How absurd.

Where is the evil in section 14(b)? Why is it that labor leaders clamor so for its repeal? I suggest, Mr. President, that there is no evil, that there are no bugaboos in section 14(b), and that the only reason why Congress is faced with the issue at all is simply because of the dilemma labor leaders have placed themselves in by making this hue and cry for the repeal of section 14(b) a symbolic issue for their own self-interest and perpetuation in office.

Section 14(b) merely reserves to the States the authority to enact right-to-work laws. And what is a right-to-work law? Its simplicity is simply overwhelming, for it merely makes it illegal to require membership in a union as a condition of employment. Is not that terrible, Mr. President? Is not that oppressive, Mr. President? Is it not awful and simply outrageous that here in America, the bastion of freedom, we have the audacity to have on our statute books a simple law that allows States to protect the working men and women within their borders by saying that they shall not be forced to join a union as a condition of employment?

Is it not a shame, Mr. President, that we have laws in 19 of our States which assure each working man and woman that he or she is free—not slave—and is entitled to decide freely whether to join or not to join a labor union? Is it not outlandish that those same State laws forbid both employers and labor unions from exerting compulsion upon workers in the making of their decisions and choice?

In truth, Mr. President, the wonder of it is that we should be asked to even review the protection to individual freedom and liberty accorded by 14(b) much less ever deign to revoke it.

We spend billions of dollars in defense of the freedom of this country and billions more in defense of freedom around the world. Countless thousands of Americans have sacrificed, and are even now sacrificing, their lives on far distant battlefields to preserve it. And yet we are forced here today to engage in an extended debate on whether we shall take away from millions of our own working men and women the simple right to work without paying tribute to the union bosses.

To paraphrase the oft-used adage in Washington of "come let us reason together," I say, "Come let us return to reason." You cannot reason together until you return to reason. The present arrangement permits the States the broadest latitude in dealing with this problem and the States have shown that they are more than capable of handling the problem in accord with their own needs.

Presently some 19 States have right-to-work laws on the books. These laws, in essence, merely establish the right to accept employment without the necessity of joining a union if the employer offers employment. The remaining 31 States do not currently have such laws but—and this is important—so long as section 14(b) remains the law, these States have the authority to change their laws. And in fact some States have from time to time sought to change their laws. For example, Delaware, Hawaii, Indiana, Maine, New Hampshire, and Louisiana had right-to-work laws for short periods and then repealed them. Obviously such action reflects the attitude of the people of those States on this issue. However, I

would not want to take from those 31 States the right to review this action at some future time if they were so inclined. But repeal of section 14(b) would take away that right of the States and thereby usurp their sovereignty on an issue which vitally concerns the fundamental ability of their citizens.

The State of Arkansas has had a right-to-work law on the books since 1944 when an amendment to its constitution was adopted providing;

SECTION 1. Discrimination for or against union labor prohibited: No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written, or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union, nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

Pursuant to that amendment, the following statute (81-202) was enacted:

No person shall be denied employment because of membership in, or affiliation with, a labor union; nor shall any person be denied employment because of failure or refusal to join or affiliate with a labor union; nor shall any person, unless he shall voluntarily consent in writing to do so, be compelled to pay dues, or any other monetary consideration to any labor organization as a prerequisite to, or condition of, or continuance of, employment.

This is an eminently fair and reasonable statute that treats both sides of the issue equally and fairly. It merely takes the middle ground; it simply disallows coercion one way or the other. It says to the union that it may operate freely and unfettered but without the power of the State or Federal Government to compel compulsory unionism. And it says to the worker, "You may follow your livelihood without fear of coercion or threat from the union—you may freely join or refuse to join." The choice is left to the individual.

I submit, Mr. President, that this is exactly as it should be. The weight of no sovereign power—State or Federal—should be thrown behind either side in this controversy.

The Members of Congress are now being asked to fly in the face of reasonable statutes such as we now have in Arkansas and some 18 other States, and vote to put the awesome power of the Federal Government behind a compulsive labor movement. Such a course of action would ignore all reason, logic, and the Constitution itself. A vote to repeal section 14(b) is a vote against the individual liberties guaranteed by the Bill of Rights and it is a vote against the express reservation of powers in the people and the respective States under the 10th amendment of the Constitution. And, of course, a vote to repeal is a vote to further solidify the already monopolistic and tremendous economic power that the labor movement has in this country.

The Arkansas right-to-work law, like the laws in sister States having similar laws, makes the worker a freeman—free to join a union if he desires, and free not to join or support a union if he is so inclined. The choice is his and his alone. Take away the right of choice—as is proposed by the repeal of section 14(b)—and you take away his freedom. For when choice is denied then so, too, is freedom.

But now, as a representative here of the people of that sovereign State, I am asked by labor leaders to disregard my obligation to them, to violate their trust in me and vote here to repeal or nullify that amendment to the State constitution which they adopted by the ballot—by majority vote—just a few years ago. Mr. President, I shall not betray their trust. I shall keep faith with them. If and when they, the people of my State, want to repeal the State's right-to-work constitutional amendment, they can do it with the same instrument with which they adopted it—the ballot. And it is not fair or right for the labor leaders of my State to ask me to do here what the people I represent refuse to do there, and I shall not do it.

Just this year the State Senate of Arkansas reaffirmed my State's position on the right-to-work issue by adopting a resolution stating that it is the consensus of the general assembly that the Arkansas delegation in the Congress of the United States should exert their full efforts to oppose the repeal of section 14(b) of the Taft-Hartley Act. And, Mr. President, I intend to do just that. To do less would be to flaunt the faith and trust of my constituents and their legislature.

Under present laws, the right to organize, the right to belong to a union, and the right to collective bargaining are well protected. So it is clear that if a worker chooses not to join a union, or participate in its affairs, then it is not because he cannot do so; rather it is because he will not, or does not, choose to do so.

Mr. President, it is significant that the great majority of the workers of this country favor the freedom of choice. The great majority of workers of this country have chosen not to join unions. Is that the reason for the clamor for repeal of section 14(b)? Because unionism, as it has been conducted in some instances, has lost its persuasion, its appeal?

Mr. President, unionism is good when it is operated well. But a majority of the workers of America today, with the choice open to them, in States that have right-to-work laws and in States that have not, have not yet chosen to join labor unions; and now Congress is asked to fly in the face of their will and vote compulsion. And we call this free America.

Could anyone on this floor seriously urge that we pass legislation to force businessmen to join chambers of commerce, or lawyers to join bar associations, or doctors to join medical associations, or hardware merchants to join hardware merchants' associations, or lumbermen to join lumbermen's associations, and on and on, Mr. President, on pain of losing the right to stay in business or to practice their professions? Of course not. And if that is the case, then how can we spend time talking about doing the very same thing by forcing workers to support unions whether they want to or not on pain of losing their jobs?

During the past decade this Nation has been embroiled in a long—and often bitter—struggle dedicated to the promotion of the interest of minority groups at any cost. Civil rights has been and is the rallying cry of many who are intent upon remaking our laws and reshaping our institutions. Unconstitutional laws have emanated from an emotionally charged and highly pressured Congress in the name of civil rights. And now that same Congress, under the same administration, is asked to run the gantlet again in behalf of another minority group, organized labor, even though that group seeks to capture millions of nonunion working men and women by the enactment of this pernicious legislation now pending before this body. Where is the sense, where is the rhyme or reason, in such action?

Less than one-fifth of American workers are members of unions. Yet that one-fifth—led by union sachems seeking absolute power—would have this Congress say to the other four-fifths, "You will be subjected to compulsory unionism whether you like it or not." I suggest that we pause and ask why this precipitous and far-reaching action? I suggest that we ask in the name of what national interest are we allegedly acting if we pass this ludicrous legislation?

Most assuredly, Mr. President, we are not acting for the benefit of the majority of our working force—for that majority chooses not to belong to a union. We are not acting in the best interest of the minority of our working force who belong to a union for we would be taking away from them the last vestiges of control that they might now enjoy. We are certainly not acting in the best interest of this country, for we would be creating a virtual monopolistic monster that already enjoys privileges far beyond any currently extended to any other private group in this country.

Therefore, Mr. President, I oppose, with all the vigor at my command, any effort to repeal section 14(b) of the Taft-Hartley Act. There are many compelling reasons for this position but foremost among them is my deep conviction that to repeal section 14(b) is to make a frontal assault on the individual liberties and freedom of America's working men and women.

And if that frontal assault is successful we will be sacrificing the freedom of association—sacrificing the freedom of contract—indeed, sacrificing the very freedom to work.

For what purpose will we make these sacrifices? Merely, Mr. President, for the sake of uniformity. It is strikingly peculiar that this idea could even be broached in this Congress, much less seriously considered.

Today, we are asked to force our working people to sacrifice freedom in the name of uniformity. Today, we are asked to tell the workers of America that they will be forced to pay tribute for the privilege of working, knowing that a measure of that tribute will be used to support

political ideologies, candidates, or parties to which they may well be opposed. Before we take that fateful step we would do well to recall these cautious words of Thomas Jefferson:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

What will be the next step? Forced support of programs allied to the union efforts, no matter what their nature, at the mere whim of the labor leaders. What manner of beast are we asked to create by the repeal of the simple—but oh, so valuable—provision of section 14 (b). Uniformity more nearly belongs in the vocabulary of totalitarian states—certainly it is foreign to the ideals of Americanism.

Mr. President, we all know that power tends to corrupt and that absolute power corrupts absolutely, yet we are asked to forget that time-tested truism and go through this sacrificial performance in an effort to appease those who deign to strengthen their control over the workers of this country by the powerful weapon of the compulsory unionism.

The power of compulsory unionism is too awesome even for the best intentioned, honest, and loyal labor leaders who are fortunately in the vast majority in this country today. But to put that power within the reaches of the elements of corruption in the ranks of labor would be placing ourselves in a completely unwarranted and untenable position. It would be a betrayal of the rights and privileges of millions of honest and dedicated working people in this country.

Based on my experience as chairman of the Senate select committee which held extensive investigations into the problem of labor racketeering, I can tell the Senate without hesitation that there is still much corruption in some labor unions today and, moreover, that compulsory unionism and corruption go hand in hand.

The hearings of that committee, which began in February 1957, and continued for almost 3 years, are recorded in 58 volumes of testimony. The disclosures resulting from those hearings shocked and alarmed the committee, the Congress, and the American people. They were appalled as witness after witness testified about the evils and abuses which were being perpetrated against millions of working men and women in this country by ruthless persons who were masquerading as labor leaders and friends of the workingman.

The reprehensible tools used by these racketeers and mobsters against the members of those labor unions which they controlled took many forms, including the use of union funds to bribe public officials; the extortion of money from employers; the forcible imposition of union membership on workers, achieved by forcing employers to enter into union shop contracts and then delivering the employees against their will to the union; the appointment of known criminals and unreformed convicts to positions of authority and trust over rank-and-file union members; and the abrogation of all democratic processes within the union and the substitution of complete dictatorial power by union officials.

To maintain their tyrannical control over various unions, this unscrupulous element frequently resorted to brutal physical violence and threats of violence against union members and even their families. Bombed businesses and dynamited homes were the hallmark of the ruthless who sought to establish a reign of terror over the rank-and-file members, and to silence anyone who otherwise might have dared to raise his voice in protest.

No one knows how many thousands of workers have been the victims of such exploitation. For every case that the committee was able to investigate, there were hundreds of complaints that could not be looked into because of lack of time and resources. But the 40,000 persons who were interviewed and the 1,400 witnesses who testified at the committee hearings provided overwhelming proof that the scope of the invasion of the organized labor movement by the forces of crime and corruption was far more widespread and extensive than anyone had previously believed.

Six major labor organizations, with a combined membership in excess of 3 million, were clearly shown to be substantially under the control and influence of evil and unscrupulous leaders. One of those six unions is the largest and most powerful international labor union in this country. Its membership exceeds 1½ million, and its annual income probably exceeds $100 million. The account of corruption, gangsterism, embezzlement, looting, and outright theft of millions of dollars from the pension, welfare, and other funds of this union by corrupt leaders constitutes one of the most scandalous and shocking disclosures resulting from the Senate select committee investigation. Yet this very union—with many of those same leaders still in control of its affairs—is today possessed of such exorbitant power that it can, at any time its leaders choose, call a nationwide strike that could bring the operations of vast segments of American industry to an abrupt halt.

The sordid story of the corruption and crime in which the leadership of that and other major labor unions was involved was so shocking as to be almost unbelievable.

Witness after witness, coming from all sections of the country, related story after story of the scandalous corruption which permeated the leadership of some segments of the organized labor movement. It is sickening to think that these flagrant and vicious abuses of power were being perpetrated against decent American working men and women.

That the investigation of the Senate select committee had established to a shocking degree the extent to which the American labor movement had been infiltrated by those who were determined to use such power for their own nefarious purposes was attested to by no less an authority than Mr. George Meany, president of the AFL–CIO.

Referring to the Senate select committee's disclosures of corruption in the American labor movement, he said:

> We thought we knew a few things about trade union corruption, but we didn't know the half of it, one-tenth of it, or the one-hundredth part of it.
>
> We didn't know, for instance, that we had unions where a criminal record was almost a prerequisite to holding office under the national union.
>
> We didn't know that we had top trade union leaders who made it a practice to secretly borrow the funds of their unions.
>
> We didn't know that there were top trade union leaders who used the funds for phony real estate deals in which the victims of the fraud were their own members.
>
> And we didn't know that there were trade union leaders who charged to the union treasury such items as speedboats, perfume, silk stockings, brassieres, color TV, refrigerators, and everything else under the sun.

Mr. President, that is not my language. I do not think I have said one word which could possibly be charged as an exaggeration in describing the conditions we found prevailing.

And I regret to say that although some 5 or 6 years have elapsed since the Senate select committee concluded its hearings, most of the same labor unions, and many of the same union leaders who were involved in the corrupt and criminal practices which those hearings disclosed, are still functioning as collective bargaining representatives of millions of American working men and women.

Do we want to turn the power over to them to compel the other four-fifths of the working people of our Nation to join their unions?

They, like the labor unions and labor union leaders who were expelled from the AFL–CIO some 10 or 15 years ago because of their Communist affiliations and allegiances, are still in positions of power in such segments of organized labor. Several of those unions are possessed of such exorbitant and monopolistic power that they can exert a stranglehold on vital segments of the American economy.

More recently—just a few short weeks ago—the Senate Permanent Subcommittee on Investigations concluded hearings inquiring into the affairs of two labor unions in the New York area.

The record developed at those hearings established that the officials of those two unions looted pension and welfare funds belonging to thousands of rank-and-file union members of $4 million. A substantial portion of this loot was used to establish lavish lifetime pensions for themselves and to speculate in the stock market for their own personal enrichment.

When called as witnesses to testify at the subcommittee's hearings concerning their conduct of the affairs of these unions they refused to answer any and all questions directed to them by the members of the subcommittee on the ground that to do so might tend to incriminate them.

Yet at this very moment those same individuals continue as the officials of two labor unions which have collective bargaining contracts covering thousands of working men and women in the New York area.

Arkansas workers do not want to be compelled by force of law to join unions that have that character of leadership.

Equally shocking is the fact that the limitations and inadequacies of existing laws make it highly questionable whether these corrupt officials can be successfully prosecuted, or whether the millions of dollars stolen from funds belonging to the rank-and-file members can ever be recovered. You may ask why these members do not withdraw from these corrupt labor unions. The answer is that they cannot do so, if they want to retain their jobs. Because the collective bargaining agreements entered into with their employers by these corrupt union officials are union shop contracts which make it compulsory for all of the workers to join and pay dues to the union as a condition of employment. Any employee who dares to protest or challenge the actions of those corrupt union leaders would automatically imperil his own livelihood, and perhaps even his life.

Indeed, it is this very power to compel membership in and to make contributions to the labor unions which they control which has enabled corrupt union officials to entrench themselves in the organized labor movement and to exploit the workingman for their own purposes. It is this monopolistic and compulsory power over the individual's right to work for a living which has enabled them to impose a system of tyranny and virtual enslavement over hundreds of thousands of workers in this Nation.

The only legal obstacles which are encountered today by such corrupt unions and their evil leaders are those State laws which prohibit the imposition of compulsory membership in a labor union as a condition of employment and those laws would be nullified by the repeal of section 14(b) of the Taft-Hartley Act.

Those who are today advocating the repeal of that section of the Taft-Hartley Act would do well to reconsider the consequences which would inevitably result from their attempt of that objective. None of them, I am sure, wishes to do anything which would add to the power and the opportunity which corrupt elements are already utilizing to exploit decent American workers for their own nefarious purposes.

Let those Members of Congress who would vote to repeal section 14(b) of the Taft-Hartley Act and thereby nullify all legal barriers against compulsory unionism ask themselves: Can compulsory membership in a labor union dominated and controlled by racketeers and gangsters be justified?

Today the American labor movement is the most powerful economic and political force in our country. Its membership exceeds 17 million; its annual income adds up to hundreds of millions, and its accumulated wealth is measured in the billions of dollars. It has been estimated that those unions which are affiliated with the AFL–CIO have in their various funds a total of more than $42 billion. According to those same estimates some $2 billion of that amount is in strike funds and various general funds. The remainder, some $40 billion, is in welfare funds which ostensibly are intended for the benefit of the rank-and-file workers.

The ease with which some crafty, greedy, and unscrupulous labor officials have been able to gain control of such funds for their personal enrichment and self-aggrandizement constitutes an abominable situation which should no longer be tolerated.

Let me emphasize, Mr. President, that the only similarity between those few organizations and their corrupt leaders and decent labor unions and honest, loyal union officials, who are fortunately in the vast majority, is that both are treated alike under the law.

Both enjoy the same special benefits, privileges, immunities, and exemptions under our laws. And both have the same unrestrained and tremendous powers.

The power of compulsion is not given to the honest union leaders and denied to the corrupt union leaders. One says, "We do not want corrupt union leaders." Who does?

The national organization can expel them from the AFL–CIO, and they have done so. But there are still union leaders who are still dominant in power over their group. They would have the same power of compulsion to make workers join their union and to work under their leadership and domination as would the AFL–CIO or any leadership under it that is clean and honorable.

Mr. President, millions of Americans must be deeply shocked that we in Congress would even consider legislation which would inevitably add to the monopolistic power of unions.

I wonder if they would not agree with me that the Congress should instead be seriously considering the enactment of desperately needed legislation to insure that the racketeers could not use the powerful reins of unions to victimize and exploit union working men and women.

Instead of deleting 14(b) the Congress should be considering legislation to insure that the billions of dollars now accumulated in union treasuries and in the pension and welfare funds, and which rightfully belong to the rank-and-file union members, should never again become accessible to the mobsters who, in too many instances, have been able to get control of them.

Yes, Mr. President, instead of devoting our valuable time to the consideration of legislative proposals which would repeal section 14(b) and thereby add to the already exorbitant power which the ruthless labor leaders, as well as the honorable ones, wield over American working men and women, let us get busy at the task of providing legislation which is so desperately needed to protect all of our working people against those who would trample upon their right to work and live as free citizens.

I propose, before adjournment of this session, to introduce a bill to remedy some of these conditions.

I am happy to yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. My question is directed toward the ruling that was made in the Tawas Tube Products case by the National Labor Relations Board. As a premise to the question, I wish to state the facts as I understand them to have been when the Board ruled.

In that case the USW expelled two members from its membership because they filed and actively supported a petition to decertify the union. The union ultimately won the election. The employer filed objections on the ground that expulsion had the effect of restraining, frightening, and coercing other employees, thereby interfering with the employees' free choice when they voted in the election.

It is my understanding further that the regional director of the National Labor Relations Board found that the expulsion was not justified. However, the National Labor Relations Board reversed the regional director, finding that the union's conduct was allowable under existing law as being within its rights to regulate internal discipline.

My question is: If those were the facts and the worker was prohibited from asserting his honest judgment as a free American about the decertification of this union as the representative of the workers, what happens to the freedoms of American workers?

Mr. McCLELLAN. The freedoms are destroyed by the rule of conformity. Once a worker gets in the union he has to conform; otherwise, he will be expelled. He will not be able to work. That is the power they have. They have the power of economic life and death.

Under that ruling they have the power of life and death over a man's earnings, whether he can work and earn a livelihood; if they once expel him from the union, the man is out of a job. Under that ruling, he must conform when he becomes a member; otherwise, he can be expelled. He could not object to the way his money was used; he could not object to the use of his contributions for the benefit of a political candidate he opposed. The union could take his money and do anything it pleased with it.

Under that ruling, if he protested, he could be disciplined to the extent of expulsion. The union could expel him, and he would not be able to obtain work.

Mr. LAUSCHE. Mr. President, will the Senator further yield, without losing his right to the floor?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. The next case is the Wisconsin Motors Corp. case. Local 283 of the United Auto Workers had a labor contract with the Wisconsin Motor Co. The union maintained a requirement that members would be fined or expelled for exceeding the production quotas established by the union. In other words, the union decided how much a worker would be allowed to produce; and if he produced more than the quota, he would be subject to fine or expulsion.

Several members who exceeded the quotas were fined up to $100 and were sued by the union for the payment of the fines. The members filed charges with the National Labor Relations Board, claiming that the fines restrained and coerced them in the exercise of their rights to engage in concerted activities.

The National Labor Relations Board dismissed the charges. It held that the union's conduct was permitted by a pro-

viso, section 8(b)(1)(a), which allowed the union the right to prescribe its own rules with respect to the acquisition or retention of membership. The National Labor Relations Board reasoned that fines imposed for exceeding unit production quotas concerned matters affecting individuals as union members rather than as employees and were, therefore, lawful.

With that premise, my question is: What happens to the liberty of the American worker who believes that his productive capacity is far greater than the union allows him to exercise, and through which expanded production activity his income would be increased?

Mr. McCLELLAN. He is put in a straitjacket for the sake of uniformity; therefore, his potentials for success and advancement are restricted. Thus, again, his liberty is limited and his freedom restricted. For him to expand them may work adversely to his interests and welfare.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for some questions along the line of the colloquy in which he has engaged with the Senator from Ohio?

Mr. McCLELLAN. I am glad to yield, provided I do not lose my right to the floor.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that on the 13th day of September, 1965—that is, last month—the U.S. Court of Appeals for the Seventh Circuit held in the Allis-Chalmers Co. case that, although a minority of the membership of the union covered by the compulsory unionism contract there involved disapproved of a strike which had been called by the union, and desired to continue to work at the plant in order to earn a livelihood for themselves and their families, that minority could be denied such right by the union and could be fined by the union for crossing the picket line and refusing to participate in the concerted activities of the union incidental to the strike?

Mr. McCLELLAN. That is the fruit of excessive or exorbitant power. In my judgment, too much power is given to the unions. By taking away the protections provided by the law as it exists today, the freedom the workers already have would be further diminished. Even when they are members of a union and work under union shop contracts, they may be in the union but not have their freedom. Their freedom and liberty are already diminished.

By the pending legislation it is proposed to compel them to be subjected to a further diminution of freedom and to a greater restriction of their activities. That is foreign to everything that America has always stood for and is foreign to the ideals and principles upon which our liberties rest.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that, when Congress passed the Taft-Hartley Act in 1947, it showed a clear intent, in section 7, to give to every person who has to earn his living by the sweat of his brow the choice either to join or refrain from joining a labor organization and the choice, in case he was a member of a labor organization, either to participate or to refrain from participating in the concerted activities of the union?

Mr. McCLELLAN. That is absolutely true, but it is not the way the law operates today. The decisions are contrary to the clear intent of the statute.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that, by enacting section 8 of the Taft-Hartley Act and providing therein that it would be an unfair labor practice for a union to restrain or coerce an employee in the exercise of his rights under section 7 of the Taft-Hartley, Congress thereby undertook to impose a sanction on union conduct which sought to deprive a person of his right either to participate or to refrain from participating in union activities?

Mr. McCLELLAN. That is absolutely correct.

Mr. ERVIN. Does not section 9 of the Taft-Hartley Act provide that employees, even though they are union members, shall have the right to file with the National Labor Relations Board a decertification petition or a deauthorization petition, and ask that the National Labor Relations Board hold an election to determine whether the majority of the employees in the collective bargaining unit still wish to recognize the union as their bargaining agent, or whether the majority of the employees wish the union to have the power to enter into a compulsory union agreement?

Mr. McCLELLAN. That is correct. Today, however, it is highly dangerous for employees to do that. Today, an employee places his job in peril if he undertakes to question the continuation of a union to which he objects.

In other words, we have a situation in which the union leadership becomes corrupt. The membership, or a large percentage of the union membership, reach the conclusion that they would like to deauthorize that union and perhaps join a good union. However, they are more or less imprisoned. They are unable to do it.

Mr. ERVIN. Mr. President, does not the Senator from Arkansas interpret the provisions of sections 8 and 9 of the Taft-Hartley Act as authorizing employees to file decertification petition or deauthorization petitions, without fear of any punishment whatsoever for so doing?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that, on the 25th day of August 1965—approximately 6 weeks ago—the National Labor Relations Board, in a unanimous opinion in the Richard C. Price case, held that a union could penalize and punish employees if they exercised the legal right conferred upon them by section 9 of the Taft-Hartley Act, and filed a decertification or deauthorization petition?

Mr. McCLELLAN. I agree with the Senator. I would also say that, in my judgment, the National Labor Relations Board in its decisions has quite often failed to follow either the letter or spirit of the labor laws.

Mr. ERVIN. Mr. President, does the Senator from Arkansas agree with the Senator from North Carolina that it is a most astounding legal proposition to say that a union, by adopting a bylaw, can set aside and nullify an act of Congress and punish a man for exercising a right which an act of Congress vests in him?

Mr. McCLELLAN. I thank the Senator because he is pointing out some of the perils which exist and which we are asked to augment and implement by this legislation.

We would be making it most perilous for the individual. We would be destroying a great measure of his freedom. We would be strengthening, increasing, and augmenting the power of some union officials who are today unworthy of the power that they possess.

I am sure that there are many good labor leaders. However, as I tried to point out, the law which we are asked to pass would confer upon the dishonest and crooked labor leaders the same authority that would be conferred upon the labor leaders who possess integrity and principle.

Mr. ERVIN. Is it not true that the proposal to repeal section 14(b) of the Taft-Hartley Act is a proposal to authorize the establishment of compulsory unionism in the 19 States which do not favor compulsory unionism, and that it would not only result in giving to good unions the power to obtain members by compulsion but it would also result in vesting in bad labor unions the power to obtain members by compulsion?

Mr. McCLELLAN. That is exactly what I have been emphasizing. No Senator can deny that that would be a consequence of our action. We cannot deny it and say, "We just want to get them in the good unions. We will make them join if they want to work." The labor leaders of a bad union, who are crooked and dishonest and operate the union for their own selfish benefit—such as in the case which I illustrated here—can compel them to join their union. They have no choice. They must pay tribute to the crooked and to the wicked.

Mr. ERVIN. Mr. President, does not the Senator from Arkansas know that the very largest union in the United States today, the union with the largest financial resources and the most members—the Teamsters Union—now has as its president a man who has been convicted in two cases of violating the laws of his country, and that the repeal of section 14(b) of the Taft-Hartley Act could result in compelling men in 19 States who abhor the acts of the president of the Teamsters to make contributions of union dues to be used in paying his salary?

Mr. McCLELLAN. The Senator is correct. I have emphasized that and mentioned the fact that there are three million members in the union. We investigated and found the union to be under corrupt leadership. Some of those members still have the same corrupt leadership. The union leadership possesses the

same control and authority that they had at the time of the investigation.

One might ask, "Why does labor not clean up the situation?" The AFL-CIO cannot clean it up. The leaders are still there. They have been expelled from the AFL-CIO, but they are still carrying on their various activities and still possess the same power and are still corrupt. They are still carrying on their activities against the union members and would carry on their activities against others who would be compelled to join the union if this law were enacted.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if, during the course of the investigation conducted by the select committee of which he was chairman, and of which I was a member, it was not revealed that one of the larger unions of the Nation—namely, the operating engineers—had a constitution under which more than half their members were denied the right to vote in the election of union officials and in the conduct of union affairs?

Mr. McCLELLAN. The Senator is correct. Approximately 25 percent or less were permitted to vote. The other members had no authority or voice. They were denied the right to vote. Yet they had to pay dues to support the union or to obtain or hold a job.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if, as a result of the revelations made by the select committee of which he was a chairman, Congress did not enact what is known as the Labor Management Reporting and Disclosure Act of 1959?

Mr. McCLELLAN. The Senator is correct. Congress did enact such a law. I never did think that the law was strong enough. I believe that has been demonstrated.

Mr. ERVIN. That act provided in one section that every union member should have certain rights, which rights were designated as the bill of rights; and among such rights was the right of a union member to vote in union elections and have his vote counted.

Mr. McCLELLAN. The Senator is correct. We placed in title I of that bill a provision which is known as the bill of rights of working people.

The only trouble was that the section which set forth the rights that workers should have was not as strong as I thought it should be. However, that was a compromise provision that was finally agreed to. We failed to set up the machinery for the enforcement of those rights.

Mr. President, I propose, if the motion to take up this bill prevails, to offer an amendment to put teeth into that law and give the working people the tools with which to protect themselves against the corruption and oppression to which some members are subjected, as revealed by our hearings.

Mr. ERVIN. I ask the Senator if one of the provisions of that 1959 act did not authorize the Department of Labor, in contested elections, to count the votes instead of accepting as final the count of the votes by union officials?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Arkansas if there was not an election held last year in the electrical workers union, and if those who were given authority by the union officers or the union convention to count the votes did not report that the former president, James B. Carey, had been reelected by a majority of approximately 2,300 votes?

Mr. McCLELLAN. They reported that Jim Carey was elected by a majority.

