Commission itself rejected its own task force's recommendation that Federal power projects, such as TVA, be sold to private industry. There is an area here for honest differences of judgment and opinion, for opposing views as to how far or how fast we should go in disposing of Government business activities—particularly where national security is genuinely involved. Certainly here is an area which will require careful congressional scrutiny and considered judgment. This does not argue that nothing should be done or that a hard and fast position can be taken. It does argue that you, as well as we in Congress, will want to weigh the matters as carefully and wisely as we can.

Example 2: The Hoover Commission recommendations with reference to Federal medical services, particularly as they relate to the care of veterans. Here is an instance in which emotionalized reaction and pressure group activity could make a shambles of sound economy measures, particularly since these health services now involve some 30 million Americans; here, also, is a field in which cold statistics alone cannot provide the only criterion for wise judgment and, let me add, I do not believe for one moment that the Hoover Commission placed the dollar mark above humanitarian considerations in this area. Certainly this is an aspect of the Commission recommendations which calls for united support of all recommendations on which there is agreement, and full, frank, face-to-face study and debate of those recommendations which will inevitably be in controversy.

Example 3: The broad and highly controversial field of foreign aid involves the dual problem of administrative reforms, recommended by the Hoover Commission, and the question of the wisdom of all or parts of this program. Obviously this is an area in which Executive recommendations and congressional decisions will necessarily be the determining factor. I believe the many searching questions raised in the Hoover Commission and its task force reports are of tremendous value in helping the Nation, the Congress, and the Executive grapple with this problem. My votes in the past indicate my own thinking to date on the subject. This is neither the time nor place for a full-dress discussion of this crucial issue. I will only make this observation that the recommendation of congressional approval for a 10-year program of foreign aid is not—I repeat, not—consonant, in my judgment, with either the spirit of the specific recommendations of the Hoover Commission. I shall oppose it.

3. A final area of Hoover Commission recommendations has to do, actually, with basic legislative procedure, as it relates to appropriations and to the recovery by the Congress of its seriously weakened control of the pursestrings. Stated briefly, and in simplest terms, it would require, as the Hoover Commission recommends, "that the executive budget and congressional appropriations be made on an annual accrued basis," even while authorization of a long-term project would still be possible by a single congressional action. This would reduce, if not eliminate, vast carryovers of unexpended funds; it would permit annual review of progress, of costs, and of Executive performance, and would obviate the grave situation reported by the Budget Director in October 1953, that as of July 1 of that year "$81 billion of unfinanced appropriations existed as a claim against current and future income or borrowing."

This subject is too vast for detailed discussion here—but I believe it is a key to very substantial economies, to the effective congressional control of spending required by the Constitution, and to sound fiscal policy which, in importance, overshadows many of the more dramatic and spectacular findings and recommendations of the Hoover Commission. It is one more assurance that even in big government, government as the agent of the people and of the national welfare, will have a fighting chance to govern justly, wisely, and well.

I know of no more appropriate words with which to close these already too-lengthy remarks than this concluding statement of the Hoover Commission's final report:

"The problems before the Commission have by no means been purely financial. In our recommendations we have sought six objectives:

"First. To preserve the full security of the Nation in a disturbed world.

"Second. To maintain the functioning of all necessary agencies which make for the common welfare.

"Third. To stimulate the fundamental research upon which national security and progress are based.

"Fourth. To improve the efficiency and eliminate waste in the executive agencies.

"Fifth. To eliminate or reduce Government competition with private enterprise.

"Sixth, and perhaps the most important of all. To strengthen the economic, social, and governmental structure which has brought us, now for 166 years, constant blessings and progress."

# SENATE

## TUESDAY, MARCH 20, 1956

*(Legislative day of Monday, March 19, 1956)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

Our Father God, as noontide marks the fast hurrying day, and the voices of this Chamber are hushed to silence, we would steady our hearts and minds in the glorious thought that amidst all life's fleeting scenes we are with Thee, who changeth not.

We come in the heat and burden of another day, grateful for the love that our indifference cannot discourage and for the patience that our folly cannot exhaust. Come to us, we pray Thee, as refining fire, to purge our inner lives from hatred and envy, from prejudice and malice. Suffer us not to let the sun go down on our wrath. In a mad and violent day may we walk and work in the peace that the world cannot give, in the charity that thinketh no evil, in the good will that bridges all chasms. And when the sunset comes, may we face its summons with an approving conscience void of offense toward Thee and our fellow men. We ask it through riches of grace in Christ Jesus our Lord. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D. C., March 20, 1956.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. ALBEN W. BARKLEY, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

WALTER F. GEORGE,
*President pro tempore.*

Mr. BARKLEY thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 19, 1956, was dispensed with.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 19, 1956, the President had approved and signed the act (S. 1483) for the relief of Irfan Kawar.

## LEAVE OF ABSENCE

Mr. FREAR. Mr. President, I ask unanimous consent to be absent from the Senate on official business of the Senate in connection with the Committee on Armed Services, beginning tomorrow, and until Saturday of this week.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Subcommittee on Reorganization of the Committee on Government Operations was authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Housing Subcommittee of the Committee on Banking and Currency was authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

Mr. NEELY. Mr. President, I ask unanimous consent that the Committee on the District of Columbia may meet this afternoon during the session of the Senate, for the purpose of considering a Presidential nomination.

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

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, for the presentation of petitions and memorials, the introduction of bills, and the transaction of other routine business, with a 2-minute limitation on statements.

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

## EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON CERTAIN MILITARY PRIME CONTRACTS

A letter from the Assistant Secretary of Defense, Supply, and Logistics, transmitting, pursuant to law, a report on military prime contracts with business firms for work in the United States for the period July 1, 1955, through January 31, 1956 (with an accompanying report); to the Committee on Banking and Currency.

IMPLEMENTATION OF INTERNATIONAL CONVENTION TO FACILITATE THE IMPORTATION OF COMMERCIAL SAMPLES AND ADVERTISING MATTER

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to carry out the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter (with an accompanying paper); to the Committee on Finance.

ESTABLISHMENT OF CERTAIN POSITIONS IN DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the establishment of eight positions for specially qualified scientific and professional personnel in the Department of Commerce with rates of compensation at rates not to exceed the maximum rate payable under Public Law 313, 80th Congress, as amended and supplemented (with accompanying papers); to the Committee on Post Office and Civil Service.

## PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of California; to the Committee on the Judiciary:

"House Resolution 16

"Resolution urging Federal action to support the civil-rights decision of the Supreme Court of the United States

"Whereas our great American democracy was founded upon the basic concepts of equality and liberty for all, which principles are embodied in our Constitution and cherished as the supreme law of our land; and

"Whereas these doctrines of equality and freedom have been fountainheads of strength to our Nation which have borne us through our times of trial, nurtured us as a free people who have matured a mighty and thriving civilization, and brought us to an ascendency among the nations of the earth; and

"Whereas there have been reliable reports of serious violations of these American democratic principles in certain of our sister States of the South which threaten the national security, the orderly processes of commerce among the several States, and the welfare of the Nation; and

"Whereas, according to these reports of this critical situation, the constitutional rights of citizens to vote and engage in the pursuit of happiness, to travel, work, and attend school are violated frequently and often with means of physical violence and terror; and

"Whereas these attacks, based soely upon bigotry and race prejudice, have in some Southern States achieved the sanction of State governments in the form of nefarious attempts to defy the Supreme Court of the United States and to threaten nullification of the Constitution; and

"Whereas such unlawful acts and overt defiance of the Constitution and the power of the United States Supreme Court are of national concern, regardless of the States in which they occur, and demand the cognizance of all States, as well as the active attention of the Federal Government, because they are repugnant to every moral, religious, and political principle of our great American democracy and seriously weaken the United States in the international conflict between democracy and totalitarianism: Now, therefore, be it

*"Resolved by the Assembly of the State of California,* That it memorializes the executive branch and Congress of the United States to take the necessary action to support the recent decisions of the Supreme Court on civil rights by the utilization of available agencies and facilities to maintain peace and order, protect the rights of citizens, and enforce the laws of our land; and be it further

*"Resolved,* That copies of this resolution be sent to the President and Vice President of the United States, Speaker of the House of Representatives, United States Department of Justice, and to each Senator and Representative of the State of California in the Congress of the United States."

A resolution adopted by the Woodville, Calif., Chamber of Commerce, favoring the enactment of legislation to provide funds for the construction of Success Dam, on the Tule River, California; to the Committee on Appropriations.

A resolution adopted by the Harbor Commission, San Diego, Calif., approving the need for a national policy to stimulate the domestic fishing industry; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the Terminus Dam Project Committee, Tulare, Calif., favoring the early construction of the Terminus Dam in California; to the Committee on Public Works.

A resolution adopted by Saint Martin's Council 2489, Knights of Columbus, Amityville, Long Island, N. Y., favoring enactment of the so-called Bricker amendment, relating to the treatymaking power; ordered to lie on the table.

## RETENTION OF EMPLOYEES AT UNITED STATES ARMORY IN SPRINGFIELD, MASS.—RESOLUTIONS OF MASSACHUSETTS HOUSE OF REPRESENTATIVES

Mr. KENNEDY. Mr. President, on behalf of myself, and my colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL], I present, for appropriate reference, and ask unanimous consent to have printed in the RECORD, resolutions adopted by the House of Representatives of the Commonwealth of Massachusetts on March 5, 1956.

The ACTING PRESIDENT pro tempore. The resolutions will be received and appropriately referred; and, under the rule, the resolutions will be printed in the RECORD.

The resolutions were received, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Resolutions memorializing Congress and the Department of Defense to retain employees of the United States Armory in Springfield

Whereas the United States Department of Defense has announced that 799 employees of the United States Armory at Springfield will be dismissed from employment on or before June 30, 1956; and

Whereas these employees have devoted many years of faithful service to the production of material essential to the national defense; and

Whereas the skill of said employees in turning out implements of war cannot be duplicated elsewhere in any part of this Nation; and

Whereas said skill is of great importance in this critical period, and should not be permitted to be lost by the Department of Defense; and

Whereas the record of the Springfield Armory and its service to the country since its establishment as the first United States arsenal has not been equaled by any other military equipment installation: Therefore be it

*Resolved,* That the United State Department of Defense is hereby urged by the House of Representatives of the General Court of Massachusetts to conduct a survey of the needs of all military units, present and future, for the purpose of making every possible effort to retain all of the employees affected by this contemplated layoff, to the end that the defense of our country shall not be jeopardized by the loss of their important skills; and be it further

*Resolved,* That copies of this resolution shall be forwarded to each Member of the United States Senate and United States House of Representatives from Massachusetts, and to the Secretary of Defense.

## COOPERATIVE TAX POLICY—RESOLUTION OF NATIONAL COUNCIL OF FARMER COOPERATIVES, LOS ANGELES, CALIF.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD, and appropriately referred, a resolution on co-op tax policy adopted by the National Council of Farmer Cooperatives at Los Angeles, Calif.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

COOPERATIVE TAX POLICY RESOLUTION ADOPTED BY THE NATONAL COUNCIL OF FARMERS COOPERATVES, JANUARY 16–19, 1956

The clear intention of the Congress in 1951 in the changes made in the tax treatment of farmer cooperatives was that the savings resulting from the operation of such organizations should be subject to a single tax. A number of Court decisions since 1951 tend to prevent the carrying out of the above intent.

Therefore, the National Council of Farmer Cooperatives states its support of the following policies and principles:

1. Farmer cooperatives are owned and controlled by farmers and operate on a cost of doing business basis for the primary purpose of providing essential services and increasing the income of their farmer members and patrons. Under such operations and purposes, the savings resulting therefrom which the cooperative distributes to the patrons under an obligation and agreement to do so represents income to the patron. Such amounts are, and should be

excludible or deductible by the cooperative, and the right of members and patrons to receive such refunds as income, whether in cash or non-cash form, and to invest such amounts in their cooperatives either directly or by setoff, should be recognized.

The council supports the tax status of farmer cooperatives under existing law and shall seek clarification of the 1951 act as to the taxable status of patrons with regard to distributions made to them by their cooperatives, in line with the intent of Congress in the passage of that act.

2. The council is opposed to the application of a withholding tax to patronage refunds and reaffirms the principles of its resolution adopted at the 1951 annual meeting to the effect that—

A withholding tax on patronage refunds is unnecessary and unsound. It would unduly burden cooperatives in both cost and manpower in deducting, recording, reporting, and remitting such taxes without materially increasing net revenue collections. Because the tax withheld has no relation to the rate of taxes owed by the recipient, many recipients would be entitled to tax refunds, and the cost in money and manpower of internal revenue administration would be unnecessarily and substantially increased. Furthermore, a withholding tax would confuse, rather than clarify, the taxable status of such refunds.

3. The council seeks legislation which would eliminate the double taxation to patrons and members which occurs when the Treasury seeks to impose in the same year a tax both on cash payments in redemption of prior issues of non-cash patronage distributions, and also on current distributions in non-cash form.

4. The executive committee is given the authority to implement the above policies during the coming year in a manner deemed best designed to accomplish these expressed objectives.

## INTERSTATE FEDERAL HIGHWAY SYSTEM—RESOLUTION OF CITY COUNCIL OF MINNEAPOLIS, MINN.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD, and appropriately referred, a resolution passed by the City Council of the City of Minneapolis, Minn., urging that Congress pass legislation for an interstate Federal highway system.

There being no objection, the resolution was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

RESOLUTION ENDORSING ACTION BY THE CONGRESS OF THE UNITED STATES AT THIS SESSION IN THE ESTABLISHMENT AND FINANCING OF A FEDERAL INTERSTATE HIGHWAY SYSTEM

Whereas the city of Minneapolis is vitally concerned in the determination of a location and design of major highways, Federal, State, and local, in the city of Minneapolis; and

Whereas such determination has a significant bearing upon the development of a long range capital improvement program of the city; and

Whereas the specific location of major highways in the city is a necessary prerequisite to decisions by business and industry on location of plants, facilities and services in the city: Now, therefore, be it

*Resolved by the City Council of the City of Minneapolis*, That we endorse and urge action by the Congress of the United States at this session to adopt a highway and finance program on the interstate Federal system.

Further, that the city clerk be directed to transmit, forthwith, a copy of this resolution to each Member of the House and Senate from the State of Minnesota.

Passed March 9, 1956.

EUGENE E. STOKOWSKI,
*President of the Council.*

Approved March 12, 1956.

ERIC G. HOYER, *Mayor.*

Attest:

LEONARD A. JOHNSON,
*City Clerk.*

## RESOLUTION OF MINNESOTA TELEPHONE ASSOCIATION, INC.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD, and appropriately referred, two resolutions adopted by the Minnesota Telephone Association, Inc., at their 47th annual convention held in St. Paul, Minn.

The ACTING PRESIDENT pro tempore. The resolutions will be received and appropriately referred; and, without objection, the resolutions will be printed in the RECORD.

The resolutions, presented by Mr. HUMPHREY, were received, appropriately referred, and ordered to be printed in the RECORD as follows:

To the Committee on Public Works:

"Whereas occupancy of highway rights-of-way by utilities benefits the public as utilities have been permitted and encouraged by legislative enactments and municipal ordinances over the years to make use of public highways for the location of their plant and facilities in order to stimulate development of utility services and to make these services available to the greatest number of people at the lowest possible cost. It has long been recognized by the courts that utilities do not occupy public rights-of-way by sufferance, but, on the contrary, when they construct facilities in public rights-of-way under legislative sanction their right to continue to use the public highway becomes a fixed and vested property right (e. g. *Russell* v. *Sebastian* (233 U. S. 195)); and

"Whereas the burden of relocation costs falls on the subscriber as the cost of providing utility services can be met only through rates collected from the customer; and

"Whereas relocation costs should be charged to the highway project as the cost of relocating utility plant and facilities required by highway improvement projects must, of course, be met from some source, and, in the final analysis, the primary question for determination is where the responsibility for this cost equitably rests; and

"Whereas relocation problem cannot be settled on State level as the expenditure of Federal funds for construction of Federal-aid highways stems from the interest of the Federal Government in promoting interstate commerce and the national defense; and

"Whereas relocation costs of railroads are paid from Federal funds as reimbursement of railroads for relocation costs incurred in connection with Federal-aid projects is justifiable. However, there is no sound basis for relieving one utility, the railroad, of a burden which is left to be borne by the users of other utility services. The unfairness of this is even more apparent in light of the fact that railroad facilities create a hazard to the traveling public, but the facilities of other utilities do not present a hazard. The argument is advanced that railroads are reimbursed from Federal funds because their facilities are situated within private rights-of-way. Special provision for relief in the Federal-aid Highway Act would not be required if the railroad problem only involved the fact that their facilities are located on private rights-of-way. All private property owners are entitled to compensation under general condemnation laws. The special provision is needed to relieve the railroads of the above-mentioned varying State obligations to contribute to the cost of eliminating the hazards of railway grade crossings which are imposed on them regardless of whether their facilities are on private or public rights-of-way. Certainly, the other utilities are entitled to equal treatment with respect to the State laws imposing varying obligations on them; and

"Whereas use of highways as access for maintenance of facilities is no justification for refusal to reimburse utilities, as it has been stated that the utilities receive some advantage because of the convenience of the highways as a means of access for maintaining and servicing their facilities. This is undisputed but this argument ignores the obvious fact that without access through use of the highways to their facilities, the utilities would be wholly unable to furnish service to the public. Here again the use of highways by the utilities in this respect promotes the public interest; and

"Whereas impact of modern highways is particularly burdensome on smaller utilities as the impact on the utilities of the changing character of modern highways has become increasingly serious in recent years. The primary and interstate highways involving the construction of multiple lanes, clover leaves, and other features have necessitated costly utility relocations—moves for the third and fourth time are not uncommon. These costly relocations result in great hardships particularly on the smaller utilities, both publicly and privately owned with limited resources; and

"Whereas a number of States have recognized the principle of reimbursement in the case of toll roads, as the impact of the changing character of modern highways on utility companies is receiving recognition by the States on roads which are not constructed out of funds appropriated for Federal-aid highways or funds expended under the jurisdiction of the State Highway Commission. A number of States in recent years have passed statutes providing for the construction of turnpikes or toll roads. In size and character of construction they are similar to Federal-aid highways. Seventeen State legislatures, largely in the last 2 years, have recognized that public utilities should be fully reimbursed for relocation costs incident to the construction of these toll roads. The following States have so provided: Florida, 1953; Georgia, 1952; Illinois, 1953; Kansas, 1953; Kentucky, 1950; Louisiana, 1952; Michigan, 1953; Nebraska, 1953; New Jersey, 1948; New York, 1946; North Carolina, 1951; Ohio, 1949; Oklahoma, 1953; Rhode Island, 1954; Texas, 1953, Virginia, 1952; Wisconsin, 1953; and

"Whereas, relocation costs while serious to utilities would not burden the Federal-aid highway program, as testimony presented to the Public Works Committee of Congress shows that costs experienced by utilities are of serious concern to the individual utilities but are a small part of the total cost of constructing Federal-aid highways; and

"Whereas a study was made under the direction of Congress to determine the amount of the cost being imposed on utilities as the Federal-Aid Highway Act of 1954 (Public Law 350) directed the Secretary of Commerce to make a study 'which shall include a review and financial analysis of existing relationship between the State highway departments and affected utilities of all kinds.' The Secretary of Commerce designated the Bureau of Public Roads to make the study. The Bureau called on the various utilities for assistance in obtaining the extent of the cost imposed on the utilities by the relocation of utility facilities in order to accommodate Federal-aid highway projects. The results of this study were reported to Congress in February 1955: Now, therefore, be it

*"Resolved by the Minnesota Telephone Association, Inc., in convention assembled, this 15th day of February 1956,* That this document be served on each member of the Minnesota Congressional delegation and that they and the whole Congress be urged and requested to include utility highway relocation costs in total, in any legislation so as to provide reimbursements to utilities affected under the vast Federal-aid highway program.

"Resolution adopted unanimously February 15, 1956, by the 47th annual convention, Minnesota Telephone Association, Inc., held at the St. Paul Hotel, St. Paul, Minn., February 13, 14, and 15, 1956.

"Attest:

"KEITH W. VOGT,
*"Secretary-Treasurer."*

To the Committee on Labor and Public Welfare:

"Whereas over 5,000 independent telephone companies provide service in 11,000 cities and towns. Most of the exchanges are very small, many having less than 100 telephones. Many switchboards are taken care of by housewives in their homes. Eighty percent of independent telephones are in residences, many of them farm homes; and

"Whereas living costs are much lower in small towns. In a small community a 5-room house may rent for $30 or $35 compared with $60 or $100 in large towns. In small towns many people have vegetable gardens with chickens, and a cow in the barn; and

"Whereas independent telephone company revenues disable them from paying wage rates considered reasonable in large towns. Average annual earnings per telephone for independent companies range generally from $30 to $45, many a great deal less; and

"Whereas a telephone exchange must provide 24-hour service, a wage increase hits it three times a day. There are three 8-hour shifts; and

"Whereas present law exempts 'any switchboard operator employed in a public telephone exchange which has less than 750 stations.' When an exemption of 500 stations was provided by Congress in 1939, it was given because 'small telephone companies * * * are financially unable to comply with the wage provisions of the act' (House committee Rept. 1448, 76th Cong., 1st sess., accompanying exemption bill, August 3, 1939). When in 1949 Congress increased the exemption of 750 stations Senator BUTLER of Nebraska who introduced an amendment in the Senate, said: 'I believe that my amendment really comes close to carrying out the original intent by exempting most of the smaller independent companies which serve small towns or rural sections.' (CONGRESSIONAL RECORD, vol. 95, pt. 9, p. 12489); and

"Whereas Wage and Hour Division of Department of Labor in 1939 sent telegrams to State public utility commissions asking if any exemption should be provided and how. Twenty-two commissions recommended 1,000 telephones, 1 recommended 750, 6 recommended 500, and 1 recommended 250; and

"Whereas if exemption is repealed it will cripple many small exchanges. They would be compelled to increase rates so high that farmers and small income people in rural areas would take out their telephones. Service would be seriously curtailed. This essential branch of American small business would be on the way out. Senator BUTLER said in 1949 when his amendment was being considered:

" 'In practically every State, telephone rates are regulated by the State commission and, of course, we all know that those rates are based primarily on costs of operation. It is obvious that if their costs go up it will be necessary to raise rates to subscribers. In many farming regions the subscribers simply will not stand for an increase in rates, and it will simply mean that many subscribers will discontinue their phone service. I do not believe we want to bring about that result, Mr. President. We should be aiming at methods to expand telephone service in rural regions instead of passing regulations that will have the effect of cutting down the availability of such service. * * * In case of sickness or some other emergency, a telephone frequently makes the difference between life and death. I do not believe the Congress should take any action that will place the telephone service in these sections beyond the reach of the average farm family. We do not have enough telephones on the farm today, Mr. President. I certainly don't believe the Congress should take any action to make it still more difficult for the farmer to acquire such service.

" 'It is important to realize that if, as expected, the application of the 75-cent minimum forces a sharp increase in rates and results in many subscribers dropping their telephones, it will mean unemployment among the very group that this bill is designed to benefit—that is, the telephone operators themselves. If several hundred present subscribers discount their service at each of the exchanges affected, it will mean that 1 or 2 or 3 of these operators will be laid off at these exchanges' (CONGRESSIONAL RECORD, vol. 95, pt. 9, p. 12489); and

"Whereas Congress has now again raised the minimum hourly wage to $1 per hour effective March 1, 1956 further aggravating the situation and causing the impact to be even greater should the 750-station operator exemption be repealed; and

"Whereas in many towns a telephone exchange is the only business subject to the Wage-Hour Act because it is the only one doing interstate business. If the exchange loses its exemption and is compelled to pay a higher wage than the prevailing wage there will be a widespread dissatisfaction from subscribers, other employers, regulatory commissions, etc. As public utilities, rates of telephone companies are under strict public regulation; and

"Whereas there is no surer way of putting small business out of business than by subjecting small business in every instance to legislative standards considered reasonable in large metropolitan areas: Now, therefore, be it

*"Resolved by the Minnesota Telephone Association, Inc., in convention assembled this 15th day of February 1956,* That this document be served on each member of the Minnesota congressional delegation and that they and the whole Congress be urged and requested to preserve the 750-station operator exemption in the Fair Labor Standards Act.

"Resolution adopted unanimously February 15, 1956, by the 47th annual convention, Minnesota Telephone Association, Inc., held at the St. Paul Hotel, St. Paul, Minn., February 13, 14, and 15, 1956.

"Attest:

"KEITH W. VOGT,
*"Secretary-Treasurer."*

## REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs; without amendment:

H. R. 6461. A bill to amend section 73 (1) of the Hawaiian Organic Act (Rept. No. 1695);

H. R. 6463. A bill to ratify and confirm section 4539, Revised Laws of Hawaii 1945, section 1 (b), act 12, session laws of Hawaii 1951, and the sales of public lands consummated pursuant to the terms of said statutes (Rept. No. 1696);

H. R. 6807. A bill to authorize the amendment of certain patents of Government lands containing restrictions as to use of such lands in the Territory of Hawaii (Rept. No. 1697);

H. R. 6808. A bill to amend section 73 (1) of the Hawaiian Organic Act (Rept. No. 1698); and

H. R. 6824. A bill to authorize the amendment of the restrictive covenant on land patent numbered 10,410, issued to Keoshi Matsunaga, his heirs or assigns, on July 20, 1936, and covering lot 48 of Ponahawai house lots, situated in the county of Hawaii, Territory of Hawaii (Rept. No. 1699).

## BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MURRAY:

S. 3484. A bill to provide for the location of mining claims by geological, geochemical, and geophysical prospecting methods, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY (for himself, Mr. CASE of South Dakota, Mr. GOLDWATER, and Mr. MALONE):

S. 3485. A bill to encourage the discovery, development, and production of columbium-tantalum bearing ores and concentrates in the United States, its Territories, and possessions, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY (for himself, Mr. GOLDWATER, and Mr. MALONE):

S. 3486. A bill to encourage the discovery, development, and production of beryl in the United States, its Territories, and possessions, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New Jersey:

S. 3487. A bill for the relief of Lucy Lin and her minor child, Peter Lin; to the Committee on the Judiciary.

By Mr. NEELY (by request):

S. 3488. A bill to amend the act entitled "An act to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia," approved March 4, 1929; and

S. 3489. A bill to amend the acts known as the Life Insurance Act, approved June 19, 1934, and the Fire and Casualty Act, approved October 9, 1940; to the Committee on the District of Columbia.

By Mr. CHAVEZ:

S. 3490. A bill to provide for transfer of title of certain lands to the Carlsbad Irrigation District, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 3491. A bill to authorize the conveyance of a certain tract of land in North Carolina to the city of Charlotte, N. C.; to the Committee on Government Operations.

S. 3492. A bill for the relief of Ching-Sheng Shen and Lee-Ming Chow Shen; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 3493. A bill for the relief of Lydia Anne Foote; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 3494. A bill to prohibit certain unfair practices with respect to the cancellation of franchises held by automobile dealers and by radio and television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. DIRKSEN (by request):

S. 3495. A bill to amend section 753 of title 28 of the United States Code to prescribe more fully the duties and obligations of official reporters appointed by district courts of the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. J. Res. 157. Joint resolution authorizing the Federal Trade Commission to make an

investigation and study of the production, transportation, distribution, and sale of refined petroleum products; to the Committee on Interstate and Foreign Commerce.

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

## INVESTIGATION OF PRODUCTION, TRANSPORTATION, DISTRIBUTION, AND SALE OF REFINED PETROLEUM PRODUCTS

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the Federal Trade Commission to make an investigation and study of the production, transportation, distribution and sale of refined petroleum products. I ask unanimous consent that the joint resolution may be printed in the RECORD, as a part of my remarks.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S. J. Res. 157) authorizing the Federal Trade Commission to make an investigation and study of the production, transportation, distribution, and sale of refined petroleum products, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD as follows:

*Resolved, etc.,* That the Federal Trade Commission is hereby authorized and directed to make a thorough investigation and study of the structure of the industry and of the corporate and commercial relationships and practices which affect the supply, production, transportation, distribution and sale of refined petroleum products including particularly, gasoline, fuel oils and lubricating oils and report the facts, with any recommendations deemed appropriate, to the Congress of the United States; and

That the investigation directed include ascertainment of the facts necessary to determine if there exist in the refined petroleum products industry, practices and policies which may violate any of the laws of the United States and whether practices and policies employed in the industry in the United States may have a tendency to restrain competition or to create a monopoly at any industry level in any section of the country; and

That the Federal Trade Commission shall specifically report as to any practices current in the industry which may adversely affect the public and small and independent refiners and marketers of refined petroleum products; and

That in order to avoid any unnecessary duplication of work already done by other agencies of the Government the Federal Trade Commission, for the purposes of this resolution is authorized to request any pertinent information in the possession of, or loan of specially qualified personnel of, any other agency of the United States Government; and

That the Federal Trade Commission shall from time to time and at intervals of not more than 6 months report to the Congress of the United States upon the progress of the investigation and study herein directed and shall within 18 months after the effective date of this resolution and the availability of appropriations, make a final report, with its recommendations, to the Congress of the United States; and

That there is hereby authorized to be appropriated to the Federal Trade Commission for carrying out the purposes of this resolution the sum of $600,000.

Mr. HUMPHREY. The purpose of this joint resolution is to empower the Federal Trade Commission to investigate competitive conditions existing in the oil industry. In more formal language, the joint resolution may be said to authorize and direct the Commission to make an investigation and study of the existing structure of the oil industry and of the corporate and commercial relationships which affect the supply, production, transportation, distribution, and sale of refined petroleum products including particularly gasoline, fuel oils, and lubricating oils.

By design, the scope of the investigation to be authorized is quite broad. To insure the success of the undertaking the Commission must be enabled to freely examine every relevant activity of the industry. Accordingly, the Commission is expected to explore thoroughly those industry marketing practices having anticompetitive effects or which would otherwise violate Federal antitrust law. In addition, it anticipated that the Commission in the course of its investigation will bring into proper focus any industry practices adversely affecting the interest of the public and the small and independent refiners and marketers of petroleum products.

Recognition of the pressing need for an investigation of the oil industry is not, of course, being made now for the first time. On previous occasions, other Members of Congress have called for such an inquiry, the most recent being recommended in 1950 by Representative CLARENCE CANNON, of Missouri. The Federal Trade Commission has also been aware of the necessity for an investigation of the oil industry, at least since 1939. In that year, the Commission submitted to the celebrated Temporary National Economic Committee a formal report entitled "A survey of Controversial Marketing Practices in the Petroleum Products Retail Industry as Presented to the Temporary National Economic Committee." The favorable attitude of the Commission toward investigating the oil industry was expressed in that report in these words:

> The data presented herewith constitute a survey of the character of questionable and perhaps illegal marketing practices, which allegedly permeate the entire retail marketing structure of the petroleum industry. It is quite apparent that a proper solution of the various problems presented herewith cannot be made until a thorough and complete investigation has been made of the marketing practices in this industry, with particular relation to the marketing practices of the major oil companies. The report itself is illustrative of the fact that complaints have been lodged against every large marketer, group of marketers, and some retail associations. Some of these matters (those which seem most serious or oppressive) have been investigated by the Commission and corrective action taken in a number of instances. Other complaints have been referred to the Department of Justice. The Commission has been unable to undertake a general investigation of the various practices for the reason that it has not had an appropriation sufficient to enable it to conduct such a comprehensive investigation and at the same time carry on the duties imposed upon it by law.

Unfortunately for the small-business segment of the oil industry, the investigation so firmly urged by the Commission in its report to the TNEC was never undertaken.

Less than a month ago, during the final public testimony received by my Small Business Subcommittee on the New Jersey gasoline price war, John W. Gwynne, the Chairman of the Federal Trade Commission, was asked whether competitive conditions in the oil industry today are as serious as in 1939 when the Commission made its report to the TNEC. The considered reply of the Chairman and his staff associates was that the industry's competitive situation had not been improved appreciably over the past 17 years. Most importantly, the Commission representatives declared their willingness to launch as soon as possible an investigation such as that outlined by their agency back in 1939. Thus, it is now incumbent upon Congress to proceed expeditiously in providing the Commission with the appropriate authority and funds to be required for the investigation.

Mr. President, this joint resolution is presented as a result of hearings which were held in the so-called gasoline price war problem, which related specifically to New Jersey, but also is to be found in other parts of the United States.

I sincerely believe this investigation will be productive of good results. The hearings themselves were beneficial. In fact, many points of law were clarified in the hearings, as were rules of the Federal Trade Commission.

I hope Congress will see fit to act promptly upon the joint resolution, and provide the necessary funds required for this inquiry.

Mr. President, I also ask unanimous consent to have a statement which was prepared by the Senator from Alabama [Mr. SPARKMAN], chairman of the Senate Small Business Committee, supporting this resolution, printed at this point in the RECORD.