Mr. ERVIN. I ask the Senator from Arkansas if, when the Department of Labor recounted the votes, it did not find that, instead of being elected by a majority of 2,300 votes, James B. Carey had been defeated by a majority of more than 23,000 votes?

Mr. McCLELLAN. I believe the Senator is correct. There was quite a difference between the two figures.

I am persuaded that this is not the first instance in which votes have been miscounted in order to keep in power the present union officials. This is only one instance in which they were caught. They would not have been caught in this instance if it had not been for the act to which the distinguished Senator has referred, which was passed as a result of the disclosures made in the course of our hearings.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that Congress should not, by repeal of section 14(b) of the Taft-Hartley Act or by any other legislative act, say to the American worker that he must join, or support by the payment of dues, any union which would miscount 25,000 votes in an effort to keep one group of officers in power, and thus thwart the will of the rank and file of the union membership as expressed in an election?

Mr. McCLELLAN. I do not think we should say that, and I do not think we should say they should be compelled to join a union whose officers steal $4 million of the welfare fund and divert it to their own enrichment.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that a good union—that is, a union which is operated for the benefit of its members—does not need compulsory unionism in order to obtain members, and that a bad union should not have compulsory unionism for that purpose?

Mr. McCLELLAN. Let me repeat, as I stated in my prepared remarks: Are we going to substitute force for persuasion? The issue is just that simple.

Unionism has been established in this country for many years. It has been given protection, support, and even privileges by the Congress and the laws of the land, privileges denied to other organizations, privileges far in excess of those accorded to others.

With the great resources the unions possess to disseminate information to workers throughout the country, they should be able to rely upon their powers of persuasion. They are at no disadvantage. They are not handicapped. They can show the cold facts, and if they are of benefit to workers, and can so convince the workers, the workers will want to join the union. If they are not, in those areas where they have not convinced them, they now come in and say, "We want to force them to join."

I do not believe persuasion should be dethroned. It should be maintained. It should be preserved as the force or the means by which people are induced to join organizations.

When we go so far as to force people to join organizations for the sake of conformity, we might as well—and it would be no more violation of a personal right or of a civil right than what is urged here—force a man to vote Democrat or vote Republican because he gets the benefit of government, as to force him to pay dues to a corrupt labor union for the privilege of earning the bread of life.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that many organizations such as churches and civic, fraternal, and political organizations confer great benefits upon society?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. And does not the Senator from Arkansas agree with the Senator from North Carolina that our customs and our laws require churches and civic, fraternal, and political organizations to obtain their members by voluntary persuasion?

Mr. McCLELLAN. They do. And that is right. When a labor union does not have the merit to make an appeal to a worker on the basis of that which is right and just and that which is fair to society, to the employer, and to the worker, and win support, it certainly should not devolve upon the Congress of the United States, upon Government, to step in and compel membership by law.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that there is nothing unjust or antiunion in saying to a union that it shall obtain its members in exactly the same fashion in which churches and civic, fraternal, and political organizations obtain theirs?

Mr. McCLELLAN. Unions should have no more compulsory powers than any other voluntary organization. They should be voluntary. They should have all the privileges of a voluntary organization, but they should not be vested with powers that are foreign to the spirit and intent of voluntary action.

Mr. ERVIN. Is the Senator not aware of the fact that we have among us those who seek to justify compulsory unionism and the destruction of individual freedom which compulsory unionism occasions by saying that, in its absence, there will be free riders?

Mr. McCLELLAN. The Senator is correct. But as I have pointed out, they have the free riders because they asked for them. They asked for collective bargaining rights and bargaining powers over all workers in a collective bargaining unit. They sought the free riders. In fact, instead of being free riders, they are actually captives. That is what it amounts to.

Mr. ERVIN. Does not the "free rider" argument come down to saying to a man, "You must ride in this taxicab, even though you do not want to go to the

destination to which the taxicab is carrying you, and even though you have no confidence in the ability of the driver of the taxicab to get you there safely"?

In any event, is there not as much justification for that kind of free ride as there is for saying to a man, "You must join this union, although you disapprove its political activities, its social propaganda, and its leadership; you must join this union, even though you do not want this country to go to the destination to which the particular union wants to carry it, and even though you have no confidence in the judgment of the persons operating the union"?

Is not that what the "free rider" argument amounts to?

Mr. McCLELLAN. Very much so, as I have tried to demonstrate over and over in my remarks today. We cannot associate compulsion with freedom. They do not mix. If people are compelled to do something in matters with respect to which they have an inherent right of choice, a God-given right of choice, if they are compelled by law to do something which invades their freedom, which destroys their freedom, limits it, or restrains it, it is a violation of the principles of liberty.

Mr. ERVIN. Is not the whole teaching of the Bible, from one end to the other, that man is a free agent who has a right to make his own choices for good or for evil?

Mr. McCLELLAN. That is inherent in the doctrine of religion in which the Senator and I believe.

Mr. ERVIN. Is it not inherent in that doctrine that a man can act wisely or foolishly, righteously or unrighteously, according to his own free choice?

Mr. McCLELLAN. As I recall the Scriptures, among the virgins some were wise and some were foolish. That was by reason of choice and not compulsion, I assume.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that, under the teachings of the Bible, a man should not even be made to go to heaven against his will?

Mr. McCLELLAN. I do not think anybody will be forced to go to heaven, and he should not be forced to go to the other place; and he will not, if he has made the right choices. If he does not make the right choices, he may.

Mr. ERVIN. But the good Lord gives him the liberty of making those choices.

Mr. McCLELLAN. He gives him the choice.

Mr. ERVIN. He puts men under no compulsion to enter the kingdom of heaven except by freedom of choice.

Mr. McCLELLAN. The Highest Authority of divine power did not use compulsion, and He has not prescribed compulsion, but has made man a free agent to choose the course of his destiny.

Mr. ERVIN. I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield at this point?

Mr. McCLELLAN. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I have in my hand a book written by the Reverend Edward A. Keller, entitled "The Case for Right To Work Laws." In his book he quotes from a letter written by Mr. Otten to be relieved of his membership in a union because of his religious beliefs. In his letter Mr. Otten quoted from II Corinthians, chapter vi, verse 14:

> Be not diversely yoked with unbelievers; for what participation is there between righteousness and lawlessness? or what fellowship of light with darkness?

Then he says:

> Therefore, according to the Scriptures one feels that he must do the will of God. As I stated before, one cannot link himself with unbelievers. In unions, or other organizations, there are many believers in the Lord Jesus, and many unbelievers, so if there are unbelievers we cannot link with them. So, therefore, we must separate ourselves from all organizations. I ask you, Mr. Doyle, if you can graciously exempt me from becoming a member of your trade union on these grounds? We are not opposed to paying any equivalent of dues to a charitable organization such as the American Red Cross or a local hospital, other than union purposes.

That quotation from the Scriptures establishes the principle that the right of association is sacred, and one of the natural rights of man. Man has the right to associate with whom he pleases, or to dissociate himself. He should not be compelled to accept associations which do not conform with his conscientious concept of life.

Now I wish to go a step further——

Mr. McCLELLAN. Let me interject that I wholeheartedly agree with what the distinguished Senator from Ohio has said.

Mr. LAUSCHE. A moment ago I discussed two cases that came before the National Labor Relations Board. I wish again to identify them. One was the Tawas Tube Products case, decided in 1965, which held that when the member of a labor union sought to get decertification at the National Labor Relations Board, contrary to the wishes of the union, he was committing a transgression against the union and subjecting himself to whatever fine or disciplinary action the union might take under its bylaws.

Mr. McCLELLAN. May I interject——

Mr. LAUSCHE. The second case involved the Wisconsin Motors Corp., decided in 1964 by the National Labor Relations Board. In that case the worker, a member of the union, was expelled because he produced more than the union said he was allowed to produce. There we have another example of the union dominating the free choice of a worker.

Mr. McCLELLAN. I thank the Senator, because he is giving concrete examples of the monopolistic powers to which I have referred in the course of my remarks.

Mr. LAUSCHE. That is what prompted me to intervene.

Now we come to a third case, which deals with the crossing of a picket line, such as was discussed by the Senator from North Carolina [Mr. ERVIN]. This is the Allis-Chalmers Manufacturing Co. case, which was also decided in 1964. The UAW fined several of its members for crossing the union's picket line during a strike, claiming that such crossing was in violation of the union's constitution and bylaws, relying upon the Wisconsin Motors case, which was the case in which the worker exceeded his production assignment. The National Labor Relations Board ruled that this was a matter of legitimate concern to the union, as it involved the loyalty of its members during a time of crisis.

Therefore, I point out, first, that, if we participate in a movement to decertify the union, we are a transgressor; second, if we exceed the production formula established by the union, we are a violator of its laws and, therefore, subject to fines and expulsion; third, if we cross a picket line, wishing to work in order to maintain ourselves and our families, we likewise become a transgressor and are subject to disciplinary action.

I summarize by asking the question: What becomes of the great freedom which is proclaimed by the goddess of liberty on our courthouses, and on our other public buildings, and the claim that the great economic and social progress made in the United States has been the consequence of each individual being allowed to exercise his mental capacity and his manual capacity?

Mr. McCLELLAN. His freedom has been subrogated to monopolistic power in each of the instances the Senator has described. He is compelled to become subservient and obedient to the will of an organization which chooses to deny him the freedoms which he would like to exercise.

Mr. LAUSCHE. Mr. President, for the moment now, I should like to pass on to another subject. I hold in my hand a newspaper article published in the Lima, Ohio, News, of May 5, 1963, reporting on a story from Milwaukee, Wis., where a court fined a woman for going to church, thereby failing to attend a union meeting. The meeting was held on a Sunday morning. She was a member of the union, but she decided to go to church in preference to going to the meeting. She had been fined by the union and the fine of the union was sustained by the court which also fined her.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

COURT FINES WOMAN FOR GOING TO CHURCH, MISSING UNION MEETINGS

MILWAUKEE, WIS.—Mrs. Mary Ellen Benson said Friday she wanted to find someone who cares about her right to worship instead of attending union meetings on Sunday mornings.

"I thought the Constitution gave us the right of freedom of worship," she said. "I just wish I could find someone who cares, who is willing to stand up and be counted in this."

Mrs. Benson paid $10.40 in county court Thursday for going to church instead of union meetings.

In a pretrial hearing, Judge Robert Miech decreed she must pay a $5 fine to the union and $5.40 in court costs for admittedly not complying with union bylaws that provided any member that misses three of five meetings be fined. The union brought suit against Mrs. Benson when she balked at paying the fine.

"The union meetings come on Sunday morning exactly at my church time," she said. "I've told them (the union) over and over again that I will never go to their meetings as long as they are on Sunday," she said.

"And I still won't."

Judge Miech said her reason for missing the meetings was praiseworthy. But he said past court decisions made it clear that the United Papermakers, and Paperworkers Local 356, had the power to assess the fines.

Mr. LAUSCHE. Mr. President, let me ask the Senator from Arkansas what becomes of the first amendment of the Constitution?

Mr. McCLELLAN. In other words, what happened to her religious freedom?

Mr. LAUSCHE. The Senator is correct—what happened to her religious freedom? That is what I speak of.

So then, under this beneficence of the Government declaring that, "We will help you but we will help you only if you surrender your freedom and your liberties," is exactly such a situation we could be in.

Mr. McCLELLAN. That is exactly as I see it, too.

I thank the distinguished Senator from Ohio for his valuable contribution to this debate, and also the distinguished Senator from North Carolina [Mr. ERVIN].

Mr President, I should like to emphasize what I have said with respect to the destruction of freedom by having printed in the RECORD excerpts from the decisions in two court cases; one is a statement made by Judge Carter of the Supreme Court of the State of Nebraska, in the case of Hanson against Union Pacific Railroad Co., decided July 1, 1955; and a later case, that of Looper against Georgia Southern & Florida Railway Co., decided by the Supreme Court of the State of Georgia in April 1957. I ask unanimous consent to have these two excerpts printed in the RECORD, in order to show the viewpoints and comments of these two distinguished courts with respect to freedom of the individual.

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

HANSON *v.* UNION PACIFIC RAILROAD CO.

(Statement by Judge Carter of the Supreme Court of the State of Nebraska)

If an employee is compelled to join a union against his will in order to continue in his employment, he not only pays his share of the cost of the union's bargaining processes, but he is compelled to support many other principles, policies, programs, and activities to which he may not subscribe. Some unions support a form of life insurance which pays death benefits; some support a welfare fund for the benefit of needy members. Some unions maintain a strike fund to protect employees when on strike, some establish funds to be used in the furtherance of economic and political principles in which an employee may have no confidence. In some instances compulsory membership would compel support, financial and otherwise, of policies which an employee might deem objectionable from the standpoint of free government and the liberties of the individual under it. An employee may neither desire the benefits of such programs nor desire to contribute to their support. He may object to certain programs and activities of the union for reasons of his own and, consequently, not desire to contribute to their promulgation. To compel any employee to make involuntary contributions from his compensation for such purpose is a taking of his property without due process of law.

We have prided ourselves in this country in the rights of free speech and free thought, rights which have been guaranteed to us by constitutional provision. Compulsory unionism infringes upon these rights and often encroaches upon the right of an individual to be free from coercion by others. To compel him to contribute to the support of economic or political programs adopted by a union, which may be abhorrent to him, is as constitutionally wrong as if similar programs were compelled by the employer. The fifth amendment protects against the forced appropriation of one's property for the support of ideals which he may desire to oppose. The right to work and to be compensated therefor is a fundamental principle in our democratic thinking. To force contributions against one's will in the manner here employed is a violation of his fundamental rights and privileges. It is a violation of 'nor be deprived of life, liberty, or property, without due process of law,' contained in the fifth amendment of the Constitution of the United States. Constitutional guarantees exist in fair weather and in foul. They may be asserted by the minority against the majority, and by the individual even against the power of government. They may be asserted by an employee against his employer or a labor union, or both. An employee not only has a right to work, but he has the guaranteed right to have his earnings protected against confiscation against his will. Forcing an employee to join a union and to compel him to financially support principles, projects, policies, or programs in which he does not believe and does not want, is clearly a taking of his property without due process.

If this be true, the constitutional provision here questioned is declaratory of the rights guaranteed to plaintiffs under the Constitution of the United States and, consequently, is not subject to the attack made upon it by these defendants.

That moneys collected from employees covered by compulsory union membership contracts have indeed been used by the union officials to support ideological and political doctrines and candidates that the employees themselves were opposed to was clearly established in the case of *Looper* v. *Georgia Southern & Florida Railway Co.*, 19685 C.J. 4, decided April 1957.

The Supreme Court of the State of Georgia in its decision in that case held such expenditures to be in violation of the rights of the union members. In its decision, the court stated:

"We do not believe one can constitutionally be compelled to contribute money to support ideas, politics, and candidates which he opposes. We believe his right to immunity from such exactions is superior to any claim the union can make upon him."

Mr. McCLELLAN. Mr. President, I close with the observation that I shall speak again on the pending motion unless it is withdrawn or otherwise removed from the pending business.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. McCLELLAN. I yield.

Mr. STENNIS. I highly commend the Senator from Arkansas for a very fine and outstanding presentation of many of the major questions involved in the pending question. His logical analysis and presentation are in keeping with his custom. They have been quite helpful and a valuable contribution to this debate. I commend him and applaud him highly.

Mr. McCLELLAN. I thank the distinguished Senator from Mississippi.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 106) to allow the showing in the United States of the United States Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums."

The message also announced that the House had passed the bill (S. 32) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 1805) to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 5571. An act to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders; and

H.R. 7484. An act to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeons General.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. SICKLES, Mr. GIBBONS, Mr. CAREY, Mr. PERKINS, Mr. DENT, Mr. AYRES, Mr. QUIE, Mr. GRIFFIN, and Mr. REID of New York were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 2303) for the relief of Ernest J. Carlin, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to

the enrolled bill (S. 2232) to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 2303) for the relief of Ernest J. Carlin, was read twice by its title and referred to the Committee on the Judiciary.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. ROBERTSON. Mr. President, before I take up my prepared remarks, I wish to give an answer to the distinguished Senator from Ohio [Mr. LAUSCHE], who just asked the distinguished Senator from Arkansas [Mr. MCCLELLAN] about a violation of the 1st amendment, the 5th amendment, and the 14th amendment, in compulsory union shop requirements.

That question, fortunately, was answered by our Supreme Court 4 years ago in the Street case, in which the Court held that every requirement by Federal law of the type mentioned by the distinguished Senator from Ohio is illegal.

I shall later quote extensively from that decision, and also from the decision of Mr. Justice Black in that case.

There was a 5-to-4 decision that upheld a narrow interpretation of one provision of the Railway Labor Act. Mr. Justice Black rendered a long opinion, which I shall read, in which he challenged the majority decision.

In the case of *International Association of Machinists* v. *Street*, 376 U.S. 740, the Supreme Court reiterated the interpretation of Hanson. This bill is based on the Hanson case, and I shall discuss it. That case was entirely different from what we have here, and I shall show beyond any reasonable doubt that while the Court held the Hanson case to be legal under the Railway Labor Act, it would, by the same reasoning, have to declare this bill to be illegal and unconstitutional.

Here is what the Supreme Court said in the Street case:

> All that was held in Hanson was that section 2, Eleventh, was constitutional in its bare authorization of union shop contracts requiring workers to give financial support to unions legally authorized to act as their collective-bargaining agents. We sustained this requirement, and only this requirement.

That is what the Court is saying. The Court says, "You can collect dues for a union that will bargain for your wages and working conditions, and that is all."

What does this bill provide? For example, if I am an educated man, I may be forced to join a union that is composed of roughnecks, when I do not want to associate with them. Under the first amendment, I do not have to associate with them. This bill says, "Yes, you do. It makes no difference what you want to do. We will force you to join or we will destroy you, we will take your job from you."

Again, here is a man who says, "Here is a union which puts out views that I do not like. I know what their views are. But if I get in there and express myself about them, they will throw me out or fine me."

This bill says, "It makes no difference that the first amendment says you will have freedom of speech. We are taking it away from you. We are going to force you into a union that says you cannot express your views contrary to theirs."

Again, suppose I am a Catholic and I say, "I do not want to join a union that will assess me and make a contribution to the local Methodist Church." This bill says, "It makes no difference whether you are a Catholic or what you are. You have got to do it."

Yet the fifth amendment provides that a citizen's property cannot be taken away except by due process of law and by payment of just compensation. But the bill says, "You have no rights of property under the fifth amendment. You will be forced into the union and we will take your dues from you and contribute to the Methodist Church."

Again, suppose I am a Republican and I say, "I do not want to get into a union that will use my dues to help the Democrats. I am against the Democrats." This bill says, "It makes no difference whether you are a Republican or whatever you are. We are going to force you in there, and the union can assess you dues and use the money to help the Democrats"—violating the fifth amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield at that point?

Mr. ROBERTSON. I would rather finish my illustrations, and then I shall be glad to yield.

Mr. LAUSCHE. Very well.

Mr. ROBERTSON. Again, the union has issued an order, "You shall not cross a picket line for a wildcat strike." Someone says, "I think the strike was very vicious, unjust, and unfair, and I want to cross it." What does the union say? The union brings him before a kangaroo court and he is fined $100.

The 14th amendment provides that a citizen's rights cannot be taken away from him except by due process of law. So that person says, "I cannot be fined by your court except under proper process of law." This bill says, "Forget about the 14th amendment. We will force you into the union. You must abide by what the union says. If you violate what it says, the union can impose any fine on you it wishes, and you must pay it, or you will be expelled, and when you are expelled you die."

I merely wanted to assure my friend from Ohio that I have gone into these cases quite fully. If I can stand up long enough, I shall engage in a rather extended discussion of how unconstitutional this measure is.

I realize that some of my very fine and beloved brethren have made promises to labor leaders and others that they will vote for this bill. But I remind them of this fact: The first promise they made when they came into this body and stood on the left-hand side of our distinguished Presiding Officer was what? They held up their right hands, for one thing, looking out over the inscription "In God We Trust," and took a solemn oath to support and uphold the Constitution. Then what did they say? "So help me God."

Could a Senator make a more definite commitment than that? Must any labor leader or any pressure group insist on holding a Senator to a promise to support a bill which afterward that Senator learns is definitely and clearly unconstitutional, and would require him deliberately and in the presence of an all-seeing God to repudiate the first and most solemn oath he took when he became a Member of this body?

That is what I say is involved in this bill. It is clearly unconstitutional. Those who made this commitment apparently had not read what the Supreme Court had said in the Hanson case, that the Court would never go any further than merely to uphold a requirement that, if it was for bargaining for wages and working conditions, it would sustain the union shop; but it went no further.

The proposed bill goes a great deal further.

This morning I was handed a news item from the Chicago Daily News of October 4. I will read two paragraphs from that article:

> The 21-member executive board of the Illinois Labor Federation introduced a resolution which said Congress is doing a better job than State legislatures of meeting the people's needs. The State legislatures may fold up within 20 years.

Think of a labor organization, enjoying more privileges than labor enjoys anywhere else in the world, enjoying the opportunity to serve at the highest wages in the world, under the most favorable working conditions, with every kind of fringe benefit, hospitalization, paid vacations, and whatnot, wanting the States to fold up within 20 years and let the Federal Government take over.

I wish they would read the debates of the Constitutional Convention. I wish they would read the Federalist Papers, in which both Madison and Hamilton said we have deliberately framed a national Constitution of divided powers under which the Central Government shall have only limited and delegated powers, and that other powers are reserved to the States and the peoples thereof.

They also said that the best safeguard from a monarchy, on the one hand—which Hamilton really favored if George Washington was going to be the new king—or a dictatorship on the other,

would be the preservation of the sovereign States.

The example on the extreme right was Hitler. The example on the extreme left are those operating behind the Iron Curtain. We know that if we abolish the States and put all the powers in the Federal Government, a revolution here, as in some Latin American countries, for instance, could overthrow the Government, and we would have a dictator. He would either be to the far right or to the far left. That is the present method of dictators. In any event, the labor movement will be destroyed because they will lose freedom, like all the rest of us.

They will not be able to say what wages they are going to demand. They will be told, "You will take what I give you." They will not be able to say where they will be employed. They will be told "You will work where you are assigned." That is a dictatorship.

And yet, I hold this resolution from Illinois, one of the great and powerful industrial States of the Nation, wherein it is stated in a prepared resolution:

The State legislatures may fold up within 20 years.

That brings me to the commencement of my prepared speech, the theme of which is that this is only another step to fold up our State legislatures and to take from our States their sovereign right to preserve the rights of their people, as guaranteed in the 1st amendment, 5th amendment, 14th amendment, and the 9th amendment.

I yield to the distinguished Senator from Ohio [Mr. LAUSCHE], who may wish to ask about the authorities upon which I rely.

Mr. LAUSCHE. The Senator from Virginia made mention of the propriety of using union dues to promote the election politically of parties that do not truly represent the thinking of the particular member who has paid into the union fund.

The Senator from Virginia has said that that is wrong; that it is wrong to require a worker to pay union dues, and then have the union use the dues to promote the election of a political party that does not truly represent the philosophy of the worker.

I wish to read for the information of the Senator a question-and-answer series that took place in the House committee that heard testimony on the repeal of section 14(b).

The witness was Mr. Zagri, the lawyer for the Teamsters Union. These are the questions and answers:

Mr. GRIFFIN. * * * I want to know whether you agree that the dues that are collected under a union shop contract should be spent only for the purposes of collective bargaining.

Mr. ZAGRI. I think the dues collected by the union under the union shop should be spent for the purposes of that union. The purposes of that union are defined by the constitution and bylaws of that union.

Mr. GRIFFIN. * * * In fact, a few years ago, about 4 years ago, as I recall, there was a lot of publicity in Michigan about the fact that the Teamsters Union in Michigan had contributed dues money to a candidate for prosecuting attorney. I think his name was Mr. Olson.

* * * Do you agree and concede that the Teamsters did contribute substantial sums of money to that candidate for prosecuting attorney in that election, and are they contributing funds to candidates for election in other State and local elections * * * and do you consider this consistent with your advocacy of the repeal of 14(b)?

Mr. ZAGRI. I can't speak for the expenditures in any State because those expenditures would be more within the confines of special knowledge of the director of politics in that State.

However, assuming for the sake of argument that this was done, that there was a contribution of union funds in a State election or in a local election, I will not concede that this is not a proper activity, because I believe that the welfare of a union, whether it is at the State, local or national level, is directly affected by decisions made by city councils, State legislatures, or this Congress.

Mr. President, if this is a sound proposal, that a worker's dues, paid to promote collective bargaining, can be used to elect LAUSCHE in Ohio, ROBERTSON in Virginia, or BASS in Tennessee, then let each one of us in the Senate lie down, face to the floor, and admit that those unions will elect us or defeat us with the moneys they expend after collecting them from their members in the unions.

Mr. BASS. Mr. President, will the Senator yield for a question at that point?

Mr. ROBERTSON. The Senator from Ohio has asked me a question.

Mr. LAUSCHE. I have not finished the statement. I suppose this will pinch, but let it pinch.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. LAUSCHE. I will take no more than a half minute.

Mr. GRIFFIN, the Representative, continued:

Mr. GRIFFIN. As I understand your testimony, then, although you are not prepared to make statements on specific candidates, you acknowledge that in general the Teamsters Union funds are used to support candidates in elections at the State and local level, and you think that is a proper use?

Mr. ZAGRI. I say we would be derelict in our duty to our membership if we didn't.

In a way, this controverts the position taken by the Senator from Virginia.

Mr. ROBERTSON. No; it confirms it 100 percent. I commend that union representative for being frank and honest about what the union was trying to do. They were going to compel everybody to go into a union shop; and when they got him in there, they were going to use his money to elect Democrats, perhaps, if the individual were a Republican; to support a Protestant church, if he were a Catholic; and to fine him if he crossed a picket line.

I say that that statement puts us on notice as to what the bill means and how it will be implemented. The union representatives have said so. They have said, "We are going to do all the things we have been doing." They have been doing them illegally, but we cannot get any help from the National Labor Relations Board. That Board should be described as an assistant or an agency of the AFL-CIO. At any rate, we are on notice as to what the bill means concerning what the unions will do.

In the Hanson case the court said that such practices are illegal, and did not pass on them. In the Street case, which was upheld by a majority of one, practices were held to be illegal.

I shall read a long opinion by Mr. Justice Black in which he enumerates all those practices, comments on their illegality, and states that the Court must strike them down if they ever come before the Court.

I appeal to Senators, in the knowledge of what the bill means, as explained by the Senator from Ohio——

Mr. LAUSCHE. Mr. President, will the Senator yield? I did not explain it; I quoted a statement by the lawyer for the Teamsters Union. Of course, in a measure, I did explain it.

Mr. ROBERTSON. The Senator from Ohio quoted a statement by a lawyer for the Teamsters Union as to what the union proposed to do with the money. We know what the intent of the bill is. I am saying that it is unconstitutional. I want to know how many Senators, knowing it is unconstitutional, will vote in accordance with their oath to uphold the Constitution.

I now yield to the Senator from Tennessee, to see if he can explain his vote.

Mr. BASS. It is not a question of explaining my vote. I wish to ask a question. I wish to get all the information I can. The Senator from Ohio is well versed in the law. He referred to political contributions made from the dues paid by union members. Am I correct or incorrect in stating that the so-called Landrum-Griffin Act prohibits the use of any portion of union dues for political contributions?

Mr. LAUSCHE. I should say that under a recent Supreme Court pronouncement——

Mr. BASS. Wait a minute.

Mr. LAUSCHE. Just one moment. The Senator from Tennessee will not admonish the Senator from Ohio.

Mr. BASS. I am asking a question.

Mr. ROBERTSON. I have the floor. I will answer the question.

Mr. LAUSCHE. Very well.

Mr. ROBERTSON. The Court will say that if one voluntarily joins a union that contributes funds to a political campaign, that is all right. But if one is forced into joining a union that follows such a practice, the practice is wrong.

Mr. BASS. Oh, no.

Mr. ROBERTSON. Do not argue with me. I have answered the question. That is the law. If one is voluntarily a member of the union, the union can take the member's money and use it for whatever it pleases; the member has agreed to that. If he is involuntarily a member of the union, and is a Catholic and does not want the union to contribute to a Protestant church, or if he is a Republican and does not want the contribution made to a Democrat, the Court said, "We will not support such a practice as that."

The Senator from Tennessee, when he took his oath as a Senator last January,

swore to uphold the Constitution of the United States, "So help me God."

The Senator can argue this point, but on his own time. I am going to speak first.

Mr. BASS. In answer to the Senator's question, the Senator from Tennessee cannot anticipate what the Court may hold as to the constitutionality of an act; and the vote must precede the action of the Court.

Mr. ROBERTSON. The Senator does not have to anticipate. I can tell him what the Court has already said. The Senator can be the keeper of his own conscience.

Mr. BASS. I cannot anticipate what the Court will do, so I shall vote for the bill.

Mr. ROBERTSON. The Senator cannot anticipate what the Court will do because the Court has already made its decision.

Mr. BASS. On this particular subject?

Mr. ROBERTSON. Yes.

Mr. BASS. The repeal of section 14 (b)?

Mr. ROBERTSON. On the essence of what we are asked to do, the Court has said, "We will not approve it"; that is, the Court will not approve what some say the unions have a right to do.

Mr. BASS. I have never read an opinion expressing views on the constitutionality of the repeal of section 14(b).

Mr. ROBERTSON. Wait until I finish my speech; then let the Senator vote his own conscience. But let the Senator remember, before he votes, what he promised to do about upholding the Constitution.

Mr. BASS. I shall always do that.

Mr. ROBERTSON. With all due deference, other Senators may speak on their own time. I have not begun my speech yet.

Mr. BASS. The Senator from Virginia is making a great speech.

Mr. ROBERTSON. No; I am not making a great speech.

Mr. STENNIS. Mr. President, may we have the regular order?

Mr. ROBERTSON. I decline to yield further. I have been generous in yielding 45 minutes of my time to other Senators.

Mr. President, the manner in which repeal of State right-to-work laws was railroaded through the House makes it imperative that the Senate debate this bill thoroughly.

As a former Member of that body I realize that, with a membership of 435, it is not possible to permit the same freedom of action in that branch that prevails in the Senate.

But, Mr. President, there was no justification for the body at the other end of the Capitol to take up and pass a bill of this importance under a parliamentary procedure which prevented the House from voting on a number of amendments which were germane in committee but not on the floor.

Actually, the House passed this bill without dotting an "i" or crossing a "t", after only 5 hours of debate. Originally the leaders had proposed 2 hours of debate, and their only concession to the opposition was to add 3 more hours.

This measure was ran through the House like a toboggan sled zooming down a snow-covered mountain side.

In recent years it has become a popular pastime to denounce Senate rules which permit unrestricted debate and allow amendments to be offered to every line of a bill. If an object lesson ever was needed to justify the due deliberation which is possible under Senate rules, the House provided that lesson in its handling of this bill to repeal section 14(b).

Let me illustrate how inconsistent the House was in closing the door to all amendments to this bill.

The chairman of the House Committee on Education and Labor, Mr. POWELL, of New York, began his defense of the repeal measure by saying the sole purpose is "to establish a uniform Federal rule governing union security agreements."

Yet the House brushed aside as not germane an amendment to exempt workers who cannot join a union without violating their religious beliefs, despite the fact that the House had only recently adopted a similar exemption from social security taxes and benefits for those whose faith rejects such welfare programs.

What became of a "uniform Federal rule" to safeguard freedom of religion? Where is the logic in allowing one person to remain out of the social security program because of his faith, while saying to another man, "You must join a union regardless of your religious beliefs, or quit your job"?

And, bear in mind, the religious objectors who were turned down in the House were not trying merely to save the cost of union membership. The amendments which were ruled out of order would have required the exempt individuals to pay an amount equivalent to their dues into a separate union charity fund, or into the Federal Treasury.

Even some of the advocates of repeal of section 14(b) recognized the injustice of turning down the religious exemption amendments. Some said the unions would take care of the problem voluntarily. Others promised to support separate legislation along this line later.

But we all know that a separate bill brought out later never will command the attention of this major repeal measure, and could easily get lost in the adjournment rush. Mr. President, this method of getting rid of amendments by offering to take them up later, is as old as Congress itself.

It is something like the device used by a wily debater, who gets around an embarrassing question by saying, "I'm glad you asked me that, and I'll come to it later in my speech." Then he goes on to something else, and he never seems to get back to that question he was glad you asked him.

The House also was denied an opportunity to vote on a series of amendments which would have made it an unfair labor practice for a union to:

First. Restrict its membership on the basis of race or religion.

Second. Use union dues for political purposes, although permitting a union to raise a separate political fund made up of voluntary contributions.

Third. Fine, suspend, or expel any member for exercising or attempting to exercise any civil or constitutional right.

The House also avoided a vote on an amendment which would have sanctioned the so-called agency shop, under which workers could refrain from joining a union provided they paid an amount equivalent to their dues.

One amendment managed to escape the nongermane label, but it was promptly voted down. It would have postponed the effective date of repeal until December 31, to give management and labor in the 19 right-to-work States time to adjust to the changed conditions.

Mr. President, the entire membership of the House must share with the leaders the responsibility for having taken up this important measure under a gag rule. They could have ungagged themselves by defeating the previous question when Mr. POWELL first offered the resolution under which the bill was taken away from the Rules Committee.

If they had beaten the previous question, some other Member could have offered a substitute resolution leaving the bill open to amendments. And I have no doubt that if this bill had been brought to the floor by the Rules Committee it would have been under an open rule, permitting amendment.

But the leadership resorted for the first time to a new rule adopted in January, under which a committee chairman may take a bill directly to the floor if the Rules Committee has not cleared it within 21 days.

When this rule was adopted many House Members looked upon it as a sort of guarantee that the House would always have a chance to work its will. But, certainly, in this case the House had no chance to work its will, when amendment after amendment was ruled not germane even though they were related directly to the basic issue of union membership.

It is obvious, Mr. President, to anyone familiar with current events that there are a number of labor-management problems of far greater urgency and importance than section 14(b). But the leaders of this Congress seem intent on pushing through this limited change in the Taft-Hartley law without facing up to the more pressing issues in this field.

One such issue was created by the Supreme Court a few months ago, when it declared unconstitutional the provision in the Labor-Management Reporting and Disclosure Act of 1959, prohibiting members of the Communist Party from serving as officers of unions.

In a 5-to-4 decision on June 7, the highest Court in the land called that provision a bill of attainder.

Mr. President, Americans are dying today to protect South Vietnam from Communist control, but many workers at home no longer have a Federal law to protect their unions from such control. Only the workers in the 19 right-to-work States still have a free choice to protect themselves.

Instead of withdrawing their rights by repealing section 14(b), we should be

doing something to offset that court decision in the 31 other States.

Perhaps no section of the Taft-Hartley law is in greater need of review at this time than the 80-day injunction procedure that was intended to provide a cooling off period to avert strikes in major industries which might endanger national health and safety.

Events of the past year have demonstrated that this 80-day injunction process was inadequate to cope with a longshoremens' strike, which seriously affected the Nation's foreign trade as well as domestic commerce.

Again, in recent weeks, eight of our steamship companies were tied up, with no remedy for unjustified losses being suffered by management and the shipping public.

The Wall Street Journal of August 3 called attention to some of the odd issues raised in that dispute, such as the demand of the Masters, Mates and Pilots Union that the captains of all companies' ships must be MMP members.

The captain of a ship is a representative of management, and, as the Wall Street Journal observes:

> To make him a union member is no more sensible than putting the managers of General Motors assembly plants into the United Auto Workers.

This is typical of issues that have little or no relation to wages and working conditions, but are being used by unions to intrude upon the functions of management.

Mr. President, there is but one remedy—to make unions subject to the antitrust laws—when they go beyond beyond wages and working conditions. The Supreme Court recently indicated a partial remedy along this line when it held that where unions and employers get together on agreements that would put small competitors out of business they could be found to have violated antitrust laws.

Fortunately, it will not be possible for Senate leaders to call up the repeal of section 14(b) under the kind of gag rule that applied in the House, and if it is taken up at all we should take whatever time is necessary to consider any phase of the Taft-Hartley law which may need revision.

The Senate Committee on Labor and Public Welfare already has made one amendment to the House bill to exempt persons whose religious beliefs would be violated if they were forced to join a union. The committee amendment, however, will require these individuals to contribute to some charitable fund the equivalent of the initiation fees and union dues from which they are being excused.

This is one of the amendments House leaders brushed aside in their desire to avoid any change in the repeal of section 14(b).

But, since the Senate committee has exercised its judgment by adding one amendment, it cannot logically argue that the Senate should avoid other changes in labor-management law which some of us think are far more urgent than the proposed repeal of section 14(b).

We should certainly look for some better remedy than the 80-day cooling off injunction for dealing with major strikes which could bring all, or a substantial part, of the Nation's economic wheels to a halt.

Mr. President, this controversy over right-to-work laws has demonstrated once again the wisdom of preserving in the Senate freedom of debate and freedom to offer amendments to any proposed legislation, if the States are to preserve any of the rights guaranteed them by the 10th amendment.

One of the few times in the last 20 years that Congress has given any recognition to the rights of the States to handle their own affairs was when it protected State right-to-work laws in passing the Taft-Hartley Act of 1947.

This action was such a pleasing departure from the trend toward concentration in Washington of control over all phases of our daily lives that I must speak out in opposition to the current drive to repeal this protective clause, known as section 14(b) of the law.

I am disappointed that President Johnson has taken the lead in this repeal movement, in view of the fact that his own State of Texas is one of the 19 that have right-to-work laws. It is to be noted, however, that in his labor message of May 18 the President failed to present any detailed or convincing arguments as to why section 14(b) should be repealed.

In fact, the only argument he advanced was a brief observation that he was recommending repeal "with the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States."

In the entire message only about six lines were devoted to section 14(b). The brief reference to "conflicts" was a repetition of what he had said in his state of the Union message in January. At that time he also noted that he would recommend repeal of section 14(b) as pledged in the 1960 and 1964 Democratic platforms.

Virginia, like Texas, is one of the 19 States having right-to-work laws, and I have heard no loud clamor for repeal, except from labor leaders, who, naturally, would prefer the latitude the Taft-Hartley law would give them to require a union shop without any restraint by State law.

While the Taft-Hartley Act bans the closed shop in all States, it permits several limited forms of union security, such as the union shop, the maintenance of membership rule and the so-called agency shop where State law does not prohibit them.

The much maligned section 14(b) merely says that nothing in the Taft-Hartley Act "shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

In short, section 14(b) merely protects State labor laws relating to union membership from the doctrine of preemption, which has established the principle that when Congress takes jurisdiction of any subject, the Federal law supersedes State laws on that subject.

A closed shop would be one in which only members of the bargaining union could be hired. By outlawing that type of contract, Congress merely preserved the right of the employer to pick his employees in the first instance.

But, by permitting the union shop or agency shop Congress enabled the unions to bargain for a contract under which all new employees not members of the union would be required to join the union within 30 days, or at least pay dues. Under the agency shop agreement, new employees are not required to join the union, but if they do not join they must pay the equivalent of the initiation fee and annual dues.

Section 14(b) preserves the right of any State to go beyond the Taft-Hartley law by banning any form of compulsory union membership.

All of the State laws ban the closed shop and the union shop. While only 11 States specifically outlaw the agency shop, the legal officers in the other 8 States have ruled that this type of agreement also is banned by State law.

A specialist in labor relations for the Legislative Reference Service, James R. Wason, recently completed, at the request of several Members of Congress, a detailed evaluation of section 14(b) and came to the conclusion that neither the Taft-Hartley law nor the State right-to-work laws have been very successful in doing away with the closed shop.

This expert reported:

> The practical effect of State right-to-work laws in abrogating the closed shop, in fact, has been as limited, if not more so, than has been the effect of the Federal law in this area. Where it formerly existed, the closed shop appears to generally have continued to exist, although not openly. It disappears from union contracts, but is observed in practice. Repealing section 14(b) would not affect this situation substantially in either direction.

Mr. Wason also reported that efforts to measure economic effects of right-to-work laws were inconclusive. He said no consistent effects were found, either immediately after passage or over a period of time.

> There was some suggestion that in some States an adverse effect on union membership has resulted.

He continued—

> There was also some suggestion that the existence of such laws has hindered the growth of union membership. Some indication of a possible attraction of right-to-work States for certain firms who wished to avoid union organization of their plants was also suggested by some of the data. No proof, however, of any of these has been found.

The Legislative Reference Service report concluded as follows:

> Whether State right-to-work laws can or should protect the rights of workers not to be forced to join a union are matters of controversy. That they do not protect any substantial proportion of American workers against being required to join a union is a fact. Thus, the direct effects of repealing section 14(b) would be slight, because the direct effects of 14(b) have been slight.

More recently, on June 8, the Christian Science Monitor published the results of a survey its reporters made in the 19 right-to-work States. Their conclusions were substantially the same as those in the Legislative Reference Service report. The Monitor summarized its findings as follows:

Right-to-work laws have only incidentally blocked union efforts to organize in these States. Other factors—conservatism, anti-union sentiment, spotty economic growth—are far more important factors in slowing union organizing.

Repeal of the laws would have little immediate effect in strengthening unions in these States; management dominates, and it is expected to continue for sometime, law or no law.

Except for isolated instances, the laws have not of themselves attracted new industry, nor, on the other hand, have they driven away skilled labor. New industry has come generally for other reasons.

Unions bargaining with management in these States are sometimes put at a disadvantage because of these laws, but unions have found ways of compensating for the disadvantages—and management generally wants to avoid controversy.

Further on in its story the Monitor said a general conclusion from its survey "is that the unions which are in large cities or in major industries are able to bargain effectively, regardless of the law."

We should consider also an impressive array of statistics gathered by the National Right To Work Committee, which show that during a 10-year period ending in 1963 the States with right-to-work laws fared better than the other States in rate of increase in job opportunities, in per capita personal income.

The National Right To Work Committee also found that in 1964 the rate of unemployment was lower in the 19 right-to-work States than in the 31 other States. The committee reported that the percentage of total work force unemployed last year was 4 percent in the right-to-work States, as against 5 percent in the other States, and as compared with a national average of 4.7 percent. For Virginia the percentage was 3.2 percent.

The statistics cited by the National Right To Work Committee for the decade ending in 1963 included the following:

Rate of increase in nonagricultural employees: Right-to-work States, 23.3 percent; other States, 9 percent.

Rate of increase in new manufacturing jobs: Right-to-work States, 12.8 percent; other States, minus 7.6 percent.

Rate of increase in hourly earnings by manufacturing workers: Right-to-work States, 46.7 percent; other States, 41.5 percent.

Rate of increase in per capita personal income: Right-to-work States, 43.7 percent; other States, 35.4 percent.

In bank deposits, the committee found that between 1953 and 1964, the rate of increase for right-to-work States was 69.4 percent, and for the other States, 63.5 percent.

The rate of increase in value of life insurance in force between 1953 and 1963 was, for right-to-work States, 167 percent, and other States, 132 percent.

I have not made an independent study, and so I am hardly in a position to question these conclusions from separate sources. But I find myself wondering why union leaders are so intent upon securing repeal of section 14(b) if State right-to-work laws have had so little effect on the overall position of organized labor.

Perhaps the answer is to be found in another part of the Legislative Reference Service report, in which it reviews an earlier study made by Fortune in 1957. The Legislative Reference Service quotes from an article in the Personnel Journal, which summarized the conclusions of the Fortune survey. One of those conclusions follows:

What the AFL–CIO fears most is not the State right-to-work laws (which are largely ineffective), but a Federal right-to-work law or Federal amendment to Taft-Hartley. That is to say, union strength has not appreciably been changed in the right-to-work States, but unions do fear an enforcible national law which might weaken their position in many places.

If such fears exist they are not well founded because the entire trend is in the opposite direction.

All agencies in Virginia that receive a single dollar of Federal funds have been put on notice recently that the Davis-Bacon Act will be applied to every project to which the Federal Government contributes 1 red cent.

The Department of Labor construes that act to mean that the average local wage rate for construction work be applied, if the project is in a large city, or the average wage rate in the nearest large city shall apply to outlying projects, and that usually means the rates paid union workers.

But this regulation of wage rates is a mild form of Federal intervention, when compared to titles VI and VII of the 1964 civil rights law. Title VI prohibits racial discrimination in the operation of any program or activity receiving Federal funds, and title VII is intended to prevent discrimination in private employment.

Even if this Congress does not nullify State right-to-work laws, the operation of those laws could be affected to some extent by title VII of the civil rights law. Under that title if two men of different races applied for one job vacancy, and the unlucky one felt he had been turned down because of his race, Government machinery would be set in motion to find out what was in the employer's mind when he picked one applicant over the other.

If the dispute could not be settled under State law, or through the conciliation efforts of the Federal Equal Employment Opportunity Commission, a civil action could be filed by the aggrieved party in a Federal court, which could enjoin the alleged discriminatory employment practice.

But, while these new civil rights laws may have some effect on an employer's freedom of choice in hiring, they offer no reason why Congress should set aside State right-to-work laws.

The basic purpose of a right-to-work law is not to discourage or prevent workers from joining a union, but only to protect an individual from being compelled to join in order to hold his job. In fact, the typical right-to-work law provides that no person shall be denied employment either because of membership in a union or refusal to join.

Therefore, a showing that union membership has not been substantially affected by State right-to-work laws would not necessarily signify that the laws have failed of their purpose.

The main argument advanced by organized labor for repeal of right-to-work laws is that when a union wins an election to become the bargaining agent in a plant, it thereafter bargains for all of the employees. On the surface it sounds reasonable when union leaders argue that those who fail to join the union become free riders by sharing in any concessions the union wins in a contract.

The Taft-Hartley law recognized this argument by permitting bargaining agreements under which all workers pay union dues, unless prohibited by State law. Frequently these dues are withheld from pay envelopes for the union under what is called the checkoff system.

But there is an answer to the free rider argument, and it was forcefully presented a few years ago in a book written by Mr. Donald Richberg, a well-known lawyer, who at one time represented labor unions and was thoroughly familiar with the history of their growth during the past 40 years.

Mr. Richberg said in his book:

The nonmember is not a free rider: he is a captive passenger.

The author pointed out that the unions sought by law the privilege of representing any minority of nonunion members, and that this took away by law the right of those individuals to bargain for themselves.

Mr. Richberg, who served in the administration of Franklin D. Roosevelt during the first 2 years of the New Deal, also answered the argument that majority rule requires the minority to support the majority. The author called this a fictitious argument because laws and customs already require a nonunion minority to accept the work terms in the majority contract, just as the minority in a community must accept the laws enacted by a majority.

But, even in the case of public laws—

Mr. Richberg continued—

a dissenting minority, a political party in opposition, is not required to stop its opposition nor is it required to contribute to the political support of the majority party. Even members of the majority are at liberty to withdraw from such an association.

Mr. Richberg recalled that all through our society there are voluntary organizations carrying on activities which benefit a great many who do not contribute financial or other support.

How absurd it would be to suggest that whenever a voluntary organization benefits any group of people it should be empowered to compel them by law or by economic pressure to contribute support—

Mr. Richberg said.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield for some questions on this point?

Mr. ROBERTSON. I am happy to yield to the Senator from North Carolina, with the understanding that in doing so I shall not lose my right to the floor.

Mr. ERVIN. As I construe the remarks of the Senator from Virginia, he is pointing out that the question involved here is not one of majority rule, because under compulsory unionism the minority are required to adhere to the views of the majority and are not permitted to urge their own views; is that not true?

Mr. ROBERTSON. That is absolutely true. They are captives of organizations.

Mr. ERVIN. Is not the conclusion compelled by the decision which the Seventh Circuit Court of Appeals handed down in the Allis-Chalmers case, September 13, 1965, where it was held that although a minority of the union members under a compulsory union agreement, might be opposed to a strike and might be in favor of continuing to work in order to support themselves and their families, that they can be punished by a fine by the union if they exercised the right of dissent from the majority?

Mr. ROBERTSON. That was the challenge in the Street case; and I am about to quote a long opinion in regard to that case. I predict that if we pass H.R. 77 and it comes before the court, the court will have to accept the dissenting views in that case. The decision was only 5 to 4.

Mr. ERVIN. I ask the Senator from Virginia to comment in regard to an opinion and a ruling of the National Labor Relations Board handed down on August 25, 1965, in the case of Richard C. Price, that a union may punish a union member for exercising his legal right to file a deauthorization petition under the provisions of the Taft-Hartley Act.

Mr. ROBERTSON. I have previously called attention to that, before the Senator came into the Chamber. The National Labor Relations Board is so pro-union that it might as well be called an adjunct of the AFL-CIO. From my standpoint, that is how valuable it is. But, it did so rule, and very incorrectly, in my opinion.

Mr. ERVIN. Did not the National Labor Relations Board also rule, in the case of the Tawas Tube Products case of February 15, 1965, that a union member can be punished by the union if he files a decertification petition asking for an election by the National Labor Relations Board, even to ascertain whether the union represents a majority of the employees?

Mr. ROBERTSON. That is correct. My good friend the Senator from North Carolina is rendering a valuable service to the Senate in this respect by his questions. If we should pass H.R. 77 and if by some unexpected development the Supreme Court should not act as I feel sure it should, if it discharged its duties, to declare the law unconstitutional, all the situations that now exist in a State having compulsory unionism would be automatically put into effect in all the other 19 States. That is just how far it would go.

Mr. ERVIN. Did not the National Labor Relations Board hold, in the case of Local 283 of the United Automobile Workers of America, the decision in which was handed down on January 17, 1964, and which has heretofore been cited by the distinguished Senator from Ohio [Mr. LAUSCHE], that a union could set a production quota for those engaged in piecework in a factory, and that it could fine the workers and take away their money if they exceeded the union-set limit on the amount of work they could perform within the course of a day?

Mr. ROBERTSON. The National Labor Relations Board is supposed to hold the scales of justice evenly between labor and management. The unions can impose a stretch-down or a limitation upon production, and then fine anyone honest enough to put in a full day's work.

Mr. ERVIN. Is it not true, under the decisions which the Senator from Virginia and I have just discussed, that a minority in a factory covered by a compulsory unionism agreement cannot even exercise their own freedom of action in respect to carrying out their own thoughts but, on the contrary, are bound to subordinate their thoughts and their actions to the will of the majority?

Mr. ROBERTSON. That is absolutely true. They are absolute captives. They have lost their freedom of speech. They are bound by majority viewpoints. They have lost control over their property. This is a violation of the fifth amendment. They have also lost their right of due process under the 14th amendment.

Mr. ERVIN. Are not these decisions and the power which these decisions confer upon a union, acting under a compulsory unionism agreement, absolutely incompatible with the American tradition that a majority shall not have the power to deprive the minority of the freedom of action in violation of the majority rule?

Mr. ROBERTSON. Absolutely. It is contrary to our American concepts that the minority has rights and they shall not be taken away from them by a simple majority.

Mr. ERVIN. Does the Senator from Virginia know of any other rulings or any other laws that govern our way of life which assert that minorities have no rights which they can assert against the majority?

Mr. ROBERTSON. This is the only instance I can recall offhand. This is a blatant violation of our concept of the dignity of the individual and the inherent constitutional rights of American citizens.

Mr. ERVIN. Would it not be just as reasonable for Congress to enact a law saying that the Democratic Party is the majority party in this country and that the majority party has conferred great blessings on all the people of this country, Democrats and Republicans alike, and for this reason Republicans should not be allowed to earn their daily bread until they make contributions to the Democratic National Committee and other organizations which try to continue the Democratic Party in power?

Mr. ROBERTSON. The Congress could declare, "Whereas the Democratic Party is using unprecedented efforts; and, whereas, those efforts have resulted in creating a better society; and, whereas the Democratic Party is doing this for all its citizens; therefore, the Republican members must contribute to the Democratic Party or be fined for declining to recognize the benefits conferred on them by the Democratic Party."

Mr. ERVIN. There would be as much logic to that as there would be in compulsory unionism; would there not?

Mr. ROBERTSON. I cannot see any difference. Far be it from me to suggest that Congress enact such a law, and I am going to see to it that Congress does not enact any such law as is proposed, if I can help it.

Mr. ERVIN. Is it not true that we recognize that though the majority rule prevails in Congress, we still allow the Republicans to point out defects in our programs and allow them to do what they can to defeat our programs?

Mr. ROBERTSON. We still say to our Republican Members, "Under the first amendment, you still have freedom of speech, and we are not going to take it away from you. Under the fifth amendment, you still have rights over your property, and we are not going to take them away from you. Under the 14th amendment, you still have freedom. These things cannot be taken away from you except under due process of law. Therefore, we are not going to put you in jail if you say, 'We do not like this Great Society and we are not going to do anything to help you get it.' "

Mr. ERVIN. I thank the Senator from Virginia for his clear exposition of what in essence is involved in the attempt to repeal section 14(b) of the Taft-Hartley Act and the establishment of compulsory unionism throughout the country which such repeal would make possible.

Mr. ROBERTSON. I appreciate the contributions of the distinguished Senator from North Carolina, who has such a fine knowledge of our great traditions.

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

Mr. ROBERTSON. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Virginia mentioned the Hanson case. Is that the case with the original title of Hanson against Union Pacific Railroad, decided by the Supreme Court of Nebraska?

Mr. ROBERTSON. That is correct. It is the case in which it was held that the right to work is embodied in the Constitution. This is an action by Congress saying that, notwithstanding any State law, all railway employees may belong to the railway unions. But the court in the Hanson case said it was a very narrow decision, and it was deciding this one point. In the first place, it said that transportation is involved under the interstate commerce clause, and Congress had a right to act. Second, it said it was permissive. It said,

"We do not repeal any laws"; it merely said "We will preempt the field." In the third place, it said, "We will not go one little inch beyond this proposition—that a union can compel a man and a railroad to come in to bargain about working conditions, but nothing else." That was far different from what is being proposed in the Senate now; namely, "We will force you to come in. We will force you to join, whether interstate commerce is involved or not. The unions can then assess you for dues and take your money to use in political campaigns and everything else. You lose your freedom of speech."

Mr. LAUSCHE. The Hanson against Union Pacific case went to the Supreme Court.

Mr. ROBERTSON. It is the case relied upon in the report of the committee. It does support this proposition. It sustained the Railway Labor Act, but the court made it clear that it was on narrow ground. The case came from Nebraska.

Mr. LAUSCHE. Will the Senator let me read from the Nebraska case, if he has time?

Mr. ROBERTSON. I do not have enough time now, but the Senator can get unanimous consent to place it in the RECORD.

Mr. LAUSCHE. I will handle it later.

Mr. ROBERTSON. We must not forget that, while the Taft-Hartley law permits union security plans other than a closed shop, it does not compel employers to accept such contracts.

They must still be negotiated, unless forbidden by State law, in the collective bargaining process, and the basic reasoning behind State right-to-work laws is that the worker should not be under any more compulsion to join a union than the employer is to agree to a union or agency shop.

In Virginia the right-to-work law is not a one-sided statute. It protects a person's right to join a union just as much as it safeguards his or her right to refrain from joining. It simply states that the policy of Virginia shall be that the right to work shall not be denied or abridged by membership or nonmembership in a union. I understand that the laws of the other States are similar.

The Legislative Reference Service has prepared tables to show changes in union membership by States over a five-year period, from 1958 to 1962, but reached the conclusion that the figures did not prove much in relation to right-to-work laws. It said:

> We have not been able to isolate a trend in union membership in right-to-work States as opposed to States without such laws, said the LRS report. The supposed direct effects of right-to-work laws in causing members of unions to drop their membership does not appear. Neither do the effects of the supposed antiunion atmosphere of right-to-work States. The trends are mixed in both directions.

The Library of Congress study suggests that if the purpose of right-to-work laws is to afford an escape from involuntary union membership, one should expect to find a trend away from membership in right-to-work States.

However—

The report added—

> for the period 1958 to 1962 at least, the trend in membership in major union States without right-to-work laws is more unfavorable than in right-to-work States. The count by States is as follows:

Membership

	Up	*Down*	*Unchanged*
Right-to-work States	8	8	3
Non-right-to-work States	9	20	1
Total	17	28	4

> Union membership went up in 40 percent of the right-to-work States; it went up in non-right-to-work States in only 30 percent. Thus, if we accept this correlation as meaningful, it may be formulated: in right-to-work States union membership is less likely to be adversely affected than in States without such laws.
>
> This is contrary to popular belief about the effect of right-to-work laws. Both proponents and opponents consider that such laws slow union growth.
>
> Proponents, at least, believe such laws foster economic growth and some opponents believe they make the attraction of runaway shops easier. Thus, a somewhat more sophisticated analysis of the relatively adverse trend in union membership in States without such laws would be to consider that union shops left States without such laws in favor of open shop operations in States with such laws. Thus, the growth of union membership in the right-to-work States is the growth of voluntary unionism, and the decline in the States without such laws is the decline of involuntary unionism.

But, having advanced this thesis, the analyst for the Legislative Reference Service went on to report that the available data did not sustain this analysis either, because it showed that membership both rose and fell in both groups of States.

The report finally concludes that changes of union membership follow more closely the changes in industrial employment than any other factor.

At any rate, this survey lends no strength to the opposition argument that right-to-work laws have injured organized labor. The fact that these laws generally protect an individual's right to join or refrain from joining a union shows that their basic purpose is to insure freedom of choice.

The researchers in the Library also have tried to find out what effect right-to-work laws have had on economic growth and income in those States. Referring to Virginia, which passed its right-to-work law in 1947, the report said:

> Virginia has improved its share of the national income since 1948 from 1.72 to 1.94 percent in 1963. Like all of the States of the Southeast, it remains below the national level, but is gaining more rapidly than the Nation as a whole. However, this has been true since at least 1940, and the gain before 1948 is greater, at least in percentage terms, than that since 1948.
>
> Still, on a relative basis Virginia has done well since 1948. Total income rose 151 percent from 1948 to 1963, against 138 percent for the Southeast States as a whole, and against 122 percent nationally. Only Florida in this area did better. Virginia's per capita gain was not as impressive, but still was above the national average.

But, Mr. President, one does not have to look at any statistical tables to know that the overall strength and influence of organized labor has not been hurt by the Taft-Hartley law.

The 19 States which have exercised the option given them by section 14(b) to pass right-to-work laws are: Iowa, North Dakota, South Dakota, Nebraska, Kansas, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Texas, Wyoming, Arizona, Utah, and Nevada.

It will be seen that this list does not include such big industrial States as New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, and California.

Approximately 75 percent of the industrial employment of the Nation is in the 31 States which have elected not to pass right-to-work laws. The Library of Congress advises that 87 percent of the union membership is in those 31 States.

Why, then, should there be such a determined effort on the part of this majority of States to deprive the remaining 19 States of the right which Congress has given them to pass laws which give workers a freedom of choice to join or not join a union?

In deciding this question we in Congress must also bear in mind that the great majority of workers in this country are not in the unions.

Latest Government statistics show that in May of this year the total civilian work force numbered 75,741,000 and that the proportion in unions was 22 percent. Excluding farmworkers, the percentage belonging to unions was 30 percent.

Nationwide public opinion polls indicate that the people generally do not believe workers should be forced to join labor unions in order to hold their jobs.

As recently as June of this year the Gallup poll had its interviewers ask this question:

> Do you think a person should or should not be required to join a union if he works in a unionized factory or business?