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

STATEMENT BY SENATOR SPARKMAN

I am happy to join my distinguished colleague, Senator HUBERT H. HUMPHREY, in sponsorship of his resolution authorizing the FTC to investigate competition conditions in the oil industry. While serving as chairman of the Senate Small Business Committee, I have become aware of many facts indicating that the Nation's gasoline retailers do not possess the true independence to which they are entitled as small-business men.

When the Congress adopts this resolution, it will have taken an important step toward eliminating from the oil industry those practices which prevent service-station dealers from achieving their rightful competitive position in the national economy. The hope that the proposed Commission investigation will raise 250,000 service-station operators to the rank of truly independent small-business men is more than sufficient justification for favoring the undertaking.

## AMENDMENT OF CONSTITUTION RELATING TO ELECTION OF PRESIDENT AND VICE PRESIDENT—AMENDMENTS

Mr. LANGER submitted amendments, intended to be proposed by him, to the joint resolution (S. J. Res. 31) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, which were ordered to lie on the table and to be printed.

Mr. CASE of New Jersey submitted amendments, intended to be proposed by him, to the amendment proposed by Mr. DANIEL (for himself and other Senators), to Senate Joint Resolution 31, supra, which were ordered to lie on the table and to be printed.

Mr. HUMPHREY submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 31, supra, which was ordered to lie on the table and to be printed.

Mr. HUMPHREY (for himself, Mr. LEHMAN, Mr. MURRAY, and Mr. NEUBERGER) submitted an amendment, intended to be proposed by them, jointly, to Senate Joint Resolution 31, supra, which was ordered to lie on the table and to be printed.

## RELIEF OF FARMERS FROM EXCISE TAX ON CERTAIN FUELS

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 8780) to amend the Internal Revenue Code of 1954 to relieve farmers from excise taxes in the case of gasoline and special fuels used on the farm for farming purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. BYRD, Mr. GEORGE, Mr. KERR, Mr. MARTIN of Pennsylvania, and Mr. CARLSON conferees on the part of the Senate.

## AMENDMENT OF MERCHANT MARINE ACT OF 1936

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2286) to amend the Merchant Marine Act of 1936 so as to provide for the utilization of privately owned shipping services in connection with the transportation of privately owned motor vehicles of certain personnel of the Department of Defense, which were to strike out all after the enacting clause and insert:

That section 901 of the Merchant Marine Act of 1936, as amended, is amended by adding at the end thereof a new subsection as follows:

"(c) That notwithstanding any other provision of law, privately owned American shipping services may be utilized for the transportation of motor vehicles owned by Government personnel whenever transportation of such vehicles at Government expense is otherwise authorized by law."

And to amend the title so as to read: "An act to amend the Merchant Marine Act of 1936 so as to provide for the utilization of privately owned shipping services in connection with the transportation of privately owned vehicles."

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendments of the House, request a conference thereon with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. MAGNUSON, Mr. PASTORE, Mr. DANIEL, Mr. BUTLER, and Mr. DUFF conferees on the part of the Senate.

## NOTICE OF CONSIDERATION OF NOMINATION OF SHELDON T. MILLS, OF OREGON, TO BE AMBASSADOR TO AFGHANISTAN

Mr. GEORGE. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate received today the nomination of Sheldon T. Mills, of Oregon, a Foreign Service officer of the class of career minister, to be Ambassador of the United States to Afghanistan, vice Angus Ward, resigned. This nomination will be considered by the Committee on Foreign Relations at the expiration of 6 days.

## THE PRESIDENT'S MUTUAL SECURITY PROGRAM

Mr. SMITH of New Jersey. Mr. President, in the New York Times of this morning, Tuesday, March 20, there is an important editorial entitled "The President's Message," which comments on President Eisenhower's mutual security program presented in his message of yesterday.

One of the issues raised by the President's message is the question of increased flexibility and continuity. The editorial comments on this point as follows:

There is also opposition both to the increased flexibility and to the requested continuity. But as the President points out, flexibility is needed to meet unexpected shifts in a rapidly changing world, continuity is essential to permit long-term planning for economic developments for which both local and world public and private capital must be mobilized.

In connection with the mutual security program, which will soon be before the Senate, I feel that this editorial comment is important, and I ask unanimous consent that the entire editorial be inserted in the body of the RECORD at this point in my remarks.

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

THE PRESIDENT'S MESSAGE

Undeceived by the new Kremlin strategy, which repudiates Stalin in order to pursue Stalin's policy of Communist expansion the more effectively, President Eisenhower sent a message to Congress yesterday proposing a mutual security program designed to meet the new challenge. This program calls for an appropriation of $4,859,975,000 for military and economic assistance to free nations during the next fiscal year. There is a new emphasis both on flexibility and on continuity, to provide assurance that both we and the recipients will achieve the most for the money spent.

Our mutual security program has helped to save most of the free world, to the great benefit of our own peace and security, not to mention our prosperity, and as the President says, we must not falter now. On the contrary, we must expand our aid and above all improve our methods, to meet the more subtle and therefore more dangerous Kremlin policy.

Despite this obvious fact, the new program seems to be running into considerable congressional opposition. There is opposition to the total amount, which, discounting previously authorized but unspent sums, is about $2 billion above the appropriations for the current fiscal year. But, as the President explains, most of this additional money is needed to fill the pipelines now running empty, and the actual increase in expenditures will be less than $500 million. There is also opposition both to the increased flexibility and to the requested continuity. But as the President points out, flexibility is needed to meet unexpected shifts in a rapidly changing world, continuity is essential to permit long-term planning for economic developments for which both local and world public and private capital must be mobilized.

The congressional opponents of this program seem to believe that the Soviet threat is abating, and that therefore the time has come to cut down on what is miscalled "foreign aid." Any such thesis, however, is vigorously rejected by the President. On the contrary, he warns that Soviet military might continues to cast an ominous shadow and that even if the Soviets have put aside for the moment aggression by force, they continue to pursue their fundamental objective, which is to disrupt and in the end to dominate the free nations. It would therefore be folly to relax. For that reason he still allocates the larger part of the total asked, or $3 billion, for military assistance to deter aggression, with more than half going to the Middle East and Asia, where the threat of aggression is most acute. The rest of the requested appropriation is assigned to economic assistance, to meet the danger of Soviet economic penetration.

Only a small part of the total here would go to Europe, which, except for Greece and Turkey, is enjoying unprecedented prosperity. Most of it would go to Asia, the Middle East, and Africa, now being bombarded by the Soviets with deceptive trade offers that can lead only to suicidal entanglements for the nations permitting themselves to be trapped.

As Secretary Dulles has told the Asian nations on his present tour, our aid is not for our own aggrandizement and is not tied to military commitments, as the Soviets contend. It has only one purpose, defined again by the President. That purpose is to achieve an enduring peace with justice and freedom. The investment of only a little more than 1 percent of our national product in the pursuit of this goal is an investment in our own security.

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up the nomination on the executive calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

## EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nomination on the executive calendar.

## UNITED STATES CIRCUIT JUDGE

The Chief Clerk read the nomination of Stanley N. Barnes, of California, to be a United States Circuit Judge for the Ninth Circuit.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be notified forthwith of the nomination today confirmed.

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

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I have a brief announcement to make. Last evening, by unanimous consent, the Senate made Senate Joint Resolution 31, Calendar No. 364, a joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, the unfinished business. It may be, if that measure involves lengthy discussion, consent of the Senate may be requested to set it aside, so that the Senate may consider other bills, particularly Order No. 1107, Senate bill 2577, a bill to define bank holding companies, control their future expansion, and require divestment of their nonbanking interests, as well as Order No. 629, Senate bill 636, a bill to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, and certain amendments and substitutes which may be offered to it.

I do not state that the unfinished business will be set aside, but I should like all Senators to be on notice that there is a possibility the two measures I have mentioned will be considered either immediately following the disposition of the unfinished business or at some time when the unfinished business is before the Senate.

## CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Beall | Bridges |
| Allott | Bender | Bush |
| Anderson | Bennett | Byrd |
| Barkley | Bible | Capehart |
| Barrett | Bricker | Carlson |
| Case, N. J. | Humphrey | Neuberger |
| Case, S. Dak. | Jackson | O'Mahoney |
| Chavez | Jenner | Pastore |
| Clements | Johnson, Tex. | Payne |
| Cotton | Johnston, S. C. | Potter |
| Daniel | Kefauver | Purtell |
| Dirksen | Kennedy | Robertson |
| Douglas | Kerr | Russell |
| Duff | Knowland | Saltonstall |
| Dworshak | Kuchel | Schoeppel |
| Eastland | Laird | Scott |
| Ellender | Langer | Smathers |
| Ervin | Lehman | Smith, Maine |
| Flanders | Long | Smith, N. J. |
| Frear | Magnuson | Sparkman |
| Fulbright | Mansfield | Stennis |
| George | Martin, Iowa | Symington |
| Goldwater | Martin, Pa. | Thurmond |
| Gore | McCarthy | Thye |
| Green | McClellan | Watkins |
| Hayden | McNamara | Welker |
| Hennings | Millikin | Wiley |
| Hickenlooper | Morse | Williams |
| Hill | Mundt | Young |
| Holland | Murray | |
| Hruska | Neely | |

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. MONRONEY] is absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER] and the Senator from Nebraska [Mr. CURTIS] are necessarily absent.

The Senator from New York [Mr. IVES] is absent because of illness.

The Senator from Nevada [Mr. MALONE] is absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

## SENATOR LANGER'S ALLEGED PREJUDICE AGAINST THE SOUTH

Mr. LANGER. Mr. President, I hold in my hand a very interesting editorial published in a recent issue of a Mobile, Ala., newspaper. I ask unanimous consent that the clerk may read it. The reading will require about 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the clerk may read.

The legislative clerk read the editorial, as follows:

NOT QUALIFIED TO HOLD PREJUDICE AGAINST SOUTH

United States Senator WILLIAM LANGER, of North Dakota, claims the distinction of being the only person ever arrested in an English-speaking country for "filing an affidavit of prejudice against a judge."

History is repeating itself, with variations, in the case of Senator LANGER and his prejudice.

He exploded his prejudice against the South on the Senate floor one day this week. Said he:

"On behalf of the Abraham Lincoln-Theodore Roosevelt-Robert La Follette, Sr.-George Norris faction of the Republican Party, I am authorized to say that we accept the challenge issued * * * by 19 Senators and 77 Members of the House who issued a manifesto on the subject of the recent decision of the Supreme Court in the segregation-in-public-education cases."

We are not concerned with whether Senator LANGER was qualified to hold prejudice against a judge, but we submit that he lacks qualifications to hold prejudice against the South.

As proof, we offer this excerpt from the Encyclopedia Britannica:

"The white population of North Dakota formed 98.5 percent of the total in 1940, as compared with 98.7 percent in 1930, practically all the nonwhite population being Indians."

This, of course, is a sharp contrast to the population structure in the South.

As one example of this contrast, we offer this excerpt from the Encyclopedia Britannica:

"The white population of Alabama formed 65.2 percent of the total in 1940, as compared with 64.3 percent in 1930, practically all the nonwhite population being Negro."

Another example of the contrast appears in this observation by the Britannica:

"The white population of Mississippi formed 50.5 percent of the total in 1940, as compared with 49.7 percent in 1930, practically all the nonwhite population being Negro."

If Senator LANGER will abandon the prejudice he is not qualified to hold against the South and set himself up as an Indian expert, we shall be glad to second the motion, inasmuch as he was adopted by Sioux Indian tribes almost a quarter of a century ago and assigned the name of White Bear.

Senator LANGER is a classic case in point of outsiders attempting to meddle in the South's racial relations when they are no more qualified than a lost ball in a haystack to butt in and tell the white and Negro people of this region how to run their affairs.

If the buttinskies had shown the good judgment to keep their troublemaking noses out of the South's business from the start, the white and Negro people in Alabama and other Southern States would not be harassed as they are today.

Briefly stated, the racial problem in the South is the handiwork of intermeddlers.

Representative ARMISTEAD L. SELDEN, JR., of the Sixth Alabama Congressional District, called attention over the TV from Washington the other day to the harmonious racial situation that had grown up in the South before the integration agitators got busy.

"In my State of Alabama, as in other sections of the South," Congressman SELDEN pointed out, "we have always operated under a segregated system. The Negro race, under that system, has made great progress—perhaps greater progress than any race anywhere at any time in history.

"This progress had been made with the help of the southern white people, and I am happy to say that at the same time racial strife and hatred had been reduced to a minimum."

An honest history will be compelled to record as a great American tragedy the fact that the buttinskies poked their meddling noses into the South's racial affairs.

Happily for both races, and to the everlasting credit of their good sense, the vast mass of the Negro people of the South and the vast mass of the white people of the South still choose the segregation which the intermeddlers would destroy.

## SECRETARY McKAY AND CONSERVATION

Mr. NEUBERGER. Mr. President, on March 10 a statement by Secretary of the Interior McKay on natural resources, published in the Washington Post and Times Herald, was included in the RECORD. I desire today to include in the RECORD the reply to that statement which I have sent to the Washington Post and Times Herald.

Reference has been made to Douglas McKay's future ambitions. Mr. McKay may some day be a Member of this body, but I believe he will have to come here from some State other than Oregon. The people of Oregon believe in public power; Douglas McKay is one of the country's leading foes of public power. The people of Oregon believe in conservation; Douglas McKay has done his

best to wreck conservation in this country.

Oregon's ideal of a Republican Senator was the late Charles L. McNary. Senator McNary fought for public-power projects in the Columbia Basin like Bonneville and Grand Coulee; Secretary McKay has used his high office to thwart public-power projects like Hells Canyon and John Day. Charles L. McNary and Douglas McKay were so far apart on conservation—considering McKay's record as Secretary of the Interior—that they could not communicate by telegraph. McNary sponsored the Clarke-McNary Act and other forestry conservation measures; McKay has promoted the Al Sarena timber giveaway, the oil-leasing on wildlife refuges, the attempt to invade our national park system.

Mr. President, I ask unanimous consent that my letter to the Washington Post and Times Herald of March 20, 1956, in answer to that of Mr. McKay, may be printed at this point in the RECORD.

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

SECRETARY MCKAY AND CONSERVATION

Interior Secretary McKay's lengthy defense in your March 10 issue of his 3-year role as chief liquidator of the Nation's natural resources contains many distortions of history that should not go unchallenged.

Mr. McKay said that "when I became Secretary I quickly concluded that protection of the parks was only part of the action that was necessary." Apparently he thought park protection was only a very minor part because his appointment as Secretary was followed by a 3-year battle by conservationists to prevent construction of the McKay-sponsored Echo Park Dam in the Dinosaur National Monument. If this move, endorsed by McKay's department, had been successful it would have been the open sesame for commercial invasion of the entire national parks system.

Only after 3 years of tooth-and-fang fighting were such organizations as the National Parks Association, the Wilderness Society, Wildlife Management Institute, National Audubon Society, General Federation of Women's Clubs, American Nature Association, the Council of Conservationists, the Garden Club of America, and many others, able to knock out Echo Park Dam from the upper Colorado project which McKay's Department sought to build.

Mr. McKay implied that the larger staff and more adequate financing of the national park service program is one of the rewards of his administration. He failed to mention that the Park Service budget for the current fiscal year, authorized by the Democratic 84th Congress, represents an increase of over 40 percent above the funds authorized for such work by the Republican 83d Congress. Also, he did not mention that the authorization is an increase over the recommendations in the administration budget. Why does McKay take credit for congressional action?

In attempting to justify its Al Sarena decision, the Interior Department always returns to the sole defense that its action did not violate any law. Many of this administration's giveaways have been accomplished by steps short of illegality. However, that is a curious defense for a decision, in the exercise of administrative discretion, which—

1. Allowed a private assay 3,000 miles away from Oregon to set aside assays conducted in the West by the Forest Service and Bureau of Land Management.

2. Established a procedure that Dr. Richard E. McArdle, Chief of the Forest Service, testified he had never encountered in 32 years of Government service.

3. Gave Al Sarena patents ostensibly to operate a mine, although in 2 years not a cupful of ore has been mined while the company has logged more than 2 million board-feet of valuable fir and pine timber.

Mr. McKay defends the administration's power partnership program with the statement that "the development of the power resources of the Snake River in the Hells Canyon reach is going forward under private auspices." But what of the 400,000 potential kilowatts and the 3 million acre-feet of flood-control storage lost at Hells Canyon by Secretary McKay's abject surrender of the Hells Canyon damsite to partial development by the Idaho Power Co? If McKay's policies had existed in the 1920's, when Washington Water Power Co., sought to build the little Kettle Falls plant in what was to be the Grand Coulee Reservoir pool, the largest power producer on earth would never have become a reality.

Leading American conservationists have recognized the far-reaching effects of the give-away of the high damsite at Hells Canyon. Loss of storage for power and flood control at Hells Canyon has built up pressure to blockade the scenic Clearwater and Salmon Rivers in an effort to secure alternative reservoir space. No fisheries, wildlife, or recreational values were at stake at Hells Canyon, but now the administration has asked for construction of dams in some of America's finest scenic splendor and a major spawning area for migratory fish.

I would like to cite a paragraph from the statement issued by the Citizens Committee on Natural Resources last month when it called for a reappraisal of McKay's action on Hells Canyon. Dr. Ira N. Gabrielson, distinguished biologist and chairman of the committee, said:

"We are not concerned with the battle between public versus private power interests. But it is apparent that reduction in reservoir capacity at the Hells Canyon site is forcing power and water interests to advocate high dams on the Clearwater River, where a disastrous effect on fish and wildlife resources of national importance will needlessly result."

Here we see the real meaning of the "give-away." When less than the full potential is realized from a natural resource, a chain reaction is created which subtracts from the value of related resources. For that reason, it may be many years before the cumulative deficits from Mr. McKay's backward policies can be fully tabulated.

RICHARD L. NEUBERGER,
*United States Senator from Oregon.*
WASHINGTON.

## KHRUSHCHEV-MALENKOV REPUDIATION OF STALIN

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I have prepared concerning the Khrushchev-Malenkov repudiation of Stalin.

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

STATEMENT BY SENATOR WILEY

Mr. President, throughout the world there is speculation as to the real meaning behind the dramatic blasting of the Stalin myth—the Stalin legend—by Khrushchev, and to a lesser extent by Malenkov, by Soviet satellite bosses and others.

I do not profess to be sure of knowing the genuine answer. But I do feel that these facts are relatively sure:

(a) Khrushchev will no doubt try to use the new pattern of so-called collective leadership as a further sales argument to the neutralist world and to other non-Communist areas. He will try to portray Red Russia's present regime as more reasonable, more attractive, more wholesome, more worthy of widespread support in the so-called zone of peace.

As such, the latest Red propaganda tactics can prove exceedingly dangerous and beguiling to parts of the free world.

(b) The description of Stalin as the mass murderer that he was confirms that every totalitarian regime is really built on clay which can crumble, except for the temporary "mortar and cement" of terror.

The latest developments show the abiding weaknesses inside Red Russia—the tensions (which I had personally previously pointed up in original and revised editions of Senate documents on Tension Inside the Soviet Union).

SOME HOPE FOR GOOD OUT OF PRESENT DEVELOPMENTS

Of course, if the denunciation of the arch-assassin Stalin serves ultimately to encourage the prospect of peace in the world, we shall rejoice.

If it helps in some way genuinely to lessen the tensions between Communist countries and the free world, this in itself will be a boon for humanity.

The world would be delighted too if it augured some brighter tomorrow for the long-suffering Russian people themselves.

"The old order changeth, giving way to the new."

REDS STILL BENT ON WORLD DOMINATION

But let us not be hasty or premature or overoptimistic. "One swallow does not make a summer." And one series of relatively frank speeches does not alter a fundamental dictatorship.

The Russian bear has not suddenly become domesticated. Let us remember that his teeth are as sharp as ever, his claws as dangerous, and his strength no less because he seems to amble amiably along the forest path to whatever goal he has in mind.

If Russian history means anything (and it has been fairly consistent in its expansionist emphasis since the time of Peter the Great) we dare not assume that Khrushchev and company have suddenly lost their taste for power. They have not abandoned Russia's historic drive for warm-water ports, for a stranglehold on Poland, for dominance in the Balkans, for a greater hand in the exploitation of territories of other countries bordering Russia, nor have they lost their capacity to scheme and connive and conspire and plunge other peoples into wars, or to injure or demoralize others to serve their own expansionist aims.

Nor, Mr. President, have they given the slightest indication that they are abandoning international communism and international espionage as weapons of penetration useful in the furtherance of Russia's imperialistic ambitions.

Their leaders openly admit that they are still wedded to Marxist communism. They say they have no intention of dropping it as the basis of their social system nor as a means to their end of world domination.

KEEP FREE WORLD STRONG BY MUTUAL SECURITY

Only the future can disclose the extent to which they will be forced as time goes on, further to modify this system or perhaps someday to give up this goal. It is a goal which we can be sure they will never reach, so long as we remain strong and maintain our friendships overseas, as we shall.

To maintain such free world strength will require sympathetic consideration of the President's mutual security proposals of yesterday, although certainly many controversial points therein will have to be resolved.

Russia today is changing. It is on the brink indeed of vastly accelerated changes.

The old Bolsheviks are dying off. Stalin slaughtered many of them. The attrition of time will take care of the others. A new generation is rising. From it will come the leaders of tomorrow, leaders in whom a strong seed of doubt has now been planted against the infallibility of Soviet leadership.

It may be that competition with the free world will further force modifications yet to be expected. Certainly we have every evidence, thus far, that our own system of free enterprise is infinitely superior in every way to the system of forced labor and planned economy to which the U. S. S. R. is still unfortunately committed.

SUPERIORITY OF FREE WORLD

Here in the free world, as men work at the things they like most to do, and which bring them more of the rewards they seek in life than any other system thus far devised by man, our people enjoy more of liberty, more of happiness, more of the spiritual things of life, more of opportunity for advancement, and greater economic advantages than the Russian people can ever possibly realize under communism—collective leadership or not.

We know that no man or group of men can ever be wise enough, Mr. President, to plan every detail of the lives of the 200 million peoples of diverse origins and languages and habits that make up the U. S. S. R.

Nor, as these millions become educated and are permitted to learn more of the world in which they live, will they be long content to remain subject to the whims and ambitions and terroristic tactics of the dictators at the top, whether called Stalin or Khrushchev or by some other name.

So though we must be vigilantly on guard, we can hope that the changes we are witnessing in Russia today may somehow be the beginning of better things; of more reasonable action—not just on the surface, but genuinely—perhaps the beginnings of sounder judgments by the leaders in the Kremlin, and of increased intercommunication with the rest of the world.

Perhaps the Iron Curtain, as we have known it, has outlived its usefulness in concealing Russia's weaknesses and preparation for war.

The Soviet leaders know that we know what these sources of weakness are. So, too, we know the sources of Mother Russia's strength—the strength of a great and virile and hard-working people who—like men and women everywhere—want all they can get of the better things of life. Being realists, they know, too, that war in the jet-atomic age cannot possibly pay off. And so we may hope that there will be no war, particularly no war of major magnitude in the foreseeable future.

WISDOM OF PRESIDENT EISENHOWER AND SECRETARY DULLES

Meanwhile, whatever the future may hold, we have peace today.

We have peace, thanks to the great and wise leadership of Dwight D. Eisenhower and the able implementation by Secretary of State John Foster Dulles. Incidentally, we see anew the wisdom of Secretary Dulles in perceiving the impact on Red Russia of American diplomatic successes and the impact of our spiritual strength brought to bear against her.

MEN OF GOOD WILL CAN RESOLVE CONFLICTS

Meanwhile, too, we are, of course, living in a new revolutionary age. The whole world is changing. Colonialism is forced to give way to nationalism, because it failed to give colonial peoples what they wanted and what they think they can get through their own efforts and under their own systems of self-rule.

New forces are arising. Ancient civilizations are reaching for a renaissance under the impact of rapid communication and the availability of modern tools and methods with which to build for the future.

There are obviously conflicts in many areas of the world. There are problems everywhere—even in our own country.

But there are definitely no conflicts and no problems, Mr. President, that cannot be resolved by men of good will.

Let us pray that they will be resolved—in Russia, in the Middle East, in Africa, in Asia—in such an atmosphere. They cannot be solved by war. They can be and must be worked out in peace—not the phony peace of a Soviet graveyard zone, but the living peace of free men.

This is the great lesson we all have to learn today. And this must be our message to the world.

This is the essence of our partnership with the free peoples of the world. Humanity, helpfulness, regard for the rights of others, and the sharing of ideas as well as of our great abundance: These are the roads to peace. And peace, in turn, points the way to happiness and the security that all men seek.

RED BEASTS STILL ON PROWL

The death of the Stalin myth may contribute to this goal. But the Communist leopard has not changed its spots. And in the jungle of world communism, the hungry Soviet bear is still on the prowl for the weak and the unwary.

## BOOKER T. WASHINGTON NATIONAL MONUMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the present consideration of Calendar No. 1718, H. R 6904, to provide for the establishment of the Booker T. Washington National Monument. The bill has been cleared on both sides of the aisle. The dedication ceremony has been set for early in April, and we would like to get action on it promptly.

The ACTING PRESIDENT pro tempore. The secretary will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6904) to provide for the establishment of the Booker T. Washington National Monument.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the purpose of H. R. 6904 is to establish the Booker T. Washington National Monument. This monument would be a public national memorial for Booker T. Washington, often referred to as the Moses of his race, and the only American who has ever made the long journey from a slave cabin to the Hall of Fame. It would serve not only as a recognition of his great contributions to America, but also as an inspiration to present and future generations of Americans.

I ask unanimous consent to have the committee report accompanying H. R. 6904 printed in the RECORD at this point in my remarks.

There being no objection, the report (No. 1692) was ordered to be printed in the RECORD, as follows:

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 6904) to provide for the establishment of the Booker T. Washington National Monument, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The committee concurs in the excellent report submitted in connection with this bill by the committee of the House of Representatives the pertinent portions of which are set forth below.

PURPOSE OF THE BILL

The purpose of H. R. 6904 is to establish the Booker T. Washington National Monument. This monument would be a public national memorial to Booker Taliaferro Washington (1856–1915), often referred to as the Moses of his race and the only American who has ever made the long journey from a slave cabin to the Hall of Fame. It would serve not only in recognition of his great contributions to America but also as an inspiration to present and future generations of Americans.

The site of the proposed national monument would be the old plantation in Franklin County, Va., where Booker T. Washington was born a slave and where he spent his early boyhood days until freed from slavery by the Emancipation Proclamation.

The measure, if enacted, would require the Secretary of the Interior to maintain and preserve the monument in a "* * * suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States." The Secretary would be authorized to establish on the monument grounds a museum of relics and records of Booker T. Washington and for other articles of national and patriotic interest; to provide for public parks and recreational areas, construct roads, and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the monument.

The bill would authorize an appropriation of $200,000 for such purpose.

EXPLANATION OF THE BILL

The establishment of the Booker T. Washington National Monument at his birthplace in Franklin County, Va., would be of great national significance to millions of Americans. The committee notes that a few years ago a national monument was created at the birthplace of George Washington Carver, who served under Booker T. Washington at Tuskegee Institute and who also won the acclaim of the American people for the great contributions he made to his country.

The integrity of the site of the birthplace and early boyhood of Booker T. Washington is beyond question; the site is available; it is easily accessible to many millions of Americans; and it is readily adaptable to the development of a living monument which would inspire those who would walk within its boundaries.

*National significance*

Booker T. Washington dedicated his life to teaching millions of people the glory and dignity of work well done; to creating and sponsoring programs for the progress of his people; and to furthering national movements for public health, social welfare, and interracial and intersectional harmony. It is said of him that "He lifted the veil of ignorance from his people and pointed the way to progress through education and industry." Dr. Charles Eliot, president of Harvard University, summed up the character of Booker T. Washington in these words: "Teacher, wise helper of his race, a good servant of God and his country."

Booker T. Washington's life and work was monumental. He left a deep imprint on life in America and his influence will be felt far into posterity. A national monument to Booker T. Washington at his birthplace in Virginia would be a deserved and fitting tribute to his accomplishments and his teachings.

*Integrity of the site*

Booker T. Washington was born in a slave cabin April 5, 1856, on the plantation of James S. Burroughs, his owner prior to emancipation. He lived on this plantation until he was emancipated in April 1865.

A few years ago a log cabin, reconstructed in accordance with plans prepared by the Virginia Fine Arts Commission, was placed on the foundations of the cabin in which Booker T. Washington lived. It is said that other slave quarters can be located by the foundations of the cabins. A description of this cabin and life on the plantation is given by Booker T. Washington in his autobiography, Up From Slavery.

The Burroughs family house was destroyed by fire in 1951. The foundations remain.

An old cemetery of the Burroughs family is on the site. It is said to contain the grave of "Marse Billy," one of Booker T. Washington's young masters who was killed in the Civil War and whom he mentions in his book, Up From Slavery.

Also on the plantation site is the Booker T. Washington Birthplace Post Office, established in 1948.

*Availability of the site*

The central portion of the plantation tract, on which are located the reconstructed birthplace cabin, foundations of other slave quarters, and the Burroughs house, and the cemetery, contains 165 acres. A modern, 2-story brick building, said to have cost in the neighborhood of $40,000, a 2-story frame dwelling, and a converted old barn (Tuck Industrial Hall) are on this plantation tract. A two-lane driveway, constructed with funds appropriated by the State of Virginia, provides access to the site.

The plantation tract described above is owned by the Booker T. Washington National Monument Foundation, a nonprofit corporation chartered and existing under the laws of the Commonwealth of Virginia. This foundation, in furtherance of its aims to obtain a national monument to Booker T. Washington at his birthplace in Virginia, has indicated its complete willingness to convey all its title and interest in the plantation tract and buildings and improvements thereon as described above on payment of the outstanding indebtedness against the property, which amounts to approximately $17,000.

It is reported that the Commonwealth of Virginia, as an indication of its pride in the accomplishments of Booker T. Washington, has included the sum of $17,000 in its budget for 1956 for the purpose of purchasing the plantation tract described above with the intent of presenting the birthplace site to the United States Government for the establishment of a Booker T. Washington National Monument to serve as a symbol of the opportunities which America offers to all its people. The committee commends the Commonwealth of Virginia for this splendid gesture.

*Accessibility of the site*

The birthplace of Booker T. Washington in Franklin County, Va., is near the center of one of the most populous sections of the country. It is estimated that more than 100 million people in 23 States live within 750 miles of his birthplace and that more than 87 million live within a 500-mile radius. It is estimated that approximately 32 million tourists visit the many points of interest in Virginia annually.

Booker T. Washington's birthplace is 225 miles from Washington, D. C., 165 miles from Richmond, 53 miles from Lynchburg, and 16 miles from Rocky Mount, Va. It is a short distance from the Shenandoah Valley and only 43 miles from the Skyline Drive of the Blue Ridge Parkway by way of the Booker T. Washington Memorial Highway which passes by his birthplace.

The committee feels that placing the Booker T. Washington National Monument at his birthplace in Franklin County, Va., would make it accessible to the largest possible number of our own citizens and visitors from foreign lands.

*Adaptability of the site to development*

The plantation on which Booker T. Washington was born and spent the first 9 years of his life is in an agrcultural area in the foothills of the Blue Ridge Mountains of Virginia. The whole area is said to be practically in the same condition as it was when Booker T. Washington left it and went to Malden, W. Va.

"A most fitting monument to Booker T. Washington—one that would be highly adaptable to the site of his birth and early boyhood days, as well as one which would provide the greatest human interest and inspirational values—would be one which would include a restoration of the original plantation setting to depict his humble beginnings, together with a museum that would record the progress of the Negro in America from the time of his coming to these shores as a slave, with exhibits of the achievements of the race in industry, commerce, education, the arts, sciences, and literature, and in other fields of endeavor, thus preserving for posterity the evidence of the contributions of his race to the history and development of our country. The committee notes that this type of monument to Booker T. Washington, located at his birthplace, probably would come closer than anything else to filling a real need long felt in the hearts of millions of Americans and so eloquently expressed by Booker T. Washington in 1899 when he wrote in his book, The Future of the American Negro:

"I wish to say that it [my race] may have reasonable pride in all that is honorable to its history * * *. We have reached a period when educated Negroes should give more attention to the history of their race, and in collecting in some museum the relics that mark its progress. It is true of all races of culture and refinement and civilization that they have gathered in some place, the relics which mark the progress of their civilization, which show how they have lived from period to period. We should have so much pride that we would spend more time in looking into the history of the race * * * in perpetuating in some durable form its achievements, so that from year to year, instead of looking back with regret, we can point to our children the rough path through which we grew strong and great."

The committee concludes that no site other than his birthplace in the foothills of the Blue Ridge Mountains of Virginia would be as adaptable to an appropriate national monument to Booker T. Washington.

SUPPORT FOR H. R. 6904

The committee calls attention to various groups and individuals supporting this legislation as follows:

The American Teachers Association, with its 20,000 members who are representative of the 75,000 teachers who instruct and administer the affairs in all Negro schools throughout the country.

The National Baptist Convention of America with more than 2 million members.

The National Baptist Convention, U. S. A., Inc., with more than 4,500,000 members.

The Improved Benevolent and Protective Order of the Elks of the World, with more than 500,000 members.

Booker T. Washington National Monument Foundation, Sidney J. Phillips, president; George S. Schuyler, editor, Pittsburgh Courier; G. Lake Ines, retired secretary, Tuskegee Institute (45 years of his life identified with Booker T. Washington and Tuskegee Institute).

In addition to the above, letters received by the Booker T. Washington National Monument Foundation from about three-fourths of the Members of Congress indicate that the majority are in favor of this legislation, while others were noncommittal at the time of writing.

DEPARTMENTAL REPORT

The Department of the Interior has submitted an adverse report on the bill. In this instance, the Department has chosen to follow the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

The Advisory Board feels that "while Booker T. Washington, the man, is an impressive national figure, the birth site is not equally impressive." The Department reports that the Board feels "* * * that the achievements of Booker T. Washintgon are worthy of national recognition and should be appropriately memorialized." In its view, "the place of such memorialization is at Tuskegee Institute, Alabama."

The committee feels that the National Park Service has shown little interest in establishing a national monument to Booker T. Washington, whether at his birthplace, at Tuskegee Institute, or elsewhere. The only witness sent by the Park Service to testify at the hearings affirmed that the Service had made no plans for the establishment of a national monument to Booker T. Washington.

The committee also feels that the Advisory Board lost sight of fundamental human values in arriving at its conclusions. Beyond this, the Board's reluctance to consider birthplace sites because "* * * today more and more persons are born in hospitals, they are not born in homes," as reported by the historian for the National Park Service, is less than persuasive, if germane.

During the hearings on the bill, it was pointed out by Dr. G. Lake Ines, who spent 45 years at Tuskegee Institute, that "As a memorial, Tuskegee Institute is complete in itself. No single monument or building on that campus could add anything to the glory of that achievement. Rather, it would be dwarfed by the magnitude of his own creation."

It is pointed out that the work and influence of Booker T. Washington was not confined to the school which he established in Alabama. He traveled extensively in all parts of the country in his endeavors and served his country at large.

Attention also is called to the fact that Tuskegee Institute is a private institution directly serving the educational needs of a few. Whether or not millions of Americans lacking the advantages of an adequate education would be reluctant to journey to the campus of an educational institution of higher learning where they might feel out of place, is a further consideration.

In view of the above, the committee is compelled to disagree with the conclusions of the Department of the Interior and the Advisory Board.

The recommendations of Booker T. Washington, as quoted in the foregoing under the heading "Adaptability of the site to development," brings to mind the phrase that a man's achievements are to be measured not so much by the heights to which he has attained, as by the depths from which he came. The committee feels that no other place in America could so well provide the base for that measurement in the case of Booker T. Washington than the place where he was born and lived in the days of his early childhood.

The committee urges the enactment of H. R. 6904. It is hoped that this legislation establishing the Booker T. Washington National Monument at his birthplace in Franklin County, Va., will be enacted in time for the celebration of the 100th anniversary of the birth of Booker T. Washington.

The Department's report is set forth following:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D. C. February 2, 1956.*

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: Your committee has requested a report on H. R. 6904, a bill to provide for the establishment of the Booker T. Washington National Monument. This proposed legislation would authorize the Secretary of the Interior to acquire the property located at Booker Washington Birthplace, Virginia, as a public national memorial to Booker T. Washington, noted Negro educator and apostle of good will. The proposed area would constitute the Booker T. Washington National Monument. The bill would authorize the appropriation of not to exceed $200,000 for purposes thereof.

We recommend that H. R. 6904 be not enacted.

The Booker T. Washington Birthplace Memorial is located in Franklin County, Va., 16 miles northeast of Rocky Mount. The 537.2-acre tract constituting the memorial consists of the plantation of Booker's owner prior to emancipation, James S. Burroughs (a central 207-acre tract, the eastern boundary of which cannot today be determined with exactitude), and land adjoining north and south of State Highway 122. On the plantation tract, there are, principally, a reconstructed birthplace cabin, 1 modern brick 2-story building serving as post office and administration center, the foundation of another building, a converted old barn (Tuck Industrial Hall), and a 2-story frame dwelling used as a residence for the president of the memorial.

There can be very little doubt that the central part of the birthplace memorial property is the birth site and early childhood home of Booker T. Washington, American educator and Negro leader. According to the Burroughs family Bible, Booker T. Washington was born (presumably on the plantation) April 5, 1856. On this site in Franklin County, Booker lived with his mother until emancipated in April 1865. He did not return until 1908, when, sentimentally, he sought out his birthplace.

As is well known, Booker T. Washington was the founder of the Tuskegee Normal and Industrial Institute and achieved international fame as a Negro leader, educator, speaker, and writer. At the time of his death in 1915, he was one of the best known Negro leaders in America.

This proposed legislation has been considered by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, which Board was established by the Congress to render advice in matters of this kind. The Advisory Board has considered this matter on two separate occasions. Following its first meeting on the subject, which was held on March 22, 1954, the Board approved the following resolution:

"The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments having considered the proposal that the Booker T. Washington birthplace be included in the national park system, resolves that while Booker T. Washington, the man, is an impressive national figure, the birth site is not equally impressive, since it is largely devoid of original structures or object remains associated with him. It is also lacking in outstanding potentialities for recreational development were the area to be included in the national park system on recreational grounds. The Board greatly appreciates the value of the work that the Booker T. Washington Memorial is doing and commends it for preserving a spot which was dear to Booker T. Washington."

At a subsequent meeting, held on September 7–9, 1955, the Board reaffirmed its earlier view that the achievements of Booker T. Washington are worthy of national recognition and should be appropriately memorialized. The Board stated, however, its view that the place for such memorialization is at Tuskegee Institute, Ala., where he made his greatest contributions to American life. The Board concluded that, since none of the original buildings remained at the birthplace, no expenditure of Federal funds was justified at that site.

In the circumstances, we conclude that, based upon the several recommendations of the Board and other information of record, the Booker T. Washington birthplace site does not measure up to the criteria or standards that have been adopted for the purpose of determining whether historic landmarks, structures, or other objects of historic or scientific interest warrant recognition as national monuments. It is felt also that the area lacks the scenic and topographic appeal of a recreational park. Because of its remoteness from urban areas, its potentiality as a day-use recreational area is limited. It follows that this site does not qualify for admission to the national park system.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

CHRONOLOGY OF EVENTS IN THE LIFE OF BOOKER T. WASHINGTON

A condensed record of certain important events and accomplishments in the life of Booker T. Washington is set forth below. The significance of many of these far-reaching events and accomplishments are not conveyed by their titles.

*Condensed record of some events and accomplishments in the life of Booker T. Washington, from a chronoloy filed with the committee*

Born a slave on the James Burroughs plantation, April 5, 1856, in Franklin County, Va.

Moved with mother Jane Ferguson, brother John, and sister Amanda to new home in Malden, W. Va., in 1865, after being freed from slavery.

Worked as houseboy in the family of Mrs. Viola Ruffner, wife of Gen. Lewis Ruffner, at $6 per month.

Gained entrance to Hampton Institute in 1872 by cleaning a room which he swept and dusted three times as his examination. Miss Mackie, the lady principal, inspected his work with a white handkerchief to reveal any dust or dirt. Graduated from Hampton Institute in 1875.

Accepted invitation to principalship of a proposed training school for Negro teachers at Tuskegee, June 15, 1881, authorized by State Legislature of Alabama with appropriation of $2,000 for salaries. Opened Tuskegee Normal School July 4 with 30 students in Butler's Chapel, A. M. E. Z. Church, which has since grown to become the most famous school for Negroes in the world.

In 1890, organized Annual Farmers' Conference which helps to raise the standards of rural life in the South.

Pleaded with a congressional committee for a large Federal grant-in-aid in support of the Atlantic Cotton States Exposition held in 1895.

Delivered famous Atlanta Exposition Address, 1895, which was the first of many notable speeches such as: Peace Jubilee in Chicago; Jamestown Exposition in 1907; Fourth American Peace Congress, 1913; National Educational Association, and many others.

He was the recipient of many honorary degrees from such outstanding institutions as Harvard University, Dartmouth College, Wilberforce and Howard University.

Invited Dr. George Washington Carver to join agricultural staff at Tuskegee in 1896.

Wrote over 40 books, among them Up From Slavery, an autobiography, in 1900, which has become world famous. His other works dealt with the school and his activities in behalf of people.

Organized the Anna T. Jeanes Foundation in 1907 in cooperation with Dr. H. O. Frissell of Hampton Institute.

Interested the United States Government in Liberia and was appointed to United States commission by President Theodore Roosevelt.

Cooperated with Mr. John D. Rockefeller in the establishment of the General Education Board in 1910.

Cooperated in the establishment of the Phelps-Stokes Fund and Carnegie Foundation in 1911.

Influenced the establishment of first Rosenwald School built at Notasulga, Ala., which finally grew to 5,000 schools in 1,000 counties in the South at a cost of $21 million, employing 1,500 teachers, with student bodies of 750,000 annually.

In 1900 founded National Negro Business League.

Founded National Negro Health Week in 1914.

Established Baldwin Farms colony in Macon County, Ala., in 1914.

Last public address was before the American Missionary Association and National Council on Congregational Churches in New Haven, Conn., in 1915.

Gave last Sunday evening talk to teachers and students in the institute chapel October 17, 1915, his subject, Team Work. He died November 14, 1915, at Tuskegee Institute and is buried on the campus.

CONCLUSION

Past Congresses or past Executive orders have brought into being more than 180 units of the National Park Service.

The coming into being of national park, national monument, national historic sites, and related Park Service units assumes existence of what might be called a "yardstick of eligibility" of the physical area thus set aside.

Similarly, the committee believes that the individuals or groups of individuals commemorated through bringing into being numerous national park units for that purpose assumes application of a "yardstick of greatness."

Having in mind these two assumptions, and notwithstanding the position of the National Park Service and its Advisory Board, the committee has concluded that Booker T. Washington, the man, measures up fully to any yardstick of greatness which might be applied. The Booker T. Washington birthplace, as a physical area so intimately associated with the man, qualifies when measured by our historic yardstick of eligibility.

While this committee concurs in the conclusions reached by the House committee, we wish here to set forth a special conclusion. It is the unanimous feeling of the committee that every effort should be made by the National Park Service to develop newly created monuments and memorials in a manner that will entail no excessive annual maintenance costs. The committee suggests, therefore, that in developing the Booker T. Washington National Monument, the National Park Service attempt to concentrate its efforts in this particular area to a fitting treatment of the central features of the tract to be donated by the State of Virginia, rather than attempt to reconstruct the original plantation theme by fully developing the entire tract. The willingness of the National Park Service to follow this suggestion of

the committee's is expressed in the communication set forth below:

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
*Washington, D. C., March 16, 1956.*

Hon. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.*

MY DEAR SENATOR MURRAY: Director Wirth has asked me to reply to your letter of March 14, concerning H. R. 6904, to establish the Booker T. Washington National Monument. It is our understanding that statements were made during hearings on the bill that the central portion of the lands, amounting to about 165 acres, would be donated to the Government by the State of Virginia, and your letter confirms this. We are of the opinion that this acreage, and perhaps even less, would be adequate for a proper development. We believe that this area can be appropriately treated to commemorate the achievements of Booker T. Washington without reconstructing the plantation setting with all of its buildings, fields, and appurtenances, and the expensive maintenance that such construction and program would entail.

If the essential lands are to be donated, as you state, the $200,000 authorized by the bill would appear to be adequate to provide a fitting memorial treatment in the central portion and, at the same time, provide the basic facilities needed by visitors to the memorial area.

Sincerely yours,
E. T. SCOYEN, *Acting Director.*

The committee also considered a companion measure, S. 2553, which was introduced by Senator THYE. Reports received on that bill from the Department of the Interior and the Bureau of the Budget are set forth below and made a part of this report:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D. C., February 2, 1956.*

Hon. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.*

MY DEAR SENATOR MURRAY: Your committee has requested a report on S. 2553, a bill to provide for the establishment of the Booker T. Washington National Monument. This proposed legislation would authorize the Secretary of the Interior to acquire the property located at Booker Washington Birthplace, Virginia, as a public national memorial to Booker T. Washington, noted Negro educator and apostle of good will. The proposed area would constitute the Booker T. Washington National Monument. The bill would authorize the appropriation of not to exceed $200,000 for purposes thereof.

We recommend that S. 2553 be not enacted.

The Booker T. Washington Birthplace Memorial is located in Franklin County, Va., 16 miles northeast of Rocky Mount. The 537.2-acre tract constituting the memorial consists of the plantation of Booker's owner prior to emancipation, James S. Burroughs (a central 207-acre tract, the eastern boundary of which cannot today be determined with exactitude), and land adjoining north and south of State Highway 122. On the plantation tract there are principally a reconstructed birthplace cabin, 1 modern brick 2-story building serving as post office and administration center, the foundation of another building, a converted old barn (Tuck Industrial Hall), and a 2-story frame dwelling used as a residence for the president of the memorial.

There can be very little doubt that the central part of the birthplace memorial property is the birth site and early childhood home of Booker T. Washington, American educator and Negro leader. According to the Burroughs family Bible, Booker T. Washington was born (presumably on the plantation), April 5, 1856. On this site in Franklin County, Booker lived with his mother until emancipated in April 1865. He did not return until 1908, when, sentimentally, he sought out his birthplace.

As is well known, Booker T. Washington was the founder of the Tuskegee Normal and Industrial Institute, and achieved international fame as a Negro leader, educator, speaker, and writer. At the time of his death in 1915, he was one of the best known Negro leaders in America.

This proposed legislation has been considered by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, which Board was established by the Congress to render advice in matters of this kind. The Advisory Board has considered this matter on two separate occasions. Following its first meeting on the subject, which was held on March 22, 1954, the Board approved the following resolution:

"The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, having considered the proposal that the Booker T. Washington birthplace be included in the national park system, resolves that while Booker T. Washington, the man, is an impressive national figure, the birth site is not equally impressive, since it is largely devoid of original structures or object remains associated with him. It is also lacking in outstanding potentialities for recreational development were the area to be included in the national park system on recreational grounds. The Board greatly appreciates the value of the work that the Booker T. Washington Memorial is doing and commends it for preserving a spot which was dear to Booker T. Washington."

At a subsequent meeting, held on September 7–9, 1955, the Board reaffirmed its earlier view that the achievements of Booker T. Washington are worthy of national recognition and should be appropriately memorialized. The Board stated, however, its view that "the place for such memorialization is at Tuskegee Institute, Ala., where he made his greatest contributions to American life." The Board concluded that, since none of the original buildings remained at the birthplace, no expenditure of Federal funds was justified at that site.

In the circumstances, we conclude that, based upon the several recommendations of the Board and other information of record, the Booker T. Washington birthplace site does not measure up to the criteria or standards that have been adopted for the purpose of determining whether historic landmarks, structures, or other objects of historic or scientific interest warrant recognition as national monuments. It is felt also that the area lacks the scenic and topographic appeal of a recreational park. Because of its remoteness from urban areas, its potentiality as a day-use recreational area is limited. It follows that this site does not qualify for admission to the national park system.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,
WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

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EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D. C. February 1, 1956.*

Hon. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs, United States, Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 2553, a bill to provide for the establishment of the Booker T. Washington National Monument.

The Department of the Interior informs us that the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has considered this matter on two separate occasions and advised against designating the site as a national monument. While recognizing Booker T. Washington as an impressive national figure, the Board noted that the site of his birth is largely devoid of structures or objects associated with him. It also noted that the site is lacking in outstanding recreational values that might justify its inclusion in the national park system on recreational grounds.

This Bureau agrees with the findings of the Board that expenditure of Federal funds is not justified at this site and accordingly recommends against enactment of S. 2553.

Sincerely yours,
PERCY RAPPAPORT,
*Assistant Director.*

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

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

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## OIL LEASES ON WILDLIFE REFUGES

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a letter from Representative HENRY S. REUSS, of Wisconsin, which appeared in the Washington Post and Times Herald on Saturday, March 17, 1956, on the subject of the oil leases which have been granted on wildlife refuges under this administration.

Mr. REUSS wrote in answer to a long letter to the Post from Secretary of the Interior Douglas McKay, which sought to defend his Department's sorry record on conservation and natural resources under the Eisenhower administration. A major portion of that defense was devoted to the question of oil drilling on areas of federally owned lands which have been set aside for wildlife refuges. The Department has pointed with pride to a so-called "stop order" which it put into effect while drafting new regulations governing such oil drilling.

But Representative REUSS' letter points out that "in the 28 months between August 23, 1953, and December 1955, while the stop order remained in effect, Mr. McKay's Department proceeded to grant 566 oil leases in the wildlife refuges" and game management areas, while only a total of 11 oil leases had been granted in wildlife refuges in the preceding 33 years.

In other words, Mr. President, preceding Secretaries of the Interior, Republicans and Democrats, had granted 1 oil lease on a wildlife refuge in every 3 years—but Secretary McKay granted them on the average of 1 in every working day.

Mr. President, just the other day we had the news that one of the dwindling band of the last surviving whooping cranes has died, and that only 13 couples of these birds now remain.

I also ask unanimous consent to include at the end of my remarks an editorial in the Washington Post and Times Herald of March 17, 1956, on this event, which so dramatizes the significance of our efforts to preserve wildlife and fowl in our country; and I am sure that everyone concerned about these efforts will read with interest Congressman REUSS' discussion of the policies of the Eisen-

hower administration, under Secretary McKay, toward oil and wildlife.

Without objection, the letter to the editor and editorial were ordered to be printed in the RECORD, as follows:

RAIDING THE WILDLIFE REFUGES

In his letter to you of March 10, Secretary of the Interior Douglas McKay complains that he is falsely accused of giveaways by Prof. Seymour E. Harris of Harvard. Secretary McKay charges that "Dr. Harris fails to cite a single policy or action by the Eisenhower administration to support his allegation that the Republicans are not preserving natural resources for all the people."

The only reason we have any waterfowl left is because the Department of the Interior over the years has been willing to outlaw the market hunters, the duck baiters, and the other predatory groups which have been intent on making ducks and geese go the way of passenger pigeon. Prior to Mr. McKay's administration, the department had always rigorously enforced the ban on shooting migratory waterfowl that have been lured into gun range by corn, wheat, or other bait.

During the administration of Fish and Wildlife Director Albert Day, from 1946 to 1952, anyone found feeding or baiting ducks as close as 200 yards to the guns was promptly arrested and prosecuted. One of Mr. McKay's first actions after he came to power in 1953 was to remove the office of Fish and Wildlife Service Director from the protection of civil service, then to remove Mr. Day, and instead appoint the present Fish and Wildlife Director, Mr. John L. Farley.

Former Under Secretary of the Interior Ralph A. Tudor tells the story of the replacement of Mr. Day by Mr. Farley in an article in the Saturday Evening Post for November 27, 1954:

"Even before I left for the Capital to take on the new job, my friends in the banking business were telling me that I must 'do something about the Fish and Wildlife Service.' Complaints about Fish and Wildlife continued to reach me at my desk in Washington, and 90 percent of them were from bankers. This puzzled me at first, for it would seem more logical for unhappy bankers to be writing the Secretary of the Treasury. It turned out, however, that apparently every banker on the west coast is a duck hunter. Fish and Wildlife has a rough job, for among its many duties it must tell people when and how long they can hunt and how many ducks they can take—and evidently it is impossible to satisfy a duck hunter.

"I turned the tables on the complainants in this instance by making them talent scouts. My reply to them was that the best way to start improving the Fish and Wildlife Service was to get the man available to head it—and had they any suggestions? The upshot was that they had, and that is how John L. Farley, ardent fisherman, former schoolteacher, businessman, and one-time executive officer of the California Fish and Game Department, came to head the Fish and Wildlife Service."

Under Mr. McKay's administration, violations of the Federal antibaiting regulations have been winked at on a wholesale basis. For the past 3 seasons hunting clubs in California have been allowed to feed and bait ducks as close as 200 yards to the blinds with impunity. In the 1954 season, for example, there was not a single prosecution in the length and breadth of California for violation of the Federal antibaiting regulation.

The public outcry against Mr. McKay's giveaway of our waterfowl resources to the California financial interests may shortly be producing results. According to a report in the Milwaukee Journal for March 5, 1956, of the National Wildlife Federation Conference:

"The nationwide furor among duck hunters over the feeding of ducks during the hunting season on California's licensed shooting preserves may end the practice, Harley Knox, president of the California Fish and Game Commission told the National Waterfowl Flyway Council here Sunday.

"Knox said that he thought the feeding allowed in his State was, in fact, baiting ducks to guns, contrary to Federal regulations.

"'I'm afraid I'm in the minority on the commission,' he added, 'but I do feel that we may abandon the practice so as to be of no further embarrassment to Mr. Farley's office.'"

Having turned migratory waterfowl over to the game-hog pressure groups, there was left to Mr. McKay the problem of the wildlife refuges themselves. Since 1920, the oil companies have been interested in exploiting the Nation's 264 wildlife refuges. Under the administration of courageous Secretaries of Interior like Republican Ray Lyman Wilber and Democrat Harold L. Ickes, the oil companies, with their derricks, their pollution, and their commotion, have been effectively kept out of the wildlife refuges. From 1920 to 1953, only 11 oil leases were granted—1 lease every 3 years.

Then came Mr. McKay. The Department of the Interior, proclaiming that it wanted to "tighten up" the policy on granting oil leases, issued a stop order on August 31, 1953, announcing that it intended to "suspend action on all pending oil and gas lease offers and applications." Then, in the 28 months between August 1953, and December 1955, while the stop order remained in effect, Mr. McKay's Department proceeded to grant 566 oil leases in the wildlife refuges.

Mr. McKay in his letter to you claims that the new regulations, adopted by the Department in December 1955, adequately protect the wildlife refuges against exploitation by the oil companies. I wouldn't know. What is clear, however, is that issuing of the regulations in December 1955, is like locking the stable after the horse has been stolen. Whereas, prior to Mr. McKay, one oil lease was issued on the average every 3 years, under Mr. McKay one oil lease has been issued on the average every working day.

If letting the California financial interests bait migratory waterfowl, in square violation of the antibaiting regulation, and letting the oil companies get 566 oil leases in the wildlife refuges, in square violation of the "no leasing" stop order, aren't giveaways, I wish Mr. McKay would tell us what is.

HENRY S. REUSS,
*Member of Congress from Wisconsin.*
WASHINGTON.

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[From the Washington Post and Times Herald of March 17, 1956]

DARWINIAN DIRGE

Well, it looks as though National Wildlife Week got off to a rather unfortunate start. Down at Austwell, Tex., one of the last surviving whooping cranes has been reported AWOL since January, and is now presumed dead. That presumption, if verified, would leave only 27 whooping cranes left in all this wide, wide world, or for reproductive purposes—which is really what matters—only 13 pairs.

The whooping crane is strictly a piscivorous and herbivorous creature, and in all its biological history has probably never done harm to any human being, although human beings seem to have done a good deal to it, especially by destroying, in their obsession with progress, most of its feeding and breeding places. One trouble, apparently, is that the whooping crane cannot adapt its way of life, as some other species, including our own, have been able to do, to suit altered conditions. Thus it has been gradually falling behind in the grim evolutionary race for survival, in which, it would appear that cockroaches and some other equally unpleasant fauna are the now odds-on favorites. Or, to paraphrase Mr. Leo Durocher, nice things finish soonest.

## THE ELECTORAL COLLEGE

Mr. PAYNE. Mr. President, I ask unanimous consent that an editorial from the Portland (Maine) Evening Express of March 15, 1956, discussing electoral college reform which is the subject of Senate Joint Resolution 31, the unfinished business of the Senate, may be printed in the body of the RECORD.

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

TIME TO BURY THE ELECTORAL COLLEGE

The presidential election system suffers from a dangerously inflamed appendix. It is known as the electoral college and the sooner it is cut out the healthier will be the body politic.

The trouble with the electoral college system is that it prevents millions of people from having a say in the selection of Presidents and Vice Presidents. New York State, for instance, has 45 electoral votes, but the candidate who carries New York by, say, 55 percent of the popular vote, receives all of the 45 electoral votes under the present system. So 45 percent of the State's voters are effectively disfranchised. Obviously this isn't fair.

Congress has talked for years about submitting this useless vestige of yesterday to surgery but not until this year has there been much real hope for action. This year a number of plans for reform have been discussed in Washington and if the various factions who agree in principle that it is time to bury the electoral college can also agree on details we may get some action.

Democratic Senators DANIEL, of Texas, and KEFAUVER, of Tennessee, have cleared for debate a proposed constitutional amendment which would split the electoral vote of each State in exact mathematical relationship to the popular vote, including decimals. The Daniel-Kefauver plan was favorably reported by the Senate Judiciary Committee in May of last year but got nowhere after that.

The other proposal which has attracted wide support is that of 2 Republicans, Senator MUNDT and Representative FREDERIC COUDERT, JR., of New York. This would retain the electoral college, entitling each State to a number of electors equal to its delegation in Congress. The electors of a State would be chosen, however, "in the same manner in which its Senators and Representatives are nominated and elected."

In other words, the candidates for President and Vice President who won statewide pluralities would get as many electors as the State had Senators and Representatives at Large. After that the national candidates with a plurality in each congressional district would get the elector from that district.

Senator MUNDT is agreeable to stipulating that the Daniel-Kefauver plan would not go into effect unless a State specifically chose the Mundt-Coudert plan. Such a compromise would appear to favor the first plan, but MUNDT is so sure of the superiority of his plan that he feels most or all States would choose it.

Still other plans have been suggested, some more complicated than these two, some less. Senator HUMPHREY, of Minnesota, put forward at the 1955 session a constitutional amendment for direct election of the President and Vice President by popular vote. HUMPHREY also cosponsored the Daniel-Kefauver plan and at this session produced still another which would split 435 electoral votes according to the popular vote on a nationwide basis with 96 electoral votes—2 per State—to be determined by the vote within the State.

Chief trouble with the Mundt-Coudert plan is that it is unnecessarily complicated, would be unnecessarily expensive, and would not require full participation by all States. The Daniel-Kefauver approach is best because it is simple and, by splitting the elec-

toral vote in exact mathematical relationship to the popular vote, would accomplish the desired end of giving every voter a voice.

Now that most top political leaders agree that the electoral college is outmoded there is greater hope than ever that it can be given a swift and decent burial. Any amendment passed by the Senate and House would still have to be ratified by the legislatures of 36 States to become effective but if the Congress will show some intelligent and persuasive leadership we think the States would be convinced of a need for a change.

## THE MUTUAL AID PROGRAM

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the text of a statement I issued yesterday relative to foreign aid legislation.

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

STATEMENT BY SENATOR KNOWLAND

Congress will adequately support the continuation of the mutual aid program to those nations doing their utmost to help themselves.

Except as to specific public works projects that may be presented to and approved by Congress, I do not look with favor upon commitments for 10 years or other long-term periods for foreign economic aid.

Our budget is not yet balanced. Our national debt is over $280 billion. Our individual citizens and our free-enterprise system are carrying heavy tax burdens.

For the economic development of countries in need of capital funds for new or enlarged industrial plants they should look primarily to private investment rather than government-to-government grants and loans.

These countries should create an economic climate that would attract rather than repel such investment.

This will not be accomplished if their tax laws, government-owned competition, or threat of confiscation of private property without just compensation discourages such private investment.

As part of its responsibility as a coordinate branch of the Government, Congress has the duty to carefully consider the proposals of the President and to fully inquire into the programs already under way and those now in contemplation.

## HUNGARIAN INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, I should like to call the attention of the Senate to the fact that March 15 was the anniversary of the Hungarian Revolution of 1848.

On that day in 1848, the youth of Hungary revolted in Budapest to enforce their demands for representative government and the elimination of authoritarian abuses, including the imposition of censorship. On the same day, Alexander Petofi, leader of the Hungarian youth movement and a well-known poet, circulated a stirring revolutionary poem destined to become the Marseillaise of Hungarian liberty. Initially the revolution was bloodless, as the Emperor accepted the demands of the people of Hungary and appointed the first Cabinet responsible to the National Legislature. However, the Austrian armies invaded Hungary in the fall of 1848, where they were repulsed by Hungarian forces. In the summer of the next year, the Russian Czar ordered his armies to invade Hungary, at the request of Austria. In the ensuing struggle, Alexander Petofi was killed, at the age of 26, and Louis Kossuth, the Regent, was required to flee the country. Incidentally, Mr. President, during his exile, he spent 9 months in the United States, where he was most hospitably received.

This anniversary reminds every Hungarian of the rich, liberal, democratic traditions of Hungarian history, and of that nation's continuing struggle for independence and freedom. Although today finds Hungary under the yoke of a more thorough and vicious tyranny than in 1848, March 15 provides the hope that Hungary will once again be free. Surely that nation's desire for freedom and the right of self-determination persists under the domination of the Communists, as evidenced by the recent shining examples of resistance to oppression of Cardinal Mindszenty, Bishop William Apor, and the Hungarians arrested at Pocspetri when they forcibly resisted the nationalization of their schools.

Americans of Hungarian descent are to be congratulated on this independence day, and I know that we join with them in their hope that the bright sun of freedom again shines on Hungary before the next Hungarian Independence Day.

## CORPORATION AND EXCISE TAXES

Mr. BYRD. Mr. President, Congress is in the process of enacting a tax bill extending peacetime corporation and excise taxes at highest wartime rates which reflect directly in the high cost of living.

In effect, Federal excise taxes are simply Federal sales taxes on things we buy. Corporation taxes are largely passed on to consumers of corporate production and services.

Taxes to be collected by the Federal Government under the pending tax bill are estimated at $3.2 billion a year.

Until Congress and the administration reduce expenditures by this amount and more, continuation of high taxes is an inescapable necessity. And unless Congress reduces appropriations requested in the budget for uncontrolled expenditure by Federal agencies in future years, sound responsible tax reduction in the foreseeable future is unlikely.

In this connection, I ask unanimous consent to have printed in the body of the RECORD some observations which I have made on the basis of a thorough analysis of nearly 1,000 appropriation account items in the Budget Document for fiscal year 1957, which begins on July 1.

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

STATEMENT BY SENATOR BYRD

BUDGET: CURRENT YEAR, ENDING JUNE 30

The Federal budget will be in delicate temporary balance when fiscal year 1956 ends June 30. This fourth balance in 26 years since 1931, as on each occasion in the past, will be by inadvertance. The spenders underestimated receipts.

PRESIDENT'S BUDGET: COMING YEAR, BEGINNING ON JULY 1

As for the President's estimate that the budget will be in balance next fiscal year, beginning July 1, for which we are now enacting appropriation and tax bills, the prediction hangs almost entirely on the proposal to raise postal rates.

Under these circumstances, renewal of deficit spending is probable unless both appropriations and expenditures are substantially reduced. The President's budget calls for increases in both.

As submitted to Congress for enactment, the budget for fiscal year 1957, beginning July 1, along with budget figures for previous years of the present administration for comparison purposes, is summarized as follows:

*Administration budgets*

[In billions]

| | Receipts | Expenditures | Deficits | Appropriations |
|---|---|---|---|---|
| 1954 | $64.7 | $67.8 | $3.1 | $62.8 |
| 1955 | 60.4 | 64.6 | 4.2 | 57.1 |
| 1956 (estimated) | 64.5 | 64.3 | +.2 | 62.0 |
| 1957 (proposed) | 66.3 | 65.9 | +.4 | 66.3 |

BYRD BUDGET

I suggest revisions in the President's budget for fiscal year 1957, beginning July 1, to reduce expenditures by at least $3.2 billion, increase the surplus by at least $3.2 billion and to reduce appropriations by at least $7.8 billion. These revisions are summarized as follows:

[In billions]

| | Receipts | | Expenditures | | Surplus | | Appropriations | |
|---|---|---|---|---|---|---|---|---|
| | Amount | Change | Amount (not more than) | Change (at least) | Amount (minimum) | Change (at least) | Amount (not more than) | Change (at least) |
| Fiscal year 1957 (beginning July 1) | $66.3 | -------- | $62.7 | −$3.2 | +$3.6 | +$3.2 | $58.5 | −$7.8 |

These reductions in expenditures and appropriations are based on careful scrutiny of nearly 1,000 appropriation accounts, expenditure estimates, and unexpended balance projections in the President's budget document. The detail is available in worksheet form, but its volume, of course, precludes presentation in this statement.

In brief:

The expenditure reductions generally involve nonessential expansion in domestic-civilian programs, new nonessential employment, waste and extravagance in the military agencies, and expenditures for foreign economic assistance except under firm obligations already made under prior appropriations.