The results showed 49 percent against compulsion to 43 percent for it, with 8 percent expressing no opinion. Even among union members interviewed, the Gallup poll found that 30 percent felt a person should not be required to join, while 66 percent favored compulsion and 4 percent had no opinion. Of the nonunion replies, 56 percent were against compulsion and 35 percent for requiring membership, with 9 percent voicing no opinion.

In July of 1964, the Harris Survey was trying to find out how many people agreed or disagreed with Barry Goldwater on major issues. In that poll 64 percent of those questioned were reported as favoring Federal right-to-work laws, and 36 percent against.

The magazine Nation's Business for July reported that a new survey by Opinion Research Corp. revealed a record high of 70 percent of the adult population who have an opinion support the principle expressed in section 14(b). No subsequent poll has shown the majority of the Nation in favor of repeal.

What disturbs me most about the move to repeal section 14(b) is that it is just one more of the many steps this Congress has been taking in recent years to strip the States of their sovereignty and

center all power in the Federal Government.

Although organized labor is centering all of its efforts now on securing repeal of section 14(b), I predict that once they win this fight they will be back, seeking other changes in existing laws. They do not want this bill amended because they do not want to risk losing it. But they have other cards to play one at a time.

In its August 9 issue, U.S. News & World Report says union officials were surprised by the size of their majority in the House on repeal of section 14(b), and have been encouraged to push for many other parts of their program in 1965 and the years ahead. The magazine continues as follows:

High on the labor list—with enactment sought for this year—is legislation that would do these things:

Give building-trades unions more leeway to picket subcontractors on a construction project. The courts have called such picketing a violation of secondary-boycott provisions of the labor laws.

Force employers to pay double-time rates for work in excess of 48 hours a week, with the limit lowered to 45 hours in 3 years.

Increase the present $1.25 minimum wage to $1.50 an hour, and expand coverage of the minimum wage law to millions of new workers.

Raise pay of Federal employees.

Compel the States to grant larger benefits for longer periods under the unemployment insurance program.

Give enforcement powers to the Equal Employment Opportunity Commission in its drive to get more jobs for Negroes.

Union leaders concede that some of those proposals probably will not be adopted this year, but they expect enactment in 1966. The unemployment insurance and the EEOC-enforcement measures are believed likely to go over to 1966.

Aside from these proposals, labor officials have many other demands ready for congressional action. Among the demands are these:

Reduction of the standard workweek from 40 hours to 35, with double time for overtime.

Elimination of restrictions on picketing and secondary boycotts now contained in the Landrum-Griffin Act.

Repeal of other curbs on unions found in the Taft-Hartley Act. The AFL-CIO no longer talks of outright repeal of the entire Taft-Hartley Act, but it would like to eliminate the tougher restrictions in the law.

Appropriation of more billions to expand the public works program and create more jobs.

Mr. President, I express the earnest hope that those who claim they are now dedicated to the establishment of a Great Society will not make the tragic mistake of destroying a free society.

In their great wisdom our Founding Fathers, knowing that personal freedom had never been enjoyed under kings, potentates, or dictators, framed a new and unique form of government, which, incidentally, has never been duplicated and under which, in the brief span of two centuries, we have become the richest as well as the freest people in the world. The keystone of the arch of that Government was State sovereignty, under which all powers not delegated to the Federal Government, were reserved to the States or the people thereof.

Passage of a bill to repeal section 14(b) would be one more step to destroy our greatest bulwark against dictatorship; namely, the rights, powers, and prestige of sovereign States.

Mr. President, prior to the case of Railway Employees' Department, et cetera, against Hanson, and others, there was a long line of decisions which held that compulsory unionization violated the 1st, 5th, 9th, and 14th amendments of the Constitution.

And that case did not uphold the constitutionality of compulsory union membership as embodied in the full union shop. A helpful analysis of the Hanson case has been furnished to me by a Virginia lawyer well versed in all laws relating to the operation of railroads. He said:

That case embodied challenge to section 2, 11th of Railway Labor Act which authorized modified and restricted union shop. Court upheld it on grounds that is required nothing more than payment of compensation to union for its services as collective bargaining agent saying, "We pass narrowly on section 2, 11th of the Railway Labor Act. We only hold that the requirement for financial support of the collective bargaining agency for all who receive benefits of its work is within power of Congress under the commerce clause and does not violate either the first or fifth amendments.

"We express no opinion on the use of other conditions to secure or maintain membership in a labor organization under a union or closed shop agreement." The limited nature of this holding in Hanson was reiterated in *International Association of Machinists* v. *Street*, 367 U.S. 740. The so-called union shop under the National Labor Relations Act is substantially the same as the one under Railway Labor Act. Unions now seek to give greater effect to holding in Hanson case. They claim, for example, that under modified union shop worker has duty to go on strike when ordered and to refrain from crossing picket lines to return to work and may be fined for going back to work during strike. This contention recently upheld by Court of Appeals Seventh Circuit in Allis-Chalmers case where court upheld fines ranging from $20 to $100.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. I was under the impression that the Senator was talking about the Supreme Court. Is he talking about a decision of the court of appeals?

Mr. ROBERTSON. The Senator from Virginia was talking about the Supreme Court, and had then reached a case which had been decided by the court of appeals. Does the Senator from Louisiana have any objection to my mentioning it?

Mr. LONG of Louisiana. No; I have not. Has the Senator quoted from a court of appeals decision?

Mr. ROBERTSON. The Senator from Virginia has been speaking for almost 2 hours. The distinguished Senator from Louisiana came into the Chamber only a minute ago. Please do not ask me to repeat a 2-hour speech. Please read it in the RECORD.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. What confuses me is that I thought the Senator from Virginia had the law on his side. I thought that is why he did not want to try to change the law; the law is with the Senator.

Is the Senator from Virginia referring to a decision that was affirmed by the Supreme Court of the United States, or is he merely referring to a decision of the court of appeals which was not appealed and from which no writ of certiorari was requested?

Mr. ROBERTSON. The Senator from Louisiana came to the floor just as the Senator from Virginia made this statement: "The limited nature of this holding in Hanson." The Senator from Louisiana is relying on the Hanson case to repeal our law in Virginia. I am telling the Senator that he cannot rely on it. I am quoting from a Supreme Court decision in the Street case, which holds that the limited holding in that case is related to two things: The collection of dues is for two purposes, first, to bargain for wages; and second, to bargain for working conditions.

The Senator from Louisiana would force workers into unions for everything that is being done in the other States. He would impose a fine on workers for crossing picket lines. The Senator would allow a kangaroo court to deny workers their right of due process under the 14th amendment. The Senator from Louisiana would require workers to join unions where they could not cross a picket line in violation of the first amendment. The Senator would require them to join unions which would take his money and, if one were a Republican, to help elect a Democrat. All such activities would violate the worker's rights.

I mentioned the circuit court of appeals merely to show what would happen if the Supreme Court did not set such a decision aside in keeping with previous decisions. The Hanson case was limited to a specific situation in which, first, the question dealt with interstate commerce, since a railroad was involved; and, second, it dealt with bargaining for wages and working conditions. Third, the court said it was not repealing the interstate commerce laws; it was not forcing anyone to join a union; it was merely saying that the Federal Government is going to preempt the field.

But the Senator from Louisiana proposes to abolish the right-to-work laws of 19 States. The Senator wants to force everybody who works, whether in interstate or intrastate commerce, into a union.

As I said before the Senator came in, if one were a Catholic, his union dues could be used to contribute to a Protestant church. If he were a Republican, his dues could be used to contribute to the campaign of a Democrat. Or if he crossed a picket line, he could be held guilty. Some union official could say, "If you cross the picket line, you will be fined $100."

Mr. LONG of Louisiana. Mr. President, will the Senator further yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. I am trying to ascertain—and I ask the question—whether the Senator from Virginia is

contending that an act to repeal section 14(b) would be unconstitutional, or would be unwise.

Mr. ROBERTSON. I contend both. It would be unconstitutional because it violates the 1st amendment, the 5th amendment, the 9th amendment, and the 14th amendment. It would be unwise because our great Nation has been built on the American system of private enterprise, within the framework of American constitutional liberty. Those principles will be wiped out if workers are turned over to the tender mercies of labor unions. On both scores, I say that section 14(b) should not be repealed.

Mr. LONG of Louisiana. I hope the Senator will permit me to say that I believe he is devoted, conscientious, and sincere about what he is saying. But I suggest to the Senator that this is a question that Congress can decide. It is not in the Constitution. It is a question that Congress can decide one way or the other. If Congress wants to take the action, it can do so.

Mr. ROBERTSON. I spoke about this with the distinguished junior Senator from Tennessee [Mr. BASS], whose State has a right-to-work law which the Senator from Tennessee wishes to have repealed.

I have not finished citing all the authorities. The Senator asked me to yield when I mentioned one court of appeals. When the Senator reads the authorities, he will be bound to admit, as a good lawyer, that Congress does not have the authority to do what the Senate proposes to do. Even if one has made a commitment to a labor leader, a pressure group, or anyone else, and in the end he finds, after careful study, that he is being called upon to violate his oath, he will say, "Please excuse me." Is not that correct?

Mr. LONG of Louisiana. No Senator should violate his oath.

Mr. ROBERTSON. The Senator is correct.

Mr. LONG of Louisiana. The Senator from Virginia seems to be sincere in what he is saying. If he really feels as he speaks, he ought to vote against the repeal of section 14(b).

While I do not necessarily agree with the Senator, I must admit that he makes a strong argument. Unless he can be persuaded to the contrary, he should prevail with his position. He should stay with it and fight for it. The Senator has made a strong fight and a fine argument.

Mr. ROBERTSON. Mr. President, I do not follow the position of the Senator from Louisiana. I am fighting as hard as I can against the repeal of section 14(b). What does the Senator want me to do?

Mr. LONG of Louisiana. Mr. President, the Senator makes a great argument. While I do not necessarily agree with it, I think that he is making a very courageous fight for his position.

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

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

Mr. ROBERTSON. I shall yield for a brief question. I must hurry through because my time is about exhausted.

Mr. LAUSCHE. Mr. President, the Senator mentioned the 1st, 5th, 9th, and 14th amendments.

For the purpose of the RECORD, the first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. ROBERTSON. Mr. President, that is the right of association, to select peacefully the group with which that one wishes to go.

Mr. LAUSCHE. That means that, if one has the right to choose the group that he will associate with, he also has the right to choose the group that he will not associate with.

Mr. ROBERTSON. That is correct. One cannot choose those with whom he wishes to go if he does not have the right to choose those with whom he does not want to be thrown into the lion's den.

Mr. LAUSCHE. Mr. President, as to the fifth amendment, I assume that the Senator from Virginia relies upon the provision that—

> No person shall be deprived of life, liberty, or property without due process of law.

Mr. ROBERTSON. Mr. President, if I had a few dollars in my pocket and I were forced to join the union and the union were to take my money and do something with it that I did not want it to do, that would be a violation of my rights under the fifth amendment.

Mr. LAUSCHE. What about denying a person the right to work unless he is a member of a labor union or denying a person of the right to work when the union refuses to accept him as a member?

Mr. ROBERTSON. I say that principle is undemocratic, unconstitutional, and bad.

I have very little time left.

Mr. LAUSCHE. Mr. President, the 14th amendment also deals with property rights. Is it on that same principle that the Senator contends that the 14th amendment is violated?

Mr. ROBERTSON. My distinguished friend has been in Congress for a long time. The Supreme Court interprets due process under the 14th amendment with regard to any State law as a denial of the right of due process. I am relying on that broad interpretation of the due process of the law.

If I were to be tried by a kangaroo court and fined $100 for crossing a picket line, I would be fined without due process of law, and the 14th amendment would have been violated.

Mr. LAUSCHE. Mr. President, I substantially concur in what the Senator has said. In my judgment, there is no greater right in life than the right to procure the means of sustaining life. When we take that right away from a person, we have taken from him the very basis of living.

Mr. ROBERTSON. The Senator is correct. As one philosopher said, "If you pull the support from under my house, you have destroyed my house. If you deny to me the right to earn a living, you have killed me." It boils down to that, in my opinion.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I shall yield for a brief question without losing the floor.

Mr. LONG of Louisiana. Mr. President, the Senator is making a magnificent argument. Why do we not let the bill come up and come to a vote on it, and get out of here?

Mr. ROBERTSON. The bill is not up. I am trying to keep the bill from coming up right now. The bill is not yet before the Senate.

Mr. LONG of Louisiana. Mr. President, why do we not bring the bill up so that the Senator can make his magnificent speech against the bill? The bill is not here. All we are doing is talking about whether we should consider the bill. Why does the Senator not permit us to bring the bill up so that we can proceed to consider the bill?

Mr. ROBERTSON. The Senator is like one of the country lawyers who has been possum hunting. He has a possum treed and is trying to shake the possum out of the tree. Every time he gets the possum loose, the possum wraps his tail around another limb.

I believe it is best to keep the bill from being brought up, and then after the bill is finally brought up, we should kill it.

Right-to-work laws ban both the closed shop and union shop and every other form of compulsory union membership. National Labor Relations Act and Railway Labor Act in theory outlaw both closed shop and full form of union shop. Actually such provisions have been extensively flouted by unions so that full union shop or its practical equivalent usually flourishes everywhere except in jurisdictions where right-to-work laws are enforced and even closed shop is prevalent to an extensive degree in many areas such as printing and entertainment industry. NLRB has been unable or unwilling to enforce law against full union shop and has made only feeble efforts to enforce ban on closed shop. Result has been that millions of workers have been herded into unions and induced to assume full obligations of membership under mistaken impression that this is required by law.

Full union shop under National Labor Relations Act requires worker as condition of employment to become member of the union on or after the 30th day following hiring or effective date of union shop agreement to subscribe to constitution bylaws and regulations of union and to assume full obligations of membership. This union shop is permitted only in modified form by National Labor Relations Act principally by second provision, section 8(A)(3) which provides that no employer shall discriminate against an employee for nonmembership in a union: First, if he has reasonable grounds for believing that such membership was not available to the employees on the same terms and conditions generally applicable to other members; or, second, if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure

of the employee to tender the periodic dues in the initiation fees uniformly required as a condition of acquiring or retaining membership. These conditions are substantially the same as those in section 2, 11th of Railway Labor Act, which were held in Hanson against Union Pacific to require nothing more than payment of compensation to the union for its services as collective bargaining agent and not to require fulfillment of other duties ordinarily attaching to union membership. In *International Association of Machinists* v. *Street*, 367 U.S. 740, Supreme Court reiterated this interpretation of Hanson, saying:

> Thus all that was held in Hanson was that section 2, 11th was constitutional in its bare authorization of union shop contracts requiring workers to give financial support to unions legally authorized to act as their collective bargaining agents. We sustained this requirement—and only this requirement—embodied in the statutory authorization of agreements under which all employees shall become members of the labor organization representing their craft or class. We clearly passed neither upon forced association in any other aspect nor upon the issue of the use of exacted money for political causes which were opposed by the employees.

Before the distinguished Senator from Louisiana entered the Chamber, it was developed that those who supported the repeal of section 14(b) in the House hearings definitely said, "We want to force them into the union and the union shall have complete control of all their funds. The union can assess them for anything that it pleases, and do anything it pleases with the money." The Court said that it did not authorize that.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Mr. President, is it not correct that, in view of the Supreme Court decision, the repeal of section 14(b) becomes necessary, because otherwise it would not be necessary?

Mr. ROBERTSON. The Senator is quite mistaken. In the right-to-work States we do not have the same complaint. We are not responsible for what happens in States which have the union shop. In such States, the unions require the workers to do all sorts of things. That is up to those States, if the States are satisfied and the legislatures do not want to act in this respect. Our legislature did act. We do not force the people to join unions. If people want to join a union voluntarily, we will protect them. If people do not want to join voluntarily, we will also protect them. That is the essence of what I say now.

There are 19 States with right-to-work laws. We are being asked to repeal the laws in those 19 States. It is undesirable ethically, economically, and morally. It is unconstitutional. I am opposed to the repeal of section 14(b) on all grounds.

In Street, the Court held that—

> Section 2, 11th is to be construed to deny the unions over an employee's objection the power to use his exacted funds to support political causes which he opposes.
>
> State right-to-work laws should be retained because of failure of Federal Government to enforce fairly and impartially laws against compulsory union membership. They should be retained because they protect constitutional guarantee of right to work and freedom of association.

In 1954, the Supreme Court of the United States in the consolidated school cases, held, in effect, that it had both the power and the duty to amend the Constitution by consruction to promote what it deemed to be a desirable social program. That precedent was followed 2 years later in the Hanson case when the Court upheld a Federal law authorizing the union shop for railroad workers in all States in the Union regardless of State right-to-work laws.

However, that decision, as I have indicated, was a narrow one and was based primarily upon three considerations: First, railroads are engaged in interstate commerce and the Congress has express constitutional power to legislate on that subject; second, there was nothing in the pending case to indicate that the man forced into a railway union against his will should be assessed with dues or any other type of payment that went beyond the authorized function of a labor union to bargain collectively on the subject of wages and working conditions; and third, action under the Federal law was permissive and merely preempted the field on the right-to-work subject.

The pending bill, of course, goes much further, in that it applies to all employment regardless of interstate commerce, and it involves the power of the union to impose any assessments it pleases, plus penalties in the nature of a fine for alleged misconduct of a union member. It also would compel membership in a union which could vote to authorize a strike that was completely outside the fundamental and authorized negotiations on wages and working conditions. Last, but not least, it expressly repeals the right-to-work laws of 19 sovereign States, and thus forces compulsory union membership on all workers.

Mr. President, in order that the Members of the Senate may know what the law was prior to the Hanson decision, and what it should be if we ever have a Supreme Court that will feel obligated to construe the language of the Constitution in the sense intended by its framers, I ask unanimous consent to have printed in the RECORD at this point a brief on this subject prepared by a friend or mine, who is an able constitutional lawyer.

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

CONSTITUTION PROTECTS RIGHT TO WORK

The opportunity to seek, secure, and retain employment, free from compulsory union membership as an arbitrary condition of continued employment, is a fundamental individual right protected against State and Federal action by the Constitution of the United States.

THE RIGHT TO WORK IS PROTECTED BY THE NINTH AMENDMENT

The ninth amendment reads that the "enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Declaration of Independence proclaimed to the world the "self-evident" truths "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

The Declaration of Independence, it should be noted, was careful to state that liberties and human rights were not man made. Their source was not governmental; rather they were endowed by the "Creator" of all men. John Adams, our second President, assured the people that "You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe." This basic concept of individual sovereignty and liberty was absolute in the theory of American Government from the very beginning and was not granted by the Constitution.

The ninth amendment is a basic statement of the inherent rights of the individual. (See Patterson, "The Forgotten Ninth Amendment," Bobbs-Merrill, 1955.) On its face it declares there are unenumerated rights that are retained by the people, as a group and individually. Individual freedom is the basis of our democracy and is the virtue which marks ours over other forms of Government. Liberty, or freedom, is the equivalent of the right to live, worship, work, and pursue happiness as an individual. Liberty and freedom includes the right of opportunity to seek, secure, and retain employment free of any form of compulsion to join or pay tribute to any private organization. This is one of the inalienable rights with which individuals "are endowed by their Creator." As such it is preserved by the ninth amendment and protected by it, at least against any denial or disparagement by a State or Congress.

In discussing the Bill of Rights before the First Congress, James Madison, the father of the Bill of Rights and author of the ninth amendment, warned the people: "The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the executive or legislative department of the Government, but in the body of the people, operating by the majority against the minority. But I confess that I do conceive that in a government modified like this of the United States, the great danger lies rather in the abuse of the community, than in the legislative body." (Gales and Seaton's "Annals of Congress.")

Fears of excesses in government led to the Bill of Rights. Fears of excesses by a majority of the community led to the ninth amendment. The highest duty the Supreme Court can perform is the protection of individual liberty and freedom. Conscience compels it and the ninth amendment demands it. As stated by Mr. Justice Douglas, dissenting in *Barsky* v. *Board of Regents*, 347 U.S. 442, 472 (1954): "The right to work, I had assumed was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. The American ideal was stated by Emerson in his essay on 'Politics': 'A man has a right to be employed, to be trusted, to be loved, to be revered.' It does many men little good to stay alive and free and propertied, if they cannot work. To work means to eat. It also means to live. For many it would be better to work in jail, than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow man." It is difficult, if not impossible, better to state the principle which should control this issue.

THE FREEDOM OF ASSOCIATION IS PROTECTED BY THE FIRST AMENDMENT

Freedom of association is a composite of rights under the first amendment, particu-

larly freedom of speech and of assembly. This right springs from the liberty of the individual to live his life as he sees fit, to choose where he will seek to work, and freely to choose what, if any, private organizations he will seek to join or refrain from joining.

Freedom of association is a fundamental right and was recognized as such by the Supreme Court in *NLRB* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 33 (1937). There the Court pointed out that the purpose of that statute was to "safeguard the right of employees to self-organization * * *." It then added: "That is a fundamental right. Employees have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents."

In *Thomas* v. *Collins*, 323 U.S. 516 (1945), the Supreme Court considered a Texas statute requiring union organizers to register and obtain a card before soliciting members. The Court ruled that the Texas statute violated the 14th amendment's protections of freedom of speech and assembly. Said the Court: "As a matter of principle a requirement of registration in order to make a public speech would seem generally incompatible with an exercise of the rights of free speech and assembly. * * * And the right either of workmen or unions under these conditions to assemble and discuss their own affairs is as fully protected by the Constitution as the right of businessmen, farmers, educators, political party members or others to assemble and discuss their affairs and to enlist the support of others," 323 U.S. at 539. Finally, the Court stated: "There is some modicum of freedom of thought, speech and assembly which all citizens of the Republic may exercise throughout its length and breadth, which no State, nor all together, nor the Nation itself, can prohibit, restrain or impede," 323 U.S. at 543.

The right to join a labor organization is not in question here. The right to join has been established. What is in question here is the right not to join—the right not to be compelled to become a member of a labor organization as a condition of continued employment.

The right not to join is a necessary corollary of the "fundamental right" to join, for without the right to refrain from joining, there can be no true right to join. If this corollary right does not exist, then employees have no freedom of association. All that remains to them is the freedom to be coerced by the majority, whether of a labor organization or the community in which they live. Freedom not to associate is as much a part of freedom of assembly and association as the freedom to remain silent is a part of the freedom of speech, a right which becomes wholly inviolable when it is sought to compel one to utter that which he does not believe. This constitutional proposition is made clear in *West Virginia Board of Education* v. *Barnett*, 319 U.S. 624 (1943).

In that case the Supreme Court struck down as a violation of the first amendment the State board of education's requirement that school pupils salute the flag and recite the pledge of allegiance. The Court said there: "* * * To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind" (p. 634). Thus the Supreme Court found the idea of forcing the individual to speak contrary to his convictions to be a contravention of the first amendment. The analogy to the present question is apparent—to force an individual to become a member of a private organization against his will is to violate his first amendment freedom of assembly and association.

THE RIGHT TO WORK IS PROTECTED BY THE FIRST AMENDMENT

The Supreme Court has consistently recognized that the right to work for a living is a fundamental right possessed by all people. Most of the decisions have dealth with issues raised under the 14th amendment. The principles expressed are equally applicable to the 5th amendment, however, *Coolidge* v. *Long*, 282 U.S. 582 (1931); *Twining* v. *New Jersey*, 211 U.S. 78 (1908).

In *Truax* v. *Raich*, 239 U.S. 33, 41 (1915), Mr. Justice Hughes, speaking for the Court, put the basic proposition very simply when he said: "* * * It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity it was the purpose of the amendment to secure. * * *" In that case the Court held void an Arizona statute requiring employers of 5 or more persons to employ 80 percent U.S. citizens on the ground that such a law violated the 14th amendment.

In *Smith* v. *Texas*, 233 U.S. 630, 636 (1914), a Texas statute made it a misdemeanor for any person to act as a conductor on a railway train in that State without first having served for 2 years as a freight conductor or brakeman. The Court held this to be an infringement of the liberty of contract contrary to the 14th amendment. The Court said, in part: "Life, liberty, property, and the equal protection of the law, grouped together in the Constitution, are so related that the deprivation of any one of those separate and independent rights may lessen or extinguish the value of the other three. Insofar as a man is deprived of the right to labor, his liberty is restricted, his capacity to earn wages and acquire property is lessened, and he is denied the protection which the law affords those who are permitted to work. Liberty means more than freedom from servitude, and the constitutional guarantee is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling."

Meyer v. *Nebraska*, 262 U.S. 390, 399 (1923), involved a conviction under a Nebraska statute which made it a crime to teach a foreign language to a child who had not completed the eighth grade. Holding the statute abridged the 14th amendment, the Court said: "While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by freemen."

Finally, in *Adams* v. *Tanner*, 244 U.S. 590, 593 (1917), the Supreme Court quoted Shylock in the "Merchant of Venice:" "You take my house when you do take the prop that doth sustain my house; You take my life when you do take the means whereby I live."

The worker, impaled on the horns of the dilemma whether to abide by his principles and forfeit his employment under a union shop contract or abandon his principles and submit to the unwanted obligations of union membership, might well exclaim, "You take my life when you do take the means whereby I live." I submit that the Constitution of the United States protects him in his right to work and that he need not submerge his principles, ideals, liberties, and freedoms to avoid economic suicide. The Nebraska Supreme Court summarized correctly and succinctly the principles established by the United States Supreme Court when it held in the *Hanson* case, 160 Neb. 669, 71 NW 2d 526: "We also think the right to work is one of the most precious liberties that man possesses. Man has as much right to work as he has to live, to be free, to own property, or to join a church of his own choice, for without freedom to work the others would soon disappear. It is a fundamental human right which the due process clause of the fifth amendment protects from improper infringement by the Federal Government. To work for a living in the occupations available in a community is the very essence of personal freedom and opportunity that it was one of the purposes of these amendments to make secure. Liberty means more than freedom from servitude. The constitutional guarantees are our assurance that the citizen will be protected in the right to use his powers of mind and body in any lawful calling."

The right to work is a liberty protected by the 1st, 5th, 9th, and 14th amendments of the Constitution. As such it can only be restricted to prevent grave and immediate danger to interests which Government is obligated to protect. *West Virginia State Board of Education* v. *Barnett, supra; Thomas* v. *Collins, supra*. Such circumstances are not present in regard to compulsory unionism.

That valuable personal and property rights are involved in compulsory union membership contracts and are protected by right-to-work laws is a matter of common knowledge and might well be judicially noticed. As stated by Judge Carter, concurring in the Nebraska Supreme Court's decision in the *Hanson* case, supra: "If an employee is compelled to join a union against his will in order to continue in his employment, he not only pays his share of the cost of the union's bargaining processes, but he is compelled to support many other principles, policies, programs, and activities to which he may not subscribe. Some unions support a form of life insurance which pays death benefits; some support a welfare fund for the benefit of needy members. Some unions maintain a strike fund to protect employees when on strike; some establish funds to be used in the furtherance of economic and political principles in which the employee may have no confidence. In some instances compulsory union membership would compel support, financial and otherwise, of policies which an employee might deem objectionable from the standpoint of free government and the liberties of the individual under it. An employee may neither desire the benefits of such programs nor desire to contribute to their support. He may object to certain programs and activities of the union for reasons of his own and, consequently, not desire to contribute to their promulgation. To compel an employee to make involuntary contributions from his compensation for such purposes is a taking of his property without due process of law. * * * To compel him to contribute to the support of economic or political programs adopted by a union, which may be abhorrent to him, is as constitutionally wrong as if similar programs were compelled by the employer. The fifth amendment protects against the forced appropriation of one's property for the support of ideals which he may desire to oppose. The right to work and to be compensated therefor is a fundamental principle in our democratic thinking. To force contributions against one's will in the manner here employed is a violation of his fundamental rights and privileges. * * * An employee not only has a right to work, but he has the guaranteed right to have his earnings protected against confiscation against his will. Forcing an employee to join a union and to compel him to financially support principles, projects, policies, or programs in which he does not believe and does not want,

is clearly a taking of his property without due process."

In relation further to the issue of compulsory unionism under union-shop agreements, I call attention to the case of the *International Association of Machinists* v. *Street, et al.*, 367 U.S. 740, 6 L. Ed., 2d 1141 (1961). This case involved the issue in which labor unions, which had negotiated union-shop agreements pursuant to the union-shop authorization, stated in section 2, 11th of the Railway Labor Act (45 U.S.C. sec. 152, 11th), expended, over the objection of certain employees, union funds in support of political causes to which these employees were opposed. Suit was brought in the Superior Court of Bibb County, Ga., to enjoin enforcement of the union-shop agreement on constitutional grounds, and that court granted the injunction, viewing section 2, 11th, of the Railway Labor Act, as unconstitutional to the extent that it permitted such union use of funds exacted from employees. The Supreme Court of Georgia affirmed the judgment of the lower court. On appeal, the U.S. Supreme Court reversed the judgment in a 5-to-4 decision.

Mr. Justice Black, in a vigorous dissent, placed his appraisal of the unconstitutionality of compulsory unionism in a highly logical opinion, which is most illuminating to the subject matter that we are at hand debating today. I would like to quote certain excerpts from Justice Black's dissent. "The first amendment provides: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.'

"Probably no one would suggest that Congress could, without violating this amendment, pass a law taxing workers, or any persons for that matter (even lawyers), to create a fund to be used in helping certain political parties or groups favored by the Government to elect their candidates or promote their controversial causes. Compelling a man by law to pay his money to elect candidates or advocate laws or doctrines he is against differs only in degree, if at all, from compelling him by law to speak for a candidate, a party, or a cause he is against. The very reason for the first amendment is to make the people of this country free to think, speak, write and worship as they wish, not as the Government commands.