The appropriation reductions generally involve elimination of those for new nonessential domestic-civilian programs, new nonessential employment, new foreign economic assistance, and for nonessential buildup in unexpected balances.

EXPENDITURES: APPROPRIATIONS

In order to act effectively on budget reductions it is necessary to realize there is a vast difference between annual expenditures and appropriations enacted in the year. It is expenditures, not appropriations, measured by revenue which results in deficit or surplus.

An appropriation simply authorizes a Federal agency to spend money out of the Treasury. In too many instances appropriations enacted in one year may not be finally spent for years to come. Appropriations enacted in a year when revenue is high may not actually be spent until some year when rev-

enue is low. Meanwhile unexpended balances in old appropriations are carried over from year to year and added to new appropriations enacted for the same program.

Once Congress enacts the appropriation, it virtually loses control over its annual rate of expenditure in subsequent years. Exclusive of all new appropriations to be enacted in the current session of Congress, Federal agencies will enter the new fiscal year July 1 with unexpended balances in old appropriations and other expenditure authorizations totaling nearly $75 billion. If the President's request for new appropriations totaling $66.3 billion is fully enacted, funds available to Federal agencies for expenditure on July 1 will total $141 billion.

Of the $66.3 billion in new authorizations requested, $42.7 billion is for expenditure in the coming year and $23.6 billion is for expenditure in future years.

Of the $65.9 billion which the President estimates Federal agencies will spend in the coming year $42.7 billion would be spent from new appropriations on which Congress will act this year, and $23.2 billion will be spent out of balances in old authorizations which are not ordinarily before Congress for action in terms of coming year expenditures.

Under such a procedure effective expenditure control in the coming year requires a combination of tight constructive administrative control in the executive branch of the Government along with cooperative congressional action on that part of new appropriations which are to be spent in the coming year.

To assure expenditure reduction in the future, it will be necessary for Congress to reduce appropriations in a manner to eliminate that part which will be carried over to build up unnecessary balances for expenditure in subsequent years.

In the interest of American taxpayers both expenditures and appropriations can and should be cut substantially, without impairing any essential function of Government.

EXPENDITURE REDUCTION

On the basis of analysis of every one of the nearly 1,000 appropriation account items in the budget, it is feasible to cut expenditures in the coming fiscal year, beginning July 1, as follows:

| | Billion |
|---|---|
| 1. By elimination of new domestic-civilian programs, etc (Limited largely to programs previously unauthorized.) | $1.0 |
| 2. In miscellaneous domestic-civilian reductions, more than | .4 |
| 3. By reduction in foreign economic aid (Expenditures from firmly obligated balances in prior year appropriations would be allowed for foreign economic assistance. No expenditures would be allowed from new appropriations or unobligated balances. Expenditures for military assistance and direct forces support would not be reduced.) | .9 |
| 4. By reduction in nonessential military expenditures (These reductions would not apply to any major procurement—aircraft, ship, missile, etc.—or to any research and development item. They would not impair any essential element of combat strength or preparedness. They would apply to nonessential new programs, construction, additional civilian employment, etc. They contemplate efficiency and elimination of waste.) | .9 |
| Total | 3.2 |

APPROPRIATION REDUCTION

One of the most inexcusable features in the President's budget is a $9.2 billion increase in appropriations, as compared with those enacted for fiscal year 1955, which ended last June 30; and a great part of this increase in appropriations will be used to increase expenditures for domestic-civilian programs, and add to unexpended balances in all categories to be carried over into fiscal year 1958.

In view of the fact that only $42.7 billion of the $66.3 billion in requested appropriations is for expenditure in the coming year, analysis of appropriation accounts clearly indicates that it is feasible to cut requested new appropriations as follows:

| | Billion |
|---|---|
| 1. By elimination of all new domestic-civilian programs, etc (Limited largely to programs previously unauthorized.) | $1.7 |
| 2. In miscellaneous domestic-civilian reductions (Based largely on reductions to fiscal year 1956 level, elimination of unnecessary buildup in unexpended balances, and elimination of additional new personnel.) | 1.3 |
| 3. By reduction in foreign aid (Limited largely to elimination of all new appropriations for so-called economic assistance but including small reductions in appropriations for direct forces support and military assistance which would be used to add to unnecessary balances.) | 2.5 |
| 4. By reduction in nonessential military appropriations (These reductions would not apply to any major procurement—aircraft, ship, missile, etc.—or to any research and development item. They would not impair any essential element of combat strength or preparedness. They would apply to nonessential new programs, construction, additional civilian employment, etc. They contemplate efficiency and elimination of waste. They would reduce unnecessary balances.) | $2.3 |
| Total | 7.8 |

With the kind of administration and legislative action to which American taxpayers are entitled, such expenditure and appropriation reductions would not curtail any essential functions of the Federal Government. They would curtail initiation of new so-called foreign economic assistance projects, and eliminate new nonessential domestic-civilian programs. They would reduce unexpended balances at the end of fiscal year 1957 by $4.4 billion. They would preclude employment of 46,000 new additional civilian employees on Federal payrolls.

These reductions in expenditures and appropriations are summarized in the following table:

*Suggested reductions in appropriations and expenditures*

[In millions]

| | 1956 actual | | 1957 requested | | 1957 Byrd budget | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | Reduction | | Suggested | |
| | Appropriations | Expenditures | Appropriations | Expenditures | Appropriations | Expenditures | Appropriations | Expenditures |
| Foreign aid: | | | | | | | | |
| New legislation | | | $4,860 | $990 | $2,460 | $540 | $2,400 | $450 |
| Old appropriations | $2,703 | $4,190 | | 3,300 | | 360 | | 2,940 |
| Total | 2,703 | 4,190 | 4,860 | 4,290 | 2,460 | 900 | 2,400 | 3,390 |
| Military: | | | | | | | | |
| Existing legislation | 33,147 | 34,575 | 33,790 | 35,347 | 1,161 | 681 | 32,629 | 34,666 |
| New legislation | | | 1,117 | 200 | 1,117 | 200 | | |
| Total | 33,147 | 34,575 | 34,907 | 35,547 | 2,278 | 881 | 32,629 | 34,666 |
| Domestic-civilian: | | | | | | | | |
| Existing legislation | 26,134 | 25,505 | 23,989 | 25,212 | 1,308 | 419 | 22,681 | 24,793 |
| New legislation | | | 2,885 | 1,166 | 1,745 | 1,026 | 1,140 | 140 |
| Postal rate increase | | | −350 | −350 | | | −350 | −350 |
| Total | 26,134 | 25,505 | 26,524 | 26,028 | 3,053 | 1,445 | 23,471 | 24,583 |
| Grand total | 61,984 | 64,270 | 66,291 | 65,865 | 7,791 | 3,226 | 58,500 | 62,639 |

The effect of these suggested reductions on unexpended balances is summarized by categories as follows:

*Unexpended balances (start of the year)*

[In millions]

| | 1957, estimated (July 1, 1956) | 1958, requested (July 1, 1957) | Cut suggested | Under Byrd budget (at start of fiscal year 1958) |
|---|---|---|---|---|
| Foreign | $6,592 | $7,157 | $1,605 | $5,553 |
| Military [1] | 39,061 | 38,100 | 1,417 | 36,683 |
| Domestic-civilian | 28,920 | 28,448 | 1,411 | 27,037 |
| Total | 74,574 | 73,705 | 4,433 | 69,272 |

[1] Exclusive of balances in transfers from foreign military assistance funds.

MILITARY FUNDS

It is noted with emphasis that these reductions in expenditures and appropriations are not applied to major procurement of aircraft, ships, ordnance, missiles, or to military research and development items.

Neither is there reduction in expenditures for military assistance.

Budget figures show military agencies at the beginning of the new fiscal year on July 1, exclusive of new appropriations, will have unexpended balances totaling $39.1 billion. These balances are in direct appropriations to the military agencies. They do not include $3.1 billion additional available to them in transfers from old foreign-military assistance appropriations. When old military-assistance funds are added, military balances total $42.2 billion. If requested new military appropriations are fully enacted the total expenditure availability for military agencies would be more than $77.1 billion. And to this would be added any additional transfers from new military assistance appropriations yet to be enacted.

The military-fiscal situation may be summarized as follows:

1. Military agencies will start fiscal year 1957 on July 1, with unexpended balances in old direct appropriations and other expenditure authorizations totaling $39.1 billion.

2. Military agencies will have additional balances available to them in transfers from old foreign-military assistance funds of $3.1 billion.

3. Exclusive of new money to be appropriated in this session of Congress, military agencies will start the fiscal year with spending authority totaling $42.2 billion.

4. New appropriations requested for military agencies total $34.9 billion.

5. Assuming full appropriation of the request, military agencies will start fiscal year 1957 on July 1 with direct and indirect spending authority totaling $77.1 billion.

6. This total does not include additional funds to be transferred to military agencies during the coming year from new foreign-miltary assistance appropriations.

7. Of the $77.1 plus billion available to military agencies, it is estimated that they will spend $36.7 billion, leaving an unexpended balance at the end of the year of more than $40 billion.

As for the Air Force, it will start the fiscal year with unexpended balances, including those available to it from foreign-aid money, totaling $20.1 billion. The proposed $15.4 billion in new appropriations for the Air Force would bring its total spending authority to $35.5 billion. Of this total it is estimated Air Force will spend less than $17.3 billion and end the year with a balance of $18.3 billion plus transfers during the year from new foreign military assistance funds.

To show the effect of building up such balances as those which exist in the Military Establishment, it may be interesting to note that there is not a dollar of appropriation in the new budget for such an important item as Army procurement and production. There hasn't been an appropriation to this item since the Korean war.

All expenditures for Army procurement and production since the Korean war have been out of balances in old appropriations. This will be continued in the coming year with expenditures estimated at $1.6 billion. At the end of next year these old balances in the Army production and procurement account will still total $4 billion.

This is to say for years a military agency has been spending more than a billion dollars a year for procurement and production without ordinary appropriation control.

The time has come for a complete and thorough examination of fiscal practices which have grown up in all the military agencies. This would not necessarily involve programs.

There is evidence of abuse of privileges which have been made available in the name of preparedness, including exploitation of balances, use of military assistance funds, use of foreign currencies, use of revolving funds, use of Federal housing insurance, use of civilian manpower, etc.

The reductions in military budgets which I am suggesting are based on more efficient use of facilities, funds, and civilian employment. That is not too much to ask of agencies with more than $75 billions of taxpayers' money at their disposal.

CIVILIAN EMPLOYMENT

Of the 48,000 new civilian employees requested in the President's budget, 22,556 are requested through military appropriation accounts. Of this total 20,858 are requested in the Air Force which is increasing civilian employment more than 28,000 in the current year—a total of 49,000 civilian employees in 2 years.

The remaining 25,000 new civilian employees are requested for the coming year through domestic-civilian and foreign aid appropriation accounts. It is difficult, if not impossible, to determine precisely the increase in foreign aid employment because budget detail for foreign assistance has not been submitted.

The 48,000 civilian employment increase figure is not a net figure. The net increase in the President's budget is 9,000. In activities where decreases or present levels have been recommended, my suggestions would not disturb the requests for personal service.

The President's budget requests employment of 48,000 new people. My suggestions would allow 2,000 new employees for military research and development work and eliminate the remaining 46,000 at a saving of $274 million. This would eliminate requests for increases in all items where the figures are up, except those involving increases for military research and development .

EXPENDITURE CONTROL

The reductions I have suggested could be accomplished in the coming fiscal year 1957, beginning July 1, and in future years, without damage to any essential function of Government. It is disappointing that the administration, which made a good start in reducing appropriations, expenditures, and unexpended balances, now proposes increases.

Unfortunately, some of the more nonessential programs cannot be reached by the orthodox process of reducing appropriations. There are more than 100 program accounts outside appropriation control.

This type of Federal commitment is growing. It involves Federal guaranties, insurance, statutory authority to spend from the public debt, use of foreign currencies, use of the corporate device, permanent appropriations; and now there is a trend toward trust funds, which should be watched.

The reputation of the Federal Government as guardian of trust funds is already questionable. If trust funds are to become a means of evading Federal control of Federal programs at all points except the bureaucrats who promote them, we may as well expect continuing pressure to set up every Federal program as a trust fund.

Sound tax reduction depends upon expenditure control. Expenditure control requires vigilant administration in the executive branch over appropriations already enacted and careful consideration by Congress of appropriations when they are authorized and requested.

Meanwhile, the Federal debt, by the latest Treasury report, stands at nearly $280 billion—nearly $5 billion over the permanent statutory limit.

In 26 years, since we started the deficit-financing spree, interest on the steadily growing debt has cost taxpaying Americans $82 billion. Interest in the coming year will bring the cost of this debt to nearly $90 billion.

Until control over expenditures is regained and applied effectively for sufficient expenditure and debt reduction, taxes cannot be reduced if the Government is to remain sound.

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## TRIBUTE TO MILWAUKEE SENTINEL SPORTS AND VACATION SHOW

Mr. WILEY. Mr. President, there is going on right now in the Milwaukee Arena Auditorium one of the great shows of the Midwest and the Nation—the Milwaukee Sentinel Sports and Vacation Show.

This is the 16th year of this entertaining show which attracts a tremendous attendance—over 150,000 a year.

I wish to convey my warmest greetings to all the folks who have contributed to and are participating in the show, and to state that it is a splendid symbol of America's vacationland, wonderful Wisconsin.

I send to the desk a statement which I have prepared on this subject, and ask unanimous consent that it be printed at this point in the body of the RECORD.

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

WELCOME TO WONDERFUL WISCONSIN

(Statement by Senator WILEY)

The call of the outdoors can be heard throughout America.

It is a call to enjoy the best possible way the miracle of leisure time in our country—more leisure than any other people has known in history.

THE LURE OF BADGER FISHING, HUNTING

It is a call, in particular, to the 8,676 lakes of Wisconsin, and especially to the 1,412 trout streams, totaling 8,349 miles.

This summer well over a million anglers will try their excellent luck in Wisconsin waters.

Around three-quarters of a million of that number will be residents. But Wisconsin also leads the Nation in the number of nonresident fishermen. Last year's total reached more than 326,000.

At hunting time, some 450,000 big- and small-game hunters will take to the State's woods and marshlands.

It is only natural, therefore, that in Wisconsin's greatest city—Milwaukee—there should be conducted one of the greatest, if not the greatest, sports shows of the Nation.

DIVERSE SENTINEL PROMOTIONS

It has been staged every year since 1940, with the exception of 1943, when it was suspended because of the war. It is the only sports show owned and operated by a newspaper—the Hearst newspapers' Milwaukee Sentinel.

It is a part of a diversified Sentinel promotion program, which includes such well-attended attractions as the Winnebago Outboard Marathon (cosponsored by the Wisconsin Stock Utility Outboard Racing Association and the Fond du Lac Association of Commerce), the Sentinel-Chevrolet Soap-Box Derby, as well as golf, bowling, and baseball events, pointing dog trials, junior rifle championships, and archery competition. These events, with vast drawing power in sports-minded Wisconsin, are all crowd-pleasers and certainly in the wholesome public interest.

The outdoor show itself attracts multitudes not only from all over my own State but from northern Illinois, Michigan, eastern Iowa, and Minnesota.

As the attractive souvenir edition of last Sunday's Milwaukee Sentinel demonstrated, the show is also the occasion for the display of the greatest sports and vacation equipment of the Nation. That means the finest outboard motors (products of Wisconsin craftsmanship). It means every conceivable type of fishing lure and other items for our Izaac Waltons; it means hunting and camping equipment, golf clubs, canoes, aluminum boats, and a vast variety of other material, including modern station wagons and trailers.

WISCONSIN OUTBOARD MOTORS

Wisconsin is particularly proud of its outboard motors—which I have been pleased previously to commend in the CONGRESSIONAL RECORD.

The Midwest is, of course, the boating capital of the Nation. This is only natural because fishermen purchase 66 percent of the Nation's motors, and the Midwest yields to no area in its enjoyment of fishing. (As regards the remainder of outboard sales, incidentally, 19 percent are bought for cruising, 8 percent for hunting, and 7 percent for water skiing.)

DIVERSE EVENTS AT SHOW

The overall show itself will be the scene of the ninth annual Wisconsin indoor archery championship, cosponsored by the

Sentinel and the Wisconsin Field Archers Association. Archery has, in recent years, gained ever wider public acceptance, and is a rapidly growing segment of Wisconsin's inviting recreational picture.

There will also be spin casting tests, the second annual junior rifle championship contest, a competition in the Milwaukee Council Industrial Recreation Bail Casting League, a camera contest and numerous other events.

All of these attractions will naturally increase the outdoor man's appetite and his wife's; so they will naturally enjoy the best eating thereafter in Milwaukee's great restaurant establishments.

WISCONSIN'S OUTSTANDING RESORTS

And their thoughts will turn to the approaching period of their complete vacation—not just for a weekend but for several weeks—perhaps in the north woods or elsewhere in the Badger State. A variety of resort association booths and exhibits, and abundant literature from the Wisconsin Conservation Department give the vacationer helpful facts and suggestions. Wisconsin's resorts are of course famed throughout the Nation for their hospitality, attractiveness, and pride in service.

CONSTRUCTIVE USE OF LEISURE

And so, the show plays a vital role in Wisconsin's economy, because naturally it helps assure tremendously increased tourist revenue to America's vacationland.

It symbolizes, however, the American way of life. It represents wholesome enjoyment of leisure time in the great outdoors, in God's country, where the air is fresh in a man's lungs and on his face, where he can really relax, away from life's tensions, where he can teach his youngster in the values of nature, of camping, of self-reliance, of strengthening one's body and one's mind.

Thus, although there are but a few days remaining, I want to issue my warmest invitation to folks in the midwestern area to take in the sports show and best of all take in wonderful Wisconsin.

## WHAT AVIATION EDUCATION MEANS TO ME—ADDRESS BY ARTHUR GODFREY

Mr. RUSSELL. Mr. President, Arthur Godfrey is known in every home in this country as a great figure in the entertainment field. It is not so widely known that Mr. Arthur Godfrey is a great expert in the field of aviation. He has not only flown practically every type of plane that has been in the air for the last 20 years, but he has made a study of aviation as related to the defense of the United States.

On March 16, 1956, Mr. Godfrey made a speech before the sixth annual conference of the National Aviation Education Council in New York, which I think would be interesting to those who are concerned about the national defense and are interested in aviation education. I ask unanimous consent that the address be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Georgia?

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, and I shall not object, I should like to associate myself with everything the chairman of the Armed Services Committee has said about Arthur Godfrey. I spent 2 delightful days with him this past fall in Texas, at which time, at his own expense and in his own time, he came to discuss the air power situation in the United States and in the world. I think he is very well informed, is a lovable gentleman, and is extremely patriotic. I received a copy of the address which the Senator from Georgia has asked to have printed in the RECORD. I hope every Member of the Senate will have an opportunity to read it.

Mr. RUSSELL. I appreciate the statement made by the distinguished majority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Georgia?

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

WHAT AVIATION EDUCATION MEANS TO ME

(By Arthur Godfrey)

It is a distinct and very great privilege to be permitted to speak to this audience tonight. As a matter of fact, it is a real treat for me. Rarely, indeed, do I have the opportunity to appear publicly without my ukulele or my jokebook. American radio and television audiences (God bless them), unfortunately are not noted for swarming to their sets these days to listen to a man with a message; especially, curiously enough, if that message is for "their own good." And, more especially, if the man, burning with this message, happens to be a popular entertainer. 'Tis a most discouraging paradox: if a man be a recognized authority on a subject such as ours tonight, few save those who already understand him, will bother to tune in his broadcast. If, on the other hand, he happens to be a so-called big name in the entertainment world, he has to use extreme care about the manner in which he tries to get his message across, no matter how well informed he may be, no matter how dedicated, no matter how bursting with the desire to share his information with his countrymen.

When people picture you a whimsical clown, they tune you in to be entertained—not scolded. It's extremely difficult ever to get them to take you seriously. For the past quarter century, therefore, I have been forced to restrict most of my "lectures" on airpower to a word here and a sentence there sandwiched in between poor jokes and commercial plugs for my good sponsors.

Having said that, let me add quickly that I've got a fair amount of uneasiness about addressing a group of professional educators on any aspect of how to do better the job of aviation education. In my business—which has its complicated, technical aspects, too—we're always leery about the well-meaning gent who wants to blind us with the brilliance of his ignorance. Sit easy, I'm not about to lecture you on how to run your business.

Instead, and begging your indulgence in advance, I'm going to think out loud a little—about what has happened, what is happening today and, maybe, even take a look-see ahead with you at what lies beyond the horizon.

Now this may come as a surprise to some of you but flying has been a consuming interest of mine ever since that first ride I got in a Navy flying boat at Norfolk, Va., in the late summer of 1920.

I suppose the big attraction then was the thrill, the glamor of it all.

Like a million other American kids—I was fascinated by the accounts of the dogfights of the First World War, led by Capt. Eddie Rickenbacker.

But, over and beyond the appeal of what others had done in the air, was the quite indescribable feel of wind in my face as I sat in an open cockpit—as near to being completely out of this world as is ever given to earth-bound man. Aviation was something far removed from education in the formal sense, and few dreamed of aviation ever having any commercial usefulness.

We learned about flying because we wanted to. If anybody had said what we were doing was educational, we'd have dropped it like a hot potato.

In those golden days, everyone who flew was a hero. The men who flew the mail were heroes. Short-lived ones; each year 1 out of every 4 was killed. The Army pilots and the Navy pilots were heroes, too, but now they were peacetime heroes. There was no grim specter of impending war, we thought.

Ten years later, Lindbergh and a host of other trans-Atlantic fliers had fired the imagination of the whole world. Commercial aviation was struggling to get off the ground, and Mrs. Godfrey's boy Arthur was just barely becoming solvent to the point where he could begin the business of self-education in aviation with real live airplanes. By about 1929 or 1930, I had become acquainted with the special joys of gliding, quiet as a wheeling hawk across the sky. I had many different instructors. Few of them remained in one place very long in those days. We flew in many types of airplanes.

Outstanding among those who gave me my early training in the fundamentals of flying, was Bob Ashburn, of Alexandria, Va.—still one of the greatest in the business. The planes we used were Aeroncas and Taylor Cubs—little 40-horsepower jobs on wheels or floats. Bob had an OX–5 Travelair and a J–6–7 Challenger. George Brinkerhoff, who still runs the oldest airport in America, College Park, Md., gave me instruction in the old fleet trainers. We had a wonderful time, in the true sense of the word, during those happy, carefree days and we logged hundreds of flying hours.

Most important, I soaked up every particle of information I could get my hands on about flying, about planes and their engines, about the men who flew for a living, about meteorology, and about navigation. I devoured every piece of literature on the subject I could find and on bad days I sat for hours absorbed in "hangar flying" swapping lies with other pilots. My aviation education was progressing.

Simultaneously, I began to talk about flying on the radio, and I've been talking about aviation ever since. Once in Washington, about 1934, I said something over the air, about why didn't my listeners—the ones who wanted to—come out to the little airport—Beacon Field—just south of Alexandria, Va., and let me give 'em a ride. I expected 3 or 4, maybe even a dozen, would take me up on the offer. Well sir, before we got through making good on that one, there were hundreds. We had to call into service every light plane available in the Washington area, and I darned near went broke.

I've never been sorry I did that. Even today—every now and then—somebody comes up to me and says: "You know, you gave me my first ride in an airplane." At least one of them is a senior captain on American Airlines today.

For the past 5 years, I've been privileged to give a leg up to a bunch of transportation students at American University in Washington. They get the chance to learn to fly—and from my standpoint, what's best of all, their instructor is the same Bob Ashburn who was one of mine nearly a quarter of a century ago.

In the early days, then, I talked only about the joys of aviation—the astringent cleanliness that pervades your mind and body when you get into the air. But, in

addition to flying those little planes myself, I had become practically a commuter between Washington and New York, flying in the early tri-motored Stinsons, Curtis Condors, and the first Douglas DC–2's and DC–3's. I began to learn about commercial aviation—including the fact that even with DC–3's, the airlines made very little money in those days. Eastern Airlines was the first to operate in the black without subsidy, years before any other.

Too many of the airline flights carried but a single passenger, me. I got thus to know a good many of the pilots personally—great guys, all of them. And, one way or another, I gathered many priceless pilot-hours in twin-engined equipment and, after the war, four-engined transports. Little by little, I got an insight into the tremendous ground organization that is required to keep those planes in the air. More and more I realized how necessary to the welfare of our Nation is a healthy, growing air transport network.

That realization, you might say, was the equivalent of a passing mark for me, in another grade in the school of aviation education.

When the clouds that foretold the beginning of World War II began to darken, military aviation in this country had fallen behind in many respects. Our long-range bombers—the B–17 and the B–24—were the best in the world, but we had precious few of them. Our fighters—the ones we had on Pearl Harbor day—consisted of too few of any kind. The ones that were really good were hardly beyond the prototype stage.

Looking back, we can thank God for two things upon which I'm afraid we can no longer depend—our brave allies who fought on in the face of overwhelming odds to give us time to build the planes to punch back—and for the broad Atlantic and Pacific which protected our shores.

Late in 1944, I flew in a B–24 to Saipan, getting there on the eve of the first B–29 raid on Tokyo. I thrilled to see the fleets of those great superforts take to the air. While there, I learned a grim lesson—one all of us should keep uppermost in our minds: Those B–29's flew to Tokyo and back in the face of some of the most savage defense the Japs could mount. We lost a lot of them and a lot of good men—but no mission was ever turned back by enemy action short of its target.

After the war, and the end of gasoline rationing, I went back to light planes again. I fooled around with a Luscombe and the grand little Taylorcraft and the Piper Cub—graduating to the SeaBee; to the Navion (of which I have owned three successive models); to a Twin-Beech. In 1950, when Eastern Airlines began to retire their DC–3's, my good and dear old friend—one of my boyhood idols—one of the truly big men of aviation—Capt. Eddie Rickenbacker, sold me one at book value.

I had it completely rebuilt better than new; and, equipped with DC–4 engines and the latest available electronic equipment, it serves me as a fast, dependable, comfortable transport for my troupe and other business associates. Last fall, I traded in my last Navion for a new Beechcraft Bonanza, the sweetest little four-place, single-engine airplane I have ever flown. In it, I commute back and forth between New York and my home in Virginia each week.

You may be interested in knowing that I have just ordered a brand-new helicopter from Larry Bell to be delivered within the next month or two. I borrowed one from him last November and demonstrated it on my television programs from Florida and learned, interestingly enough, that since I can fly and maneuver it within the range of a television camera, it seems to arouse more interest in aviation generally than a fixed-wing airplane.

In 1950, however, my aviation education took on a new phase. Come Armed Forces Day that year (I believe it was the first such) I was invited by the Air Force, even though at that time I was a Naval Reserve officer, to fly an Air Force jet—a little T–33 trainer. Up until that time, despite thousands of hours of experience in flying my own and other commercial and executive airplanes, I had been denied the privilege of learning to fly naval aircraft on grounds of physical disability.

After having demonstrated rather quickly to my Air Force hosts my ability to fly that jet, they half jokingly, half seriously invited me to resign my Navy commission and join up with them—saying they would be delighted to have me learn to fly everything they had. I began to "ride" my Navy friends a little bit about that and it wasn't very long before (more to shut me up than anything else, I think) they permitted me to take a course of instruction at the Naval Air Training Command in Pensacola.

I never worked harder in my life and, noting my enthusiasm and earnestness, my instructors, bless their hearts, went to work with a will with me and after several short tours of duty, by 1953, I had qualified as a carrier pilot, had checked out in jets, became a qualified instrument pilot and learned to fly helicopters. I even took a short whack at blimps at Lakehurst. I had won the coveted Navy wings.

None of this was easy; all of it was wonderful, even though it did take a lot of time away from my professional commitments. What I've been telling you is not to prove what a smart guy I am, but so you'll understand that for me it hasn't been enough to learn about aviation in books—I had to get in all over.

Sometimes I wish I could have confined my love for and knowledge of aviation to the sheer happiness of flying; to the weekly joy of heading back to Leesburg to my beloved wife and children; to an occasional romp through an old-fashioned loop or a chandelle or an Immelmann.

But, as time when on, it became increasingly evident that V–E day and V–J day were just the end of fighting Germany and Japan.

We had another enemy—whom we might easily have put down—at the time. Never, in the history of the world, it seems to me, has a situation been handled quite so badly. As late as 1952 or even 1953 this Russian threat to our way of life might have been removed—without firing a shot—without dropping a bomb—yes, without risking a single life. And there were those in high places who sought to do it that way—but you know how this lovable, ponderous, slow-witted democracy of ours works. It doesn't take much to get us going—just a bomb or two dropped on us. The only trouble is—nowadays it only takes one bomb—in one plane—per city.

Can you guess what one high Government official told me 3 years ago, when I asked him to give me his objections to the proposal to go over and stick a gun in Stalin's ribs and make him pull that Iron Curtain down? He said: "Arthur, we couldn't do that: it would frighten our Allies, and, besides, if we defeat Russia, we'll have to feed all those people and it would break us."

That kindly old gentleman is still very active in our Government in Washington today.

Let's face it, we're engaged in a bitter technological race with Russia. The stakes, on our side of the table, are not only survival of our way of life but of our very own lives.

The weapons which comprise modern air power have become enormously complicated. Even compared to the airplanes of World War II, today's supersonic fighters and near-supersonic, long-range bombers are as different as is today's television set from the crystal receivers and earphones of yesterday's radio.

They cannot be flown by "weekend warriors" or part-time reservists of any nature, no matter how dedicated they may be. If we are to maintain the deterrant air superiority so vital to our survival, we must induce the cream of America's youth to become professional airmen.

Military aviation must be made an attractive career. How do this? The same way we could make teaching a more attractive profession—pay decent salaries.

The record of the strategic bomber in World War II is there for all to see. No American bombing mission was ever stopped by enemy action short of its target. It is only reasonable to assume, therefore, that any first-class bombing force can do the same—whether the bomber crews speak Russian or English. We lost only 5 percent of our bombers to enemy action in World War II—4 percent to fighters and 1 percent to ack-ack. The men who fly our bombers today, many of them veterans of scores of missions, doubt seriously if those figures would be changed much in a modern air battle. But, without going into great detail, let's say that our defenses are five times better than the Nazis and the Japs had. Let's say they're 10 times better—or 15 times better. That would mean we could keep 75 percent of an enemy bombing mission from reaching the target. Only 25 percent would get through. But, you see, nowadays it takes only one bomb—in one plane—per city. Each bomb more powerful than all the bombs dropped in World War II. Just let me ask you to stop here a minute and picture if you can what would happen if only six Russian bombers got through our defenses some night—each one carrying an H-bomb. New York, Chicago, Detroit, Pittsburgh, Washington, and Seattle. One bomb per city. Oh, they don't get away with it. Somebody shoots 'em down all right eventually—but the bombs are away. Those six cities are gone. Three or four or five million people are dead. We've got no Government seat (and probably no Government)—no power to produce—the great American know-how is all shot. Ah, but we've still got a few guided missiles.

The Navy's out there somewhere steaming along at 31 knots—and the Army's shooting off those atomic cannons at somebody, someplace. It was back in 1951 when I first became really aware of this mess. I got a big shock listening to a high ranking Naval officer make a speech one night. He said General Curt LeMay was a madman and called the B–36 bomber the most horrible waste of time and money and manpower in the history of our country. I decided to find out for myself—because if that were true, then we were begging for trouble.

Gen. Hoyt Vandenberg, who shortened his life by sticking to the job of Air Force Chief of Staff long after he had become deathly ill, made it possible for me to get the facts. I met General LeMay and I have since made a comprehensive study of his command. That man is so dedicated, so competent, so inspiring. To know him is to admire him—to know him well is to believe and to have confidence that he and his command are doing the very best job that can be done with what they have. Their tools must be better and in greater numbers. His equipment has been B–36's and B–47's—which I have flown. They now have the B–52, but in small quantities. Without more and soon, the grim threat increases in an inexorable geometric ratio, a factor I'll have more to say about later.

Last fall, I wrote about this experience in the Saturday Evening Post. They titled it "This Is My Story." In the section about flying in the B–47, the printers goofed and it came out I had been flying at Mach 9 instead of 9 tenths. Maybe I haven't been kidded about flying at more than 5,000 miles per hour.

What I have discovered in this latest course of my aviation education is that instead of the unification of the armed services we're supposed to have—we have triplification—with each service competing bitterly against the others to obtain a bigger share of the Defense Department dollar. The technological revolution has obsoleted most of the weapons used effectively as recently as the Korean war. But, you'd never believe it—to hear some of the arguments.

In order not to embarrass my friends, in order to be free to say what I had found to be true—after long and very serious consideration—I took a step last spring that was a tough one: I resigned my proud commission in the Naval Reserve. I think we are in grave danger, and believe me this is one time I'd love to be proven wrong.

Listen to me another few minutes.

You and I know that air power includes the sum total of a nation's aeronautical development, inclusive of its public opinion, as Gill Robb Wilson said not long ago, "What military aviation is to the business of security, civil aviation is to the security of business; for defense there are no geographic perimeters but only those which define the aeronautical stature of a nation. These studied conclusions all seem very clear to us.

"But we must remember that the American lay public has had no background from which to reach this understanding. Our public education is only scantily geared to produce airwise youth."

Our adult population is even more ignorant of the most elementary principles of aeronautics. During the past 4 or 5 years, we have managed to convince millions of people of the comparative safety of airline travel—but that's all they know about it—and apparently that's all they care. In true, typically American fashion, even those who use the airlines in their travels, spend a lot of time and energy cussing the inconveniences. Airport development has been a bone of contention in most every city. I've seen airports built far out on the outskirts of a town where there were none but scattered farmhouses. Within a few years, thriving communities have been built around these airports. And from whom come the complaints about noise and low-flying aircraft? The people who built their homes alongside the runways.

If somebody wants to build a new radio or television tower, where do they locate it? Right off the end of the runway that's in use most of the time. These new communities must have schools for their children. Where do they build them? Close by the airport where the noises will cause the most interference with classroom work. And even those with sufficient vision to plan and build an airport, where do they put it? On the leeward side of the city so that planes taking off on the runway planned for the prevailing winds will have to climb out over the city, thus disturbing everybody's sleep.

Airline passengers, actually, pay even less attention today to the captain and copilot up in the cockpit than they give to the engineer and fireman in the locomotive of a pullman train. All they want to know is how much does a ticket cost, why don't you serve a cocktail with the luncheon and why is the pilot bouncing the plane like that? They even hope the plane hits an air pocket or two so that they can brag about it to their friends when they get back on the ground and describe how rough the flight was because they had a tail-wind. They could actually feel it kicking the tail around and the pilot was exhausted.

It is nothing short of amazing to me that aviation—even military aviation—has advanced so far along as it has in this country. You'd be astounded if you knew how little some of the men in the highest places in Washington know about aviation.

In 53 short years, the science of aeronautics has progressed at an appalling rate. This, despite public apathy, despite a sometimes indifferent Government attitude, and despite often paralyzing opposition even to this day. And further, despite the unheeded fact that aviation has led the great technological march of the past half century, if we were to plot a curve showing development of the speed of aircraft over the past 50 years, we would find that it has just about doubled itself every 10 years.

By 1910 we had reached 100 miles per hour; 1920, 220 miles per hour; 1930, 300 miles per hour; 1940, 600 miles per hour; 1950, 1,200 miles per hour; and you know where we're headed for now. If you plot the gross national product over the same period of time, you find the curve almost coincides. The same goes for the use of electrical energy measures in trillions of kilowatt-hours. The same goes for the national wealth, for construction costs, for patents, for population, for mental patients, for discovery of the elements.

In other words, if you combine all these curves, you come up with one which I think we can logically label our national-growth curve. Call it coincidence, if you will, but that national-growth curve follows almost exactly our airspeed curve, proving, it seems to me, that even those who have never seen an airplane, let alone ride in one, owe every last bit of the high standards of living in America today to the growth of aviation.

Furthermore, a study of this curve will show that normal technical and associated progress is a geometric progression and that progress occurs at any given time at a rate substantially proportional to the total progress made up to that time.

And yet, if you plot the actual support given to Air Force research and development from 1930 up to the present time, you will find that this country really believes in research and development and is willing to support it only when danger threatens.

The current research and development effort in the Air Force is about one one-thousandth part of the gross national product, having leveled off since Korea at about this rate. Therein lies the key to the desperate situation in which we find ourselves today insofar as our airpower is concerned. We blow hot and we blow cold. Our national policy does not recognize the natural rate of technical progress—does not recognize the natural increase in support we have to build into a research and development program if we are going to progress at a normal rate.

That's the reason we find ourselves in America today losing progressively faster the power to deter a long-range Soviet bombing attack. Therefore, unless we make some changes in the right direction pretty quick, some time next year, or by 1958 at the latest, our deterrent curve will be crossed by the Russian deterrent curve. What happens after that, only providence knows.

Our deterrent power for the past 5 years has been, and is today, a fleet of B–36 intercontinental bombers. For those same 5 years, the B–36 has been obsolescent and is today obsolete. It must be replaced by a much faster, better airplane—the B–52.

Five years ago, I started telling this story, not only to the listeners to my programs but to select audiences such as this. But these things sink in slowly, and the path of those of us who are seriously concerned has been a rocky one. To date, we haven't even got one wing of B–52's in combat readiness. We are building them at the ridiculous rate of four per month. Plans have been instituted to raise that production to 16 or 17 a month, I have read. By what date, I don't know.

Meanwhile, all I know is that last May, almost 1 year ago, the Russians allowed us to see in flight more comparable airplanes than have been delivered to our Strategic Air Command to this day. From the articles I have read in public print, authored by people supposed to know, I gather that the Russians are building their version of the B–52 at the rate of at least 35 a month and have been doing so for at least a year. We've been concerned with more bang for a buck and haven't stopped to realize that in a critical time like this you can't get a bang out of a buck.

We don't know—those of us who have been fighting this fight—how much good we have done or how much progress we have made in awakening the American people to the threat that lies only hours away across the North Pole. But there has been a stirring of activity in Washington and in remote places like Ramey Air Force Base in Puerto Rico, where the Joint Chiefs of Staff just met to review the situation. A select Senate committee has been appointed to investigate the facts. Lots of people are beginning to take a good hard look at things. There are many reasons for it as there naturally would be in our system of government with its checks and balances and in our military picture with its own checks and balances. But regardless of the reasons, I am very much heartened by the fact that we are looking at it and that this will give the American people a few cold turkey facts. I am confident that given the facts to which they are entitled—American will come up with the right answers. I know, too, that our way of life depends on those decisions being made now.

Phew—I sure got serious, but that's the way I feel, and that's what aviation education means to me.

Let me close with this one thought—be proud, ladies and gentlemen, in the vital work you are doing. Be strong in the knowledge that upon the success of your work depends the freedom we hold so dear.

Thank you, and God bless you.

## THE PELTON DAM, OREG.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent statement that was made by my colleague, the junior Senator from Oregon [Mr. NEUBERGER], this morning before a subcommittee of the Committee on Interstate and Foreign Commerce on the Pelton Dam issue in my State; also a statement which was made by Mr. Roland Bowles, of the Oregon division of the Izaak Walton League, on the same issue, one of the clearest, most concise, and, I believe, most clarifying statements on the subject I have ever heard; and also the text of my statement before the committee.

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

STATEMENT BY SENATOR NEUBERGER

Mr. Chairman, I appreciate the time which the committee is giving today to hearing opening testimony on the bill introduced by Senator MORSE and myself, S. 3250, to deal with the immediate problem of water law raised by the Pelton Dam decision of the Supreme Court of the United States. I realize that your committee has a particularly heavy schedule this week and in the weeks immediately ahead, and that you have interrupted consideration of other measures before you for the sake of these hearings today. Consequently, Mr. Chairman, I shall keep my own remarks brief.

I asked the committee whether it might not be possible to have these first hearings on S. 3250 today because hearings are also being held this week by other committees on related legislation. As one example, the Committee on Interior and Insular Affairs is now holding hearings on S. 863 introduced

by Senator BARRETT which would have a major impact on the relationship between the Federal Government and the States as to the use and control of water on federally owned lands within the different States. This bill, and others like it, which have been introduced in the House of Representatives, have received much of their present impetus from the Supreme Court's opinion in the case of the Federal Power Commission against Oregon—the decision which we refer to as the "Pelton Dam case" for short.

Mr. Chairman, at the conclusion of my remarks, I am going to ask to have made a part of the record of these hearings the Supreme Court's opinion, from 349 U. S. 435, as well as my statement in the Senate in introducing S. 3250. At this time, however, I should only like to review briefly the background of the Pelton Dam case which led up to the Supreme Court's decision of last summer.

The controversy arose 7 years ago from an application by a predecessor of the Portland General Electric Co. to construct a hydroelectric project on the Deschutes River. The Deschutes is a tributary of the Columbia River which is located entirely within the borders of the State of Oregon and which is one of the famous fishing streams of the Pacific Northwest and, indeed, of the Nation. Agencies of the State of Oregon—the State Game Commission and the State Fish Commission—as well as the Oregon Division of the Izaak Walton League intervened before the Federal Power Commission in opposition to the application for a license to construct the Pelton project on the Deschutes.

In 1953 the power company unsuccessfully sought to have State opposition to its project eliminated by means of special State legislation.

The Federal Power Commission granted a license to the Portland General Electric Co., overriding the objections of the intervening agencies of the Oregon State Government. It is important to note that the FPC did this without any finding concerning navigability of the Deschutes; it based its authority for the license on the fact that the project is to be built on lands belonging to the United States.

The State took an appeal to the United States Court of Appeals for the Ninth Circuit. That court set aside the Commission's order on the ground that Federal public lands laws had long ago made the use of nonnavigable waters on Federal lands subject to State control, and that licensees would have to comply with State water law.

Upon the petition of the FPC, the Supreme Court took up the case for review and reversed the decision of the Court of Appeals. The significance of the issue presented by the case and in S. 3250 is shown not only by the fact that the Supreme Court granted certiorari, but also by the fact that several other Western States in which, as in Oregon, the Federal Government owns a large proportion of the land, joined Oregon in the litigation as amici curiae.

Mr. Chairman, I am not a lawyer, and I shall not try to develop in detail the full legal implications of the Supreme Court's decision that the United States may, by a simple administrative order, "reserve" for itself or its licensees the water flowing through all Federal public lands without regard to the procedures of State legislation designed to carry out State policies for the best use of this precious resource. I do want to point out, however, that S. 3250 does not seek to go nearly so far as other pending bills to establish a universal supremacy of State law over Federal needs in this field. I believe that some of the other proposals I have seen go too far, and that as a result of seeking a complete and far-reaching solution, no legislation at all may be enacted in this highly controversial field. Therefore, my bill, S. 3250, proposes only to reverse the narrow basis for the specific holding in the Pelton Dam case—i. e., that, whatever might otherwise be the law on the Federal public lands, the creation of a reservation permits the FPC to disregard State water law in licensing a project even on a wholly intrastate nonnavigable stream.

Section 2 of my bill would revoke the license granted for the Pelton Dam project pending any future procedures in accordance with law as amended by my proposed amendment to the Federal Power Act.

That amendment, to summarize it once more, would only apply to the question of FPC licenses—not to Federal projects—and to only licenses for projects which come under FPC jurisdiction because they are to be built on lands of the United States. As to such projects, of which the Pelton Dam happens to be the example which raised the issue of State water law all the way to the Supreme Court, S. 3250 proposes only to overcome the effect of a Federal "reservation" on the applicability or nonapplicability of State law—in other words, to return the law to the position in which it was before the Supreme Court's decision. Because this aim is much more modest than that of the other proposals made in the wake of the Pelton Dam decision, I believe it can and should be enacted at this session of Congress.

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STATEMENT BY ROLAND BOWLES, PRESIDENT, OREGON DIVISION, IZAAK WALTON LEAGUE ON PELTON DAM BILL, S. 235, BEFORE THE SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Gentlemen, the Deschutes River from its source to its confluence with the Columbia River lies entirely within the State of Oregon, the source being in the easterly slope of the Cascade Mountains; and it empties into the Columbia some few miles above The Dalles, on the south side of the great river. The principal tributary of the Deschutes in the area with which we are concerned is the Metolius River, a stream that is world renowned in a world of rivers, by reason of the constancy of its flow and the relatively slight fluctuation in temperature from the coldest day in winter to the hottest day in summer. The Metolius arises from the porous lava of the eastern slope of the Cascade Mountains, which acts as an absorbent for the rainfall and snow, thus accounting for both the constancy of flow and the remarkably small fluctuation in temperature.

In 1909 the State of Oregon enacted its basic water law, wherein it laid claim to all waters within the State of Oregon from all sources of supply, pursuant to the Desert Land Acts of 1866, 1870, and 1877, which by that time had been tested numerous times in the courts and tested in numerous cases by the Supreme Court of the United States, always to the end that the intention of Congress in those acts had been to give to the States the right of control over water on all Federal lands. This law became effective in July, 1909, and on December 31, 1909, the Secretary of the Interior withdrew some of the public domain on the east bank of the Deschutes River, in the area concerned in the Pelton project, from entry and reserved it for power purposes. Other lands along the east bank in the project area were withdrawn, until the withdrawals were completed in about 1920. The west bank of the river in the area is in Indian Reservation, which was established by treaty in 1855. Numerous other power withdrawals were made along the banks of the Deschutes River between 1910 and 1920, all the way to its mouth.

No attempt was made by any company to exploit the power resources of the Deschutes River until about 1922 when substantial surveys were run, and no development of any kind was undertaken until in 1949 Portland General Electric Co. made application to the Hydroelectric Commission of Oregon for a permit to construct a dam at the Pelton site. The hearing was held by the Hydroelectric Commission of Oregon, in which all of the interested fisheries agencies objected to any development in this stretch of the river. The objection by the fisheries agencies was on several grounds. The first was that any project of the height contemplated would inevitably destroy the anadramous fishes of the salmonoid type using the river above the point of the proposed construction; and that the State of Oregon through its Fish Commission had established a salmon hatchery at the headwaters of the Metolius River, which is the principal spawning stream for the spring Chinook salmon using the Deschutes River system, and that this hatchery would be made utterly useless as the result of the proposal by Portland General Electric Co.; and also the Oregon State Game Commission had established a hatchery in the Metolius System for taking the spawn from the summer run of steelhead that likewise used that stretch of the Metolius River, this fish providing a great deal of the recreational fishery for which the Deschutes River System is world famous.

Attempts were being made at that time to establish a run of sockeye, or blueback, as they are locally known, in Blue and Suttle Lakes, which are part of the Metolius System. The Metolius River System, which has throughout the year an almost contant temperature of relatively cool water, is ideal for the hatching and rearing of the types of salmonoid fishes peculiar to this river system, in that the spring run of Chinook come into the river in June, July, and August and do not spawn until the latter part of September and into October, spending several months prior to spawning in the cool waters. The summer run of steelhead come in in July, August, and September and do not spawn until the following January through April.

The Portland General Electric Co. had proposed a holding pond system at the point of construction, holding these fish in artificial ponds until they were ready to spawn, removing the eggs, placing them in a hatchery till the eggs were "eyed out," and then transporting the eggs to the hatcheries in the Metolius area, holding the small fish in holding ponds at the large hatcheries until they were ready for their downstream migration, then transporting them again in tank trucks below the dam and releasing them downstream of the dam.

In contrast to the cool waters of the Metolius, temperatures in the Deschutes at the pont of construction of the Pelton Dam have been known to reach 68° during the time the fish would be held. That alone is enough to indicate that the salmonoid fishes could not withstand the long interval of time in captivity prior to spawning, as the temperature increase would cause the fish to become diseased and die before the spawning operation could take place.

This proposal for fish handling has been tried at other similar structures in the Northwest, with known results, namely, an almost complete elimination of the salmonoid fish of the types encountered here.

At the time of the original proposal to the Hydroelectric Commission of Oregon no reregulating dam was contemplated by the applicant. As a result of the strenuous objections on the part of the fisheries agencies, permits were denied by the State agencies to Portland General Electric Co. An application in the interim was made to the Federal Power Commission, and a hearing on that application was held in Portland, Oreg., beginning June 8, 1951. At that time a reregulating dam was proposed some 2½ miles below the main structure, to impound the waters that would be released from the generators, twice each day, over a period of approximately 3 hours.

The operation contemplated by the Portland General Electric Co. being a peaking operation, this type of operation, unregulated, would of course cause very serious fluctuation in the stream below the dam, and inevitably would result in serious erosive effects on the bed and banks of the stream itself, as well as possibly death to people using the river for recreational purposes, or for any purpose.

The reregulating dam will be so operated as to maintain the flow of the Deschutes River in a constant state, in other words, the same amount of water will be released from the reregulating dam as would normally flow in the channel were no structures placed across the river.

At the Federal Power Commission hearing the same general principle of fisheries handling was suggested by the applicant, and an offer was made by the applicant to provide the State fisheries agencies the sum of $100,000 annually for increased costs made necessary as the result. This was objected to on the grounds as was the situation before the Hydroelectric Commission of Oregon, that it would be destructive of the fisheries resource, and no known method of handling the anadromous fish involved could replace the natural spawning and rearing areas, and that the salmonoids would eventually be eliminated from the river system above the point of construction at least.

The State of Oregon likewise objected on the ground that the Federal Power Commission had no jurisdiction to grant a license under the Federal Power Act until all State laws had been complied with with respect to the utilization of water resource. Nonetheless, a license was granted by the Federal Power Commission, in spite of the failure of the applicant, that it had complied with State laws. This license was challenged in the Circuit Court of Appeals of the United States, Ninth Circuit, San Francisco, which in an opinion of February 18, 1954, ruled that the Federal Power Commission had no authority to issue such a license. The case was then appealed to the United States Supreme Court, which, on June 6, 1955, ruled that the Circuit Court of Appeals was in error, in that Pelton Dam would be constructed on "reserved lands" of the United States, and the Desert Land Acts specifically exempted reserved lands from their application.

However, the Federal Power Commission's general counsel, Mr. Gatchell, has publicly stated that the Supreme Court decision has not nor did the Federal Power Commission in its findings and order, grant to the applicant any right to the use of the water, only a right to construct a dam. This decision then, of course, leaves the situation exceedingly clouded in that respect, and in the respect that the reregulating dam will not be constructed on "reserved lands."

The lands involved at the reregulating dam site are private lands, on both banks. Those on the east bank had been a part of the public domain and taken up for homestead long ago, as were those on the west bank of the river at that point. And it is at that point that the migratory fishes will be blocked from the use of their normal path to their historic spawning grounds and whatever fishery facilities are finally decided upon are installed.

The fisheries resources agencies also objected to this license on the further ground that the 1948 report of the Corps of Engineers, United States Army, known as the 308 Report, recommended that all construction of dams on streams entering the Columbia River west of McNary dam, of which the Deschutes is one (other than the Willamette) should be withheld for a period of years, and that these streams should be used and built up so far as possible as salmon-spawning streams, to offset the losses that were effected because of huge upstream projects such as Grand Coulee Dam. All interested agencies, including the Federal Power Commission, had taken part in the discussion and formulation of the policies as shown in the 308 Report, even though they had not been a formal party to it. As the result of the recommendations of the Corps of Engineers, the Congress of the United States set about implementing the program with respect to salmon fisheries, which is known as the lower Columbia River program, by appropriating money for the establishment of hatcheries, putting in fishways past both natural and manmade obstructions, and stream clearance and related facilities, to the end that these streams could be fully utilized to their greatest extent, to rehabilitate the salmon runs for which the Columbia River system had long been famous. Up to the present time, the Congress of the United States has appropriated in excess of $12 million in the furtherance of this program.

In excess of $200,000 had been allocated by the Fish and Wildlife Service, Department of the Interior, for expansion of the salmon hatchery on the Metolius River at the time the application was made by Portland General Electric Co. for this construction. As the result of the application work was suspended, no funds have been released, and that expansion is at a total standstill at this time; indicating that the Fish and Wildlife Service feel definitely and positively that any construction at the Pelton site would result in a wasteful expenditure of funds for a hatchery upstream.

In 1953 the legislature of the State of Oregon had an opportunity to pass upon this project in its session, when a bill sponsored by the Portland General Electric Co., which would in effect have given them a permit for this construction, was denied in the lower house of that legislature.

In recent weeks petitions have been circulated throughout the State, a sample of which is being left with this committee, and in excess of 15,000 names were secured within a matter of days upon these petitions. All circulation was on a purely voluntary basis. No funds were expended to secure names or signers. People from every walk of life and of every political complexion have expressed violent opposition.

The Save-the-Deschutes Committee, which was formed primarily for the purpose of protecting this river from encroachment of high hydroelectric construction such as is contemplated here, is composed of representatives of many sportsman's groups, including but not limited to the Izaak Walton League of America, the Oregon Wildlife Federation, and others, many independent individuals who neither fish nor hunt, the Oregon State Grange, the International Woodworkers A. F. of L., the Oregon State Industrial Union Council, CIO., and others, who are opposing this project, irrespective of whatever agency, either public or private, were proposing its construction.

The Deschutes River, as this committee may well know, has long been famous over much of the world, for its magnificent rainbow trout and the wonderful fishing and recreational opportunities that it affords. This construction will inevitably do much to destroy that recreational resource. More important, however, though we are not minimizing the value of the fishing and the recreational resource, is that matter of water.

The Deschutes River is in a comparatively dry area where irrigation is necessary to the production of crops. It is true that present irrigation water is protected under the terms of the license granted by the Federal Power Commission, but unfortunately the Federal Power Commission failed to take into consideration two very important and fundamental points, the first of which is that our population in this area is growing at a rate substantially faster than that of the rest of the Nation, that that population has now more time to spend in recreational pursuits and more opportunity to pursue outdoor recreation than ever in our history by reason of good roads, good automobiles and generally more money to spend.

Recreation is the third largest industry in the State of Oregon, exceeded only by lumbering and agriculture. Tourists from outside the State, in the year 1955, spent in excess of $120 million in Oregon. It is the considered opinion of competent persons in the field that if the resident tourist dollar were added to this, it is very likely that the total would exceed even agriculture. In 1955 there were 322,529 persons licensed to angle in the State of Oregon. Experience of the past has indicated that this number will increase with each succeeding year, so long as there is reasonable opportunity to enjoy this type of recreation. Certainly it is not too much to ask that at least some few streams, of major importance, in the State of Oregon be dedicated to this task.

The other aspect of this Deschutes River that was totally overlooked by the Federal Power Commission is that while electrical energy can be generated in many fashions, from oil, natural gas, even wind, though that would not be recommended in this area, we will only have the amount of water that God has given us. If the waters of the Deschutes system are dedicated to the production of electrical energy, in defiance to the expressed public policy of the State, then this water will be forever denied other uses. While we realize that the water will not be consumed in the process, still it must be delivered to the turbines and cannot be taken out in the event that our expanding population some day might demand that this water be devoted to irrigation or domestic consumption. With the tremendous potential that is now on the immediate horizon, to be derived from the application of atomic sources to power production, it would be the greatest folly to tie up a river as important for other benefits, in a single purpose project, which will have a rated capacity of 120,000 kilowatts, but by the figures of the Federal Power Commission itself will only be able to produce on a constant basis not over 40 percent of that rated capacity. Contrary to the claims of the applicant in the hearing in 1951, who stated that we would have a power shortage in the Northwest by 1955, we have ample power; and all people connected with the industry who are of fair mind, state that with the construction on the large streams now contemplated or in progress, we face no power shortage prior to 1964 or 1965, and by that time atomic energy is likely to be a major factor in the electrical picture of the entire Nation.

This construction is not needed, particularly at this time. The recreational aspects of the stream are certainly needed at this time, and will be more greatly needed as our population expands.

Fisheries resources are especially needed. They cannot ever be replaced, once they are lost. Every square yard of spawning and rearing area must be maintained in order to preserve what little is remaining of the resource that meant so much to the economy of the region in years gone by. The salmon fishing industry has made its sacrifice in this program, along with the many others, in that it has been severely curtailed in its operations and fishing time. Certainly another sacrifice in the form of eliminating spawning and rearing grounds, such as will result from this construction, is neither wise nor advisable, particularly when no power shortage exists.

In addition, the economic factors of this construction must also be considered. In the hearing before the Federal Power Commission, the applicant stated that it had made application to the Office of Defense Mobilization for a certificate of necessity, giving it a rapid writeoff against the income taxes on this project, that if the applicant received the requested writeoff of 80 percent over a 60-month period that it could produce power

at $22.60 per kilowatt-year; that if it received no writeoff and the normal amortization would apply, power would cost $26.20 per kilowatt-year. They were given a certificate to the extent of 65 percent in 60 months, which means that the power produced at this plant will cost approximately $24 per kilowatt-year, in contrast to power that is sold by the Bonneville Power Administration of $17.50 per kilowatt-year.

We are interested in the entire body of this legislation, S. 3250, first, that the license granted by the Federal Power Commission to the Portland General Electric Co. to construct what is known as the Pelton project, F. P. C. No. 2030, be revoked; and secondly, that the position of the State with respect to their right to control the waters of their internal nonnavigable streams, such as the Deschutes, be restored to them; for water is the lifeblood of the West, and the people closest to those resources are most generally in a much better position to determine their use, than a board or commission sitting some 3,000 miles away, for the plans and aspirations of the people who have grown up close to those resources are more likely to result in a wiser use for the greatest number over the greatest length of time.

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THE PROBLEMS POSED BY THE PELTON DAM PROJECT AND DECISION

(Statement by Senator WAYNE MORSE on S. 3250 before the Senate Committee on Interstate and Foreign Commerce, Tuesday, March 21, 1956)

Mr. Chairman and members of the committe, your action in scheduling hearings on S. 3250 is appreciated. As you know, I am a sponsor of the bill and, of course, advocate favorable action. In fairness to the many groups in central Oregon and to the committee, I must state for the record that this is a controversial project. Therefore, I request that the opportunity be afforded advocates of the Pelton Dam project to present their views to the committee.

At this time I do not wish to make an extended statement because there are witnesses from Oregon whose time in Washington is very limited.

TWO BASIC PROBLEMS PRESENTED

*A. State authority over intrastate, nonnavigable streams*

The Pelton Dam, for which the Federal Power Commission has issued a license over the protest of Oregon agencies, would be located on the Deshcutes River, a wholly intrastate stream. In the case before the Commission and the courts, no party contested its classification as a nonnavigable waterway. Federal jurisdiction was based upon the fact that the dam would be built on Federal land, which had been reserved by administrative action for future power development.

The Supreme Court's decision upholding the Federal Power Commission license was based in major part upon a technical difference between "public lands of the United States" and "reserved" lands. There was no doubt that as to "public lands" the Desert Lands Act applied, thereby insuring the State control over water rights. The Court held, however, that reserved lands, though formerly public lands, were not covered by the Desert Land Act and hence the State did not have the authority to withhold approval of a dam and the use of the water proposed.

It is quite clear that this is a technical kind of distinction which has no support in policy considerations. I do not criticize the Court. It interpreted the law as it found it, and that was in a somewhat confused condition.

The bill which Senator NEUBERGER and I propose would do no more than remove the distinction without a difference from the Federal Power Act. We share the concern of many Westerners over the implications of the *Federal Power Commission* v. *Oregon* decision. It does endanger State authority in private license proceedings for projects on wholly intrastate, nonnavigable streams.

Some have advocated a drastic and radical revision of the Federal Power Act as a result of what has become known as the *Pelton* case. This is a dangerous and shotgun approach to what is a narrow problem so far as the text of the law is concerned.

We urge returning the law to the condition it was in before the *Federal Power Commission* v. *Oregon* decision without major and dangerous surgery.

*B. Power versus conservation*

As every member of this committee knows, I am an advocate of hydroelectric power development. None knows this better than the chairman, the senior Senator from Washington, Mr. MAGNUSON.

However, in approaching problems of resource development in the river rich Pacific Northwest and elsewhere, a proper balance must be maintained between power production and other very valuable resources. Wherever possible, the use of a stream for power and other conservation uses should be harmonized so as to promote the greatest good for the people of the area. At certain sites the economic production of power should take precedence over competing potential uses. At others, the preservation of invaluable fish runs or other wildlife resources have a higher social value.

The Deschutes is famous for its commercial and sports fish runs. The power potential of the Pelton site is relatively small; it is a total installed capacity of 108,000 kilowatts. I am not completely convinced that the fish and power uses are finally irreconcilable, although the procedure in this case has led to a winner-take-all result to date. Some, who believe that the power use is more important than fish resources in the Deschutes and the Metolius which joins it above the Pelton site, do not fully appreciate that the power that would be generated would not be used in central Oregon, but would go into the Portland General Electric service area in western Oregon. Yet many who support the project argue that the power produced at Pelton would provide central Oregon with badly needed power.

I believe that a cancellation of the Pelton license and the revision of the law proposed would make possible a fresh start on attempts to harmonize use of the site for power and preservation of fish runs. However, if a final choice must be made between relatively small power production and the irreplaceable commercial and sport fish runs, the latter have higher social utility in this area. Commercial fishing in the Columbia Basin has been declining. Sport fish resources are shrinking in Oregon and elsewhere in the Nation. Once lost they are difficult, and probably impossible to replace.

Outdoor recreation is of ever-increasing importance to our people. Our growing population, increasing leisure, and the pressures of city life make outdoor recreational opportunities ever more important. We cannot afford to shrink those opportunities.

The bill Senator NEUBERGER and I have introduced is designed to prevent shortsighted use of a site and the frustration of State authority by a technical, and probably unintended, distinction in the Federal law.

We, therefore, urge that this reasonable and moderate proposal be enacted into law, lest accumulated dissatisfaction result in more far-reaching and less desirable revision of the Federal Power Act.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

## ELECTION OF PRESIDENT AND VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, Senate Joint Resolution 31.

The Senate resumed the consideration of the joint resolution (S. J. Res. 31) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

Mr. WELKER obtained the floor.

Mr. JOHNSON of Texas. Mr. President, I request that the Senator from Idaho [Mr. WELKER] be permitted to yield to the Senator from Tennessee [Mr. KEFAUVER] for not exceeding 5 minutes.

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

Mr. KEFAUVER. Mr. President, previously, on behalf of the Committee on the Judiciary, I reported Senate Joint Resolution 31. It proposed the submission of a constitutional amendment providing for the election of a President and Vice President. I wish to take this opportunity to make a general statement in connection with it.

The modernization of the Constitution with reference to the election of a President and Vice President has been the subject of discussion for many, many years. Undoubtedly, the concept of an elector has changed since the time of the adoption of the Constitution. At that time it was contemplated that electors would be men of superior intelligence who themselves would exercise their judgment in the selection of candidates for the two highest positions in the United States, but as political parties have formed and as time has gone on, such electors are supposed to carry out the will of the political party which elects them, although there is still no provision requiring them to do so.

As late as 1948, one elector, who was elected in the State of Tennessee on the Democratic slate for Mr. Truman and Mr. BARKLEY, voted instead for the candidates of the States Rights Party. This was not material in that particular case, but if the will of a majority of the people should be overthrown by some group of electors casting their votes in a manner different from that which was expected of them, it could bring about a very distressing and confusing situation in the United States which might lead to disaster.

Furthermore, Mr. President, there has never been any uniformity in the methods pursued by the various States as to their rights in connection with the election of a President.

Mr. GORE. Mr. President, will the senior Senator from Tennessee yield for a question?

Mr. KEFAUVER. I am happy to yield to my colleague.

Mr. GORE. Before the Senator leaves the question of the latitude of electors, I should like to inquire of him if it is not a fact that although electors under the present system may, as the able Senator has pointed out, be elected and

commissioned from their respective States as the result of the efforts of organized political parties, nevertheless, there is no legal compulsion on the electors to obey the will of the mandate. There is a moral obligation, as I interpret it, but, as the Senator has pointed out, one elector from the State which he and I have the privilege and honor to represent did, indeed, cast his ballot for a candidate whose electors had not carried the State of Tennessee. Does not the Senator think that some remedy for such a situation is required?

Mr. KEFAUVER. Yes; I fully agree with my distinguished colleague that while there is a custom and a moral obligation on an elector to vote for the Presidential candidate who receives the greatest number of votes, there is no legal compulsion that he do so. As late as 1948, one elector voted for the candidate who received, I believe, the third largest number of votes in his State. It was a very much smaller number of votes than were cast for President Truman and Vice President BARKLEY.

Mr. GORE. Would it not have been legally possible for all the electors from the State of Tennessee to have cast their votes as did that one elector?

Mr. KEFAUVER. It would have been legally possible.

Mr. GORE. Would not such a practice lead to an incorrect reflection of the franchises of the people of the whole State?

Mr. KEFAUVER. Such a practice could completely reverse the intention of the people of a State, and if it changed the eventual result, it might not only lead to a great deal of confusion, but might actually lead to a rebellion, or a very hectic time.

It might lead to the election of a person for whom the people had not voted.

This is a problem that is fraught with many dangers. We have realized for a long time that the electoral college system was completely outmoded; that the system might lead to a miscarriage of the intention of the people. I think the condition should be remedied.

Mr. GORE. I congratulate my able colleague upon the leadership he has provided in this field, and for the proposal he has made to remedy a basically undemocratic and, as the Senator has so ably pointed out, dangerous situation.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Tennessee may be permitted to have 2 additional minutes.

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

Mr. KEFAUVER. Mr. President, I had intended to make a general statement about the status of the matter, and its details could be more fully explained by some of my colleagues.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. I know the senior Senator from Tennessee is a cosponsor of Senate Joint Resolution 31. I was wondering whether or not the Senator supports the proposed substitute, which is, I believe, the Daniel-Mundt——

Mr. DANIEL. The Daniel-Kefauver-Mundt resolution. My question has been answered.