"There is, of course, no constitutional reason why a union or other private group may not spend its funds for political or ideological causes if its members voluntarily join it and can voluntarily get out of it. Labor unions made up of voluntary members free to get in or out of the unions when they please have played important and useful roles in politics and economic affairs. How to spend its money is a question for each voluntary group to decide for itself in the absence of some valid law forbidding activities for which the money is spent. But a different situation arises when a Federal law steps in and authorizes such a group to carry on activities at the expense of persons who do not choose to be members of the group as well as those who do. Such a law, even though validly passed by Congress, cannot be used in a way that abridges the specifically defined freedoms of the first amendment. And whether there is such abridgment depends not only on how the law is written but also on how it works.

"There can be no doubt that the Federally sanctioned union-shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law. This injects Federal compulsion into the political and ideological processes, a result which I have supposed everyone would agree the first amendment was particularly intended to prevent. And it makes no difference if, as is urged, political and legislative activities are helpful adjuncts of collective bargaining. Doubtless employers could make the same arguments in favor of compulsory contributions to an association of employers for use in political and economic programs calculated to help collective bargaining on their side. But the argument is equally unappealing whoever makes it. The stark fact is that this act of Congress is being used as a means to exact money from these employees to help get votes to win elections for parties and candidates and to support doctrines they are against. If this is constitutional the first amendment is not the charter of political and religious liberty its sponsors believed it to be. James Madison, who wrote the amendment, said in arguing for religious liberty that 'the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever.' And Thomas Jefferson said that 'to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.' These views of Madison and Jefferson authentically represent the philosophy embodied in the safeguards of the first amendment. That amendment leaves the Federal Government no power whatever to compel one man to expend his energy, his time or his money to advance the fortunes of candidates he would like to see defeated or to urge ideologies and causes he believes would be hurtful to the country.

"The Court holds that section 2, 11th, denies 'unions, over an employee's objection, the power to use his exacted funds to support political causes which he opposes.' While I do not so construe section 2, 11th, I want to make clear that I believe the first amendment bars use of dues extorted from an employee by law for the promotion of causes, doctrines and laws that generally favor to help the unions, as well as any other political purposes. I think workers have as much right to their own views about matters affecting unions as they have to views about other matters in the fields of politics and economics. Indeed, some of their most strongly held views are apt to be precisely on the subject of unions, just as questions of law reform, court procedure, selection of judges and other aspects of the 'administration of justice' give rise to some of the deepest and most irreconcilable differences among lawyers. In my view, section 2, 11th, can constitutionally authorize no more than to make a worker pay dues to a union for the sole purpose of defraying the cost of acting as his bargaining agent. Our Government has no more power to compel individuals to support union programs or union publications than it has to compel the support of political programs, employer programs or church programs. And the first amendment, fairly construed, deprives the Government of all power to make any person pay out one single penny against his will to be used in any way to advocate doctrines or views he is against, whether economic, scientific, political, religious, or any other.

"I would therefore hold that section 2, 11th, of the Railway Labor Act, in authorizing application of the union-shop contract to the named protesting employees who are appellees here, violates the freedom of speech guarantee of the first amendment.

"I cannot agree to treat so lightly the value of a man's constitutional right to be wholly free from any sort of governmental compulsion in the expression of opinions. It should not be forgotten that many men have left their native lands, languished in prison, and even lost their lives, rather than give support to ideas they were conscientiously against.

"Unions composed of a voluntary membership, like all other voluntary groups, should be free in this country to fight in the public forum to advance their own causes, to promote their choice of candidates and parties and to work for the doctrines or the laws they favor. But to the extent that Government steps in to force people to help espouse the particular causes of a group, that group—whether composed of railroad workers or lawyers—loses its status as a voluntary group. The reason our Constitution endowed individuals with freedom to think and speak and advocate was to free people from the blighting effect of either a partial or a complete governmental monopoly of ideas. Labor unions have been peculiar beneficiaries of that salutary constitutional principle, and lawyers, I think, are charged with a peculiar responsibility to preserve and protect this principle of constitutional freedom, even for themselves. A violation of it, however small, is, in my judgment, prohibited by the first amendment and should be stopped dead in its tracks on its first appearance."

I predict that the foregoing dissenting opinion of Mr. Justice Black in the International Association of Machinists case will eventually become a majority opinion of a future Court.

In the first place, the Georgia Supreme Court decision was overruled in a 5-to-4 decision and since then, two able and independent lawyers have been added to the Court. In the second place, the dissenting views of Mr. Justice Black reflect the political philosophy of our American system of private enterprise within the framework of American constitutional liberty and are in full accord with a long line of both State and Federal decisions prior to the U.S. Supreme Court decision in the Hanson case.

The views of Mr. Justice Black, in which three of his colleagues concurred, would undoubtedly become the views of the U.S. Supreme Court if called upon to pass on the constitutionality of so broad a union shop bill as the pending bill to repeal all right-to-work laws of sovereign States.

Mr. ROBERTSON. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Will the Senator withhold his request for a moment?

Mr. ROBERTSON. I withhold my request.

Mr. STENNIS. I congratulate the Senator from Virginia on his very fine speech. I was privileged to listen to a part of it. As always, he has made a very profound argument, both from a legal and a practical point of view. No one is more capable of speaking on the subject, and no Senator is more earnest and sincere. I commend him highly for his fair presentation, which will be helpful to all.

Mr. ROBERTSON. Mr. President, I thank the Senator from Mississippi. In my view, this is a fundamental issue, involving an inherent right of the people of my State, and I have endeavored to present it as such.

LOUIS SHERMAN, LABOR LAW EXPERT, DISCUSSES "THE CRUCIAL ISSUE IN THE 14(b) CONTROVERSY" AT WEST VIRGINIA BUILDING TRADES CONVENTION

Mr. RANDOLPH. Mr. President, the crucial issue—the central legal issue stripped of all exaggerations—in the con-

troversy over whether to repeal or not to repeal section 14(b) of the Taft-Hartley law, has been well delineated at the biennial convention on September 30, 1965, of the West Virginia Building and Construction Trades Council in Princeton, W. Va.

I commend for careful study the address by labor law counselor Louis Sherman. He is general counsel for the International Brotherhood of Electrical Workers, AFL-CIO, and for the Building and Construction Trades Department, AFL-CIO.

So that the text of Mr. Sherman's speech may be available for reading, I ask, Mr. President, unanimous consent to have it printed in the RECORD. I commend for special attention the sentence wherein Mr. Sherman explained:

If 14(b) is repealed, its only effect will be the extension of the existing Federal union security rule, as written by Senator Taft and Congressman Hartley, to all the States of this Nation on a uniform basis, and no State will have the right to depart from the Federal rule insofar as interstate commerce is concerned.

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

THE CRUCIAL ISSUE IN THE 14(b) CONTROVERSY

(An address to the biennial convention West Virginia Building and Construction Trades Council, by Louis Sherman, general counsel, International Brotherhood of Electrical Workers, AFL-CIO; general counsel, Building and Construction Trades Department, AFL-CIO; at Memorial Hall, Princeton, W. Va., September 30, 1965)

At the commencement of every debate or controversy, many different aspects of the matter are discussed. But as the debate continues, the irrelevancies and items of minor importance are put aside. Usually, the decision turns on the merits of one issue which may be described as the final, decisive, or conclusive question.

I think there is such a crucial issue in the 14(b) debate, and I should like to try to define it.

It is my view that, notwithstanding the many years of consideration of the question of repeal of section 14(b) of the Taft-Hartley Act, there is a certain amount of confusion over the real question raised by the proposal for repeal. You will hear the opponents of the repeal saying very strongly that they don't think it's right for a man to be forced to join a union. That is their principal argument. Now, the labor side may rejoin, in terms of the traditions of the past and its realistic understanding of the relationship between management and labor that it respectfully disagrees. Much of the discussion goes forward on that basis. But the question before the country is whether 14(b) should be repealed, and that requires an accurate understanding of the actual effect, the legal effect, of the repealer.

In reaching this understanding it must be realized, notwithstanding the nature of the debate that has taken place, the cold fact is that, if 14(b) is repealed, there will then go into effect in the right-to-work States the uniform Federal rule that was written by the late Senator Robert A. Taft and Congressman Fred Hartley. Under that rule the individual employee is required, if there is a valid union security agreement, only to tender dues and initiation fees. He is not (although perhaps he should be) required to join the union. And the real issue is whether an employee who gets all the benefits of representation by the union should be permitted to enjoy these benefits without being required to pay the standard charge therefor.

I would like to make it clear that, notwithstanding what the labor movement may like in terms of what the Federal rule should be, the only issue presented by the repeal of 14(b) is whether the present Federal rule on union security, as now written in the Taft-Hartley Act, should be made uniform. The question of what the present Federal rule means has been determined by the courts, and the determination of that question has been on the books since 1951. I refer to the case of *Union Starch and Refining Co.* (186 F. 2d 1008; cert. den. 342 U.S. 815) decided by the United States Court of Appeals for the seventh circuit, certiorari denied by the Supreme Court of the United States. The Court held that, under the present Federal law, an individual employee can refuse to apply for membership to the union, can refuse to attend meetings, can refuse to sign an oath of obligation, and, in fact, can refuse to accept any incident of membership other than tendering payment of money. The Court held that the National Labor Relations Board's interpretation, which was along these lines, "was in harmony with the purpose of Congress to prevent utilization of union security agreements except to compel payments of dues and initiation fees."

In the case of *NLRB* v. *General Motors* (1963) (373 U.S. 734), the Supreme Court of the United States said: "If an employee in a union shop unit refuses to respect any union-imposed obligations other than the duty to pay dues and fees, and membership in the union is, therefore, denied or terminated, the condition of membership for section 8(a)(3) purposes is nevertheless satisfied and the employee may not be discharged for nonmembership even though he is not a formal member." And in *Radio Officers Union* v. *Labor Board* (1954) (347 U.S. 17), the Supreme Court again made it clear that this was precisely the intent of Congress. The Court there said: "This legislative history clearly indicates that Congress intended to prevent utilization of union security agreements for any purpose other than to compel payment of union dues and fees. Thus Congress recognized the validity of unions' concern about free riders, i.e., employees who receive the benefits of union representation but are unwilling to contribute their fair share of financial support to such union, and gave the unions power to contract to meet that problem while withholding from unions the power to cause the discharge of employees for any other reason."

Let us contrast this Taft-Hartley union security provision with what we knew, first, as the closed shop and, second, as the union shop. Many people use those words and don't exactly know what they mean. So let's just define, simply, each type of these two agreements. I am talking about the old days before Taft-Hartley when these agreements were thoroughly legal. A closed shop meant that before a man could be hired he had to be a member of the union in good standing. It also meant that if he were to retain his employment he had to continue to be a member in good standing.

The traditional union shop, before Taft-Hartley, meant that the employer had the option of hiring an employee even though not a member of the union. Such employee was required to become a member of the union after his employment and then had to retain his membership in good standing to retain his job. We will assume that there was a strike, and this particular individual did not recognize his obligation to his fellow members and did not discharge his obligations as a member of the union. The union had the right, after appropriate disciplinary proceedings, to remove him from membership. Under the traditional union shop, he was thereby removed from his job. The same result obtained in the case of the closed shop.

Taft-Hartley came along, and let's remember the law was written by Senator Taft and Congressman Hartley; it was not written by labor leaders. The draftsmen of the Taft-Hartley Act wanted to cut down the scope of union security in all States whether they had right-to-work laws or not. They wrote section 8(a)(3) and section 8(b)(2) in such a way that from then on the only obligation a man had under the so-called Taft-Hartley union shop, the closed shop having been prohibited, was to tender his dues and initiation fees. Now, you and I could enter into a long, philosophical discussion on whether the old rules were right or whether Mr. Taft and Mr. Hartley's rule was right. But that is not the issue presented by the proposed repeal of 14(b). If 14(b) is repealed, its only effect will be the extension of the existing Federal union security rule, as written by Senator Taft and Congressman Hartley, to all the States of this Nation on a uniform basis and no State will have the right to depart from the Federal rule insofar as interstate commerce is concerned.

Now, I think you can see that when you analyze this issue it is quite different from the issue which the opponents of the repeal of 14(b) are seeking to place in public debate. We do not have to argue the issue or question of "compulsory unionism"—which is irrelevant. We have to argue the issue or a question which is actually raised by the repeal of 14(b). And that is the "free rider" question which is, in my judgment, the crucial issue involved in the proposal to repeal 14(b).

The opponents of repeal say, if the man doesn't want the service, why should he pay? Well, the answer is to be found in the actual structure of unionism and the actual structure of the law with respect thereto. A union which has a majority of the employees in the unit does not represent only its own members. It becomes the representative of each and every employee in the unit whether a member or not. The simplest illustration of this can be stated as follows: If the union bargains for a 25-cent-an-hour wage increase and finally succeeds in securing a 10-cent-an-hour increase, it cannot arrange with the employer that the 10-cent increase should only go to those who pay dues to the union. The 10-cent raise goes into effect for all employees in the unit. Furthermore, the nonmember is not only the beneficiary of improvements in general working conditions, he is also legally entitled to specific individual services by the union. There is a serious legal obligation on the union to provide service for the individual employee in the matter of grievances whether or not he is a member of the union. We had a case recently in the Supreme Court of Wyoming (*IBEW* v. *Hansen, et al.*, 400 P. 2d 531 (Wyoming Supreme Court, 1965)) which involved the question of whether an exclusive referral system could be prohibited by the law of the State. A particular section of the Wyoming right-to-work law purported to prohibit this type of arrangement. The supreme court of Wyoming ruled in April 1965 that this effort by Wyoming was in conflict with the supremacy clause of the U.S. Constitution. The basic ground of decision was the point I have made that there is no way under the National Labor Relations Act for the nonmember not to have a connection with the union. The Court quoted from an article by Professor Cox, the former Solicitor General of the United States, as follows: "The bargaining representative would be guilty of a breach of duty if it refused to press a justifiable grievance either because of laziness, prejudice, or unwillingness to expend money on behalf of employees who are not members of the union." I think Professor Cox is correct in his statement of

the law that, if a local union refuses to process a grievance for a nonmember because it does not wish to spend the money to do so, it would be held liable for its failure to carry forward its obligation to the nonmember.

Is it not fair that an individual employee who has the legal right to receive all the general improvements in working conditions secured by the union and to be served by the union diligently in the processing of his individual grievances should be required to pay periodic dues and reasonable initiation fees?

That is the decisive question, in my judgment, as far as this proposal to repeal section 14(b) is concerned. Of course, we know the answer of the labor side. It is interesting to note that a prominent management figure is essentially in agreement with the free rider argument of the unions.

Mr. Philip Sporn, chairman, System Development Committee of American Electric Power Co., Inc., in his separate views on "Union Powers and Union Functions" issued by the Committee for Economic Development, March 1964, stated that:

"While each worker should have a clear right to decide freely whether or not to belong to a union, there should be no legal prohibition of collective bargaining agreements requiring financial payments in lieu of normal union dues by workers who choose not to be members of the union. Although the right of the majority of the workers to effective representation by a union is not abridged by the failure of one or more of the minority of the workers to join the union, a legally imposed absence of financial responsibility toward the union by the nonmembers in the face of the ineluctable performance of valuable services on their behalf by the union, apart from the inequities involved, tends to undermine the financial foundation of union survival."

It is apparent that Mr. Sporn was referring to a "support of the collective bargaining agency" clause which is not essentially different from a Taft-Hartley union shop clause. While I do not agree with Hr. Sporn's statement as to the effect of the failure of minority workers not to join the union, this is an academic difference because the repeal of 14(b) will leave in effect the Taft-Hartley union shop provisions, under which, as we have seen, the individual employee can avoid applying for union membership or accepting its obligations. Mr. Sporn's statement constitutes recognition by an important industrialist that, from a plain and simple dollar and cents point of view, if the union renders services to all employees in the unit, there should be a legal power for management and labor to make a contract under which all such employees are required to pay for the service. It also recognizes the relationship of this uncomplicated matter to union survival.

In conclusion on this point of 14(b), I would like to comment on an advertisement which has been published in a number of newspapers by the "Citizens Committee To Preserve Taft-Tartley." The honorary chairman of this committee is Fred A. Hartley, Jr., former Member of Congress, Milford, N.J., and coauthor of the Taft-Hartley Act. The theme of this advertisement is "Keep the Taft-Hartley Act intact and protect fundamental American rights."

The advertisement appears to overlook the fact that repeal of section 14(b) will not make legal the closed shop or even the traditional union shop. Their status is not put in issue by the proposal to repeal section 14(b). Such repeal will make legal only the Taft-Hartley union ship which was drafted by the late Senator Robert A. Taft and Congressman Hartley himself. I would suggest that the Taft-Hartley union shop which, as we have seen, only requires the tender of dues and fees cannot properly be characterized by the supporters of the Taft-Hartley Act as an invasion of fundamental American rights.

Mr. ROBERTSON. 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. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SOUTHERN NEVADA WATER PROJECT, NEVADA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 32) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, which was, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior is authorized to construct, operate, and maintain the southern Nevada water project, Nevada, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as those laws are inconsistent with this Act, for the principal purpose of delivering water for municipal and industrial use. The principal features of the southern Nevada water project shall consist of intake facilities, pumping plants, aqueduct and laterals, transmission lines, substations, and storage and regulatory facilities required to provide water from Lake Mead on the Colorado River for distribution to municipalities and industrial centers within Clark County, Nevada.

SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply and, if appropriate, to fish and wildlife and recreation: *Provided*, That all operation and maintenance costs for the southern Nevada water project shall be allocated to municipal and industrial water supply. Construction costs of the River Mountains dam and reservoir allocated to fish and wildlife and recreation shall be nonreimbursable in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) Allocations of project costs made to municipal and industrial water supply shall be repayable to the United States in not more than fifty years under either the provisions of the Federal reclamation laws or under the provisions of Water Supply Act of 1958 (title III of Public Law 85-500, 72 Stat. 319 and Acts amendatory thereof or supplementary thereto): *Provided*, That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance of such allocations at a rate equal to the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum.

SEC. 3. (a) The Secretary is authorized to enter into a contract with the State of Nevada, acting through the Colorado River Commission of Nevada or other duly authorized State agency, for the delivery of water and for repayment of the reimbursable construction costs.

(b) Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary and the Colorado River Commission or other duly authorized State agency.

(c) Such contract may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939.

(b) Upon execution of the contract referred to in section 3(a) above, and upon completion of construction of the project, the Secretary shall transfer to said Colorado River Commission of Nevada or other duly authorized State agency the care, operation, and maintenance of the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water project upon the terms and conditions set out in the said contract.

(c) When all of the costs allocable to reimbursable purposes incurred by the United States on constructing, operating, and maintaining the project, together with appropriate interest charges, have been returned to the United States by the State of Nevada, said State shall have the permanent right to use the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water supply project in accordance with said contract.

SEC. 4. Such amount of the costs of construction as are allocated to the furnishing of a water supply to Nellis Air Force Base or other defense installations shall be nonreimbursable.

SEC. 5. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 6. In all water supply contracts for the use of water in Nevada under this act or section 5 of the Boulder Canyon Project Act (45 Stat. 1057) the Secretary shall recognize the intrastate priorities of water rights to the use of water existing on the date of enactment of this Act: *Provided, however*, That nothing in this Act shall be construed as validating any right diminished or lost because of abandonment, nonuse, or lack of due diligence, nor shall anything in this Act be construed as affecting the satisfaction of present perfected rights as defined by the decree of the United States Supreme Court in Arizona against California et al. (376 U.S. 340).

SEC. 7. There is hereby authorized to be appropriated for construction of the southern Nevada water project, Nevada, the sum of $81,003,000 (September 1965 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

Mr. BIBLE. Mr. President, I consider the House amendment to S. 32 to be constructive and beneficial. It is basically clarifying in nature.

The bill authorizes the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project which is designed to carry Colorado River water from Lake Mead to the Clark County municipal and industrial complex, the most populous and fast-growing area of Nevada. It is vital to the economy of southern Nevada where underground water resources now supplying the region are rapidly being exhausted. The estimated $81 million project is totally reimbursable through a 50-year contract with the State of Nevada. The first stage of development is designed to meet the water needs of the area until about 1990 and would cost about $49 million. The remaining two stages would be constructed as needed.

The House amended the bill to delete any reference to irrigation use of water from the project. There is no demonstrated need for irrigation water and it is doubtful that such a use could be justified.

Also amended was language regarding cost allocations to fish and wildlife and recreation. The revised language makes it clear that any such development in the project would be in accordance with the Federal Water Recreation Act.

The amendment provides greater latitude in identifying the contracting agency of the State of Nevada.

The House also deleted language in the bill regarding soil survey and land classification requirements because it was not applicable to the municipal and industrial water project.

A new section was added by the House requiring the Secretary of the Interior to recognize intrastate priorities of water rights existing at the date of this act.

The amendment, as I have said, is constructive and clarifying in nature and I urge the Senate to agree to it. I have cleared the amendment on both sides of the aisle.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, I move that the vote by which the amendment of the House was concurred in be reconsidered.

Mr. BARTLETT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. I thank the Presiding Officer.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President——

Mr. STENNIS. Mr. President, will the Senator yield for a brief announcement?

Mr. DOMINICK. I yield for that purpose.

Mr. STENNIS. Mr. President, I have no intention of asking for a live quorum call this afternoon. I do not know of any other Senator who does.

I thank the Senator for yielding.

Mr. CLARK. 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. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. DOMINICK. Mr. President, the Senate has now been engaged for several days in a discussion of whether or not section 14(b) of the Taft-Hartley law should be repealed. I feel an obligation to join actively in this discussion and state my views on H.R. 77 as clearly and unequivocally as I am capable of doing. As I view it, my obligation to enter this discussion is based in a large part on my position as a member of the Senate Labor and Public Welfare Committee. Mr. President, I feel that when a Senate committee has been confronted over a period of many months by a major bill, the members of that committee have a unique opportunity and perhaps an obligation to enter into the floor debate concerning that legislation. This is especially true when the proposed legislation is as controversial as the legislation now under discussion. As a member of the Labor and Public Welfare Committee, we studied H.R. 77 for many months and participated in spirited and informative committee discussion of H.R. 77. After this study and discussion, I found that I could not in good faith support this legislation, voted against reporting it out of committee, and subsequently wrote my own individual views concerning H.R. 77, and had them included in the report.

Because I believe these views, as they appear in the report, summarize my position, I will set them forth here as a part of the CONGRESSIONAL RECORD. I said as follows in the report:

The question of whether a union shop is good or bad for an individual or for labor-management relations is not the key question, although that debate which has raged so continuously over the country will undoubtedly exert a strong influence on the conclusions of many people. The real issue with which we are faced in this legislation is whether Congress should by law abolish the right of a citizen of a State to reject authority for compulsory union shops in his State.

My own State by a vote of the majority of its citizens rejected the right-to-work law in our general election of 1958; and it seems to me that this action of our citizens, who had before them the provisions of Colorado's Labor Peace Act, was probably wise. Nevertheless, each State differs in its philosophy, its working conditions, and its labor climate, and to repeal the right of the citizens of those States to determine this issue for themselves is a preemption of power by the Federal Government so massive in nature that I cannot support it.

Currently, 19 States have right-to-work laws in effect. Right-to-work laws have been adopted by constitutional amendment in the following six States: Arizona, Arkansas, Florida, Kansas, Mississippi, and Nebraska. In addition, Nevada placed its right-to-work statute before the people in a general election, while North Dakota's right-to-work law was passed by the legislature, but did not become effective until approved in a general election.

The following States now have right-to-work laws enacted by the legislature without a popular election: Alabama, Georgia, Iowa, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

Republican members of the labor committee offered a number of substantive amendments to the proposed legislation—amendments designed to reinforce areas of weakness in union employees' existing bill of rights. Certainly if a person is to be required to join a union in order to work in a specific job, he should also have adequate legislation backing to insure that his rights within the union are protected. Each of these amendments was summarily rejected by the Democratic majority leading to the inevitable conclusion that power, and not individual rights, is the primary aim of this legislation. I cannot acquiesce in such procedures nor in any way accept this conclusion.

THE DEVASTATING EFFECTS OF 14(b) REPEAL

Section 14(b) of the Taft-Hartley Act is not itself a right-to-work law. It grants an entirely different right, the right of the voters of each State to enact the form of right-to-work laws they desire. The reservation of this right to the people of each State is in keeping with the principles of federalism set forth in our Constitution and proven by the passage of time. The Supreme Court has ruled that such a reservation of power is constitutional, and there are many examples in our law of similar reservations. One of the most important and most recent examples is the Civil Rights Act of 1964, which makes specific provisions for widely differing State civil rights statutes.

As noted earlier, six States have enacted constitutional amendments prohibiting union shops. Two States have adopted right-to-work laws by vote of their citizens. Eleven States have adopted right-to-work laws through their State legislatures. H.R. 77, however, would strike down automatically these provisions of the State constitutions in those 6 States, laws adopted by the vote of the people in 2 others, and laws adopted by the State legislatures in 11 States.

If we grant such wide ranging powers to the Federal Government, what portion of a State constitution can remain inviolate? What State laws may not be preempted by Congress? What safeguards can the citizen construct for his carefully nurtured freedoms and systems of local government?

I must also point out that enactment of H.R. 77 would annul one of the most vital provisions of the Colorado Labor Peace Act. This provision permits union shops in Colorado but requires three-fourths of the affected employees to vote in favor of a union-shop contract before it becomes legally operable. Efforts to change this ratio have been made on many occasions in our State legislature; but whether controlled by the Republican or Democratic Party, the provision has remained in effect. In other words, my State has refused to adopt a right-to-work law, but it has made

provisions to insure that the majority of the employees in a unit favor a union shop.

I understand that the State of Wisconsin has adopted a similar statute which would be struck down by the passage of H.R. 77.

It is apparent that the Colorado Labor Peace Act has in no way retarded the growth of wages in Colorado. In 1964 Colorado had an average wage in manufacturing of $2.74 per hour, which ranked 12th among the 50 States. This represented an increase of 51 percent over the past 10 years as contrasted to a national average increase of 42 percent. The per capita income in my State also exceeds the national average. So it is clear that the Colorado law has in no way hindered a steady increase in income of Colorado workers. Furthermore, the years in which the Labor Peace Act has been in effect in Colorado have been years of labor peace. Congress should not so easily strike down a law which has worked so well to promote labor-management harmony and to protect the rights of all workers.

It has been argued that the citizens cannot understand complex legislative issues on a ballot and hence are not able to determine them by vote. But as we all know, voters in many cities and towns are asked to decide complex questions about the funding of public projects, technical amendments to constitutions, and other issues. There is no reason why voters and State legislatures cannot themselves decide the question of right to work, which requires only a simple decision as to whether or not to allow a union shop. Although many of my Democratic colleagues may disagree, I have enough confidence in the American people to believe that they are competent to decide this question. Repeal of 14(b) would only result in another right of the people being seized by the power hungry in Washington. Have we gone full circle in this Great Society so that now to be part of that philosophy one must give up his right to vote on his own working conditions and opportunities?

In addition to talking about the fundamental philosophy of the proposed bill, Republican Members, in the process of the discussion of the bill in committee, attempted to propose a number of amendments which would strengthen the right of the individual worker.

THE NEED FOR A NEW LABOR "BILL OF RIGHTS"

Since the enactment of the Taft-Hartley Act in 1947 and the enactment of the Landrum-Griffin Act in 1959, a number of inadequacies in these laws have appeared. Many successful schemes have been developed by which a minority of labor bosses who do not live up to their responsibilities can distort the law and use it in ways inimical to the interest of the workingman. For this reason members of the Republican minority of the Labor and Public Welfare Committee as well as other Senators have proposed amendments to protect the worker from the abuses of union power. I have proposed several amendments of this kind. All have been rejected by the Democratic majority on the committee.

First. Through decisions of the National Labor Relations Board it has become possible for a union to fine its members for the free exercise of rights intended to be protected by the existing "bill of rights" in the Taft-Hartley Act. Thus, a worker forced to join a union holding a union shop contract can be legally fined for exceeding a union-imposed production quota. This means that a man, against his will, is prevented from working to his full capacity by a union agreement which he may have opposed. This rings out as violation of a fundamental concept: freedom to work to the best of one's ability. The amendment to protect this exercise of an employee's rights was rejected by the committee.

Second. Over the years of operation of the Taft-Hartley Act there has come into being a system by which a union can be designated as representative of the workers in a plant or production unit even though an election by the workers has not been held. This is the notorious "card check" procedure. A union wishing to become the authorized representative of workers circulates cards to be signed by those workers to designate it as the representative. Some of these cards are couched in terms so highly misleading that the workers often sign them thinking that they will thereby get an election. In actuality the workers may lose the right to an election by signing the cards.

I may say parenthetically that we presented to the committee a couple of the cards which came directly from the records of a court case. Printed in large letters at the top was the statement:

> I want an NLRB election. I hereby authorize you as my representative to call one.

At the bottom of the card, in fine print, appeared the statement:

> You are my authorized representative—

To do such and such.

The union agent distributes the cards. The workers see the great block letters in print and sign them. Do they get an election? Certainly not. The union official merely takes the cards to the head of the company, presents them, and says, "The majority of the workers have signed the cards. They have authorized us to be their representatives for all bargaining purposes. You will have to let us be the bargaining agent."

Again and again we brought out in the course of the hearings flagrant violations regarding the cards. Ironically, the only defense the company has in such a situation is to commit an unfair labor practice. If the company commits an unfair labor practice, it is possible to have some kind of an election, so that the workers may have the right to determine who shall be their representative. But if the companies do not do so they do not have any right to an election.

When the companies have been able to get an election, the cases show over and over again that the union representative who had obtained the cards had done so under pretenses which were so anathema to the workers themselves that they voted against the union in the election.

What did the Republican members of the committee do about that? We proposed an amendment which would correct the situation in two ways.