Mr. KEFAUVER. I strongly favor the proposal which was originally labeled as the Lodge-Gossett proposal, whereby the Federal vote of a State would be divided in proportion to the popular vote. That has many advantages which I shall point out.

However, as my colleagues know, that proposal passed the Senate in the 81st Congress and went to the House of Representatives. There the Mundt-Coudert plan was offered, but resulted in nothing being done. At this session of Congress there has been much interest as indicated by the number of Senators who have joined in sponsorship of one or another of the plans. I filed one resolution, providing for the Lodge-Gossett plan in which nine Senators joined, including Senators HUMPHREY, COTTON, SPARKMAN, MANSFIELD, DIRKSEN, ERVIN, DANIEL, NEUBERGER, and HILL. The distinguished junior Senator from Texas [Mr. DANIEL], who has done such fine work in trying to bring forth a bill on which action can be taken, sponsored a similar resolution on which 19 Senators joined. Meanwhile the Mundt-Coudert plan was again offered. The provisions of the Mundt-Coudert measure can be followed at present under the Constitution. As a matter of fact, a large number of States have elected electors on the district basis.

The Mundt-Coudert proposal contains some improvements over the Constitution at present. My feeling was that the matter should be brought up for discussion, so that it might receive the attention of the Senate and the House of Representatives, thus enabling the two Houses to compose their differences and to work out a plan which would remedy the defect in the present system, and thus bring about as popular a vote as can be had. It was my view that by combining the two measures there would be a better chance of having full consideration of them throughout the debate.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Idaho may yield 2 additional minutes to the Senator from Tennessee.

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

Mr. KEFAUVER. If the Mundt-Coudert plan were offered as a plan in itself, separate from the others, I should be very reluctant to support it. But in order to have the matter considered, with a likelihood of some kind of constitutional amendment being submitted to the people, I have favored considering the Lodge-Gossett plan and the Mundt-Coudert plan along with the Senate proposals. What the two Houses of Congress may eventually work out, I, of course, do not know, but the two plans have been joined for the purpose of discussion.

Mr. HUMPHREY. Has the Senator from Tennessee read and studied Senate Joint Resolution 152, which is another proposal that has been advanced, and which I was privileged to sponsor? It was developed by a research staff of the Brookings Institution. It has received considerable support from persons in the field of constitutional law and those who have studied the operations of the electoral college.

I have asked my question because I am concerned that by the substitute proposal which the Senator from Tennessee has said he would like to have considered, the Senate might very well enact a measure which would not work to the advantage of a better electoral college system, but might actually work to the disadvantage of majority rule.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee has again expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Idaho may yield 2 additional minutes to the Senator from Tennessee.

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

Mr. KEFAUVER. Is the proposal referred to by the Senator from Minnesota a popular-vote proposal?

Mr. HUMPHREY. No; it is not. It is a proposal which provides that the votes cast for Senator in each State shall go to the party getting the majority of the votes, the remainder of the votes to be divided according to the votes of the candidates of the respective political parties.

Mr. KEFAUVER. This is my attitude about the entire matter. I think it is quite apparent, in the first place, that there needs to be some modernization of the method of electing the President and Vice President.

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

The PRESIDING OFFICER (Mr. LAIRD in the chair). Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. KEFAUVER. I yield.

Mr. BARKLEY. A moment ago the Senator from Tennessee said that his amendment would come as close to the popular vote proposal as possible.

Why hold back from the popular vote method? Why not let the people vote directly for President and Vice President, instead of going through the electoral college, which is an outmoded, antiquated piece of machinery, adopted 175 years ago, because those who adopted the Constitution were not quite sure whether the people were capable of governing themselves?

I have favored the popular voting system for President and Vice President for 40 years. One of the first measures I introduced in Congress in 1913, was a resolution to adopt a constitutional amendment which would have allowed the people to vote directly for President and Vice President. That is what I favor now. I do not see why we should hesitate about adopting it.

Mr. KEFAUVER. I appreciate the observation of my distinguished colleague. I, too, would be very happy if the President and Vice President could be elected by popular vote. I think that if in the beginning the Constitution had been written so that the people of the States could have voted for President and Vice President by popular vote, and if there could have been some uniform requirements or qualifications for the voters, that would have been a good thing.

Even now I would support the idea of the proposal submitted by my distinguished colleague from Kentucky for a popular vote if it were possible to have the Constitution so amended.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Idaho may yield 5 additional minutes to the Senator from Tennessee.

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

Mr. KEFAUVER. The reason I do not support the popular vote proposal today, is that the political facts of life make it impossible to secure the approval of such an amendment by three-fourths of the States. About two-thirds of the States secure some benefit because the number of electors is based upon the number of Senators and Representatives, which gives to the small States a little advantage.

Surveys have shown that a popular-vote amendment would have absolutely no chance of being approved by three-fourths of the States.

Mr. BARKLEY. I realize that. Still, that offers to me a good reason to believe in or advocate the popular election of President and Vice President. It took a long time before the Constitution was amended to provide for the popular voting for United States Senators.

The electoral college was really intended to function under the Constitution, and it did function, because it provided that the candidate receiving the highest vote for President should be President, and the candidate receiving the next highest vote should be Vice President. But later, when the party system was adopted, it developed that that procedure was impractical.

It took a long time to secure a constitutional amendment to provide for the election of Senators by the direct vote of the people.

Notwithstanding the difficulties which I realize the Senator has mentioned, they do not in any way dampen my belief or my feeling that some of these days we shall have to give the American people the right to vote directly for President and Vice President. I favor that now, notwithstanding the difficulties involved in the procedure.

Mr. KEFAUVER. I think there is no disagreement between the position taken by the Senator from Kentucky and myself. I wish it were possible to give the people the right to vote by popular vote for President and Vice President. But the electoral college system having been established in the beginning, and certain benefits accruing to the smaller States by virtue of the system—the survey, I believe, shows that some 30 or 31 States would actually lose some of their status in the election of President and Vice President if the present system were abandoned and the popular vote plan were adopted—a political impossibility presents itself so far as the securing of a popular vote resolution is concerned.

Since that is the situation, I have advocated getting as close as possible to the popular-vote system, while at the same time getting away from the obsolete, antiquated electoral college, which might cause much distress in the Nation one of these days.

Mr. BARKLEY. While the popular election of President and Vice President might affect the political strength of some States, it would give the people of this country more strength; it would not take away from their strength. It has happened in 2 or 3 instances that the man who received the largest number of votes from the people did not get the presidential office, because of the shifting of the electoral votes. Under the electoral college system, the man who received a minority of the votes received the majority in the electoral college and became President.

Mr. KEFAUVER. Yes. My recollection is that three times in our history the candidate who received the majority of the votes was not elected. That is unfortunate. I wish we had started out on a popular vote basis. Of course, that would require uniformity of qualifications for voters throughout the United States.

Mr. BARKLEY. That is true, but I am not arguing that point at this time.

Mr. DANIEL. Mr. President, will the Senator yield for just a second?

Mr. KEFAUVER. I am at the mercy of my friend from Idaho. Will the Senator yield me more time?

Mr. WELKER. How much times does the Senator wish?

Mr. KEFAUVER. Five minutes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Idaho may yield the Senator from Tennessee not to exceed 5 minutes, and I ask the indulgence of the Senator from Idaho.

Mr. WELKER. I am happy to indulge the Senator.

The PRESIDING OFFICER. Without objection, the Senator from Tennessee is yielded 5 additional minutes.

Mr. DANIEL. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield to my colleague from Texas.

Mr. DANIEL. Is it not true that since there are different voting age requirements in some of the States—for instance, Georgia allows those who are 18 and over to vote; other States require that a person be 21 to vote—that would be one factor that would prohibit us from having a popular vote and being fair to all the States?

Mr. KEFAUVER. Yes. I wish there was a popular vote basis, and that we had started out on that basis, but I think if we had such a basis we would have to have uniform qualifications for the voters. Otherwise one State might endeavor to secure an advantage by having different qualifications from those which existed in other States. For my part, I wish all the States had an 18-year-old provision, as does the State of Georgia; but that is a separate and a different matter. I do believe the so-called Lodge-Gossett plan is the nearest we can get to a popular vote plan, and at the same time have some chance of getting it approved by the various States. It also would get rid of the antiquated electoral college system.

Generally, the advantages of that plan are, first, that it would avoid the dangerous situation which would result from electors voting for a candidate who was other than the choice of the people in a particular State.

The second advantage is that it would mean a real two-party system in the United States, because a vote in any State would mean just as much as a vote in one of the so-called pivotal States. Both parties would fight just as hard for votes in other States as they now fight for the votes in the present pivotal States. We know that, as matters are now, in each political party the strategists decide that the campaign is to be waged in key States. Although they did in 1952. Ordinarily the Republican candidates do not go into the Southern States. Ordinarily the Democratic candidates do not feel it is worth their time to go to New England, for instance. If the proposed plan were adopted, the voters of every State would have the educational advantage which would accrue to them from an active participation in a national election. It would certainly cause more citizens to exercise their right to vote. There would be more interest. They would vote and participate more in the elections, and that certainly would be in the public interest.

Furthermore, if a voter in one State had as much influence as the voter in another State, the emoluments coming from the Federal Government would be more equitably distributed among States in all sections of the United States. The same applies to the appointment of officers in the excutive departments, Cabinet members, and their administrators.

I believe the general welfare, through the participation of more people in elections, would be furthered by the adoption of the plan. I know it has been argued that this amendment might take away the influence of certain minority groups in some of the States of the Union, but I submit it would be an incentive for a much larger participation by minority groups all over the United States. I am certain that more of our Negro citizens would have an incentive to participate, and that many barriers to their participation would be more readily removed in some of the Southern States, if this plan were put into operation. The same is true as to other groups in other parts of the country.

The Mundt-Coudert system can be used by the States now. It has been joined in the proposal for the purpose of getting a full discussion of the entire matter.

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

Mr. KEFAUVER. I hope this discussion will end in the passage of a good resolution, which the House of Representatives and the Senate will submit to the people.

## ATOMIC PROGRESS AND REACTOR HAZARDS

Mr. WELKER. Mr. President, today I wish to discuss an extremely important subject—one which affects all the people of the United States, and one in which, to a particular degree, the people of my State of Idaho are interested. The Senate members of the Joint Committee on Atomic Energy have been notified of my intention to speak today. It is my hope that they are present. However, in order to maintain continuity and to prevent digressions, it will be necessary for me to refuse to yield for questions until my statement is completed.

For many years now the atom has been a sacred subject in the Halls of Congress, a subject of which only the members of the Joint Committee on Atomic Energy were presumed to have knowledge. There are some of us who have not been members of this very powerful and influential committee. Yet the activities of the atomic-energy program vitally affect the lives of the citizens of all our States.

In the year 1949 the Atomic Energy Commission established the national reactor test site in Idaho.

According to the semiannual report of the Atomic Energy Commission, dated July 1949—

> To assure proper experimental testing and operation of new reactors without hazard to any large nearby community, the Commission is establishing a reactor testing station at a remote location. The location that has been selected as best for this testing station is an area in southern Idaho, including grounds now occupied by a naval ordnance station.

In the next semiannual report of the same Commission, it was stated:

> In the interest of public safety, operational economy, and security, the Commission in the fall of 1948 determined to establish in a remote location a reactor testing station capable of accommodating a number of the newest and most powerful reactors then under design. Accordingly, with the cooperation of the United States Army Corps of Engineers and the United States Geological Survey, more than 70 possible locations in various parts of the country were surveyed on the basis of such factors as isolation, accessibility, availability of water supply, and favorable meteorological conditions.
>
> As a result of the surveys, the Commission last March announced that it had selected a 400,000-acre site in the Snake River plains of southern Idaho—including 173,000 acres of naval proving ground property near the town of Arco—as the best location for the new station.

My friends and neighbors from the adjoining great Western States of Montana and Wyoming were not particularly pleased with the location of this facility in Idaho. In April and May of 1949, they requested permission to appear, and did appear, before the Joint Committee on Atomic Energy, to put forward the reasons why this reactor test area should be located within their States. I refer those who are interested to the hearings held before the Joint Commission on Atomic Energy, 81st Congress, 1st session, entitled, "Selection of Site for Reactor Test Station." These hearings, which encompass 165 pages, set forth the reasons why the Atomic Enery Commission felt that such a site was essential, and established the justification for the location of this site in my home State of Idaho.

A letter written on April 12, 1949, by David E. Lilienthal, then Chairman of the Atomic Energy Commission, to Representative MIKE MANSFIELD, now a United States Senator from the State of Montana, said in part:

> The requirements for such a station demanded an isolated area of at least 400,000 acres to minimize potential hazards.

The same letter discussed at some length the question of the disposal of radioactive wastes.

Mr. Roger S. Warner, Jr., Director of Engineering of the Atomic Energy Commission, quoted Mr. Lilienthal as stating:

> This is the site we want, and we will go up to the President, if it is necessary, to get it.

Mr. Carleton Shugg, then the General Manager of the Atomic Energy Commission, stated in these hearings the basic need for a test site and the criteria used in selecting the area. He said—page 84:

> The Atomic Energy Commission has concluded that in order to press forward with the development of new reactors in a manner compatible with public safety and welfare, acquisition, and development of a new remote testing site is necessary.
>
> The test station will be essentially a field facility for testing and proving for the entire national reactor-development program, while research and development activities continue at existing installations. Participating in this project will be Commission research units working on reactors, Armed Forces agencies concerned with military utilization of reactors, and industrial groups working on problems for the Commission in this field.
>
> During the first half of 1948, the importance of the development of a separate reactor-testing station became increasingly apparent to representatives of the Commission, advisory groups, and others engaged in the reactor-development program. All known factors related to the subject were considered by staff members in the light of the objectives of such a program, and a general statement of criteria for the site of such a station were developed. These criteria, which were later refined and developed in the course of further study, provided in general that the site for a reactor-testing station should:
>
> 1. Be removed from heavily populated and industrialized areas.
> 2. Be near enough to existing communities so that construction and operating personnel can be accommodated.
> 3. Contain at least 400,000 acres of land, preferably of submarginal value for farming and ranching and not suitable for future agricultural, mining, or other development.
> 4. Be near a readily accessible reliable water source that would supply continuously a minimum of 50 cubic feet per second.
> 5. Have geological, hydrological, and meteorological conditions facilitating the handling of radioactive wastes under normal and emergency operations.
> 6. Be near an electric power source that will be capable of supplying a minimum of 70,000 kilowatts at a reasonable cost.
> 7. Be amenable to acquisition and development with utmost economy.

To some degree Mr. Shugg was repeating the information previously released by the Atomic Energy Commission on March 22, 1949, in a press release announcing the selection of the Idaho site for the reactor test station.

Mr. President, my point in reviving this bit of important history is to set the stage for some questions which I intend to ask, and to which I hope to obtain straightforward, clearcut answers.

There can be no doubt that it was the intent of the Atomic Energy Commission, with the support of the Congress of the United States, to establish in a remote and isolated area a proving ground for the development of atomic reactors. What was the first criterion in the selection of a site? I quote from Mr. Shugg, who, I again remind Senators, was then General Manager of the Commission, that the site "be removed from heavily populated and industrialized areas." No voice was ever raised by any person at any time against the advisability of locating these potentially hazardous machines in isolated areas. My State was proud to participate in the program. Four hundred thousand acres, a territory almost half the size of the State of Rhode Island, are encompassed in this one facility. If need be, an area twice that size is available. I am certain that other States in the West will be glad to furnish additional land if needed.

In March 1954 Dr. H. D. Smyth, then a Commissioner of Atomic Energy, when discussing an experiment in Idaho with a boiling water reactor, stated:

> This particular experiment illustrates very well the reasons for choosing an isolated area as a site for experimental reactors. It was not only that some of the reactors might be inherently dangerous, but it was felt that an experimental reactor, one built primarily for the purpose of obtaining information, should be operated to extremes, and that it was desirable to have them in an isolated location for that reason. In other words, if you want to get as much information as you can out of a reactor, you need to push it to the point where it might conceivably run into trouble.

Let us get one thing straight before we go any further. Today we are not talking about small research facilities, as was Dr. Smyth. We are not talking about low-powered, portable, package reactors. We are addressing our remarks today to the location of those reactors which will contain within their cores fissionable material and fission products with a radiation equivalent exceeding that of all the radium in the world. I became increasingly restless as each day brought more news that it was the intention of this group or that group or the other group to build an atomic power reactor at or near large city industrial regions. I am in favor of the most vigorous program for the development of atomic power that can be achieved in the United States; but I want the program to be carried out with a little bit of commonsense.

Why did the Congress of the United States consent to the establishment of a national reactor test site in Idaho if we are now to allow a pressurized water reactor, containing over 100

pounds of enriched uranium to be located within 20 miles of Pittsburgh, Pa.? I recently read testimony given before the Joint Committee on Atomic Energy by one atomic energy Commissioner that for the first year of operation this reactor would lose more money in operating costs than its entire replacement value.

Furthermore, I have been told by individuals upon whose scientific competence I rely, that the impact of atomic power on the economy of the United States would be slight, if at all, in the foreseeable future because of the abundance of fossil fuels which God has so graciously bestowed on our Nation.

Just for the sake of the record, may I quote from the McKinney Panel Report issued in February 1956 by the Joint Committee on Atomic Energy—page 49:

We recommend:

1. That the Congress, the American people, and the people of the world recognize that large sums of money and years of effort must be spent to bring atomic power to a point where it can be used effectively and widely on a competitive basis; unless and until research and development demonstrate that atomic power can be economically feasible, there can be no substantial impact.

This, in essence, is but a repetition of remarks made some years ago by Dr. Lawrence Hafstad, at that time Director of the Reactor Division of the Atomic Energy Commission. In 1949 Dr. Hafstad said—page 119:

The large electric-power plants supplying our cities and atomic-power reactors would seem to be of more nearly comparable size. However, this does not mean that cheap electric power from atomic sources is assured. The money the consumer pays for electricity goes largely to cover costs of distribution. Relatively, the cost of the coal or other fuel is small. Therefore, since atomic energy promises further reduction in fuel costs only, it is clear that even successful power-producing reactors could bring little, if any, immediate reduction in the cost of electric power to the consumer.

In 1950 he said—page 126:

First to assist in cutting through the underbrush, let us assume that the cost of uranium fuel is zero, that peace unexpectedly breaks out and that fissionable material is available as war surplus. Then reminding you again that all we produce in a reactor is heat, you will note that all we can replace with nuclear energy components in the conventional steam powerplant is the firebox and boiler. All the heat transfer apparatus, the turbines, the generators, and the distribution system remain the same. In this regard, a rough figure to carry in mind is that even if power could be put on the bus bars at the central station at zero cost, the costs of distribution are such that the cost to the consumer would be reduced only by 25 to 35 percent. The fondest hopes for civilian atomic energy must therefore be expected to produce savings somewhat less than this and can hardly be expected to be really revolutionary.

His successors in office have never basically disagreed with him in his conclusions.

It is clear that the problem with which we are dealing is the design and development of a reactor which will be safe, and which eventually will be competitive with conventional fuels in the high-power cost areas.

Let me point out that our present reactor designs are merely a substitute form of heat, and that the remainder of the generating and transmission system is unchanged. We are merely trying to replace the boiler and the fuel with an atomic reactor.

There has been much discussion about the necessity for the development of atomic power as an instrument of foreign policy. It has been said that if we do not build reactors in foreign countries that can produce power, the Soviets will most certainly step in and perform this service. In the magazine U. S. News & World Report, March 16, 1956, there is an article which sets forth plan A, sponsored by Commissioner Thomas Murray, of the Atomic Energy Commission, and plan B, sponsored by Chairman Lewis L. Strauss, of the Atomic Energy Commission, for putting the peacetime atom to work. Mr. Murray wants the Government to put up $1 billion; Mr. Strauss wants industry to do the financing. Both want the reactors built near cities.

Today I want to talk about plan C, which we will call the "Commonsense plan." I submit that we should build every conceivable type of reactor, regardless of cost, which our scientists feel offers prospect of ultimate success.

Mr. President, I have stood on the floor of the Senate and watched billions of dollars of the American taxpayers' money be scooped out in our Santa Claus foreign-aid programs over my objections. I am not going to argue about the cost of developing atomic power. I am not going to sit here and watch the bureaucrats go to the Waldorf for dinner and then protest against leaving a tip to the waiter. Far from it. As long as we are dissipating our national assets in precarious overseas adventures, I am perfectly willing to endorse either Mr. Murray's $1 billion plan or anybody else's $2 billion program for the development of atomic energy. Plan C, however, differs from plan A of Mr. Murray's and plan B of Mr. Strauss in that it reverts to the original stated intent of the Atomic Energy Commission and the Congress to build these experimental power reactors in isolated sites purchased specifically for that purpose.

Why does the Senator from Idaho make such a fuss about this subject? Is it because he is jealous that the people of Pennsylvania are going to have a reactor 20 miles from the great industrial metropolis of Pittsburgh? Is the Senator from Idaho again complaining because his State and the other western States seem to be always left out when Federal money is being expended? Oh, no, Mr. President. I am sure the Senators from North Dakota and the Senators from Wyoming, Montana, Nevada, Utah, and Colorado could make quite a case if we were to place our objections to this reactor program on the basis of the expenditure of Federal funds in certain selected States.

I am no babe in the woods, Mr. President. It has not escaped my notice that every time one of these tremendous installations was built it just happened to end up in Tennessee or South Carolina or New Mexico or Washington or certain other favored areas.

Of course we in Idaho welcome any program which will give increased employment and increased earning to our people. But that is not why I rise on the floor of the Senate today. Anyone but a congenital idiot knows that if atomic power is ever to be in the competitive field, the last place in the world to build a reactor would be at Shippingport, Pa., sitting on top of a coalfield in a region that has more coal, oil, and natural gas per capita than almost any area in the United States, or, for that matter, in the world. The Senator from Massachusetts [Mr. KENNEDY] appeared before the joint committee some time ago. He tried to tell them that if it is desired to locate an atomic reactor where power costs were high it should be built in New England. His logic is unassailable, but, in my opinion, his conclusions are wrong.

Mr. President, I shall tell my colleagues why I rise to protest the spreading of these atomic reactors near large civic centers of the United States. I shall quote the experts of the Joint Committee on Atomic Energy, this McKinney panel, and I invite every Member of the Senate to rise, when I finish, and accept the responsibility for the location of these nuclear devices in or near populated areas.

First one. I quote from page 124 of the Report of the Panel on the Impact of the Peaceful Uses of Atomic Energy, January 1956:

A nuclear reactor's getting out of control may, under special conditions, cause widespread injury to people and loss of use of property because of radioactive contamination. These events should not occur if design and operating standards are properly established and effectively enforced. Yet, men make mistakes and accidents happen.

Then I wish to read pages 126, 127, and 128. I wish to read carefully so that at no time can any person say that the Senator from Idaho failed to bring this information to the attention of this Congress and, insofar as possible, to the people of the United States.

14.4. INSURANCE AGAINST DAMAGER RESULTING FROM PEACEFUL USES

The 1954 act requires all licensees of the Commission to hold the Government free from any liability arising from damage to persons or property as a result of any licensed peaceful uses of atomic energy. This means that the licensees must pay for all damages, even though the special nuclear materials which they may be using under license belong to the Federal Government and even though all Commission and local regulations are fully obeyed. The risks incurred run from minor health hazards risked by direct employees to the extremes of potential damage resulting from runaway atomic powerplants. These upper damage limits could theoretically include the severe radioactive contamination of expensive urban and industrial areas and radiation injury to millions of persons—injury which might not be able to be evaluated completely for decades or even generations. This is the most extreme view and is the one which is commonly used to prove that the risks are too great for private enterprise to assume. It is in the light of these risks that the respective obligations of private enterprise and Government must be balanced.

Sufficient experience in the atomic-energy program to date has permitted private insurance companies to provide coverage of the risks to employees within a reasonable rate structure. This accomplishment is in

contrast with the practice that prevailed during World War II when personnel engaged in atomic energy work were injured against job-incurred injuries by complete Government assumption of the insurance risk.

Many States have already modified their workmen's compensation laws and regulations to permit coverage for radiation injuries. Care must be exercised by all those connected with these programs to make sure that all real injuries are properly covered, but that at the same time imagined or tenuously related injuries continue to be dealt with in reasonable balance.

There is real urgency in getting more and better knowledge about the effects of radiation and continuously reviewing standards in the light of the best knowledge available. The Commission has a heavy obligation to sponsor such research in every possible way. Yet, at the same time, the public must be given better understanding of the fact that development of scientifically complete knowledge in these areas is a never-ending task and that a great deal of such research requires a stepwise process which dollars alone cannot speed.

The more widely discussed insurance problem, however, is that relating to the liability of licensees operating atomic powerplants which might theoretically go out of control and shower nearby cities or the countryside with radioactive materials.

No 100-percent safe power reactor has as yet been conceived; 99.99-percent safe may not be enough. While every precaution has been taken in reactor and component designs to assure safety, manmade devices and controls are involved. Unforeseen malfunctions may occur, leading to reactor or plant destruction. Just as perverse ingenuity of punch-press operators has on occasion counteracted safety devices designed for their own protection, reactor safety and control equipment and procedures may be circumvented. Consequences may be serious.

Experience on reactor accidents is meager. Research on this problem is barely started. Important background data has been obtained as a result of an accident involving a research reactor in Canada, and from a deliberate "runaway" reactor experiment conducted by the Commission. From this limited base, it has been concluded that damage may range from local contamination of the reactor structure to contamination of an area of several square miles or more if weather conditions contribute to dispersal and fallout of radioactive particles. The results seem to range from the rough equivalent of partial or complete destruction of a plant by fire to events on the scale of the Texas City disaster. The maximum effects on high industrial or population concentration may be far-reaching in terms of radioactive contamination and radiation exposure. Destructive shock waves of overpressures, however, are unlikely to accompany a "runaway" reactor and nothing like the effects of atomic bombs seems likely or even possible.

If, in spite of all the safety precautions taken, injuries or property damage should still take place, what can be done to insure against ruinous financial loss?

The number of claims for injury or damage resulting from an accident may reach extremely large proportions. Those involved from the liability standpoint include not only the designers and fabricators of equipment, but the operators, corporate licensees, and all of the businesses servicing licensees. The assets of many companies might thus be available to cover such liabilities. Yet no company seems likely to be able to assume liabilities so great as to threaten its solvency.

The insurance industry can cover the atomic powerplant risks involved to the same extent that it normally does in hazardous industries. Several competent studies are in progress, and these should be permitted to determine whether current efforts to form special funds to cover atomic-energy risks will be successful. The obstacle of insurance seems quite likely to be overcome for at least the present development phases of the atomic-power industry.

Those proposing to build and operate atomic facilities and the insurance industry are naturally trying to minimize the possibility of extreme financial losses to their organizations by seeking to have the Government reconsider its position and underwrite losses which are purported to be beyond the capacity of industry.

It is still difficult to judge how necessary it may be to encouragement of development of peaceful uses of atomic energy for the Government to go into the atomic catastrophe insurance business.

Several things must be considered:

Assumption of insurance risks by Government will not now speed demonstration of economic feasibility appreciably. Research and development in reactor technology are going forward in Commission laboratories. Construction of the Commission's first large-scale demonstration plan is under way. As we have said, several additional demonstration plants privately sponsored are now to operate in 1958 or 1959. Should private sponsors withdraw from these projects, we believe that the Commission should proceed with the construction of one demonstration plant of each promising major type.

There is, accordingly, no sound basis for attempting to devise now on a crash basis a Government insurance program.

We recognize that the present power reactor demonstration program is directed at proving part of the Nation's energy reserves for the future. Risks in this stage of the development tend to be high. It seems to us, however, to be much too early for private enterprise to concede defeat on the insurance problem. To do so is to prejudge the research efforts still under way and to jeopardize unnecessarily the national attempt to carry atomic power forward to widespread application by private enterprise.

14.5. CONCLUSIONS AND RECOMMENDATIONS

The possible hazards from peaceful uses of atomic energy range from minor to catastrophic. Hundreds of applications in the fields of medicine, agriculture, and industry can apparently go forward under present regulations and standards with no serious risks.

There is urgent need for better data, however, and every effort to expedite its development should be made by the Commission and all other responsible public and private groups involved in development of peaceful uses. Every argument for changes in standards should be explored fully in competent forums to insure that no lead is left unexplored and that real doubts are resolved for maximum public safety.

Federal, State, and local authorities must continue to cooperate closely in the establishment and enforcement of the best uniform radiation health standards which can be developed. There must be balance between the conceivable and the actual hazards, however, and for some years to come the Federal Government will certainly have the responsibility of establishing this balance. This is not the sole responsibility of the Commission, but a joint responsibility of all Federal agencies involved or affected.

We are not satisfied that the time has yet arrived to reconsider the need for a Federal atomic insurance program covering peaceful uses. We have noted with interest recent plans of private insurance companies to deal with these problems. Such efforts should be encouraged. At least 2 and possibly 3 years remain in which to conduct research and accumulate knowledge and experience before any substantial private activity can be delayed or stopped because of inability to obtain adequate insurance. In fact, implications that the Government is prepared now to take on the insurance burden might stifle vigorous private efforts to meet the problem. We look on a Federal atomic insurance program as a threat to private atomic enterprise, not a benefit. It is a last resort not yet called for and one which may not be needed.

Therefore, we recommend—

1. That the Commission be encouraged to step up its program of research into the causes, effects, and control of atomic hazards; the 2 or 3 years remaining before any full-scale "demonstration" atomic powerplant comes into operation must be used to obtain the maximum amount of information in order that both those concerned with protection against harmful levels of radiation and those concerned with providing insurance to cover such damage as may occur can have the most advanced knowledge possible at the earliest time; and

2. That the joint committee and the Commission continue to encourage the insurance industry to develop ways of meeting atomic insurance problems entirely within the concepts of private enterprise.

Now let us check a few things which were said there. The panel says:

1. The risks incurred run from minor health hazards risked by direct employees to the extremes of potential damage resulting from runaway atomic powerplants. These upper damage limits could theoretically include the severe radioactive contamination of expensive urban and industrial areas and radiation injury to millions of persons—injury which might not be able to be evaluated completely for decades or even generations.

2. No 100-percent safe power reactor has as yet been conceived; 99.99 percent safe may not be enough. While every precaution has been taken in reactor and component designs to assure safety, manmade devices and controls are involved. Unforeseen malfunctions may occur, leading to reactor or plant destruction.

3. Experience on reactor accidents is meager. Research on this problem is barely started.

4. The possible hazards range from minor to catastrophic.

Mr. President, either this panel was composed of uninformed and unintelligent individuals, or we had better heed their solemn warnings. I happen to know that they are neither uninformed or unintelligent, and I would like the record to show that before arriving at their conclusions they collected 749 pages of testimony and affidavits.

I should like the record to show that the Chairman of the Atomic Energy Commission on November 9, 1955, just 4 months ago, when talking of reactor technology, said "the state of the art is still primitive."

Further evidence of the potential hazards involved is shown by the difficulty of obtaining adequate insurance.

As late as March 15, 1956, only last week, the Joint Committee on Atomic Energy conducted a seminar with the representatives of the Atomic Energy Commission and with atomic manufacturing, operating, and insurance interests to exchange views "on the problems of providing adequate indemnification for reactor owners and manufacturers." The Chairman of the Joint Committee on Atomic Energy said:

It was necessary that this seminar be conducted in executive session to insure the greatest possible freedom of expression for various participants.

Since no classified information was involved, it is difficult to understand this atomic curtain. The fact is, that some

industrial representatives at this seminar stated that at the present time they would not place the fissionable material in the reactors under construction because of the danger of a catastrophe.

Instead of worrying about "providing adequate indemnification for reactor owners and manufacturers," it is about time that the Joint Committee on Atomic Energy began to worry about the safety of the people living in these areas. One wonders what will happen if some intelligent citizen at Shippingport, Pa., seeks a court injunction to prevent the construction of what might be a public hazard. I believe he would get the court injunction.

As further evidence to show that I am not an alarmist, may I quote a report prepared by the Division of Biology and Medicine of the Atomic Energy Commission and submitted to the Joint Committee on Atomic Energy on October 10, 1955. This report states, at page 590:

Until more quantitative estimates of the probabilities of accidents of various degrees of severity can be made, it will be generally impossible to determine whether the precautions taken in the construction of a particular reactor are inadequate or unduly expensive. In view of the general perversity of nature, it is not inconceivable that we may experience a series of catastrophic accidents after a longer period of favorable experience in the construction and operation of nuclear reactors. Similar considerations apply to an even greater degree to the extension of nuclear power to the propulsion of planes, trains, ships, and so forth.