First. It would make an election mandatory in the designation of a bargaining representative in all cases except where an employer had dissipated an existing union majority by means of threats, coercion, or other unfair labor practices.

Second. It would guarantee that a union could not prove the existence of such a preexisting majority by misleading or confusing cards. We prepared a standard form of card. I think all should agree that this is the least we can do to make sure that no union becomes a bargaining representative of workers who really don't want to be so represented. This amendment was also rejected by a majority of the committee.

Third. An amendment was also offered and rejected which would make union discrimination on the basis of race, color, religion, or national origin an unfair labor practice. This would bring the enforcement machinery of the National Labor Relations Board to bear on discriminatory practices in unions. Although the Civil Rights Act of 1964 makes such discrimination illegal, this amendment would bring into play a known and available enforcement procedure to prevent discrimination. Because of their role in training and apprenticeship programs, unions are able to prevent members of minority groups from getting the training they need to rise out of the conditions of abject poverty in which many of them are mired. I hope that all true friends of labor and civil rights can join with me in supporting this simple yet vitally important amendment.

Fourth. Direct use of union dues money for supporting presidential, senatorial, or congressional candidates in campaigns is now illegal, supposedly, under title 18, section 610, of the United States Code. However, labor leaders can and do use dues money in State and local elections; and as we all know, it is quite a simple matter to get around the provisions of this statute by setting up a separate committee to support political candidates and other political causes financed by union moneys. Under such circumstances, the only remedy available to a union member is to bring a lawsuit to get his dues back if he does not agree with the candidate or the cause being promoted. This remedy is costly, inadequate, and wholly impractical. Forcing union members to support a political candidate makes no more sense than taxing citizens to support one political party. If labor bosses can force a worker to join a union and then force him to pay for the support of a candidate or a cause chosen by those bosses, we have proceeded to a point nearing dictatorship. An amendment was proposed in committee to provide that the use of union dues for political purposes would be considered an unfair labor practice. A second part of this amendment would have provided that the Secretary of Labor could prosecute a suit on behalf of the aggrieved union member. Unfortunately, this amendment was also voted

down by the Democratic majority in the committee.

A number of other badly needed amendments to our national labor law have been proposed by Republican Senators. All tend to close some of the loopholes in the existing labor law, and all are designed to reinforce the rights of union members to steer the course and policy of their own unions. All have been rejected and many union members are thus left bogged in the existing power structure.

The purpose and impact of these amendments should be made crystal clear. They are not intended to hinder legitimate labor goals in any way. They are merely intended to correct the abuses foisted on the American labor movement by the actions of a small minority of irresponsible labor leaders. The amendments will not affect the overwhelming majority of responsible labor organizations which, together with management, move forward toward a brighter tomorrow for all Americans. The amendments would actually make the job of American labor easier by curtailing the abuses of the few which have too often stained the reputation of the many.

No one should labor under the misapprehension that the controversy that has arisen over the repeal of section 14(b) is caused by Republicans.

Parenthetically, I hear all the time from the labor union representatives in my State that the Republicans are always the ones who most favor the right-to-work law. This being the heart of the controversy involved here, I think it is rather interesting to see what the actual situation is.

This controversy is simply another problem that has stemmed from intramural strife within the Democratic Party. One part of the Democratic Party is attempting to mobilize itself in order to bow with all due pomp and circumstance to the demands of some labor leaders so that an election debt can be repaid. Another part of the Democratic Party is in the meantime presiding over many of the States that have adopted the right-to-work laws so bitterly attacked by their comrades. Thirteen of the States having right-to-work laws are now presided over by the Democratic Governors and Democratic-controlled State legislatures. Only 2 of the 19 right-to-work States are run by all-Republican State governments. But a sizable proportion of congressional Democrats, rather than trying to convince their colleagues in their State governments, are trying by congressional edict to end the right of any State to pass a right-to-work law. A similar example of the intraparty warfare that has split the Democratic Party over the right-to-work issue lies in the fact that the Democratic President of the United States has given his endorsement to the repeal of section 14(b) while a vast majority of the Democrat Congressmen from his own State of Texas and its Democrat Governor opposed repeal in the House of Representatives. This is not a struggle between the Republican and Democratic Parties but a struggle within the Democratic Party itself. As has happened on many other occasions, the Republican Party is called on to act as a responsible mediator between the warring wings of the Democratic Party and to act as the responsible activist by protecting the rights of the citizens of this country to safeguard their freedoms.

Mr. President, I place that statement in the RECORD not because I feel that this is the only answer to the problem, but because I believe that the issue that we have facing us is clearly delineated in the report, and that the amendments which I shall discuss later have been laid out in rather succinct fashion. It therefore lays the groundwork for the other enlargements on these statements that I wish to make.

Mr. President, this debate will perform a vital function by focusing the attention of the Nation on this issue—not just the attention of the vested interest groups—but the attention of the Nation as a whole.

In my view, the important and real issue is this great debate has a tendency to be clouded over and diverted, ironically, and by an oversimplification of the issue. Unfortunately, the debate which has raged continuously over the country and which will undoubtedly exert a strong influence on the conclusions of many people has centered around the question of whether a union shop is good or bad for an individual or for labor-management relations. This issue is most certainly deeply felt and often emotionally handled. The emotional heritage derived from this argument will undoubtedly influence the result of this debate. However, the real issue with which we are faced in this legislation is whether Congress should by law abolish the right of a citizen of a State to reject compulsory union shops in his State.

Section 14(b) of the Taft-Hartley Act is not itself a right-to-work law. It grants an entirely different right, the right of the voter of each State to enact the form of right-to-work laws they desire.

A clear example of this is the Colorado Peace Act, to which I referred earlier. Under the National Labor Relations Act in the States without right-to-work laws if 51 percent of the employees vote on whether they are going to have a union shop, and if the 51 percent say affirmatively yes, they have a union shop. In our State, there can be a union shop, but 75-percent approval is required before the union shop provision can go into effect. This means that a clear majority—in fact, more than that—have evidenced their desire to have working conditions which will be run almost wholly by the union.

The result of this is that the vast majority of those who are vitally affected have determined this question, and it would seem to me to be a reasonable rule. But this would be void if we were to repeal section 14(b). The States would not be able to adopt the type of limitation that has been working so successfully in Colorado.

Certainly the reservation of that right to the people of each State is in keeping with the principles of federalism set forth in our Constitution and proven by the passage of time. Article I, section 1 of the Constitution of the United States states:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

One of the basic doctrines of constitutional law—that the Federal Government is one of enumerated powers—is derived in a large part from this section of the Constitution. The classical statement of this doctrine was set forth by Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 316 (1819) at page 405 where he stated:

> This Government is acknowledged by all, to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. That principle is now universally admitted.

Later Justice Marshall introduced a broader concept which has been described as resulting powers which were said to have arisen from the nature of the political society rather than from specific enumeration. Thus based on the concept of resulting powers, the Government was said, for example, to possess the right to acquire territory either by treaty or conquest and that it possessed the resulting power to govern the acquired territory.

Subsequently, the power of the Federal Government has been repeatedly broadened by the courts to exceed by far the express rights granted to the Federal Government by the Constitution. The most pronounced inroads on the doctrine of express or enumerated powers have taken place recently in the areas of the regulation of interstate commerce and in the expenditure of revenues.

We have reached the point where virtually every commodity can conceivably affect commerce in the Federal sense and thus be declared subject to Federal control. Now I am not criticizing any specific U.S. Supreme Court decision nor am I assailing the philosophy which has judicially placed the Federal Government within the jurisdiction of what, a few years ago, would have been solely the individual State's prerogative. I merely touch on this evolution of the rapidly expanding Federal influence as a springboard to illustrate that we have seen a gargantuan movement of the Federal Government into the local level.

In one sense the States have no one to blame but themselves. Those who subscribe to the philosophy of big government with centralization of power in the Federal Government and who have been in control of our Government during its most dramatic expansion have time and time again tempted the State governments such as Eve tempted Adam. However, in our sophisticated society, money has been substituted for the apple and the temptation has too often been too great for the States.

Mr. President, let me give a very recent example of Eve tempting Adam with the fruit of the Federal money tree and the effect that this temptation has

had. The Federal Government has been giving assistance to the States on a matching funds basis for the building of primary and interstate highways.

This assistance seemed to many to be harmless—in fact, even helpful. The States readily accepted the money. In fact, they looked for it. But who would have guessed, when this act was passed, *that in 1965* this money would have been used as a blackjack to enforce the recently passed highway beautification bill?

Under the latter law, the States must conform to the measure, or their highway funds will be slowly but surely cut out from under them. The States have become puppets, with the Federal Government controlling all the strings, wherever and whenever they have accepted Federal funds.

This year in particular we have seen that happen with one piece of legislation after another. It happened with medicare, as it is popularly known. That program, administered entirely by the National Government, replaces the State-and-Federal program administered and controlled by the States. It has gone so far that we have moved away from our established principle of getting the major share of Federal revenues from a progressive income tax. The medicare program is financed by a social security tax at a flat rate, without graduation, by what is generally called a regressive form of taxation, to the extent that many young workers who are just starting families will find, as they go through next year, that they will be paying more money to the Federal Government in the form of social security taxes than under the graduated Federal income tax. It is really quite surprising. An average worker with two children, earning between $7,000 and $10,000 a year, next year may well be paying more social security taxes than Federal income taxes.

Another example is the Manpower Act of 1965, where, again, we have encroached upon State training programs. We have established Federal financial control over vocational education, moving well beyond the Smith-Hughes Act and subsequent vocational education programs. States will be told what type of program can be financed by Federal grants, what type of teaching will be financed, and what students will be admissible.

I am glad my distingushed friend the Senator from California is on the floor, because this concerns his city. Los Angeles is desperately short of garage mechanics. When the city and State wanted to inaugurate a mechanics' course in the retraining program, unions objected, and the Federal officials suggested such courses might not be advisable. So the money is being used to teach low-level skills, nurses' aids, building maintenance or janitors, basic typing, but not the high pay skills needed.

The Elementary-Secondary Education Act of 1965: Mr. President, I remember standing on this floor for hour after hour during that debate, trying to make clear that if we put the Federal Government into the local elementary and secondary education field, we would be entering a field which had not been entered before. The original purpose had been to help people with low incomes. But the money was not being put there. Oh, no. We had this great plan initially outlined so that we were going to help all kinds of children in their educational needs, all over the country. But the money ended up going where money already existed, into the large States, the wealthy counties: into Westchester County, not into Dallas County, Ala.

We debated the matter over and over again, and I tried to change the formula. I brought it up as an amendment. There was a roll call vote on it. But did anybody on the other side of the aisle listen? Heavens, no.

Mr. LAUSCHE. Will the Senator yield?

Mr. DOMINICK. Some of them did. Fortunately my good friend from Ohio did. I want to make that explicit.

But by and large, we did not gain much support.

This is a great new program of the Great Society, by which it will spend the money and take over the courses of education at the elementary and secondary level in this country. So far as I am concerned, that seems to be a poor way for a nation with our form of government to progress.

By the Water Quality Act of 1965—and there is no one who has been working any harder, I believe, to do something about air and water pollution than have I during the course of my political career and before—we put great new powers into the hands of the Secretary of Health, Education, and Welfare, and into regional commissions, to try to do something about those problems.

I could go on through various programs, one after the other, but there is no point in cluttering the RECORD. Federal encroachment has been implicit in very titles of some of the bills themselves. The creation of the Department of Housing and Community Development, for example: Here apparently the Federal Government will work directly with the private citizen, bypassing city, county, and State governments entirely. The urban authorities set up thereunder will work directly with Washington.

I suppose the most graphic example, though, is in the poverty bill which the Senate recently passed, in which, for one of the first times in our history, we have given the Director of an executive agency the power to overrule a Governor's veto.

Time and again we have discussed on the floor of the Senate such misplacement of executive power. The Senator from Vermont [Mr. PROUTY] and I have debated it; the Senator from California [Mr. MURPHY] and I spoke on it, trying to point out what the problem was, that unless we let the Governors have some control over the activity of Federal agents within their States pretty soon there would not be any State government or any local government that was worthy of the name.

So we tried to keep the Governor's veto intact, particularly as to activities where the administration of the poverty program would directly involve local people not affiliated with the State government. We did not succeed. What we got instead was the House version, the version which says, "The Governor can go ahead and veto a program, but the Federal Director in Washington can overrule the Governor's veto."

In no other place in the history of our country has an executive agent in the Federal Government been given the power to overrule the veto of a State Governor, duly elected by the people. It is an incredible deviation, as far as I am concerned, from the system set up by our forefathers. But that system was totally disregarded in the poverty program.

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

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. Does the bill that was finally delivered to the Senate provide that the officials of the Office of Economic Opportunity can override the veto of the Governor?

Mr. DOMINICK. It does.

Mr. LAUSCHE. That means that the Governor, in the end, will definitely be embarrassed by the officials of the Economic Opportunity administration. He will be required to come to Washington, to engage in an argument with the officials who wish to give away taxpayers' money.

Mr. DOMINICK. It seems to me, as the Senator has so aptly said, that the Governor is caught in a double vise. The Senator from Ohio, having been Governor of his State, can recognize that far more clearly than I.

It seems evident to me that the Governor is first faced by pressures from the citizens to get as much money out of the Federal pie as he can; and then, if he thinks the program is going to be a boondoggle of one sort or another, and that he will not be a party to it, and he decides to veto or threaten to veto a program proposed for his State, his veto means nothing, because it can be overruled by an official of the poverty program in Washington.

Mr. LAUSCHE. Mr. President, a Governor of a political complexion opposite to that of those who are administering the fund would be putting him in a dangerous position by allowing the ultimate authority to overrule him.

Mr. DOMINICK. There would seem to be little or no doubt about it. Regardless of what political party happens to be operating the program, or of what political party the Governor happens to be a member, the Governor of the State would be caught in a terrible political fix, so to speak.

Mr. LAUSCHE. The Senator from Colorado and the Senator from California will be interested in the fact that I have received a letter from a 76-year-old person who said:

> I have a home. I am getting along all right, but I should like to get a job with the Office of Economic Opportunity.

I was faced with the dilemma of determining what I should do. I am in a

quandary as to what to do. I suppose that inasmuch as everyone else is getting in on this, I should recommend him, but I shall delay judgment for the time being.

Mr. DOMINICK. I appreciate the Senator's help in this connection. He and I talked over the horrors, literally, that come up one after another in the management of the poverty program. It does not give me any particular confidence to think that the decisions of the Director of the program will be more apt and more fair than a decision that the Governor of the State, who is faced with taking care of problems in his own local area.

Mr. LAUSCHE. I also received a letter from a doctor in Cleveland, whom I respect very highly. He urged that I intervene with the Office of Economic Opportunity to procure an increased allocation for the establishment of what might be called a day-care center.

In his letter, he said:

> I recognize that the cost of taking care of these precare infants is far greater than the cost of taking care of them in a nursery home.

In all instances, the cost is far greater than to send a student to college in Ohio, which costs on an average of $2,300 a year for all purposes, than to send a dropout to one of the OEO schools, which costs $4,500 a year. We pay the dropout, we pay the parents of the dropout, and we rent the buildings.

How can we justify spending $4,500 on dropouts when we are spending from $2,200 to $2,500 to take care of students in college?

Mr. DOMINICK. I share the philosophy of the Senator from Ohio. That is a question I brought up during the recent debate on the subject. I remember the incident of one young man who finished first in his class in high school and graduated, only to be drafted. He is now in Vietnam, receiving a salary of $78 a month. His brother went to high school, too, but he was a delinquent, he flunked out or dropped out. He was placed in the Job Corps, and he receives $200 a month. Thus, there is an incentive for dropouts—that is what it amounts to.

Mr. President, I have invited attention to these points, not because they have a direct bearing on H.R. 77, but as an example of the expansion of Federal power. Thus, the philosophy behind the difficulties in the other bills applies even more to the bill sought to be brought before the Senate because it too deals with the encroachment of Federal power into State government. There is an analogy between H.R. 77 and those bills because they show how the Federal Government can come into the States and literally force a program upon them, whether they need or wish the money. The States have got to comply or face the outrage of their citizens who see all their Federal tax funds going to other States in the division of the overall pie.

Mr. President, I wish to comment further on the conditions existing in my State.

I believe that Colorado is probably as outstanding in all the fields with which we have been dealing as any State in the Union. I say this with considerable pride, because I served in the State legislature while it was discussing and implementing some of the acts, and passing new ones.

In the field of civil rights, for example, there was a public facilities law in the State of Colorado which was enacted in 1897. I repeat, 1897. Yet we had this great debate in the Senate, as to whether such a law would be good, bad, or indifferent. Such a law was in effect in Colorado in 1897, that a person could not be refused either food or lodging in any public restaurant, rental housing unit, motel, or hotel. We have had no problem with that. Its constitutionality was challenged in 1926, I believe, and was ruled constitutional under the State constitution. The State has gone along with that decision, as have its citizens.

In 1957, we enacted a fair employment practices law. I was happy to participate in that debate in the State legislature and in the drafting of that law. It has worked reasonably well. It needs amending and adjusting, but it has worked pretty well.

In 1959, the State legislature voted a Fair Housing Act. We are finding out that, although there will always inevitably be problems created in some communities, it has worked out fairly well.

The point I am trying to make is that we have already done these things at the State level.

What has Colorado done on the so-called welfare level?

We have put in a pension program which earmarked liquor taxes and excise taxes, all except 15 percent, for the purpose of creating the pension fund for old-age pensioners who are unable to support themselves.

We have found that the pension fund is rapidly increasing in amount and is seriously cramping the Government. Revenues from excise taxes should legitimately be a part of the revenue source of local and State government. So we put a limit on it. We said that we would pay our pensioners $100 a month, and that we would establish a fund below $10 million, so that if the taxes dropped off, we would have a "well" from which we could use new money to keep the pensioners paid. The fund was $5 million, I believe. We also created a $10 million medical fund from the same source.

We put all of that into effect on our own initiative. It is now being seriously hurt at this point by the enactment of the medicare bill by Congress.

Mr. President, what I have been trying to say again and again is that in our State we have done many of these same things at the local level and, suddenly, our citizens, who have had to pay for these benefits out of their own State taxes, are now finding themselves having to pay Federal taxes in addition, with the Federal Government running into a deficit in order to duplicate the very things which the State has already done.

I would not blame State governors or State legislatures at this point for saying, "What is the point of doing anything? What is the point of trying to pass any legislation in our State areas in order to try and get some good laws through? The Federal Government is going to do it. We might as well sit back and let them do the whole thing. Why pay double taxation on them? We will have a Governor in our State capital who will be a figurehead. He can go out and cut ribbons to open highways which Federal Government money has paid for. He can break a bottle against the bow of a ship being launched somewhere. He can do things of that kind and be a fine, dignified-looking figurehead. But, do not give him any power or authority, because if we do, we shall be paying for more government than we actually need, because the Federal Government is going to do it all."

This could easily be the reaction of the average citizen, before he is through watching the events developing in Congress this year. I would not much blame anyone if he took that attitude.

Before I finish, I want to read a magazine article which bears directly on this particular matter. It clearly demonstrates how the Federal Government has been disseminating money throughout the Great Society. Make no mistake, when the States accept this money they pay the high and dangerous price of more Federal control.

The article which I now wish to read from is from the October 11 U.S. News & World Report. It is entitled "L.B.J.'s Revolution—The Big Changes."

The subtitle reads:

> When President Lyndon B. Johnson called a group of students "fellow revolutionaries" a few weeks ago, he wasn't joking.
>
> Under L.B.J. a revolution that began with the New Deal in the thirties is reaching full flower. Every State, town, individual in the Nation is affected. Few realize the scale of changes.
>
> President Johnson feels he has found a formula that will make New Deal dreams a reality—and starting point for still more changes.

The article reads as follows:

> New dealers dreamed and talked revolution when they took power in Washington 32 years ago.
>
> Lyndon B. Johnson, then a young new dealer on the staff of a Texas Congressman, shared that dream.
>
> In 1936, the Supreme Court shattered this dream with a series of decisions that struck down many key New Deal laws.

I might say parenthetically that the Supreme Court struck them down as being unconstitutional.

I continue to read:

> Then, when Franklin D. Roosevelt, as President, set out to break the Court, a Democratic Congress turned on the President and slowed the drive for a change in basic powers of the Government in Washington.
>
> It now is 32 years later, Lyndon B. Johnson, the young New Dealer of 1933, is President.
>
> As President, Mr. Johnson is pushing hard the revolution about which New Dealers dreamed a generation ago. Yet, the President sees this revolution as far from complete. Said Mr. Johnson on August 4, addressing students on the south lawn of the White House:
>
> "As it was 189 years ago, so today the cause of America is a revolutionary cause. And I

am proud to salute you as fellow revolutionaries.

"Neither you nor I are willing to accept the tyranny of poverty, nor the dictatorship of ignorance, nor the despotism of ill health, nor the oppression of bias and prejudice and bigotry.

"We want change. We want progress. We want it both at home and abroad—and we can aim to get it."

The 89th Congress, completing its 1st session in the 1st year of an elected Johnson administration, gave every sign of accommodating the President on most national issues.

White House aids describe the scope of actions by this Congress as without parallel in the Nation's history.

EVERY NOOK AND CRANNY

In the United States today, as a result of L.B.J.'s revolution, Government—

And I might say the word "Government" is spelled with a capital G—

reaches down into every home, every business, every farm, every neighborhood in the land. Out of Washington go Federal officials to perform a myriad of police functions.

They watch over registration of voters in local precincts. They keep an eye not only on wages and hours of work, but on evidence of discrimination in jobs. Government police see that motels and hotels and restaurants serve all citizens on an equal basis.

The revolution is bringing a broad expansion in a move toward state medicine.

Federal money and Federal power, on a broad basis, are reaching down for the first time into local school districts. Rules out of Washington follow the Federal dollars that go with Federal aid to local education.

Mr. President, continuing with this article from U.S. News & World Report—I am not going to read the whole article; I ask that my colleagues read it, because I think it is highly significant—it contains a little excerpt, on page 48 of this issue, which reads:

The Johnson revolution, in fact, is giving the United States what amounts to a planned economy, with most of the planning centered in Washington and extending out from the Capital City. It is a revolution designed to assure permanent prosperity and growth and to make sure that all—or nearly all—citizens receive some of the benefits of this prosperity.

At the center of all this planning are the Federal Government's taxing and spending policies—the mainsprings of the Johnson revolution. The idea has taken hold that the Government can so jiggle its taxing and spending that business can be assured of profits and most people assured of gainful employment.

Mr. President, I ask unanimous consent to place the entire article in the RECORD, because it is an excellent one, and a summary and review of what is going on in this Congress.

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

[From the U.S. News & World Report]

L.B.J.'S REVOLUTION—THE BIG CHANGES

When President Lyndon B. Johnson called a group of students "fellow revolutionaries" a few weeks ago, he wasn't joking.

Under L.B.J., a revolution that began with the New Deal in the thirties is reaching full flower.

Every State, town, individual in the Nation is affected. Few realize the scale of changes.

President Johnson feels he has found a formula that will make New Deal dreams a reality—and starting point for still more changes.

New Dealers dreamed and talked "revolution" when they took power in Washington 32 years ago.

Lyndon B. Johnson, then a young New Dealer on the staff of a Texas Congressman, shared that dream.

In 1936, the Supreme Court shattered this dream with a series of decisions that struck down many key New Deal laws.

Then, when Franklin D. Roosevelt, as President, set out to "break" the Court, a Democratic Congress turned on the President and slowed the drive for a change in basic powers of the Government in Washington.

It now is 32 years later. Lyndon B. Johnson, the young New Dealer of 1933, is President.

As President, Mr. Johnson is pushing hard the revolution about which New Dealers dreamed a generation ago. Yet the President sees this revolution as far from complete. Said Mr. Johnson on August 4, addressing students on the south lawn of the White House:

"As it was 189 years ago, so today the cause of America is a revolutionary cause. And I am proud to salute you as fellow revolutionaries.

"Neither you nor I are willing to accept the tyranny of poverty, nor the dictatorship of ignorance, nor the despotism of ill health, nor the oppression of bias and prejudice and bigotry.

"We want change. We want progress. We want it both at home and abroad—and we aim to get it."

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EVERY NOOK AND CRANNY

In the United States today, as a result of L.B.J.'s revolution, Government reaches down into every home, every business, every farm, every neighborhood in the land. Out of Washington go Federal officials to perform a myriad of police functions.

They watch over registration of voters in local precincts. They keep an eye not only on wages and hours of work, but on evidence of discrimination in jobs. Government police see that motels and hotels and restaurants serve all citizens on an equal basis.

The revolution is bringing a broad expansion in a move toward state medicine.

Federal money and Federal power, on a broad basis, are reaching down for the first time into local school district. Rules out of Washington follow the Federal dollars that go with Federal aid to local education.

President Johnson, as part of his revolution, is committed to abolishing poverty. This commitment carries with it the promise of perpetual prosperity.

Cities are to be rebuilt, regions redeveloped, floods controlled, pollution of air and water checked and, if not ended, reduced. Washington is committed to beautify the countryside and to do something about rampant crime in big cities.

States seem likely to be reduced to administrative agencies, carrying out programs fashioned in Washington.

The President is for high profits for businessmen, high wages for workers, Government-supported income for farmers. Big strikes often are settled in the White House itself.

FIRST, THE UNITED STATES, AND THEN

It all is supposed to add up to a Great Society. This Great Society, Mr. Johnson is promising, will be expanded to include the world once its revolutionary changes are under way in the United States.

And at what cost in dollars?

An official study recently completed estimates that by 1970—just 5 years from now—the Government in Washington will be taxing under present laws at the rate of $165 billion a year. By election time in 1968, spending of cash by the Federal Government is expected to be at the rate of at least $150 billion.

Being raised is the question of how a party in power at the White House and in Congress, with $150 billion or more in cash to spend, could ever effectively be challenged. Too many voters, it is being said, will have too big a stake in checks from Washington.

Even now this power of the purse is being used actively to bring about a revolution in race relations in the South.

At the same time, some observers see signs of a national political machine being built around the structure of the Great Society—a machine far more powerful than any in States or major cities.

SOMETHING FOR EVERYONE

The revolution now under way is built around the concept of a government offering something for nearly everybody—from guaranteed rights for Negroes to scholarships for college students and subsidies for many of the great voting groups.

Look across the scene of the Great Society and you get a feeling of its scope and sweep.

Nobody is to be poor when this revolution is complete, if President Johnson reaches his goal. Even now there is public assistance, or relief, for the indigent. There is aid for dependent children. There are pensions for the blind and disabled. Then there are free food and subsidized housing, as well as medical, dental and maternal care.

For those temporarily out of a job, unemployment insurance is available, and President Johnson wants this program to be required to meet a national standard of benefits. The minimum wage for workers now is $1.25 an hour. There is a move underway to raise that minimum to $1.75 an hour, or $70 a week, and to include more people.

Now the Federal Government is moving to assist the poor in getting better jobs. There is a Job Corps for youths in poor families who drop out of school and there is a Neighborhood Youth Corps to provide work for poor youths in cities.

Job training is offered to give skills to those who lack them, adults and youths alike. Illiterate adults will be taught to read and write at Federal expense. There is the recent Manpower Development and Training Act to teach workers skills in other jobs if they lose the jobs they have.

Then there is low-cost housing. There will be rent subsidies to assure families of adequate living quarters outside of public projects. If people defined as poor live in substandard homes in urban-renewal areas, they can get Federal grants to repair and improve their homes.

The elderly poor now can get federally subsidized checks for working as foster parents to neglected children in institutions. Or they can serve as health aids for bedridden people. They also can get paid for caring for children now in broken homes.

In the talking stage, too, is a plan for income supplements or subsidies to make sure that nobody has an income lower than considered necessary for a decent standard of living.

For older people. The Great Society is counted on to work a revolution in the well-being of old people.

Most of them now are eligible for social security pensions. If these are inadequate, there is old-age assistance. There is to be hospital care at nominal cost for all persons over 65. Medical care will be provided for these same people at a cost of $3 a month. Then there is a subsidized program of medi-

cal care for those elderly people who cannot meet any medical expenses.

Nursing homes are being subsidized, and elderly people may live in apartments built for them under Federal public housing or the new rent-subsidy plan. Some apartments for the elderly have been built with Federal loans at low rates of interest.

Older people, too, when lacking resources, share in all of the programs open to the poor. By 1970, there will be nearly 20 million persons aged 65 or older, almost all eligible to vote—a potent force at election time and a factor of which all politicians are aware.

For young people and their schools. Great emphasis is being put on education by the Great Society. The theory is that through education people can be taught to rise out of poverty.

Aid from the Federal Treasury will flow to local schools, both public and church-supported. With money will go influence.

There is a new program to offer instruction for preschool-age children of the poor. Children in poor neighborhoods will be able to get textbooks bought with Federal funds. There are reports that Government officials are beginning to take an interest in the way these texts are written and the lessons they teach.

Federal aid is to be provided to help localities in paying salaries of teachers and in meeting other expenses, with subsidies based on the number of children from poor families. Money from Washington will be used to train teachers in teaching remedial reading and in other fields involving handicapped children.

Community centers will be set up, financed with Federal funds, to give students special instruction that they might not get from established public and private schools. Then a National Teachers Corps is to be organized, with salaries paid by the Federal Government, to provide instruction in low-income areas to pupils in elementary schools and high schools.

Teacher fellowships will be available to those who want to take advanced training. And colleges and universities for the first time are to receive grants from the Federal Government to train librarians.

There are to be Federal scholarships for the first time for youths from low-income families, and more liberal federally backed loans for other students. In addition, work-study programs are set up to help financially strapped students go to college.

Help will be given for construction of college classrooms, laboratories, and libraries. Educational research centers are to be established to explore new ideas for schooling.

FOR CITIES AND TOWNS

Huge sums from Government are probably to be available to assist large cities in solving their problems. A Department of Housing and Urban Development is about to be set up to deal with these problems.

Federal grants and Federal loans are, or soon will be, available to help cities with projects to control air pollution, to build waste treatment plants, to buy land for parks and recreation areas, to improve mass transportation, and to do nearly anything else that cities find they need.

Out of the Federal Treasury will continue to flow money for slum clearance, public housing, and urban renewal. Soon the Federal Government will make a study of urban housing and building codes and recommend changes to city governments—another example of the Federal Government's reach.

Federal grants also will be available to cities to build neighborhood health and recreation centers and to landscape parks. Smaller cities and towns are eligible for Federal aid for such projects as water, gas, and sewerage systems.

It has been predicted that the new Department of Housing and Urban Development will blossom into one of the largest Federal departments.

FOR THE FARMER

The Federal Government has long provided aids to the Nation's farmers. Prices are supported or supplemented for various crops. Farmers are paid for taking land out of production. Rural areas with chronic unemployment often are eligible for rural renewal loans.

There is the program for Appalachia—a region that has been chronically depressed. The Federal Government proposes to improve and rehabilitate this area as another aspect of President Johnson's war on poverty. It is expected that other areas of the country that are not enjoying the general prosperity will be objects of similar programs sponsored by the Government in Washington.

The Federal Government also is embarking on a program to subsidize high-speed transportation between the Nation's cities. A rail line between Washington and New York and eventually to Boston has been earmarked, as a start, for this subsidy. Then the Government is committed to provide funds for the development of a supersonic transport plane.

A PLANNED ECONOMY

The Johnson revolution, in fact, is giving the United States what amounts to a planned economy, with most of the planning centered in Washington and extending out from the Capital City. It is a revolution designed to assure permanent prosperity and growth and to make sure that all—or nearly all—citizens received some of the benefits of this prosperity.

At the center of all this planning are the Federal Government's taxing and spending policies the mainsprings of the Johnson revolution. The idea has taken hold that the Government can so jiggle its taxing and spending that business can be assured of profits and most people assured of gainful employment. The rise in Federal revenues that followed the cut in personal and corporate income taxes convinced the President and his top advisers that the Johnson policies are on the right track.

The New Deal of 32 years ago contended that taxing and spending could lift the country out of depression. That belief never was fully applied. Now the President appears sure he has found the formula to keep America expanding and improving for as long as anyone can foresee.

Mr. DOMINICK. On the same subject and the same philosophy, I refer to several articles which I feel raise legitimate questions regarding the enlargement of the Federal establishment.

The first article comes from the Christian Science Monitor. This is a newspaper I have always had a high regard for, because I believe it reports as accurately as any paper with which I am familiar. This article comes from the issue of August 12, 1965, and it is entitled "State of the States." It reads as follows:

STATE OF THE STATES

The next few years may decide whether the States of the United States are to become mere states of mind.

They will always mean something to the imagination. There will be niches of nostalgia for the Virginian, the man from Indiana, the Nebraska boy. The names of California, Mississippi, Maine will still bring up characteristic images.

But, unless the right actions are taken now, the States as vigorous governmental entities are on the way out. Already they are in a "desiccated" condition, as the Wall Street Journal says in an editorial containing this grim analysis:

"If the Central Government keeps right on grabbing areas that logically are the States' provinces, and the States keep on acquiescing, then men must eventually despair of preserving a reasonable balance in the Federal-State relationship—or even of preserving State governments in more than name."

The state of the States has not come about through a conspiracy to undermine the Constitution, though the Constitution is based on strong States in a strong union. Such a conspiracy would be relatively easy to identify and stop.

Rather the States have been caught—in too many cases, flatfooted—by the changes in American life. It is an intricate pattern of State and Federal steps and missteps that has led to the present result.

In certain issues—civil rights, for example—some States were ahead of Washington in passing, if not always enforcing, appropriate legislation. Because some State governments held out against the individual, Washington reached past them to safeguard the rights of American citizens.

Similarly, in the growth of city problems, Washington has moved in to help when States have failed to do enough.

Or suppose one reverses the chicken and the egg, and says the deficiencies of the States are due to oppressive or enervating Federal policies in the first place. In either interpretation—and we feel there is a mixture of both—the States are now losing some excuses for continued decline.

For example, reapportionment is attacking the argument that States have been disserved by legislatures not fully representative of the people. And new Federal assistance programs are permitting and demanding State and local management.

Ironically, the latter circumstance is criticized as a possibility for pork-barreling. But State and local officials at least have the opportunity to prove that they can use funds for the good of all their people.

At the same time, with Federal taxes reduced, States should take the fiscal steps to reduce dependence on Federal funds. State governments will grow stronger, rather than weaker, the more they take the responsibility for raising the money they need.

The alternative to States' seizing their present opportunities can hardly fail to be further Federal response to citizens' needs. America could become a land of big cities and central authority with States remaining as a kind of local color.

Color us hopeful that this need not be.

I believe this is a good editorial because it clearly presents the problem we have as legislators, the problems that the State and local governments have, and the problems that the average citizen has who has to supply all the revenue for the various local problems.

I have many other articles, one of which is from the Wall Street Journal of January 6, 1965. I am not going to read them into the RECORD tonight because I know that everyone is tired.

This is just the beginning of an explanation of the problem that I believe is crucial to this entire debate.

Summarizing once again, we are not here dealing with the question of whether the right-to-work is good or bad, in and of itself. I believe that reasonable people can differ and can come to different conclusions on this question.

The basic question with which we are dealing is the takeover of power by the Federal Government from the States and the local government.

We are dealing with the right of the individual to determine his own course of conduct by voting in his own State.

We are dealing with the right of the individual in his own union to retain power over his union.

Right-to-work laws and individual freedoms are of vast importance to the entire Nation. They constitute a subject that I believe Congress should consider and debate at great length in order to get across these points to the American people.

TRANSACTION OF ROUTINE BUSINESS

The following routine business was transacted by unanimous consent during the consideration of the pending motion to proceed to the consideration of H.R. 77:

DEACTIVATION OF SIX RESERVE DIVISIONS AND OTHER UNITS OF THE ARMY RESERVE

Mr. DOMINICK. Mr. President, earlier today the distinguished Senator from Mississippi [Mr. STENNIS] made an extremely important statement to the Senate on the question of the disbanding of the 750 Army Reserve units announced at a press conference by Secretary McNamara on September 30.

The reason why I felt it was so important is that it shows quite clearly to me that Congress is being ignored, to say the very least, by the Secretary of Defense. I would go further than that in this particular instance and say that the Secretary of Defense has misled Congress and the people of this country as to his relationship with Congress.

The Senator from Mississippi placed in the RECORD very specifically what was said in the questions and answers at the news conference on September 30. I should like to repeat them for emphasis. The first question put by a news reporter to the Secretary of Defense was:

Mr. Secretary, did you get as favorable a response in the Senate to this plan that you apparently got in the Hébert committee this morning?

Referring to the plan to disband 750 Army Reserve units—

Secretary McNAMARA. Well, we haven't met with committees of the Senate in quite the same way as we did with the Hébert committee this morning, but those Members of the Senate with whom we have discussed it, I think, have responded as favorably as did Members of the House. Cy, is that a fair appraisal, do you think?

Question. That presumably includes Senator STENNIS?

Secretary McNAMARA. I don't want to speak for individual members of the committee. I would rather you talk to him directly. Let me simply say we have talked to Members of the Senate, leaders of the Senate, in the Armed Services and Appropriations Committees and they have received the plan favorably.

Note that, Mr. President—"They have received the plan favorably."

I continue with the quotation:

But I don't want to speak for any particular one of them. I think each of them might put some particular interpretation on his own appraisal of it and you should get it from him.

In his statement, the Senator from Mississippi [Mr. STENNIS] went into the names of the senior Members and leaders of the Senate in the Armed Services Committee and the Appropriations Committee and mentioned the names of Senators HAYDEN, RUSSELL of Georgia, HILL, ELLENDER, MCCLELLAN, STENNIS, SALTONSTALL, YOUNG OF North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, and THURMOND.

He said he had talked with each of them, and he found that neither Secretary McNamara nor Deputy Secretary Vance had ever mentioned the plan announced on September 30 in any form to Senators HAYDEN, HILL, ELLENDER, MCCLELLAN, YOUNG of North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, or THURMOND. He said he learned that the matter was discussed with the Senator from Georgia [Mr. RUSSELL]; that the Senator was not in favor of the plan; the same thing with respect to the Senator from Massachusetts [Mr. SALTONSTALL]; and the Senator from Mississippi himself.

It strikes me that when there is a deliberately called press conference at which the Secretary of Defense, at least by implication, if not by direct statement, says he has done something which he has not done, we have gone pretty far in the exercise of executive prerogative in dealing with Congress. I for one think it is a shameful exhibition.

I am delighted that the Senator from Mississippi [Mr. STENNIS] has spoken as plainly and as specifically as he has. It strikes me that this country and the people of this country should know of the deliberate efforts, made on one occasion after another, by those in the executive department to try to override the wishes of the Congress and to try to imply that they had the support of Congress when they had not even discussed it with Members of Congress.

I wanted to put that statement in the RECORD, because I think it is important, and I believe the Senator from Mississippi showed great courage in bringing it to the attention of the country. I am happy to support him.

Mr. STENNIS. I thank the Senator for his generous remarks.

OBJECTION TO MEETING OF COMMITTEE ON FOREIGN RELATIONS WHILE THE SENATE IS IN SESSION

Mr. LAUSCHE. Mr. President, if any request shall be made to give the Committee on Foreign Relations permission to meet while the Senate is in session, I wish that I may be notified, because I shall object to such a request.

FAMILY PLANNING AND BIRTH CONTROL

Mr. CLARK. Mr. President, on September 29, Dr. William H. Stewart, whose nomination to be Surgeon General, U.S. Public Health Service, has been sent down by the President, appeared before the Committee on Labor and Public Welfare. During the course of that hearing, I undertook to ask him to indicate what his general attitude and policy in the area of family planning and birth control would be.

I ask unanimous consent to have a copy of the colloquy between Dr. Stewart and me printed in the RECORD.

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

Senator CLARK. Dr. Stewart, I am going to make a few observations on the subject of family planning and birth control, and ask you to indicate to us what your general attitude and policy in the area would be.

As you know, this matter is a somewhat controversial subject, and the winds of controversy blew around your predecessor for a good many years. But at the moment, in the Department of Health, Education, and Welfare, the National Institute for Child Health and Human Development is spending about $500,000 a year for basic research in reproductive biology. The Children's Bureau under the leadership of Mrs. Katherine B. Oettinger, is also doing a good deal of research. And she made what I thought was an excellent speech the other day. I would just like to quote you the last paragraph:

"Many of us here are working together at a new rapid pace as dimensions of our problem become clearer in reaching the goals of providing better health for the mothers and children in this Nation. If family planning is a useful tool in achieving this goal, it should be available on a universal basis as a right to parents without coercion with a genuine and sympathetic attention to the needs of each human being."

The American Medical Association's house of delegates, not too long ago, passed a resolution:

"That the prescription of child spacing measures should be made available to all patients who require them, consistent with their creed and mores, whether they obtain their medical care through private physicians or tax or community-supported health services."

Secretary of the Interior Udall is making contraceptive information available to Eskimoes, American Indians, and Polynesians who are under his general supervision.

Senator GRUENING is holding some most interesting and provocative hearings in a subcommittee of the Government Operations Committee on a bill which would create assistant secretaries on population in both HEW and the State Department.

Our foreign aid programs under the splendid leadership of Dr. Baumgartner and various others have for some years under the Fulbright amendment to a recent foreign aid bill made technical assistance and research facilities available to countries receiving foreign aid, particularly in Latin America and Africa and Asia.

Your colleague, Dr. David E. Price, back in April made an address entitled "Action on the Home Front" to the Symposium on Population Growth and Birth Control at Boston University during the course of which he summed up the various governmental programs as follows—speaking, I guess, for the Surgeon General's office—"Our job is threefold, to continue to help States and localities make family planning available based on existing knowledge; to speed up research in all aspects of human reproduction and population dynamics so that knowledge may be improved; and to increase greatly our training of personnel so that the inevitably heavy demand for their services may be met."

I have been somewhat critical of Mr. Sargent Shriver and the Office of Economic Opportunity because of what seemed to me to be his undue timidity in this area. It is true that he has made, under some local pressure, a few grants available in the poverty program. I made a speech on the floor of the Senate the other day indicating that.

I would like to know whether you endorse these various Government programs, and

what would be your general policy with respect to family planning and birth control if you become Surgeon General.

Dr. STEWART. I might answer that in two parts. First, I would like to give you my personal and professional feelings about this. I think the world population problem is a great problem. And it is going to become greater. I include the United States in the world. I believe that family planning is a way of perhaps doing something about this. However, I think that family planning should be on the individual's initiative, that they are seeking it themselves as a person.

Senator CLARK. Let me interrupt you to ask you whether you believe that every American family has the right to know the basic physiological facts and have the technical assistance available to them so that they can make their own decision about how large their family should be rather than being in the position where, because of ignorance, they may have a number of unwanted children, as they often do?

Dr. STEWART. Yes. You anticipated my next sentence, which is, I don't think people can make intelligent choices unless they know, and therefore, they need to know so they can make these choices.

Now, as far as the role of the Public Health Service in this is concerned, at the moment, I believe what Dr. Price summarized is probably our role, three parts: research, because I don't know that we have the ideal ways for family planning, there is a variety of ways, and on population dynamics itself, we need more information, and in training individuals for a variety of things, and in assisting the State and local communities as we do in many other kinds of programs for information and for development programs in family planning.

Senator CLARK. This latter effort is primarily education, is it not?

Dr. STEWART. I think it would be primarily education, although some of our grant money to States is used for clinics, but principally that is in the Children's Bureau.

Senator CLARK. But you would have no inclination to sweep this problem under the rug?

Dr. STEWART. Not at all.

Senator CLARK. Thank you.

SUPPORT GROWING FOR SENATOR FULBRIGHT IN HIS VIEWS ON FOREIGN POLICY

Mr. CLARK. Mr. President, in my judgment, a consensus of informed opinion in this country is developing in support of the Senator from Arkansas [Mr. FULBRIGHT], both in his view that debate on foreign policy is a necessary part of our democratic process and in his further view that our activities in the Dominican Republic have brought us an unnecessary amount of trouble with nations in Latin America which should be our best friends.

I also note with dismay a resolution adopted by the House of Representatives under the leadership of Representative SELDEN, which would seem to indicate that the United States believes it has a right to intervene unilaterally, with force, in any Latin American country where, in our opinion, there is a threat of a Communist takeover.

The resolution which was adopted, so far as I can tell, without any effective opposition from the State Department, has caused a furor in Latin America almost equal to that caused by our overreaction to the Dominican Republic crisis.

I would hope that in short order the State Department would undertake to issue a statement, which I am confident a number of members of the Foreign Relations Committee—possibly a majority—would approve, which would indicate a return to the sound basis of standing firmly behind our treaty commitments entered into with our fellow members of the Organization of American States.

Mr. President, I ask unanimous consent to have printed in the RECORD the following articles and editorials which confirm the point of view which I have endeavored to express briefly this afternoon:

First, an article entitled, "The Speechmaker," which was published in the October 2 issue of the New Republic under the byline of Andrew Kopkind, with a subtitle, "Senator Fulbright as the Arkansas de Tocqueville"; second, a column written by Joseph Kraft and published in the Washington Post of recent date entitled, "Fulbright and His Critics"; third, a column written by Walter Lippmann entitled, "Soviet-American Relations," which was published in the Washington Post on September 28, 1965; fourth, a column under the byline of Marquis Childs, entitled "Tyranny of the Majority in United States," which appeared in the Washington Post on September 27; and, finally, an editorial entitled "Defending Intervention," which appeared in the St. Louis Post-Dispatch during the week of September 20–26.

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

THE SPEECHMAKER: SENATOR FULBRIGHT AS THE ARKANSAS DE TOCQUEVILLE

(By Andrew Kopkind)

For his troubles in detailing the errors of U.S. foreign policy, Senator J. WILLIAM FULBRIGHT has been rewarded with a congressional resolution compounding the error and doubling his troubles. A few days after FULBRIGHT delivered a characteristically long, intelligent, and eloquent condemnation of American intervention in the Dominican Revolution, the House of Representatives passed (312 to 52) a sentimental endorsement of armed intervention anywhere in Latin America in the event of "subversive domination or the threat of it." The rebuke had the tacit approval of the State Department and bipartisan support of the House leadership.

It is not unusual for FULBRIGHT to find himself on the short side of a 6-to-1 vote, and in his own way he derives a certain moral superiority from being a minority of one. "More than a hundred years ago, Alexis de Tocqueville warned us * * * of the dangers that might be expected from the 'tyranny of the majority.' This is the tyranny that presently is growing in our country," FULBRIGHT said in a doom-laden speech on McCarthyism 11 years ago. Last week, privately, he repeated the same phrase, and predicted the same doom. He made his Senate speech not as a political leader but as an elder statesman-without-portfolio, an Arkansas de Tocqueville whose job it is not to make policy but to report it, and by reporting, influence in some small way its future course.

He has no taste for the heat of battle or the pitch of crisis. "At this time of relative calm," his speech began, "it is appropriate, desirable and, I think, necessary to review events in the Dominican Republic and the United States role in those events. The purpose of such a review—and its only purpose—is to develop guidelines for wise and effective policies in the future." Fulbright removed himself as much as he could from the onus of personal criticism: President Johnson's decision to send 20,000 troops to Santo Domingo was understandable under the circumstances. There were "No easy choices. Nonetheless, it is the task of diplomacy to make wise decisions when they need to be made and U.S. diplomacy failed to do so in the Dominican crisis."

The blame could not be placed on the President but was laid squarely to the sources of information: the CIA, State Department intelligence, and U.S. Embassy officials in Santo Domingo. The lack of reliable information—it was inadequate and inaccurate—gets congressional leaders off the hook, too. FULBRIGHT and the usual collection of Senators and Representatives concerned with foreign policy were called to the White House during the crisis, told the President's plans, and, in effect, asked to ratify the decision to intervene. They offered no opposition, either because they agreed with the President, or (like FULBRIGHT, perhaps uniquely) they had no independent source of information on which to base any instinctive doubts.

FULBRIGHT got the opposite of help from the White House. "The whole affair * * *," FULBRIGHT said, "has been characterized by a lack of candor." He was told at the White House that hundreds or thousands of American lives were in danger, and that the protection of these compatriots was the reason for intervention. Later, he said, he knew that it was not exactly the case: "The danger to American lives was more a pretext than a reason for the massive U.S. intervention," he said. "The United States intervened in the Dominican Republic for the purpose of preventing the victory of a revolutionary force which was judged to be Communist dominated."

There was no doubt about whose bad judgment it was. FULBRIGHT conceived the Dominican episode as a "classic study" of policymaking with the "inevitability of a Greek tragedy." The antagonist was the American Ambassador in Santo Domingo, W. Tapley Bennett. It was he who refused to help the supporters of deposed President Bosch when they pleaded for a U.S. presence on April 25, the second day of the revolution, and it was he who refused U.S. mediation on April 27, when the rebels sought a negotiated settlement.

FULL SPEED AHEAD

Instead, Bennett seemed intent on helping the military junta stay in power. General Wessin y Wessin shot off a telegram to Washington accusing his opponents of being Communists. A quick check could only turn up three Communists, and Wessin was told that the reasons for intervention were not good enough. Only a threat to American lives would bring American troops. Several minutes later, thus prompted, Wessin discovered a threat to American lives. That was all that was needed; the troopships were already speeding toward Santo Domingo. It did not take long to see just how exaggerated the danger was; in fact, no American lives were lost until the marines landed. But by that time, someone found 55, or 58, or 77 verifiable Communists, some of them alive and some of them dead, some of them in the country and some of them out, some of them pro-Castro, some pro-Peiping, and some pro-Moscow, who could be associated with the revolution. Association soon became "control," and the United States had to put the country under military command.

FULBRIGHT slowly amassed these facts in 6 weeks and 13 sessions of secret Foreign Relations Committee hearings this summer, to which almost every administration official concerned with the intervention was invited. A great many came. McGeorge Bundy politely refused. Ambassador Bennett testified and was asked about those telegrams

from General Wessin y Wessin; Bennett did not remember the episode, offhand. Other witnesses had better memories. FULBRIGHT was well prepared; the committee staff is one of the best in Congress, and it organized surveys and chronologies of the crisis from a wide variety of sources. So much so, in fact, that opponents of FULBRIGHT thought they detected some kind of conspiracy. "Someone had prepared a sheaf of cards, I should say 1½ inches thick," Senator LAUSCHE reported darkly of the hearings. "When the witnesses appeared, the questions on the cards were systematically asked. One question was read, and the card was turned over. Then the second question was read, and the third." The giveaway was the systematizing. LAUSCHE was not alone in catching it.

One of the six "criteria" Senator DODD has for telling an out-and-out Communist revolution from the other kind is the systematic "pattern of the revolt itself." In his long speech opposing FULBRIGHT, DODD said, "Spontaneous revolutions, guided by indignant nationalists, are invariably characterized by a certain amount of bungling and amateurism. But the Dominican revolt was characterized, instead, by the highest degree of precision and professionalism."

The core of FULBRIGHT's case was that the revolution was not controlled by Communists, even if it attracted Communist supporters:

"The administration * * * assumed almost from the beginning that the revolution was Communist-dominated, or would certainly become so, and that nothing short of forcible opposition could prevent a Communist takeover. In their apprehension lest the Dominican Republic become another Cuba, some of our officials seem to have forgotten that virtually all reform movements attract some Communist support that there is an important difference between Communist support and Communist control of a political movement, that it is quite possible to compete with the Communists for influence in a reform movement rather than abandon it to them, and, most important of all, that economic development and social justice are themselves the primary and most reliable security against Communist subversion."

From the evidence gathered at the hearings—at which all witnesses, with the exception of former Gov. Luis Muñez-Marín, of Puerto Rico, were in the administration—FULBRIGHT concluded that the charge of Communist control of the revolution does not stick. The motive behind U.S. intervention was a new dedication to preserve the status quo in Latin America against all revolutionary forces about which there is any suspicion of political instability. What happened between the coup against President Bosch in September 1963, and the attempted return of Bosch's party, the PRD, in April 1965, was a shift to the right in American foreign policy notably toward Latin America. FULBRIGHT saw American policymakers increasingly preoccupied with the anti-Communist credentials to the exclusion of all other aspects of their roles.

The springs of the rightward surge were not clear. FULBRIGHT senses an unwillingness on the part of State Department officials to take chances with the Latin American left after the dreadful experience of William Wieland, who fought for 5 years to regain his security clearance as a U.S. Foreign Service officer after he had the misfortune to be on the Cuba desk during Castro's accession to power. No doubt FULBRIGHT believes Ambassador Bennett and a raft of lesser officials have Wieland's example before them.

More important, FULBRIGHT thinks, is the loss of genuine commitment to social change which inspired Kennedy's policy, haphazard as it was, toward the Latin countries. Now, policy planners seem to conceive America's interest more mechanistically, as a matter of who's with us and who's not. That sounds very toughminded, but it is often simpleminded: such a policy misses the long view of history as the politics of change. FULBRIGHT sees the national interest coinciding more than casually with the revolutionary forces at work in the hemisphere.

His world view is an ever-changing subtly shifting abstraction, a mixture of Realpolitik and idealism unbetrayed by the demands of crisis politics. He is not obsessed by a fear of communism; he is more worried at the moment about anticommunism. He detests sentimentalism in foreign policy, on the part of the left as well as the right. He harks back to the mythological basis of America's conduct of foreign affairs. In his first Senate speech, in March 1945, he began, "Myths are one of the greatest obstacles in the formulation of national policy." His famous speech last year concerned "old myths and new realities." He is convinced that America is captive of what he calls "the obsession with communism," and that is inevitably destructive.

"We are not, as we like to claim in Fourth of July speeches, the most truly revolutionary nation on earth," FULBRIGHT said in his Senate speech. "We are * * * much closer to being the most unrevolutionary nation on earth." Later he added, "If any group or any movement with which the Communists associate themselves is going to be automatically condemned in the eyes of the United States, then we have indeed given up all hope of guiding or influencing even to a marginal degree the revolutionary movements and the demands for social change which are sweeping Latin America."

PAPA KNOWS BEST

He is willing to go far in his analysis of U.S. policy, but he stops short of the most unthinkable thought of all. A real Communist revolution in Latin America would provide grounds for American intervention. He hopes that there are viable "democratic left" forces available to fulfill revolutionary missions, but if there are none, as there very well may not be in many countries, FULBRIGHT is not at all sure he could stomach one or two or four more Castroite regimes in the Western Hemisphere. And yet that seems to be a necessary corollary of his speech. He may be right about the "essential legitimacy" of the Dominican revolution, that is, its derivation from Bosch and the PRD. On the other hand, he may be wrong; the difference between his position and his opponents' on that central issue is one of method, not of philosophy. Dedication to social change and revolutionary reform means accepting nasty consequences along with beneficial ones. It requires an extremely narrow definition of "threat to the national interest." The relationship between nations must be one of equality, and intervention conceived only as a last resort when there is a clear threat and imminent danger. FULBRIGHT still clings, perhaps unconsciously, to a paternalistic approach to Latin America. In his view, what papa knows best is left-of-center social reform. That is much better than most American papas will admit, but it may not be enough.

FULBRIGHT's speech was the best on any subject made on the floor of the Senate during this session. It was clear, elegantly styled, and subtly intellectual. It was also received with towering hostility, by many of FULBRIGHT's Senate (and committee) colleagues, and in much of the press. The White House is said to have responded with predictable unhappiness. The best that was heard from the administration was the guarded comment of one aid—not at all in the inner circle—who ventured the opinion that he was "glad the speech was made."

But it is the measure of FULBRIGHT's role in the Senate that his friends, as much as his enemies, were critical. He is the archetypal loner, the most anticlub of all the Senators. He is stuck with an unwieldy (19 members) committee which he assumed is stacked against him. He may be right; it seems to be a question of how one counts the members. FULBRIGHT counts them very much against him, at least as they stand in their pristine ignorance. Other members think that with pressure and tutoring, a majority of the 13 Democrats, and perhaps the entire committee, could be welded into a cohesive opinion bloc with a consistent point of view. It would require only minor compromise on FULBRIGHT's part, but a great deal of effort and charm.

FULBRIGHT apparently wants to expend little of either. He begins with an idea of the futility, if not exactly the inappropriateness, of Senate participation in specific matters of foreign policy. Crises are for executives. He admits that a strong leader could galvanize a willing Foreign Relations Committee and perhaps influence policy decisions, but at the same time he knows that he is not that man.

Neither are his committee fellows. Immediately under FULBRIGHT is Senator SPARKMAN, then Senator MANSFIELD, then Senators MORSE, RUSSELL, LONG, GORE—and so on. The ranking Republican is Senator HICKENLOOPER. The truth is that there are no Borahs or Cabot Lodges (Senior, of course) available, and there is no one to lead the Senate in foreign affairs in a way which might even approach the authority of the Johnson administration.

ONE-MAN SHOW

Some wish that FULBRIGHT would try, but he will not. He did not attempt to get a report to the committee on the Dominican investigation. One of his friends on the committee asked him to see about a majority and minority report (he might have won more than half the Democrats to his side), and muttering something about "bipartisan" and "impossible," FULBRIGHT let the suggestion go by. Only the loyal Senator CLARK, among his committee friends, was on hand in the Senate to support his position. He is not worried by the dire predictions of his banishment from the White House. His influence there is already severely circumscribed, both because of the divergence of his and the President's views, and also because the President wants very much to run his own show; the executive department advisers are part of his show, but the legislators are definitely not. Even with President Kennedy, with whom FULBRIGHT was on quite good terms, his voice was small. FULBRIGHT's brilliant Cuban memorandum, submitted shortly before the Bay of Pigs invasion, was not heeded. Neither was his argument to the invasion planners on the eve of the crisis. Arthur Schlesinger says, in his memoirs, that he was the only one in the White House planning session who shared FULBRIGHT's doubts. Maybe the President did, too.

The more FULBRIGHT looks at the possibilities for effectively influencing policy decisions, the more he is overcome with that sense of futility. It is almost an existential anguish; he periodically wonders (sometimes in public, on the floor of the Senate) whether he ought not, after all, resign as chairman of the committee and be done with it. He is restrained by a sense of responsibility and a sense of history, which amount to the same thing. His speeches seem to be prepared for instant anthologizing; they are addressed to posterity as much as to the Chair.

His friends say that he is inclined to moments of petulance, which are sometimes visible. Last spring, he announced that he was through with foreign aid bills until they were put on a more rational basis. He favored authorization terms longer than 1 year (so that the President would not have the drain of a yearly appropriation fight) and moves toward institutionalizing aid in international funds. FULBRIGHT knows that the "ingratitude" of aid recipients, which shows up in

the burnings of libraries and the stonings of embassies, grows out of the unbridgeable hostility between the giver and the getter. "Shakespeare said it," FULBRIGHT says snapnishly, "loan loses both itself and friend."

But by the end of the session, FULBRIGHT was back at his post, managing the foreign aid bill in the Senate. He tried to get other committee members—MORSE, SPARKMAN, CHURCH—to take it over, and for their own good reasons they refused. FULBRIGHT even caved in on the 2-year authorization clause in an extended conference with House Members. He did not have the power to pull it off.