Let me also quote from a staff study of the Joint Committee on Atomic Energy dated November 28, 1955, which says:

There seems to be an appalling lack of scientific analysis of the scope of the damage which might be caused by a runaway reactor. One license application before the Commission—that of the Commonwealth Edison Company of Chicago—has the start of a good study of the problem. The environmental report for the site selected for this reactor shows the geographical and meteorological data for the site. These include studies of flooding the site, prevailing wind direction, and amounts of rainfall. The studies appear to be very complete in the areas they cover. However, I find a noticeable lack of other information:

(a) Nowhere in the materials is there any probable fallout pattern. The Atomic Energy Commission was able to put together such a pattern for the benefit of the public press in connection with the possible detonation of a hydrogen bomb over the city of Washington. It would seem to me to be entirely feasible to obtain a similar pattern—especially if the results of the borax experiment, and of some of the Las Vegas tests and of its monitoring of its own reactors are circulated.

(b) There is no indication of the radioisotopes which are likely to be unleashed into the atmosphere in the event of a possible malfunctioning.

(c) There is no study of the population whom the fallout from such a reactor would affect. It is relatively easy to obtain this population study. Radio stations make this study for their coverage all the time and use this information in filing with the Federal Communications Commission and in selling station time.

(d) There is no study of the watersheds lying under the probable fallout patterns—although this would be important only if there are long-lived radioisotopes in the debris such as radiostrontium.

(e) There is no study of the probable injuries which would be incurred by the population under the fallout pattern—either to persons or to property.

(f) There is no study of the sums which would be required to pay for most of those injuries to persons or to property. The insurance companies have this information at their fingertips.

(g) There is no study of the frequency of the possibility of malfunctioning of reactors. One of the most important factors for the amount of damage which could be done is the presence of a containing vessel. If there is a containing vessel (and not a pressure vessel which is part of the structure of the reactor itself) there can be minor incidents which occur in the operation of the reactor which will not materially affect parties outside of the container. This could have a material effect on the possibility of damage outside, since the container could hold the small incidences while giving way only for major catastrophes. The point at which it would give way would depend on such items as the structural strength of the container, the strength of connecting pipes and openings, and the requirements for escape hatches for employees who might be caught within the container.

Without any scientific information before me it would be my first uneducated guess that the funds put up by the insurance companies would probably be able to take care of the malfunctioning of the reactor which did not rupture the containing vessel. If the containing vessel should be ruptured, then the insurance funds may well be completely inadequate to take care of the catastrophe.

The Commission so far apparently has failed to require any of this kind of information in its license applications which could afford a basis for thinking about the possibility involved in the safety of a reactor.

May I emphasize that the material which I have quoted on the possibility of a reactor catastrophe does not represent the relatively uninformed view of the Senator from Idaho. These are the words of the experts, and we in the Senate had better listen.

What has happened to the theory of orderly progress in science? We do not even know today which type of reactor holds the most promise for the ultimate development of power. As a matter of fact, according to the Joint Committee on Atomic Energy, the Shippingport type is the most uneconomic of them all. In my opinion, we shall never know until we build them. They will never be built until the Government builds them in the isolated sites already in existence or others purchased, if need be, for that specific purpose.

The atom is a marvelous thing, but it has not changed the law of economics. How can any utility company legally invest the funds of its stockholders in a $30 million venture to produce electric power which at the present time will cost 52 mills as against the 5 mills from a conventional plant?

We know how to build steam turbines and transmission lines. What we have to learn how to build is a reactor with a fuel cycle economical enough to generate heat which can be transferred to those turbines and which will operate in a completely safe fashion.

Who is going to accept the responsibility if any large-scale reactor accident occurs, with the resulting loss of life and radioactive contamination of land surface and subsurface waters?

How can the Congress of the United States sit idly by and let this program get so far out of hand as to constitute a menace to large segments of our population?

What legitimate opposition can the Atomic Energy Commission, any member of the Joint Committee, or any other Member of this Senate raise against a vigorous reactor-development program located in isolated areas?

I have no objection to the spending of $30 million on the Shippingport reactor, but can anyone tell me why it should not have been built at the national reactor test site? Why should it not be operated only so long as it contributes to the technology which we seek to advance and then either abandoned or used as a training vehicle?

Mr. President, I have attempted to follow this situation as it has developed, and the only stated opposition to the principle which I propose is one to which I cannot give credence. I have been told that out scientists will not work in areas that are not adjacent to their normal environs. Perhaps someone can explain to me how they managed to keep them up on top of a 7,500-foot mesa at Los Alamos, N. Mex. I have only the greatest admiration for our men of science. Hundreds of them are now at work in Idaho on just the very job which I am discussing today. Their contributions have been magnificent. American scientists will go where their duty calls them, just as many an American boy in recent years went to the far-flung corners of the earth, some never to return, because of their responsibilities to our society. Mr. President, I would not want my previous remarks to be interpreted by uninformed easterners to be detrimental to the wide open spaces of my beloved Idaho. For those to whom hunting, fishing, skiing, and the glories of nature have any allure, Idaho beckons. Do not tell me our great scientists would not love to live in our beautiful and fine cities of Blackfoot, Pocatello, Shelley, and Idaho Falls.

But this is a serious subject, Mr. President, and one which deserves immediate serious attention. I serve notice that, insofar as I am capable, I intend to resist in every orderly fashion any attempt to locate any power-producing reactor near any populated area at the present stage of the art.

I have been one who believes that the United States tells too much while the Soviets tell nothing. I know I am a voice crying in the wilderness as I sit on the Senate Internal Security Subcommittee and listen to the story of Soviet intrigue and espionage. On this subject of atomic power, however, Mr. President, I am going to become a "giant liberal." I am going to demand that, in addition to declassifying all of the information on building reactors, which is so fashionable, we also declassify all information on reactor hazards.

If there are not any reactor hazards, I am going to ask why the Atomic Energy Commission has a committee on reactor safeguards, which advises it "with regard to the hazards associated with the operation of reactor facilities."

I am going to get somebody on the line before we have a catastrophe, and I pray we never will have such a catastrophe.

I am going to find out who is legally responsible for the damages incurred if we do have a catastrophe. At every opportunity I am going to try to make sure that "fools don't rush in where angels fear to tread."

Now, Mr. President, I have had my say. I want to summarize my views so that the record will be clear:

First. I am in favor of a vigorous reactor development program.

Second. I am in favor of the construction of all of the various types of reactors which, in the opinion of the Atomic Energy Commission, should be constructed.

Third. I have taken cognizance of the expressed warnings of competent people that at the present time the hazards of reactor operation are practically unknown, and that they might be catastrophic.

Fourth. I believe that any large scale reactor accident either here or abroad will be a serious setback to the atomic-power program.

Fifth. I believe that the building of potentially hazardous, large-scale, uneconomic power reactors—complete with turbogenerating systems—is not conducive to progress.

Sixth. I know of no urgent or compelling reason why, in the face of these warnings, these reactors should be built near giant centers of population.

Seventh. I, therefore, sincerely urge that until such time as we have thoroughly explored the hazards involved that these nuclear machines be built and operated in remote and isolated regions specifically purchased by the Government for that purpose.

Mr. President, I yield the floor.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 760. An act for the relief of Pietro Meduri;

S. 1992. An act to provide for the conveyance of a certain tract of land in Madison County, Ky., to the Pioneer National Monument Association;

S. 3452. An act to amend the act of July 15, 1955, Public Law 161, 84th Congress (69 Stat. 324), by increasing the appropriation authorization for the Aircraft Control and Warning System; and

S. J. Res. 95. Joint resolution to authorize the American Battle Monuments Commission to prepare plans and estimates for the erection of a suitable memorial to Gen. John J. Pershing.

The message also announced that the House had passed the bill (S. 1194) to provide for construction by the Secretary of the Interior of Red Willow Dam and Reservoir, Nebr., and construction by the Secretary of the Army of the Wilson Dam and Reservoir, Kans., as units of the Missouri River Basin project, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4437. An act relating to withholding for State employee retirement system purposes, on the compensation of certain civilian employees of the National Guard and the Air National Guard;

H. R. 5975. An act to authorize the Secretary of the Interior to reimburse owners of lands acquired for water and power developments for their moving expenses, and for other purposes;

H. R. 8535. An act to amend the act of July 4, 1955, relating to the construction of irrigation distribution systems;

H. R. 10003. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1957, and for other purposes; and

H. J. Res. 317. Joint resolution designating the week of November 16 to 22, 1956, as National Farm-City Week.

## HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H. R. 4437. An act relating to withholding for State employee retirement system purposes, on the compensation of certain civilian employees of the National Guard and the Air National Guard; to the Committee on Armed Services.

H. R. 5975. An act to authorize the Secretary of the Interior to reimburse owners of lands acquired for water and power developments for their moving expenses, and for other purposes;

H. R. 8535. An act to amend the act of July 4, 1955, relating to the construction of irrigation-distribution systems; to the Committee on Interior and Insular Affairs.

H. R. 10003. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1957, and for other purposes; to the Committee on Appropriations.

H. J. Res. 317. Joint resolution designating the week of November 16 to 22, 1956, as National Farm-City Week; to the Committee on the Judiciary.

## REVIEW OF FOREIGN POLICY—III—THE NORTH AFRICAN CRISIS

Mr. MANSFIELD obtained the floor.

Mr. PASTORE. Mr. President, will the Senator from Montana yield to me, to permit me to make a unanimous-consent request?

Mr. MANSFIELD. Yes, provided I do not thereby lose the floor.

Mr. PASTORE. Mr. President, I ask unanimous consent for that purpose.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, under such unanimous consent, let me say that I understand the distinguished Senator from Montana is about to deliver a very, very important address. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, on several occasions in recent weeks I have addressed the Senate on foreign policy. On January 20, I dealt with the need for a general review of foreign policy, as have other Members of the Senate. My thought, as I expressed it at the time, was that out of the review "there could come new ideas to fill the vacuum, to stop the dangerous drift which has settled over our foreign policy."

A month later, on February 16, I discussed the region of southeast Asia as it relates to American foreign policy. An examination of the situation in that region led me to the following conclusions:

1. The United States should make clear that it stands solidly behind our present obligations under the Southeast Asia Defense Treaty. At the same time, however, we should also make clear that we are always prepared to consider a reduction in our role in the defense of that area under certain conditions. The conditions are either a recession in the totalitarian threat to southeast Asia or the strengthening of its defenses by the accession of nations more directly concerned to the treaty or by other defensive arrangements.

2. The executive branch should make a careful reexamination of the premises under which it dispenses military aid. It must bring into its calculations more emphatically than it has in the past such factors as genuine need and capacity of recipient governments in terms of their defense and the degree of responsibility which they show to their own peoples.

Further, the executive branch should report as fully as possible to the American people on the extent to which American equipment has fallen into the hands of the Communists in Asia. If it fails to do so in the near future, then the appropriate committees of Congress might well consider a complete investigation of this matter.

3. Nonmilitary grant aid as a permanent element of American foreign policy should be limited, as was intended by Congress, to the technical assistance or the point 4 program. If the executive branch presents a prospectus for a useful and effective expansion of this program—and I am not at all sure that this is possible—then I believe Congress should give it sympathetic consideration.

Large-scale grants of economic aid to any country, when necessitated by unusual circumstances, however, should be considered individually on their own merits by the Congress.

If the southeast Asian and other underdeveloped countries seek long-range aid for economic development unavailable through existing sources, such aid should be considered as far as possible for whole regions and on the basis of repayable credits of the most generous terms. The executive branch should present specific proposals in this connection and not seek a permanent blank check which reveals little of the extent to which this country might be committed without the clear understanding of the American people and the consent of the Senate and Congress as a whole.

Mr President, I also pointed out the vital significance of the Bandung Conference—a conference whose importance has been sadly underestimated—the attitude of the overseas Chinese, especially in Singapore, Djakarta, and elsewhere; and, Mr. President, let me say that the

trend on the part of the overseas Chinese, especially in Singapore, is toward Mao Tse-tung and Communist China, and away from Chiang Kai-shek and Formosa, and the attitude of certain southeast Asian states toward the Geneva Conference between the United States and Communist China, a conference now in its seventh month.

Mr. President, my intention, as I have already indicated, is from time to time to review developments in various critical regions of the world—North Africa, Western Europe, the Far East, the Middle East. It is possible to pinpoint half a dozen situations where American policies can profit from examination by the Senate. In some of these situations, as in Korea, our concern is readily apparent. In others, this country appears to be only remotely involved, or not involved at all.

Appearances, however, can be deceptive, Mr. President. What seems remote today can become immediate tomorrow. I need hardly remind the Senate that not so long ago Formosa and Korea were scarcely more than geographic place names. And who among us had ever heard of the so-called offshore islands of China until we were impelled by them toward war?

The examples could be multiplied, but the Senate will understand the point I am trying to make. Every major situation of international tension—however remote, however indirect our present concern may be—every situation of that kind, carries a potential impact for the safety and welfare of this country. Our foreign policy must take these situations fully into consideration, and the Senate cannot afford to lose sight of them. We cannot afford to do so, if we are to fulfill effectively our constitutional function of advice and consent in foreign relations.

It is for this reason, Mr. President, that today I wish to discuss the North African crisis. The difficulties in North Africa have been among the more obscure in their implications for American foreign policy. On the surface they have appeared to have little direct relationship to the interests of this country.

North Africa can be regarded, it has been regarded, as an area which involves only France, Spain, the French, Moslems, and other peoples who inhabit Tunisia, Morocco, and Algeria. This is one way of looking at the North African situation. If we are not involved, if it is solely a matter affecting others, then we have no responsibilities and presumably nothing to worry about.

That is an easy way, Mr. President. But it is an easy way only for the moment. It puts off until tomorrow what blurs the seemingly pleasant portrait of a world of peace and prosperity today.

The trouble with that approach, Mr. President, is that it ignores the repercussions of the crisis in North Africa which do affect us directly. It ignores the likelihood that an intensification of the crisis in that area will draw us deeper and deeper into the situation. That process has already begun. The recent mob violence against the American consular post in Tunis, the anti-American demonstrations, are the first danger signals; and we will ignore them at our own peril.

The easy way, then, Mr. President, is perhaps not as easy as it appears to be at first glance. Perhaps it may be better not to assume that what happens in North Africa is of little significance to the United States. It may be preferable for the Senate, for the American people, to begin now to grapple with the facts in North Africa.

If we do so we may obtain a more accurate understanding of how the totality of our interests is related to these facts and how those interests may best be served. We may see that while the north African crisis does indeed involve in the first instance the relationship of the French and north African Moslems, it also spreads its impact far beyond this core. It involves the future of the North Atlantic Treaty Organization and European union. It colors the attitudes of the Moslem nations and of colonial peoples toward all western nations, including the United States. It affects the historical friendship between France and the United States, which has its roots in the American Revolution. It can facilitate the penetration of the African continent by the Soviet Union. It embraces, in the last analysis, the future of France as one of the great wellsprings of western civilization and freedom.

Are these matters in which the United States has only a passing interest? Are they matters which can be sloughed off as of only casual concern to this country? Some may so regard them. I cannot share that view; and I doubt that many Americans, if apprised of the facts, will share it.

Can NATO disintegrate; can the animosity of the Afro-Asian world be turned against the West; can Communist totalitarianism penetrate Africa; can the democracy of France be reduced to impotency in the face totalitarian pressures from left and right—can all these developments take place without the most serious implications for this country? Despite the blissful unawareness of some, these developments do threaten to issue from the north African crisis. The seeds of all of them are already germinating in its heat.

Those who talk of success in foreign policy may be able to exorcise this crisis with a smug platitude or a smile of fatuous optimism. The smile must indeed be broad, however, if it is to be stretched to cover the situation in north Africa.

Mr. President, I am no enemy of the smile. When it is evoked by what is pleasant or humorous, it helps to lighten the burden of the day. It may even have a place in the sober business of conducting this Nation's foreign relations, just as it has in the conduct of the Nation's political campaigns. What it is not, however, what the smile can never be, is a substitute for sound foreign policies based on a perceptive understanding of the problems which confront us. Nor is it a substitute for careful thought as to how the interests of the United States may best be safeguarded in dealing with these problems. That is true in the north African crisis no less than in others.

We cannot smile away this situation and its implications for us. We can only face it and seek to delineate an intelligent course for this Nation to pursue with respect to it. That is why I raise the question of north Africa and ask the Senate to take the time to consider it here today.

I have sought, as I am sure other Senators have, to follow as closely as possible the rapid flow of developments in that region as they are reported in the press. Several months ago, as a member of the Committee on Foreign Relations, I also found occasion to observe the situation firsthand in Morocco. I regret that I was unable to proceed at that time beyond Morocco to Algeria and Tunisia, as I desired to do.

Limited as this background is, it is sufficient to convince me that the pressures are growing for a more direct involvement of the United States in the north African crisis. It is sufficient to convince me that our policies have drifted dangerously there, as they have elsewhere. It is sufficient to convince me that the time is already late for the Senate to focus attention on north Africa. If the available facts are inadequate for a complete understanding of the situation—and, in my opinion they are inadequate—I trust the executive branch will take the trouble to supplement them. I hope that Members of this body will see fit to acquaint themselves more fully with them by direct observation. In a letter to the distinguished chairman of the Committee on Foreign Relations, dated October 17, 1955, in which I transmitted a report on Europe after the Geneva Conference, I suggested that—

> In view of the possible repercussions on our policies respecting Europe and the Middle East, it might be desirable for the committee to have some members familiarize themselves at firsthand with the North African situation.

I reiterate that suggestion today.

In the meantime we can begin to examine the situation on the basis of the limited information that is already available. Let me, at the outset, point out that it is inexact to regard all of North Africa as a single crisis except in the broadest sense. The situations in Tunisia, Morocco, and Algeria have many characteristics in common, and present many similar problems. There are, however, also important differences. If our policies respecting North Africa are to be effective, these differences must be given full consideration.

In the discussion today I should like to turn first to the similarities of the situation in all three regions of North Africa. Taken together, Tunisia, Morocco, and Algeria constitute a great crossroads, five times the size of metropolitan France, lying between the heart of the African Continent, the Middle East, and Europe. Over these crossroads, conquerors have moved in one direction or another since time immemorial. The great religious movements have passed through them. North Africa can be, as it has been, a bridge to link three continents in peace, cooperation, and progress. It can also be, as it has been, an avenue of conquest which, if history is any indicator, leads only to the ruin of both conqueror and conquered.

In recent times, Europeans, and particularly the French, have gone to North Africa in great numbers. They brought many of the benefits of material progress as well as political stability to the area and they took much from it. The colons, as those who are settled in the region are called, have a great stake in all three regions, especially in Algeria, where they number a million. Their stake, however, is in many ways a privileged one, supported by the power and sacrifices of metropolitan France. The colons seek to maintain that stake. Many are determined to maintain it by any means, including the terrorization of the Moslem populations, and even the intimidation of the French Government itself.

The great preponderance of the inhabitants of North Africa, however, are not French or European. They are mostly Moroccan, Algerian, and Tunisian Moslems. And the Moslems of North Africa—to identify the people of the three areas—have been caught up in the same wave of militant nationalism and pan-Islamism which has swept through most of the countries of the Middle East in the decade since World War II. These movements among the Moslems of North Africa are, I believe, for the most part authentic expressions of a widespread popular discontent with a status of political inequality and social and economic misery. They contain their share of extremists who, like their counterparts among the colons, are prepared to resort to the terrorizing of peaceful Europeans and even other Moslems in their determination to achieve immediate political domination in the North African regions.

Until recently, the situation in North Africa has been relatively free of Communist influence. That does not mean that it will long remain so. On the contrary, it is clear in Communist broadcasts from Europe, from the activities of agents in North Africa, in the nearby Arab States, and from the diplomacy of the Soviet Union in the Middle East—it is clear that the Communists are seeking by any means to make inroads into the Moslem nationalist movements.

I believe we may expect them to make those inroads unless the causes of North African discontent are alleviated in time, unless progress is made in restoring a political stability to that area which is acceptable to the great majority of the native peoples.

If Communist influence grows, where will the responsibility lie? With the North Africans, who are seeking redress of legitimate political and economic grievances? We can hardly blame a drowning man for grasping at the tail of a shark if, in his agony, he mistakes it for a log. Can we place the responsibility on the diabolic genius of the Communists? They will be only too glad to take it, and they will offer North Africa as one more evidence of the invincible march of communism toward world domination.

If communism takes root in North Africa, I think the responsibility will not be attributable to the invincibility of that ideology or any exceptional ability on the part of its adherents. Nor will it be attributable to the native people, who seek to rectify long-festering wrongs. It will lie, instead, with those who pretend to exercise political responsibility in North Africa—be they French, Spanish, or Moslem—but who fail to exercise it with understanding, with compassion, and with courage. It will lie with those European fanatics in North Africa, France, and elsewhere whose only answer to the restlessness of a whole people is a sterile and, in the long run, futile repression. It will lie with those religious and political extremists in the Moslem camps of North Africa and nearby countries whose personal will to power is so overwhelming that in the name of freedom they adopt irreconcilable positions which can destroy the meaning of freedom for their own people and undermine it elsewhere in the Mediterranean regions.

Mr. President, I do not underestimate the difficulties of reconciliation in North Africa. The bitternesses are intense. The dilemmas are many. The stakes in terms of power for a few are so high that they are blind to all considerations other than what appears to be their immediate self-interest.

Before the chance to obtain a just and reasonable settlement is lost, however, I hope that those who gibe at the idea will consider the consequences which will flow from the failure to achieve one.

Some of these consequences are already apparent. They can be seen in the ugly face of racial and religious terrorism. That face has shown itself in many parts of North Africa during the past few years—in the massacre of the innocent—native and French alike—in the swift and deadly sweep of the knife of the political assassin, in the sabotage of properties representing decades of patient creative labor by both Europeans and Moslems.

Much innocent blood on both sides has already been shed in North Africa. Much wanton destruction has already been done. But more blood will flow and more damage will be done unless a settlement is achieved. What spoils will remain to the side which may emerge victorious if the conflict continues? They will inherit an accumulation of ruins. They will gain a heritage of smoldering hatred and fear, a sullen acquiescence on the part of the defeated.

And if that is the inexorable consequence of an "all or nothing" attitude in North Africa, what of its impact on France?

France is already bleeding itself white to maintain a force of over 300,000 men in North Africa. What have these sacrifices produced other than the scorn and derision of those who, forgetting the real greatness of France in Europe, still dream Louis Napoleon's 19th century dream of grand empire in the deserts and swamps of the tropics? What have these sacrifices produced but the dismay of the decent people of France and the virtual immobilization of their government? Now it has even come to mobs and riots in the streets of Paris. What will follow? The barricades and then, after, the iron fist of tyranny? How much longer will the free institutions of France withstand these pressures? How much longer before Western European cohesion—deprived of the essential cement of French inspiration—how much longer before it begins to crumble?

And what of the Moslem people in North Africa? Will they gain from the agonies of France? Have they forgotten the achievements of French culture and civilization? Have they forgotten, in truth, that the very demands for freedom and equality which they now echo throughout the land are themselves derived from the traditions of liberty which flow from France?

These are some of the questions which I hope those who call for "all or nothing" in North Africa—European and Moslem alike—will consider carefully before it is too late.

There can be a peaceful solution to this crisis. But there can be a solution, in my opinion, only if the realities of the situation are fully and frankly recognized. There can be a solution only if the responsible political leaders—French, Spanish, and Moslem—have the courage and determination to act firmly on these realities, and if they have the sympathetic support of other nations whose fundamental self-interest lies in the preservation of peace in North Africa and the Mediterranean region. I mean this country, as well as the Western European nations and the nearby Arab States. If there is more stirring of the troubled waters, if there is a stubborn resistance to necessary change and if there is malicious fishing for advantage by outsiders, there shall be no solution in North Africa, and all will stand to lose in the long run regardless of any momentary profit that may be gained.

If there is to be a stable and meaningful peace in North Africa, I believe these principles must govern it:

First. The legitimate grievances of the Moslem people must be corrected; the economic, political, and social inequities must be ended as rapidly as possible.

Second. The rights of the European settlers to a place in the future of North Africa must be protected.

Third. Responsible officials in North Africa must be prepared to deal swiftly and impartially with the terrorism of the mob and the assassin, be they European or Moslem.

I realize, Mr. President, that it is easy to state principles involving other peoples several thousand miles away. I realize, too, that if the crisis is met successfully in North Africa, it will be met primarily as a result of the efforts of the French and the Moslems. My purpose in stating these principles is not to presume to guide them. The responsible leaders on both sides have long since recognized them. My purpose in emphasizing these principles is to make clear what I believe to be the only valid framework in which American foreign policy can exercise a constructive influence toward peace in North Africa.

Our direct interests in North Africa are relatively limited and there is little desire or likelihood of any increase in the near future. Few Americans reside in the area. Our commercial interests are small. We have rights in Tangier and extraterritorial privileges in Morocco which we are in the process of surrendering. We have airbases in

Morocco, built at great cost, not for us alone, but as part of the defense structure of the North Atlantic community and the Mediterranean area.

If our direct interests are limited, however, our indirect interests—as I have already tried to point out—are immense. They add up to the urgent necessity of finding a peaceful solution of the North African crisis at one end of the Mediterranean. Our interests will be served by a foreign policy which contributes to that end, to the development of an accommodation that is acceptable to the vast majority of Moslems in North Africa and to France. We cannot be a party to any plan to repress the legitimate aspirations of the Moslem peoples in North Africa but at the same time we cannot abandon a free France in its hour of great need. These are not, necessarily, mutually exclusive objectives. They need not immobilize our foreign policy in that region.

The way for us, then, is clear. If France and the North Africans move toward a reconciliation of their interests—if the concept of "independence with interdependence" takes root—there may be a constructive role which, together with other free nations, we can play; but only in those circumstances.

In some respects, there is hope for a settlement along those lines. In Tunisia important political agreements have already been achieved. Something similar is taking place with respect to Morocco, despite the reticence of Spain which controls a substantial part of the sultanate. In both these regions, I believe a sound basis for further progress has been laid.

Algeria, however, which is of the greatest importance to France, presents far more difficult and complex problems. Algeria has long been treated as an integral part of metropolitan France, as "France south of the Mediterranean." France seeks a solution respecting Algeria in the alleviation of the political inequities and the crushing burden of poverty under which most Algerians live, but without changing the present integration of Algeria and France. No one can say with any certainty whether this approach will be effective. While it is being attempted, moreover, there is little that this country or any other country can do without complicating the difficulty.

Mr. President, we have had expressions of despair in this country over the North African crisis interspersed with the smiling assurances that conditions were improving in the world. What we have not had is a facing up of the significance of this situation to us. What we have not had is the kind of intelligent initiative in our policies which might contribute to a peaceful solution in North Africa.

At the outset I made clear to the Senate my personal limitations in reviewing this situation. As I pointed out, we may not have all the facts. But on the basis of what we do know, on the basis of the facts which I have attempted to summarize here today, I am not satisfied that we have done what might be done to increase the prospects for peace in North Africa. It seems to me that the logic of these facts opens up avenues of exploration in foreign policy which the executive branch might well pursue and yet has not pursued, at least to the knowledge of the Senate.

As I noted, Tunisia and Morocco are both moving toward freedom with interdependence on the basis of agreements acceptable to responsible French and North African nationalist leaders. The time may be fast approaching when consideration should be given to inviting both Tunisia and Morocco—and Spain—to associate with NATO. They are essential components in the maintenance of peace in the Mediterranean, and I believe that NATO has much to offer for their security.

It seems to me, too, that NATO, or perhaps the Western European Union, could play a significant role in easing the economic stresses that the present transition in North Africa places on both European and Moslem. Is it too much to anticipate that a joint economic effort by the NATO countries could contribute immeasurably to the common progress of both? Is it too much to anticipate that such an effort might do much to alleviate the economic causes of discontent and fear in North Africa, that it might help to develop a mutuality of interest which could translate the concept of independence with interdependence into a reality? Is it too much to expect the executive branch to exercise some initiative in this direction?

Mr. President, I do not know whether these thoughts may have application. I do know, however, that a critical situation exists in North Africa which contains dangerous implications for the United States. It seems to me that in such circumstances there is a responsibility to do more than alternately exude confidence or despair. There is a responsibility on us to raise the issues that are involved and to consider possible ways in which they may be resolved. That is all, Mr. President, that I have been trying to do today.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SMITH of New Jersey. As in the case of previous reviews of foreign policy, I thoroughly appreciate the fine contribution of the Senator from Montana.

Mr. MANSFIELD. I thank the Senator.

Mr. SMITH of New Jersey. I appreciate especially his analysis of the North African crisis. I am not quite clear, however, as to the estimation at which the Senator is endeavoring to arrive. Is it his opinion that the President should take steps with NATO, with the possible approach of NATO becoming concerned in the African question, and trying to work out some solution of the problem?

Mr. MANSFIELD. No. The Senator from New Jersey, whom I value highly as a friend and whom I respect as a keen student of foreign affairs, must have misunderstood me. What I tried to suggest was that once Tunisia and Morocco achieve their independence it might be worthwhile that we consider the possibility of their becoming associated with NATO, and I have reiterated and oft expressed desire that Spain might also be associated with NATO because she is interested in the particular part of the Mediterranean nearest her shores.

I have advanced a further possibility, that the NATO nations, or perhaps a Western European Union group, might consider the possibility of collectively advancing economic aid to the regions bordering the Mediterranean, so that some of the inequalities brought about by poverty and poor housing might be alleviated to some extent. I look upon that as a joint effort in which we might participate.

Mr. SMITH of New Jersey. I thank the Senator. I should like to ask him one more question, namely, whether his approach to and study of the matter is leading toward an urging of more and more integration of the European area into what we have called in a broad way the United States of Europe, in order to solve their internal problems among themselves.

Mr. MANSFIELD. The Senator is absolutely correct. I have felt for many years, as I know the Senator from New Jersey has felt, that one of the keys to the future of Western Europe is the establishment of a United States of Europe, which would do away with customs walls and other difficulties, and would guarantee a sort of homogeneity which would be of tremendous value to the countries united collectively, but the advantage of which they do not derive so long as they act individually.

Mr. SMITH of New Jersey. I share the view of the Senator from Montana on that subject. I assume from his talk that problems such as the North African one might eventually be considered in relation to the integration of European states, if that could be done in a tactful way.

Mr. MANSFIELD. I had not thought of it in that way, I must admit, because I was looking at the situation from a purely strategic and economic point of view. But with the world becoming smaller, as it is getting smaller every day, we are, of course, neighbors with one another. North Africa is not too far away from Europe any more, geographically, so we must consider the importance of a country like Morocco, which is both a Mediterranean and an Atlantic nation, and the part it would play in the future defense of what we call western civilization. It is very important that those areas should not veer toward the east or the north—I mean toward the Soviet Union, in the latter sense—but should be kept, if possible, within the western orbit.

Mr. SMITH of New Jersey. I thank the Senator from Montana very much for his observations. Again, I commend him for his fine contribution.

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## ELECTION OF PRESIDENT AND VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S. J. Res. 31) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared on the subject of electoral college reform.

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

STATEMENT BY SENATOR THURMOND

I shall not dwell at any length on the technical aspects of the substitute being proposed here today in lieu of the original version of Senate Joint Resolution 31. However, I do want to make a few comments on the proposal as a whole and state my strong support of this resolution, on which the distinguished junior Senator from Texas [Mr. DANIEL], the distinguished senior Senator from South Dakota [Mr. MUNDT], and I were able to reach a compromise agreement.

I would like to commend the Senator from Texas and the Senator from South Dakota for the fine work they have done on this substitute amendment. They have made a great contribution to the American system of Government in agreeing on this substitute proposal which combines salient points of our separate plans. I have been happy to have worked with them on this plan for the past several months, through a number of conferences and redrafting of combination plans.

Most important in this plan is the fact that its adoption would result in more exactly translating the will of the people into electoral votes. The proposed amendment would provide a much more exact register of their will than the present winner-take-all system of allocating the electoral votes of the States.

I believe that many citizens who now take little interest in an election of President would be given an incentive to vote under the compromise amendment being considered. In many States where one political party or the other has a vast majority, the individual voter who belongs to the minority party has no incentive to vote because he knows his ballot will in no way affect the outcome of the election.

Under the proposed plan, the individual voter could vote with the knowledge that his effort would carry equal weight to the extent his vote compared with the total votes cast in his State.

From the standpoint of a State, the will of people will be more exactly registered in the division of electoral votes. From the standpoint of the Nation, Presidents elected after adoption of this amendment will be more nearly the candidate who has won the greatest popular vote.

There is another important feature of this plan, Mr. President, which I believe to be highly desirable in maintaining a strong and stable government. The plan limits the electoral votes of any State to the top three candidates, thus discouraging the creation of numerous splinter parties which have caused weak and unstable governments in some foreign countries.

An additional safeguard to the will of the voters is contained in this plan in that candidates for elector, in States where the district system is adopted, would be bound legally to support the presidential candidate to whom they were pledged.