FULBRIGHT's constituency, of course, is far wider than the boundaries of Arkansas. It includes much of liberal intellectual America, and more than that, educated opinion in most of the non-Communist world. Most Latin Americans in Washington last week were overjoyed at FULBRIGHT's speech. One of the most important political leaders in South America sent him a telegram of warm congratulations. FULBRIGHT hopes that his consistent opposition to U.S. military adventure can keep American prestige alive in Latin America, something like Labour's opposition to Suez kept Britain's prestige viable, if barely so, in the Middle East, against the distant day when new policies could be formulated. Similarly, De Gaulle's repudiation of France's long-held Algerian policy made it seem as if it were never held at all.

America as a political monolith is a more dangerous image to project than a picture of America driven with dissent, FULBRIGHT thinks. The White House, of course, is terrified that the world will overestimate the importance of the dissenting opinions, and doubt the administration resolve. FULBRIGHT has no such nightmares.

It is all very simple for him. He went to some hearings, reviewed the record, wrote a speech with the help of his staff, and gave it one day to a near-empty Senate. Almost that simple: he did put it off for about 3 weeks while the provisional government of Hector Garcia Godoy was installed in Santo Domingo. Then, when there was absolutely no chance of having any effect on current events, he unwound.

He cannot understand what the fuss is all about. Journalists buzz around his office searching for hidden meanings and unrecorded connections. What is FULBRIGHT up to? Did he really mean Vietnam when he was saying Dominican Republic? (He did make one oblique reference to Vietnam in his speech; he wondered why the United States is so eager to keep "more ambiguous and less formal promises" made to Saigon and yet willing to disregard formal commitments to the Organization of American States and the Rio Treaty.) Is he bitter because he was passed over for Secretary of State? Is he frustrated by the voting demands on a southern Senator (not only against voting rights this year, but also against such liberal measures as increased minimum wage and home rule for the District of Columbia)? His claim to represent a revolutionary spirit for social reform is seriously, if understandably, flawed. Perhaps an awareness of the inconsistency of his political behavior makes his outbursts more vivid.

FULBRIGHT advises all doubters to apply Occam's razor. The simple explanation is the true. He only appears to be a riddle wrapped in a mystery inside an enigma. He is really an uncomplicated Rhodes scholar from Arkansas interested in the price of chickens and international relations.

His own theory to explain the extraordinary outcry which followed the Senate speech has to do with the constructions of consensus politics, as well as the sensitivity to criticism generated by the continuing foreign crisis. He is not alone in worrying about the anti-Communist hysteria which seems to be building up again in the United States, as it did during the Korean war. That, too, followed a period of mild liberal nonconformity, something like the early 1960's. Senator FULBRIGHT's speeches were heard then in lofty condemnation of McCarthyism. As always, they were cool, sensible, and well-reasoned. This time, it may take more than speechmaking to set things right.

FULBRIGHT AND HIS CRITICS

(By Joseph Kraft)

The doubts raised by Senator FULBRIGHT with respect to this country's policy in Latin America have been intensified by the cries of his critics.

Basically, the Senator was only posing a good question. He was asking whether this country had reverted to the policy of direct military intervention in South America.

With the Dominican case before him, he sensed a new disposition to identify all social protest with Communist subversion, and a connected tendency to shoot first and think later. He pointed out that there were important distinctions between protests backed by the Communists and protests under their control. He suggested that when trouble south of the border developed next, it might be appropriate for this country to think first and shoot next.

A reasonable, and I believe honest, response to Senator FULBRIGHT's question was available to the administration. It would have emphasized that there was no basic change in American policy; that there were matters open for debate in the Dominican record; but that the Dominican case, because of the special impact of the Trujillo dictatorship, was a special one without general application to Latin America.

The actual reaction was not unlike the stoning reserved by the high priests of primitive communities for those who question the efficacy of blood sacrifice.

For a starter there was Senator THOMAS DODD, of Connecticut, with his usual tactic of crying soft on communism. DODD charged that FULBRIGHT "suffers from an indiscriminating infatuation with revolutions of all kinds, national, democratic, or Communist."

Short remarks in similar vein were made by Senators FRANK LAUSCHE and RUSSELL LONG—a Member of Senator FULBRIGHT's Foreign Relations Committee who had not even bothered to attend the committee's recent hearings on the Dominican Republic. Then in defense of the American Ambassador in the Dominican Republic, Tapley Bennett, there boomed the big gun of the Senate, RICHARD RUSSELL, of Georgia.

RUSSELL had known Ambassador Bennett "as a small boy." He had known "his father and his mother." He had known "both of his grandfathers." Only last year he had had a meal "with Ambassador Bennett's father and mother on their Franklin County farm in the rolling red clay hills of northeast Georgia." With that pedigree, and that solid rural background, how could anyone even begin to have doubts?

A day earlier, the House had expressed its reaction to Senator FULBRIGHT. It passed by an overwhelming vote a resolution that, in effect, endorsed direct military intervention by the United States in Latin America to prevent "subversive action or the threat of it."

By themselves, neither the House resolution nor the Senate statements have any practical force. But precisely because they are free of real content, they provide a good measure of the play of domestic and bureaucratic politics on foreign affairs.

At the base, plainly, there are politicos with self-interested motives for raising anew the issue of softness on communism. The original author of the House resolution, ARMISTEAD SELDEN, of Alabama, for instance, comes from a district that is being changed by reapportionment, by Federal registration of voters, and by possible action on the poll tax. With Negro voters due to figure in the Alabama primary next May, SELDEN can no longer fall back on the usual theme of protecting white supremacy. Instead, he is wrapping himself in the mantle of anticommunism.

Politicians with such an obvious interest in raising the Communist issue are, to be sure, limited in number. But their strength is as the strength of 10 because the administration is doing nothing to organize resistance against them.

On the contrary, the administration has promoted inside the State Department a group of regular Foreign Service officers, heading up in Under Secretary Thomas Mann and Assistant Secretary for Congressional Relations Douglas MacArthur II, who made their way in the era of unsophisticated, monolithic anticommunism. Their ideas, indeed their careers and reputations, are tied up with that era. Not surprisingly, they practically invited the Selden resolution.

Lastly, the White House itself seems to be holding anticommunism in reserve as a rod to discipline its congressional majority. Where there is a jingoist issue working, in other words, the President wants it working on his side. He has gone soft on Goldwaterism. And while he maintains that stance, it remains a question whether this country will be able to move in harmony with the vast social changes that are sweeping Latin America, and Africa and Asia, too.

[From the Washington (D.C.) Post, Sept. 28, 1965]

SOVIET-AMERICAN RELATIONS

(By Walter Lippmann)

Last week the world had a fleeting but tantalizing glimpse of what might become possible if the cold war subsided. The U.S.S.R. and the United States acting on their parallel interests in averting a war between Pakistan and India, made it possible for the United Nations to order a cease-fire. This show of unanimity discouraged the Chinese from intervening in the quarrel.

Parallelism is a long way short of positive cooperation, and there is no assurance that a settlement of the quarrel is in sight or even that the underlying hostility will not smolder on for a very long time. Nevertheless, the events of last week were a spectacular demonstration of how all hope and prospect of a reasonably peaceable world is tied up with an improvement in Soviet-American relations.

Is an improvement possible? What is there between us that now sets us against each other? It is, quite plainly, the conflict of ideology and interest, of emotion and of prejudice, over the revolutionary condition of the so-called third world—the world of the underdeveloped and emerging nations of the Southern Hemisphere—in Asia, Africa, and Latin America. The revolutionary condition is an objective historical fact of this century, and it will continue to exist no matter what the Russians or we say or do about it.

The Soviet-American conflict is about this revolutionary condition. Thus, the conflict is no longer, as it was a generation ago, about what kind of social order is to exist in the highly developed countries of Europe and North America. As a matter of fact, in this whole area, which includes European Russia itself, the old argument between the Marxists and the laissez faire capitalists has been bypassed by events. For example, the economic philosophy of General Eisenhower and Senator Goldwater in America is as dead as the economic philosophy of Marx is among the European socialists. In the whole developed, progressive, industrial world, the prevailing economic order is a mixture in varying degrees of planning and the incentive of profit of fiscal management, and social regulation.

It is in regard to the turbulence of this third world—which was not foreseen a generation ago—that the Soviet Union and the United States find themselves locked into what has the appearance of an irreconcilable conflict.

In its official ideology, the Soviet Union is committed to the support of the revolutionaries, to the incitement and supplying of "wars of national liberation."

In the American ideology, we are not absolutely opposed to wars of national liberation, provided they are not inspired or supported by Communists. We are very much disposed to feel, however, that all revolutions will be captured by the Communists who invariably participate in them.

Thus, Russia and America find themselves in a vicious circle. The Russians are disposed to intervene wherever there is a rebellion, and the United States is inclined to intervene to oppose as aggression the Communist intervention. In the Soviet Union there exists a prejudice in favor of rebellion as such, of rebellion against any established order. The Soviet Union is the product of a fairly recent revolution. In the United States, where the revolution occurred nearly two centuries ago, there is now a prejudice against revolution. The result is a vicious circle in which dogmatic communism and dogmatic anticommunism incite and exasperate each other.

The improvement of Soviet-American relations, which is prerequisite to an accommodation between the West and China, requires the breakup of this vicious circle. How? Essentially, I believe, by fostering the ascendancy of national interests over global ideology, by the reassertion in both countries of prudence and calculation against semireligious fanaticism and frenzy.

We had a glimpse last week of how this can happen. The hostilities in Kashmir began with an infiltration of guerrilla troops (recruited as a matter of fact from the Pakistan army though they wore different uniforms). The purpose of the guerrillas was to arouse the population and to liberate Moslem Kashmir from Hindu rule. Here was a war of national liberation which the Soviet Union, according to its theoretical doctrine, was bound to support. However, the fact of the matter is that it did not suit the Soviet Union that Pakistan, in cahoots with Red China, should defeat India, which is a tacit ally of the Soviet Union. So the Soviet Union acted in favor of peace, which is its real interest, rather than on behalf of an ideological prejudice.

At the same time, the United States, having learned something in recent months, resisted the temptation to take a lofty position against aggression, and instead, reticently and prudently, choose to work quietly and behind the scenes.

This is the way that Soviet-American relations can be improved—by encouraging the prudent and the practical to predominate over the ideological and the hot. In this country, at least, the process will require the resumption of public debate—the kind of debate which Senator FULBRIGHT has once again opened up.

For the issue which he has posed in his remarkable speech is the essential issue in our attitude and policy toward the revolutionary condition of our time. The question he posed is how to tolerate rebellion, which is often necessary and desirable, without surrendering the control of the rebellion to the Communists who will always be part of it.

There is no rule of thumb for answering this question. But there has to be some kind of accommodation, such as the Soviet Union made about the Kashmir freedom fighters and such as we made about the Chinese threat of military aggression. The discussion of this serious and difficult problem cannot be monopolized by the assorted hangers-on, often more Johnsonian than Johnson himself, who are presuming to lay down the rule that only those who conform with the current political improvisations are altogether respectable and quite loyal.

TYRANNY OF THE MAJORITY IN UNITED STATES

(By Marquis Childs)

The Johnson consensus is so powerful that large areas of policy—normally in past years a subject for debate—are now off limits. The zeal of a majority President, who by temperament and conviction draws the line against dissenters, underscores the fears of a time of troubles when revolutionary regimes threaten all order and stability.

Add to this an expanding Federal Government dispensing money in old ways—the House just passed a $1.7 billion porkbarrel rivers and harbors bill—and new ways such as huge defense and research contracts. The sum total in the view of pessimistic observers is a new America with little resemblance to the give-and-take democracy of the past.

A case in point is what happened to Chairman J. WILLIAM FULBRIGHT, of the Senate Foreign Relations Committee. Waiting until after a provisional government had been established in the Dominican Republic, FULBRIGHT in a Senate speech delivered a carefully reasoned criticism of how the Dominican crisis had been handled. This was based on an inquiry before the Foreign Relations Committee with 13 sessions at which all the principals testified.

Immediately the full force of administration spokesmen, big and little, was leveled against him. The voices turned up high, did not so much seek to refute the criticism as to discredit the critic. At the lowest level, as represented by Senator RUSSELL LONG, of Louisiana, the majority whip, the suggestion was that if you didn't believe Communists were about to take over in the Dominican Republic then you must have more sympathy for communism than you knew.

On careful rereading of the Fulbright speech it is hard to discover why the reaction was as though it had been an offense against majesty. He was saying that aspects of America's policy in the Dominican Republic compounded these faults. The example of a Senator soundly birched for faulting the administration raises a troubling question: Is any dialog at all possible on the great issues of foreign policy?

To put it another way: Must the power of the Executive be so absolute in view of the threat to Americas' security that critics should keep silent? An American war in Vietnam is rapidly expanding with reports of 200,000 troops to be committed by the year's end and yet scarcely a doubt is expressed publicly over the authority of the Commander in Chief to direct an undeclared war.

Granted the stakes are awesome and the power of the Executive great in conducting policy with proper secrecy as in the India-Pakistan crisis. Granted, too, that nothing succeeds like the Johnson successes.

Nevertheless, the domination of the majority is so all-encompassing that a fundamental distortion of the American system seems for the time being at least to have resulted. More than a century ago Alexis de Tocqueville, one of the most searching and at the same time sympathetic foreign critics, wrote in his "Democracy in America" of the danger of the "tyranny of the majority." Of the tyranny this French aristocrat considered the main evil of democratic institutions he wrote:

"* * * The smallest reproach irritates its sensibility and the slightest joke that has any foundation in truth renders it indignant; from the forms of its language up to the solid virtues of its character, everything must be made the subject of encomium. No writer, whatever his eminence, can escape paying this tribute of adulation to his follow citizens."

De Tocqueville was writing of the majority itself but his words today might be applied to the master of the majority.

"'I know of no country," de Tocqueville wrote, "in which there is so little independence of mind and real freedom of discussion as in America. Profound changes have occurred since democracy in America first appeared and yet it may be asked whether recognition of the right of dissent has gained substantially in practice as well as in theory."

Senator FULBRIGHT discovered in 1957 what it meant to go against the majority. He opposed the Eisenhower-Dulles doctrine embodied in a resolution giving the President power to use "the Armed Forces of the United States as he deems necessary" in the Middle East and to spend $200 million as he saw fit without congressional restrictions. The Senate majority leader then was Lyndon B. Johnson. He urged FULBRIGHT to back Eisenhower as he himself had.

Johnson has triple-starred consensus in the political lexicon. But, defined as "tyranny of the majority," consensus has another look.

[From the St. Louis Post-Dispatch, Sept. 20–26]

DEFENDING INTERVENTION

The best thing that can be said of the new House resolution on intervention in Latin America is that it is ineffectual. It is not binding on anyone, and merely expresses a point of view. But what a point of view.

Subversive domination of a New World nation, or even the threat of it, the resolution says, violates the Monroe Doctrine. Therefore any Western Hemisphere nation may, in the exercise of individual or collective self-defense, which could go so far as resort to armed force * * * take steps to forestall or combat the subversion.

In sponsoring this proposal, Representative SELDEN, of Alabama, argued that a new type of collective security is needed to combat a new type of aggression—that of subversion inside a country. But the Selden resolution goes far beyond collective security. It suggests that one republic may intervene unilaterally in another. It is so worded.

Representative BINGHAM, of New York, asserts that a Latin nation could intervene in the United States if the Latin neighbor concluded that, for example, the civil rights movement were Communist-inspired.

The idea of a Latin republic intervening in the United States is so patently absurd that the Selden resolution must be read the other way around—to justify U.S. intervention among its neighbors. Indeed, the resolution seems to be an ex post facto vindication for the American intervention in the Dominican Republic.

Perhaps this explains why the State Department is so timid in its view of the resolution. The Department asked Mr. SELDEN to make clear in debate that the mere threat of subversion would not justify unilateral use of force, but the resolution does not say so. And when the House had voted by 312 to 52 for the measure, after only 40 minutes of debate, a press officer lamely explained that the State Department agreed with the sentiments expressed but questioned some of the language.

Opponents of the resolution have accused the State Department of lack of backbone. The accusation assumes that the Department still opposes unilateral intervention. Does it?

BICENTENNIAL OF THE CONVENING OF THE STAMP ACT CONGRESS

Mr. THURMOND. Mr. President, today marks the bicentennial of the con-

vening of the Stamp Act Congress in New York on October 7, 1765. The Stamp Act Congress was the first united action of protest by the colonies in the preliminaries of the War for Independence. The Congress, assembled at the call of Massachusetts, was attended by delegates from 9 of the 13 colonies. Voting by colonies, each colony having one vote, the Stamp Act Congress drafted petitions to the King and to Parliament, and adopted an important declaration of rights, the first platform of American principles.

The acts of this first American Congress were instrumental in bringing about the repeal of the abusive stamp tax. One of the most persuasive of the delegates in the Stamp Act Congress was Christopher Gadsden of Charleston, S.C. Mr. Gadsden, as a delegate from South Carolina, distinguished himself by his arguments for colonial union and against recognition of authority of the English Parliament.

Mr. President, the Congress in which we now serve can truly trace its beginning to this important assemblage in New York in 1765. Our Nation owes much to the patriots who assembled there. As we conduct the legislative business of the Nation today, we would do well to remember that those who assembled in the Stamp Act Congress in 1765 met and took action for the sole purpose of protecting liberty against the tyranny of a despot. It is our patriotic duty and responsibility to carry on the precedents begun by the Stamp Act Congress.

Mr. President, down through history, assemblages, including Congresses, have earned and received names according to the actions for which they were noted. The Stamp Act Congress received its name because it met to oppose the tyrannical Stamp Act imposed on Americans by an English King and Parliament. The 89th Congress of the United States, in its 1st session, has earned and received, to a greater degree than any other Congress in history, the title "rubberstamp Congress."

On this bicentennial of the Stamp Act Congress, each member of the 89th Congress, and indeed each American, should ask himself the question: Will Americans feel the same sense of pride in the "rubberstamp Congress" of 1965 on its bicentennial that all freedom-loving Americans have cause to feel for the Stamp Act Congress of 1765 today?

WABASH VALLEY ASSOCIATION RESOLUTION

Mr. HARTKE. Mr. President, at a meeting held in New Harmony, Ind., on August 21, 1965, the members of the Wabash Valley Association adopted a resolution, a copy of which has been furnished to me. This association, comprised of members from both Indiana and Illinois who have devoted great effort to the development and conservation of water and natural resources in the valley, has been a great force through private assistance to public programs of various Federal agencies involving the region.

I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION ADOPTED BY THE MEMBERSHIP OF WABASH VALLEY ASSOCIATION, AT A MEETING AT NEW HARMONY, IND., AUGUST 21, 1965

Whereas the Wabash Valley Association is composed of common people of the States of Indiana and Illinois who are interested in the development and conservation of water and the natural resources of this great valley; and

Whereas the improvement and preservation of our natural resources requires long-range planning on local and national levels; and

Whereas the U.S. Corps of Engineers, the Interior Department, the Department of Agriculture, the Bureau of Public Health and Welfare, the four U.S. Senators, Members of Congress, the Governors of the two States, and all interested representatives of State government have given aid and support to projects proposed by the Wabash Valley Association; and

Whereas much more is to be done and required to complete projects now in the planning stages; and

Whereas the Wabash Valley Association is thankful and appreciative of the untiring efforts, services, and devotion to the principles of the Wabash Valley Association for the total and complete development of the water resources of the Wabash River Basin: Now, therefore, be it

Resolved by the Wabash Valley Association, That we extend to the Federal and State officials who have given of their untiring efforts the complete endorsement of this organization; and further be it

Resolved, That a copy of these resolutions be presented to State and Federal officials who have so ably participated in this program.

PERSONAL INCOME STILL CLIMBING

Mr. HARTKE. Mr. President, the October 2, issue of Business Week presents an interesting analysis, together with a table, of the continued growth in personal income during the month of July.

Farm receipts nationally were up $223 million in July over a year ago, and $845 million on the first 7 months as compared with a year earlier. Only one of the 50 States, Wyoming, was below the year-ago level in personal income, but for the 7 months Wyoming was also ahead; 28 States improved their July figure more than 8 percent over 1964, and 27 are more than 8 percent ahead for the 7 months.

With a gain of 9.6 percent for July over July 1964, my own State of Indiana is well above the average and its 7-month gain ranks 15th in the list. It is encouraging to see such evidence of the continuation of our prosperity as it affects the personal income of our people.

I ask unanimous consent that the Business Week table be printed in the RECORD.

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

Measure of personal income

[Dollar amounts in millions. Not adjusted for seasonal variations]

State	1957–59 average	July 1964	June 1965	July 1965	Percent change versus year ago	First 7 months		Percent change versus year ago
						1964	1965	
Alabama	$366.8	$477.7	$528.9	$535.6	+12.1	$3,293.2	$3,648.5	+10.8
Alaska	44.9	72.2	78.4	81.9	+13.4	432.0	478.8	+10.8
Arizona	184.4	283.7	319.8	310.4	+9.4	2,045.9	2,189.3	+7.0
Arkansas	182.3	254.9	282.7	279.4	+9.6	1,758.1	1,880.6	+7.0
California	3,160.6	4,642.5	4,981.4	4,994.7	+7.6	31,724.6	33,969.7	+7.1
Colorado	296.8	426.0	444.2	462.7	+8.6	2,925.8	3,085.7	+5.5
Connecticut	551.9	740.2	807.1	799.6	+8.0	5,166.4	5,521.4	+6.9
Delaware	103.8	144.9	153.3	154.9	+6.9	962.0	1,070.5	+11.3
District of Columbia	177.9	229.0	246.0	245.8	+7.3	1,586.5	1,679.8	+5.9
Florida	711.9	1,064.4	1,179.8	1,202.4	+13.0	7,729.7	8,527.3	+10.3
Georgia	477.4	692.4	752.1	765.9	+10.6	4,740.2	5,166.0	+9.0
Hawaii	98.5	152.3	169.5	174.9	+14.8	1,028.7	1,139.9	+10.8
Idaho	93.7	121.8	133.3	131.3	+7.8	809.6	894.8	+10.5
Illinois	2,048.2	2,644.3	2,864.3	2,853.7	+7.9	18,205.4	19,637.3	+7.9
Indiana	779.9	1,027.3	1,128.4	1,126.4	+9.6	7,043.2	7,673.7	+9.0
Iowa	438.0	547.3	613.4	619.4	+13.2	3,853.3	4,221.4	+9.6
Kansas	344.1	447.5	480.6	475.7	+6.3	3,042.5	3,179.1	+4.5
Kentucky	364.3	478.4	533.0	532.6	+11.3	3,322.6	3,662.4	+10.2
Louisiana	416.1	531.9	593.6	597.7	+12.4	3,677.0	4,063.1	+10.5
Maine	137.8	182.9	194.8	192.8	+5.4	1,196.4	1,332.0	+11.3
Maryland	559.9	813.0	885.4	888.5	+9.3	5,531.1	6,059.7	+9.6
Massachusetts	983.2	1,294.1	1,371.7	1,365.7	+5.5	8,955.7	9,383.8	+4.8
Michigan	1,414.7	1,853.7	2,079.6	2,053.2	+10.8	12,778.1	14,338.4	+12.2
Minnesota	537.9	699.9	782.9	778.7	+11.3	4,885.6	5,300.6	+8.5
Mississippi	191.3	264.9	286.9	290.7	+9.7	1,845.8	1,999.4	+8.3
Missouri	728.8	960.3	1,027.7	1,023.4	+6.6	6,545.5	6,951.4	+6.2
Montana	109.6	139.0	143.7	145.9	+5.0	897.3	966.7	+7.7
Nebraska	226.7	300.4	315.4	323.7	+7.8	2,026.7	2,177.2	+7.4
Nevada	58.1	116.6	118.7	120.3	+3.2	795.7	801.0	+0.7
New Hampshire	93.6	130.2	135.9	138.6	+6.5	872.9	908.7	+4.1
New Jersey	1,225.2	1,667.5	1,821.7	1,828.7	+9.7	11,410.8	12,392.2	+8.6

Measure of personal income—Continued

[Dollar amounts in millions. Not adjusted for seasonal variations

State	1957–59 average	July 1964	June 1965	July 1965	Percent change versus year ago	First 7 months		Percent change versus year ago
						1964	1965	
New Mexico	$129.1	$164.3	$180.3	$178.4	+8.6	$1,131.9	$1,202.4	+6.2
New York	3,568.0	4,659.8	4,942.9	4,926.0	+5.7	32,187.6	33,945.6	+5.5
North Carolina	527.6	732.1	806.3	801.5	+9.5	5,077.9	5,516.0	+8.6
North Dakota	82.6	103.1	107.0	115.2	+11.7	704.9	756.9	+7.4
Ohio	1,760.5	2,243.8	2,448.2	2,432.8	+8.4	15,334.9	16,719.2	+9.0
Oklahoma	326.5	435.6	478.2	480.5	+10.3	3,005.9	3,197.4	+6.4
Oregon	300.0	425.2	456.1	455.5	+7.1	2,832.1	3,076.4	+8.6
Pennsylvania	1,996.2	2,509.0	2,699.3	2,690.2	+7.2	17,001.4	18,458.0	+8.6
Rhode Island	146.2	184.6	199.2	199.5	+8.1	1,284.5	1,356.5	+5.6
South Carolina	247.0	343.4	387.1	395.1	+15.1	2,396.7	2,663.7	+11.1
South Dakota	90.1	119.5	122.7	128.5	+7.5	810.5	839.0	+3.5
Tennessee	422.9	538.0	632.9	641.4	+9.1	4,002.1	4,351.3	+8.7
Texas	1,440.4	1,900.1	2,007.1	2,010.3	+5.8	12,893.7	13,810.4	+7.1
Utah	127.8	180.8	192.2	198.1	+9.6	1,245.6	1,321.9	+6.1
Vermont	54.8	74.2	79.4	81.8	+10.2	500.1	538.5	+7.7
Virginia	557.5	806.5	863.4	862.0	+6.9	5,449.7	5,881.0	+7.9
Washington	505.0	675.3	723.1	720.6	+6.7	4,548.1	4,926.6	+8.3
West Virginia	253.2	297.2	320.7	317.7	+6.9	2,026.6	2,190.4	+8.1
Wisconsin	652.2	847.2	923.8	913.6	+7.8	5,847.3	6,327.9	+8.2
Wyoming	57.2	80.8	77.0	77.8	−3.7	495.3	513.1	+3.6
Nation	30,353.1	40,771.7	44,101.1	44,121.7	+8.2	279,865.1	301,892.6	+7.9

NOTE.—July 1965, preliminary; June 1965, revised.

VINSON HALL

Mr. HARTKE. Mr. President, I would like to give the Senators some information about a very worthy undertaking called Vinson Hall in honor of Carl Vinson, former chairman of the Armed Services Committee of the House. You will remember that Mr. Vinson was so dearly beloved in the Navy that he earned the nickname of "Admiral." This is a residence to be built near McLean, Va., by the Navy-Marine Residence Foundation for the widows of Navy, Marine Corps, and Coast Guard officers.

My old Indiana friend, Rear Adm. John Crumpacker, is the administrative director of the foundation. Admiral Crumpacker just completed his tour of duty as Chief of the Bureau of Supplies and Accounts in the Navy Department and was awarded the Legion of Merit for the excellence of his performance in this job. He has now undertaken this new assignment in which I wish him the greatest success. I believe this is an undertaking to which all of us should give our blessings.

Many widows of Navy, Marine, and Coast Guard officers who were national heroes have come upon reduced circumstances and need assistance in order to live decently and among their friends. About one-third of the approximately 300 women who will live at Vinson Hall will be dependent in some degree for their support upon the foundation.

I have told Admiral Crumpacker to call upon me for any assistance that is in my power to give him and I know that other Senators will feel the same about this most worthy undertaking. The foundation is not an official organization of the Navy and receives no appropriated moneys. It is entirely dependent upon gifts received mostly from the Navy wives' clubs and other friends of the Navy.

RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order of Wednesday, October 6, 1965, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p.m.) the Senate took a recess, under the order of Wednesday, October 6, 1965, until tomorrow, Friday, October 8, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 7 (legislative day of October 1) 1965:

IN THE NAVY

The following-named officers of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualifications therefor as provided by law:

Harvey P. Lanham
Lawrence G. Bernard
Harry C. Mason
Jamie Adair
Lester E. Hubbell
Eugene G. Fairfax
Means Johnston, Jr.
Alexander S. Goodfellow, Jr.
Horace H. Epes, Jr.
Thomas R. Weschler
Malcolm W. Cagle
Pierre N. Charbonnet, Jr.
Gene R. Larocque

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 7, 1965

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with this verse of the Scripture: Matthew 5: 18: *Let your light so shine before men, that they may see your good works, and glorify your Father which is in Heaven.*

O Thou infinite and eternal God, whose will and wisdom are supremely great, we are daily seeking Thy divine guidance as we earnestly strive to build our beloved country on the foundations of righteousness and justice, of peace and good will.

We penitently confess that we frequently endeavor to find an answer to these problems, which we acknowledge are so very difficult, without first taking counsel with Thee, only to learn that without Thy leading, our human wisdom terminates in futility and failure.

Give us the glad assurance that nothing can eclipse or destroy the greatness and grandeur of our Republic if our citizens and leaders are determined to keep above reproach and steadfast in their devotion to Thy laws and Thy commandments.

Grant that our President and all the doctors and nurses, who are ministering unto him, during these critical days, may be blessed with an abundant measure of grace and have Thy wisdom and skill, Thy leading and love, for their grave and great responsibility.

In Christ's name we offer our prayers of supplication and intercession. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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 amendment a bill of the House of the following title:

H.R. 7169. An act to amend the Securities Act of 1933 with respect to certain registration fees.

CECIL GRAHAM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 301)

The SPEAKER. The unfinished business is further consideration of the veto message from the President of October 4, 1965, on H.R. 5902, an act for the relief of Cecil Graham.

Without objection the bill and message will be referred to the Committee on the Judiciary and ordered printed.

There was no objection.