I believe the optional system of choosing electors, as provided in this plan, makes it acceptable in every State. Some States prefer the preservation of the electors, as such. Others want to discard the electors because they believe they have long since stopped serving any good purpose.

Whether a State wants to maintain the buffer of electors, who are State officers, between the State and Federal Government, or whether another State wants to translate the popular vote into electoral votes directly, cannot cause reasonable argument over this plan because it permits the States, individually, to adopt either course for the choosing of electors.

I hope that every Member of this Senate who wants our system of election for the President and Vice President improved will join in supporting the substitute for Senate Joint Resolution 31. While many of us disagree politically, I am convinced that the result of passing this resolution would be consistent with the wishes of a majority of the members of both major political parties because it would give each of the Members a greater voice in his Government.

Mr. DANIEL. Mr. President, the Senator from Tennessee [Mr. KEFAUVER] has reported to the Senate from the Committee on the Judiciary Senate Joint Resolution 31, which would modernize and change the methods of electing the President and Vice President of the United States.

Without a doubt, the electoral college method of electing the President is the most archaic and undemocratic feature of the United States Constitution. It was one of the few mistakes made by the Founding Fathers—a mistake they made because they thought the people could not be trusted to select the President and Vice President.

As originally intended, the States were to select well informed public men as electors, and they were to meet and select a President and Vice President, without reference to popular vote or any other method of expression from the people. The original form has been retained in the solemn words of the Constitution, although for more than a century it has had no practical use. In fact, the electoral college system has never functioned as contemplated by the framers of the Constitution. The form should be removed from our Constitution before it rises to haunt us by flouting the will of the people in selecting a President. So long as the form remains in the Constitution, it is possible for electors to cast their independent votes contrary to the expressed will of their constituents, and this, in fact, has been done in more than one instance.

Mr. KENNEDY. Mr. President, will the Senator yield, or would he prefer to yield later?

Mr. DANIEL. I yield.

Mr. KENNEDY. It is my understanding that since 1820, out of 12,000 electors, only in 5 cases have they voted against their instructions—once in 1820; 3 times in 1824, when 3 Clay electors left him; and once in 1948; and in 1948 the elector indicated in advance that he would support Governor Thurmond. So the actions of 5 electors out of 12,000 does not seem to me to represent a major evil.

Mr. DANIEL. I thank the Senator from Massachusetts for his contribution. He simply illustrates my point. If it was possible for five electors in our history to act contrary to the vote of the people, and to cast their votes contrary to the will of the people who cast their votes for electors for President and Vice President, it means that we have a system under which similar action could be taken by more electors in the future; and we ought to end any chance of such a practice in the future.

Mr. KENNEDY. That was merely once in a hundred and thirty years, because four of those instances occurred in 1820 and 1824. So the danger does not seem to me to be very substantial, bearing these statistics in mind.

Mr. DANIEL. In the Hayes election, if only one elector had changed his vote, there would have been a different President of the United States. The evil of the matter is to have a constitutional provision which leaves the choice of the President and Vice President to electors named in the States, without having the electors bound to follow the will of the people.

The practice which has been substituted for the constitutional form is just as evil and undemocratic. I refer to the custom which is generally understood and followed—that all electoral votes of each State will be cast for the candidate who receives a plurality of the popular vote within that State. That is the custom to which the Senator from Massachusetts has referred, namely, of actually following, in most cases, the vote which is cast by the people.

In effect, this disfranchises millions of American voters. In effect, we find that the dummy electors merely vote as the people want them to vote. That is the practice which has generally been followed. But we find in our present system that the practice which has been followed by most of the States is that the winner in a State, even if he be the winner by only one vote, takes all the electoral votes of the State. This disfranchises many voters in all our States in every Presidential election year. Their votes for a candidate for President are not counted in the electoral vote, unless their candidate receives a majority of the popular vote in their State.

For instance, if a candidate receives a one-vote plurality in the State of New York, he now receives 100 percent of the electoral votes of New York, and the candidate receiving only one less vote at the polls receives none of the New York electoral vote.

The legislative proposal now before the Senate is not new to those Members of this body who were also Members of the 81st Congress. The measure which became known as the Lodge-Gossett amendment in the 81st Congress was, as reported by the Senate Judiciary Committee, in exactly the same text as the resolution approved by the Senate on February 1, 1950. This amendment was the subject of hearings by the Standing Subcommittee on Constitutional Amendments of the Committee on the Judiciary on March 16, 18, 25, April 1 and 6, 1955. Copies of these hearings should be on the desk of each Senator. The amendment was reported to the full Committee on the Judiciary by a vote of 3 to 2 in April 19, 1955. It was considered by the full Judiciary Committee at its meeting of May 16, 1955, and reported to the Senate by a vote of 10 yeas, 3 nays, with 2 members not voting. A cursory examination of the hearings will show that they dealt with proposals other than the amendment now under consideration.

It is no secret, Mr. President, that though there is considerable sentiment for amending the Constitution to eliminate many aspects of an archaic system, not all the proponents of the amendment

are in agreement as to the form which such remedial legislation should take. The Senate in 1950 overwhelmingly supported the Lodge-Gossett amendment which the committee had reported. The vote at that time was 64 yeas, 27 nays.

However, since that time considerable sentiment has developed in favor of a plan which has properly become known as the Mundt-Coudert plan. After the committee had reported the resolution but before it became the unfinished business of the Senate, it was ascertained that remedial reform of any nature would probably be impossible unless some agreement were reached among the proponents of reform on an amendment on which all, or almost all, could agree.

A similar idea must have formed in the mind of the distinguished Senator from South Dakota [Mr. MUNDT], and we discussed with him the possibility of compromising our viewpoints with respect to the form which the amendment should take. It was found that the Senator from South Dakota had the same basic belief which was held by those of us who authored the Gossett-Lodge amendment last year that electoral reform could not be accomplished unless our differences were composed. Later the distinguihed Senator from South Carolina [Mr. THURMOND] introduced a third proposal embodying some of the features of each of the two proposals then under consideration, plus some new ideas of his own. The three, together with the Senator from Tennessee [Mr. KEFAUVER], who acted as chairman of the constitutional amendment subcommittee in hearing these proposals, united in a substitute, which has been introduced on behalf of 53 Members of the Senate.

This substitute, as I stated a few days ago when it was introduced, embodies the original proposal approved by the Senate in 1950, approved by our Committee on the Judiciary, and known as the Lodge-Gossett proposal, by which the States would have their same electoral votes, but the electoral votes would be divided in proportion to the popular vote in each State.

The only provision we have added is that any State which desired to do so, as indicated by action of its legislature, might choose electors on a congressional district basis. States would have 2 electors for their 2 Senators, and would have as many electors from congressional districts as they had congressional districts.

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

Mr. DANIEL. I yield.

Mr. GORE. The senior Senator from Tennessee [Mr. KEFAUVER] made the statement earlier that States could now elect to follow the procedure in the Mundt-Coudert proposal. Does the Senator agree with that?

Mr. DANIEL. That is correct. In other words, all the Senator from South Dakota asked of those of us on the Judiciary Committee who represented the Lodge-Gossett proposal—the proportional division amendment—was to leave that feature as it is today, whereby those States which desire to do so may elect their electors on a congressional-district basis.

It seemed that was a perfectly fair request. The Senator from South Dakota and Representative COUDERT have done a great deal of work on that proposal. If we adopted that proposal alone, it would be much better than the system we have today, and would be more representative of the vote of the people; but all they ask is the alternative by which any State which desires to do so may exercise the right it has today to name its electors, two at large and the rest by congressional districts.

There was one further agreement made before we accepted as an alternative a provision which is not in the Constitution today. That was the provision, which is now in our proposed substitute, that the electors must vote as they are pledged to vote. The elector pledged to vote for a certain presidential or vice presidential candidate would have to cast his vote for such candidate.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I have yielded to the Senator from Tennessee.

Mr. GORE. The Senator has covered the additional question which I had intended to submit. In addition to preserving the latitude now available to the States to select their electors on the basis of action by congressional districts, the Senator's proposal, or the proposal which he and 52 other Senators advocate, and which I support, and intend to support, would impose upon those electors, however they might be elected, whether by the State at large or by congressional district, the obligation of reflecting in the electoral college the mandate of the people.

Mr. DANIEL. That is correct. In other words, the present system of free and independent electors would be abolished, and the vote of the people would determine, and each State's electoral vote would be counted. Under either of the alternative methods provided in the substitute, correct credit would be given to individual voters in selecting the President of the United States.

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

Mr. DANIEL. I yield.

Mr. SMATHERS. I wonder if the Senator from Texas would be willing to yield the floor temporarily to the able Senator from Massachusetts, so that the Senator from Texas might start a meeting which had been set for 3 o'clock, with the understanding that when the Senator from Texas returned the Senator from Massachusetts would yield the floor back to the Senator from Texas.

Mr. DANIEL. Mr. President, I ask unanimous consent that, without losing the floor, I may yield to the Senator from Massachusetts with the understanding that his remarks will come at the conclusion of my remarks, and that I can interrupt him when I return to the floor and resume my remarks.

Mr. KENNEDY. I accept the floor with that understanding, because, since my remarks will be contradictory to those of the Senator from Texas, I would not want them to appear in the middle of the statement of the Senator from Texas.

Mr. SMATHERS. That will not happen under the unanimous-consent agreement.

Mr. DANIEL. That sentiment is mutual.

Mr. President, has the unanimous-consent request been granted?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

(At this point Mr. KENNEDY addressed the Senate on the resolution. His address appears at the conclusion of Mr. DANIEL'S remarks.)

Mr. DANIEL. Mr. President, I deserve no credit whatever for having proposed the amendment to the Constitution. The proposal was contained in similar proposed amendments to the Constitution to improve our electoral system and get rid of the archaic system which we now have, which have been offered in nearly every Congress during the last century.

A strong effort was made for improvement in 1950. At that time the Senate by a two-thirds vote adopted what was known as the Lodge-Gossett amendment. It merely provided that the electoral vote of each State should remain as it is now, namely, 1 vote for each Member in Congress, but that that vote should be divided in proportion to the popular vote in each State. In that way voters themselves would have a more direct say as to who should be the President of the United States.

I was attracted to the amendment then when the Senate was considering it, and when the distinguished Representative from the State of Texas, Ed Gossett, cosponsored the amendment in the House.

When I came to the Senate I introduced the same amendment which the Senate had approved by a two-thirds vote. That is the amendment which was reported by the Committee on the Judiciary.

I am surprised to hear any Senator defend the present system and say that he does not want the present system changed. It would seem to me that most of the Senators would wish to give the people themselves a more direct say as to who should be President and Vice President.

I have heard discussion on the floor today by several Members of the Senate to the effect that they would like to change the system so as to provide a direct vote of the people for President and Vice President. As has been explained by the senior Senator from Tennessee [Mr. KEFAUVER], that would be almost impossible to accomplish, because about 31 States would lose some of their representation in the electoral vote—and that is particularly true of the smaller States—because at the present time, instead of the vote being based simply on population or on qualified voters, the States are entitled to 2 votes for their Senators and 1 vote for each Representative in the total electoral vote.

For that reason, and for other reasons, such as differences in voting qualifications in the various States, it would be impossible for us to have a direct vote for President and Vice President. It

would be impossible because too many Members of Congress wish to preserve our State units and the present electoral votes by States when it comes to the election of a President.

Therefore, it seems to me—and this is in accordance with the testimony given at our hearings that were held on this subject—that the closest we can get to the people themselves having a direct vote for President and Vice President is to divide the electoral vote within each State in accordance with the popular vote. That is the amendment I have sponsored. As I say, I have simply sponsored it in the same words in which the Senate adopted it by a more than two-thirds vote in 1950.

It became obvious, after we reported the amendment to the floor, that there were not two-thirds of the Members of the Senate who would support the amendment in that form, because many Members of the Senate—and, I might say, a majority of those who appeared before our committee—testified that they felt the better system for electoral reform would be to let each State keep its present electoral votes but elect named electors in the same manner that named Senators and Representatives are elected.

Therefore, they testified in favor of that plan which we now know as the Mundt-Coudert plan. I personally felt that it was not as desirable as the so-called Lodge-Gossett plan, and I said so in committee. However, on finding such a large number of the Members of the Senate and of the House of Representatives favoring the proposal of electing their electors on the basis of Congressional districts, with two electors at large, it became evident that if we were ever to get any electoral reform, we would have to compose our differences.

It seems to me that those who adhere to that plan and think it is the best plan by which the people can express themselves on the election of President and Vice President were very fair in agreeing that all they wanted was the alternative of following their program if their State legislature so desired. In other words, the substitute which I shall call up in a moment would put into effect the so-called Lodge-Gossett proposal, with only this change:

We would provide that instead of requiring 40 percent of the vote for election, as it was provided in the original amendment, the electoral vote will be distributed among the highest 3 candidates for President and Vice President. This is to get rid of the argument of splinter parties, to try to get rid of any possibility that dividing the vote in that way would increase splinter parties.

That change has been made in the original resolution as reported from the Judiciary Committee on the Lodge-Gossett amendment. Under this proposed substitute, we would follow the Constitution of the United States on this subject in that any State which may so desire may provide for the election of its electors in the same manner in which it elects its Senators and Representatives.

When that proposal was brought before the subcommittee, it was felt that if the proponents of the Mundt-Coudert alternative would provide further that their electors should be bound to vote for the candidate to whom they are pledged, it would be acceptable as the only means of getting something through the Senate with a two-thirds vote for electoral reform. Frankly, I feel that if the Mundt-Coudert amendment is the one to get through, it would be better than the present system, because the people would have a more direct say in the election of the President and Vice President than they now have.

This is what led the Senator from Texas to try to compose these differences and to support the substitute, namely, that the Mundt-Coudert proposal of the election of electors by congressional districts would be followed under the present amendment. We have had no uniformity in the election of electors for President and Vice President. Even now some of the States have the short ballot where only the names of the President and Vice President go on the ballot.

Other States have the names of all the electors on the ballot. In some States electors have been chosen by the legislature. In some States they have been chosen by direct popular vote. In 11 States we have had the election of the electors under the Mundt-Coudert plan, by congressional districts.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. DOUGLAS. When was the Mundt-Coudert plan abandoned? It does not now prevail in any of the States. Was it not abandoned about 1860?

Mr. DANIEL. I think Michigan was the last State to use the plan, in 1892.

Mr. DOUGLAS. Even in 1892 Michigan was an isolated State, so far as this method was concerned, was it not?

Mr. DANIEL. I think that is true; but in the very beginning of the history of our country there were 11 States, including the Senator's State of Illinois, which followed the congressional district system.

Mr. DOUGLAS. Is it not true that this method was proposed by Alexander Hamilton for the election of 1800, in a letter to John Jay, then governor, because he thought it would be a way in which the Jeffersonian vote in New York could be decreased, but Jay refused to put it into effect? It is true that later the Jeffersonians thought it would be to their advantage to use it upon occasion; but was not the district system abandoned because it was realized that the districts were unequal in size and that such a method would offer an opportunity for the decision of the electoral college to be at great variance with the decision of the voters in an important State or in the Nation?

Mr. DANIEL. I am not sure as to the Senator's reference to our early statesmen. The only quotation I have in mind is one from Madison, in which he said, in effect, that this system of election, the district system, was the plan which the framers of the Constitution had in mind, and it was used in several of the original States.

It was used in a total of 11 States—12, including Michigan.

The point of what I am trying to say is that under our Constitution we can use this system, and it is not a great concession to the supporters of the Mundt-Coudert plan to allow the electors to continue to have their right, if the legislature consents, to use it, because, after all, it is a more direct expression of the people, in my opinion, than is the present method of "winner take all."

I cannot understand how anyone can defend the present system of "winner take all" of a State's votes.

One of my objections to the Mundt-Coudert plan is that by congressional districts we have a smaller unit in which the winner takes all. But it is much better, it seems to me, to have an elector elected just as a Representative is elected by congressional districts, than it is for the total vote of an entire State to go to whoever receives a plurality. The Senator from Illinois knows the result of that. It has caused several of the pivotal States in our country to unduly influence the affairs of our political parties, and to have an undue weight in the election of a President and Vice President.

Mr. DOUGLAS. Do I correctly understand the Senator from Texas to be implying that the big States control the policies of either the Democratic or Republican Party?

Mr. DANIEL. The pivotal States, I said.

Mr. DOUGLAS. They are the big States, are they not? What are the specific States which the Senator says control the politics of the parties?

Mr. DANIEL. I did not say they control the politics.

Mr. DOUGLAS. I thought the Senator said that. What are these big States?

Mr. DANIEL. They have undue weight and influence. The large pivotal States which I have in mind are New York, for instance, Ohio, and the Senator's State of Illinois. They have undue weight, it seems to me, under our present system.

Mr. DOUGLAS. What about the State of Texas?

Mr. DANIEL. Texas certainly does not have any undue weight under our present system. Only in exceptional cases do we ever find a vote so close in Texas that there is any contest within the State. In the Senator's State there is a great contest. It is a pivotal State. In New York there is a great contest, because whoever can get one more vote than the other candidate is going to receive the entire electoral vote of that State. Delegates go to the convention and say, "We must have a candidate from New York," or from Illinois, or from one of the pivotal States, because, by having a candidate from one of those States, it can receive the necessary plurality to get all the State's electoral votes. In presidential elections we find most of the campaigning in those pivotal States.

I think it would be more democratic if the appeal were made to a majority of the people of the whole country, and not to just the people concentrated in about eight pivotal States in which a few votes

makes so much difference in the total electoral vote.

If we had, for instance, either of these proposals in effect, I believe we would see campaigning throughout the entire country, and the vote of a citizen in Tennessee would amount to as much as would a vote of a citizen of New York.

Mr. KENNEDY. Mr. President, will the Senator from Texas yield?

Mr. DANIEL. I yield.

Mr. KENNEDY. I think the Senator's statement about presidential candidates and vice presidential candidates coming from pivotal States is not really borne out by the facts. Presidents and Vice Presidents have come from such States as Missouri, Utah, Iowa, Kansas. A few have come from States which the Senator refers to as pivotal. About 50 percent of the American people live in the 9 most populous States. Each of these States has only two Senators. Therefore, less than half of the people control 78 of the 96 Senators.

I think when we consider the balance of power in relationship to the Presidency, Nevada, by virtue of the two Senators to which it is entitled—even though Nevada has a much smaller population than has New York—has more than equal representation as compared with the State of New York. Even though Nevada might have a population ratio of 1 to 124 with New York, the electoral vote ratio, as I understand it, gives Nevada a relationship to the State of New York of about 1 to 16 or 17.

So the point I make is that when all these factors are considered, it is not only the unit vote for the Presidency we are talking about, but a whole solar system of governmental power. If it is proposed to change the balance of power of one of the elements of the solar system, it is necessary to consider all the others.

Mr. DANIEL. Does the Senator from Massachusetts object to the direct election of the President and Vice President?

Mr. KENNEDY. I do.

Mr. DANIEL. In other words, the Senator from Massachusetts would be opposed to an amendment which provided that the people themselves shall have the right to vote directly on who shall be their President and Vice President?

Mr. KENNEDY. I would object to it, and I would do so on the practical ground that once again the smaller States, having very small populations, would have a disproportionate power in the counting process. The distribution of the population of the country is such that a relatively small percentage of the country could either defeat or ratify a constitutional amendment. Thus, while some States might be shortchanged in some regards in the matter of governmental power, they would receive their just deserts in other regards.

But in answer to the Senator's question, I maintain that on practical grounds the people in the smaller States, would be deprived of their electoral vote on the basis put by the Senator, that is, if they were included in the direct vote, as proposed by Senator LANGER, a proposal which would never be adopted. On theoretical grounds, it seems to me it would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

Mr. DANIEL. For those two reasons, I agree with the Senator that we should not have the direct vote for President and Vice President; but we should get as close to it as we possibly can.

Does the Senator from Massachusetts have any other objection to the direct election of the Presidfent and Vice President?

Mr. KENNEDY. No; I think the reasons I have given are sufficient. The reason why the Senator may also be against direct elections is that it would place tremendous influence, a disproportionate influence, in the major, pivotal States. So the Senator wants to go just far enough to deprive the States of their rightful influence, but not to go so far in the other direction as to give them what they really deserve.

Mr. DANIEL. The Senator from Texas has already stated that he wants to see the electoral vote remain exactly as it is by States, but within those States the Senator from Texas feels that the direct vote of the people should be reflected as nearly as possible in the electoral vote in each year that the country elects a President and Vice President.

Referring to what I said a moment ago about the pivotal States having many of the candidates for President and Vice President, let me read from page 11 of the committee report on that subject. The Committee on the Judiciary, after going into the matter quite thoroughly, came to this conclusion:

First, it means that presidential candidates from these States—

That is, the doubtful States, under the present system—

It means that presidential candidates from these States have a marked advantage over rivals from other States in the nomination struggle. Sixteen major party candidates since 1900 (17, if Theodore Roosevelt is considered a major party candidate in 1912) have come from New York or Ohio.

Sixteen of the twenty-six major party candidates for President since 1900 have come from New York or Ohio.

I have no desire to do any injustice to those States.

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

Mr. DANIEL. I yield.

Mr. GORE. The Senator is not proposing, is he, that the people from New York, Ohio, or Illinois be disfranchised? Is he not, in fact, proposing that the something less than one-half of the people who under the present system have no voice in the electoral college be, in fact, enfranchised to exercise their proportionate influence in the electoral college.

Mr. DANIEL. That is exactly correct. Today close to one-half of all the voters in the doubtful States are disfranchised. Their votes are not counted in the electoral college, because they do not vote for the candidate getting the plurality in that State. Not only are their votes not counted as they cast them, but they are counted opposite from the way they are cast, because they happen to be in the minority. Their votes are counted as if they had cast them for the presidential candidate receiving the plurality within the State.

The junior Senator from Tennessee is exactly correct. We are not trying to disfranchise anyone; we are simply trying to make an improvement in the electoral system, under which each individual voter will have a chance to have his vote reflected in the total vote in the electoral college.

Mr. GORE. Is not the Senator from Texas also proposing to enfranchise, so to speak—that is, to give some voice in the electoral college—to the seemingly permanent minorities in certain States, such as Mississippi, on the one hand, and Maine, on the other?

Mr. DANIEL. That is correct.

Mr. GORE. If the Senator will examine the records of the past several elections, he will find that there has been a very strong minority vote in Maine, but that in no instance has that minority vote had one iota of influence upon the electoral college.

Mr. DANIEL. That is correct; and there is no incentive among those who might belong to the minority party in either Maine or Mississippi to go to the polls in greater numbers or to do anything about the election, because they feel that their votes will not be counted, or at least will not be counted as they cast them.

Mr. GORE. I happen to believe that in the southern part of our Nation, through the practical workings of politics, a really vigorous two-party system might serve better the public interest. Does not the Senator from Texas think that in both Mississippi and in Maine a real, working, two-party system would be encouraged by the adoption of his proposed amendment?

Mr. DANIEL. There is no doubt about it. The Committee on the Judiciary made the finding that a two-party system would be encouraged in the States which do not now have it. More people would be encouraged to go to the polls in a general election. Let me read something on that point from page 12 of the committee report:

It should be observed that when statisticians compute how much weight is to be given to an electoral vote, they always use the general election figures. These figures are usually very markedly smaller than the primary election figures in one-party States. In 1946 in South Carolina, for example, 13 percent of the population voted in the primaries, while only about 1½ percent voted in the November elections.

Think of that; 1½ percent of the voters in South Carolina voted in the November 1946 elections.

In Georgia, the relationship was 15 percent (primaries) and 4½ percent (general elections). In Mississippi, it was 6 percent (primaries) and 0.2 percent (general elections). In Texas, 28 percent of the population voted in the primaries; only 5 percent turned out for the general elections.

In presidential years, a little larger vote is turned out in the November elections. The last presidential election year, 1952, was an exception. But an examination of the election returns

through a period of years will disclose that in the Southern States both Democrats and Republicans stay away from the polls in November because they think that those States are going to vote for the Democratic Party.

The Democrats reason that there is no use in going to the polls; the election will go in our favor anyway.

The Republicans take no interest, because they figure that their vote will not be reflected in the total electoral votes from that State, under the present system.

The same situation, only in reverse, exists in Maine, as the Senator from Tennessee has pointed out, and in some of the other States where the Republican Party is predominant.

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

Mr. DANIEL. I yield.

Mr. LANGER. The Senator believes, does he not, that every good citizen ought to vote?

Mr. DANIEL. That is correct.

Mr. LANGER. Is not one of the reasons why citizens do not vote the fact that the names of the candidates for President and Vice President do not appear on the ballot?

Mr. DANIEL. In some States that is true.

Mr. LANGER. Does not the Senator believe that the best way to make votes of the minority count is to have a direct popular vote by the people?

Mr. DANIEL. I say to the distinguished Senator from North Dakota that, as I just said, I think the nearest we can get to a direct popular vote would be the most democratic way of electing our Presidents and Vice Presidents. But there are two reasons agreed upon between the Senator from Massachusetts and myself why we do not believe that will be done. However, the Senator from North Dakota, who was the distinguished former chairman of the Committee on the Judiciary, and sat through the discussion in the committee, knows that the Senator from Texas would like to get a system which would give the people the best chance to express themselves. I feel the proposal before us is the nearest we can get to a direct election.

Mr. LANGER. Why cannot a President be elected in the same way a United States Senator or a governor, or a Representative is elected? There simply would be primary elections held in June, and the people would elect whatever Republican candidate and Democratic candidate they wanted to run for President and Vice President. The top men would be placed on the Democratic ticket and the Republican ticket, and the people would vote directly for the man they wanted. What is the objection to that?

Mr. DANIEL. I imagine one of the objections would come from the Senator's own State legislature. I think the Senator would find that his own legislature would hesitate or refuse to approve such a proposal. How many Representatives from North Dakota are there?

Mr. LANGER. There are 2 Representatives and 2 Senators.

Mr. DANIEL. There are now 4 electoral votes in North Dakota. The State of North Dakota gets an additional weight in the electoral college, because, as a separate State, it receives 2 votes for the 2 Senators and 2 votes for the 2 representatives. If there were a direct election, the people of North Dakota would not have as much of a say in the election as they do under our present electoral vote division by States. There are 30 or 31 States which would lose some of their total weight in the election of a President if the present division of the electoral vote were abandoned. That is one reason why I stated I do not believe we could go that far.

Mr. LANGER. I am sure the Senator will remember the year when I proposed my constitutional amendment. It was voted down in the Judiciary Committee.

Mr. DANIEL. Yes.

Mr. LANGER. Before I did that I polled the people of North Dakota. By a vote of 8 to 1 the people of North Dakota voted in favor of direct elections for President and Vice President. In election after election only about half the people of the United States vote. As the Senator from Texas said a few moments ago, they are not interested. In the Senator's State, and in some of the other States in that part of the country, they assume that whoever receives the Democratic nomination for governor will be elected.

Mr. DANIEL. That is true.

Mr. LANGER. As the Senator suggested, in Maine, the people probably assume that the Republican nominee will win.

I am not familiar with all of the little towns in the State of Texas, but I venture the guess that if the Senator would go back over the history of Texas he would find again and again and again that a candidate who came from a small town was elected as governor of Texas. That is true in North Dakota. We have small towns with small populations. It is surprising, when one reads the records of our elections, how time and time again the candidates who were elected governors did not come from Fargo or Grand Forks or some of the large towns, but came from small towns. Someone who had been elected to the State Legislature became popular because he advocated things the people liked.

For the life of me, I cannot see why in the United States of America the people should not be allowed to vote for the man they want as President of the United States, why the people should not elect their candidates on the Republican and the Democratic tickets, why a number of fellows in a smoke-filled room should hand-pick candidates for President on both the Democratic and the Republican tickets and say to the people, "Here are the two sons of guns. We are going into the cocktail lounge. You go out and fight over whether you want Mr. A or Mr. B for President." It seems to me if we are truly going to let the people be represented, the way to do it is to let a voter go in a booth, where he or she may be alone with his or her God, and there determine whether he or she will vote for Mr. Dewey or Mr. Dulles or Mr. Eisenhower, and Democrats can decide whether they want Mr. Stevenson, Mr. Kefauver, Mr. Daniel, or someone else for President. Does not the Senator believe that is the proper way to do it?

Mr. DANIEL. No, Senator. I am trying to get as close to that as would ever be possible under tthe present Constitution and the present division of the electoral vote in our country. I think the Senator will agree with me that the proposal I am making would get a lot nearer to a direct election by the people than exists now.

Mr. LANGER. I would not approve of it, because I am in favor of abolishing the electoral college. We do not need one if the people vote directly for President and Vice President.

Mr. DANIEL. Does the Senator understand that the proposal now before the Senate would provide that the people would vote directly for President and Vice President in every State except where a State, by its legislature, would decide to have the vote by congressional district?

Mr. LANGER. As I stated in the Judiciary Committee, I totally disagree.

Mr. DANIEL. Under the proposal, the votes, although by States, would be directly for President or Vice President. That would be better than what we have now.

Mr. LANGER. Yes, but why not have a direct election? Eventually; why not now?

Mr. DANIEL. The Senator has an amendment. I am sure he will offer it.

Mr. LANGER. I intend to offer it as a substitute a little later. I received 33 votes in favor of it last year.

Mr. DANIEL. The Senator from North Dakota and I are much nearer to agreeing in principle than are some who oppose the proposed amendment, because some who oppose the amendment seem to oppose it for a different reason than on the ground of opposition to direct elections of President and Vice President.

Mr. LANGER. I should like to ask one further question, although I do not want to impose on the Senator's time. In Texas, I take it—not considering the last election—thousands of Republicans do not vote in the general elections.

Mr. DANIEL. That is correct, and thousands of Democrats do not vote.

Mr. LANGER. Does not the Senator believe that if Republicans knew that the vote was going to be counted in the sum total, thousands, and perhaps hundreds of thousands, more would vote?

Mr. DANIEL. There is no doubt about that. That is one of the reasons why the subcommittee, and a majority of the full committee, voted for the resolution and reported it to the Senate. We felt thousands more of the citizens of our Nation, both Democratic and Republican, would come to the polls and vote.

Mr. LANGER. In the event that the measure now before the Senate should be defeated, would the Senator be willing to vote in favor of direct elections?

Mr. DANIEL. No, I would not do so, because of the inequity which would be created as between the States. It would disturb the entire electoral vote which various States now have. The States

have been allowed to have the same number of electoral votes as there are Senators and Representatives in those States, and, as the Senator from Massachusetts said a moment ago, I think it would be unfair to change that.

Mr. LANGER. But in the State of Texas a small county might object to the present arrangement which exists in Texas, might it not?

Mr. DANIEL. Does the Senator mean in the election of a governor?

Mr. LANGER. Yes.

Mr. DANIEL. No. The people get to vote in Texas.

Mr. LANGER. Why would not the same arrangement be satisfactory on a national scale?

Mr. DANIEL. The 30 or 31 States which have electoral votes in the same number as there are Senators and Representatives are not going to give up the additional power which they have. In my opinion, that certainly would be the situation.

Mr. LANGER. What power do the smaller States have in that matter?

Mr. DANIEL. Furthermore, let me say to the Senator from North Dakota that according to the evidence before our committee, it would violate the agreement under which the original States entered the Union, if we were to change their proportionate voting power for President of the United States.

Mr. LANGER. It would not change anything at all. They voted to enter the Union, and that was all there was to it—the same as a county does when it becomes part of a State.

At the present time, New York runs the show, although once in a while Chicago comes into the picture. But one presidential candidate after another has come from the State of New York.

Mr. DANIEL. Sixteen of the 26 candidates since 1900, according to our report, came from New York and Ohio.

Mr. LANGER. Yes. I am in favor of having Texas and North Dakota represented in that group.

Mr. DANIEL. I am, too; and that is one of the purposes of this amendment, namely, so that the smaller States will have better representation through individual citizens.

Our amendment goes a great deal nearer to what the Senator from North Dakota wants to have accomplished than does the present system. Our amendment would constitute some improvement.

I hope that if the Senator's amendment for direct elections is defeated, he will at least vote for our amendment, as some improvement.

Mr. LANGER. The Senator from North Dakota is very unpredictable; he might do that. [Laughter.]

Mr. CASE of New Jersey. Mr. President, will the Senator from Texas yield to me?

Mr. DANIEL. I yield.

Mr. CASE of New Jersey. In regard to the point raised by the Senator from North Dakota, I wish to take exception to the suggestion—although I know it was meant very honestly by the Senator from Texas—that the proposed amendment probably would come closer to reflecting the popular vote than does the present system.

As the Senator from Massachusetts pointed out, there were 2 instances—or probably there was only 1, if we grant that the Tilden-Hayes contest undoubtedly was affected by fraud—in which, under our present system, the person receiving the largest number of popular votes did not also receive the largest number of electoral votes.

I have had the Library of Congress staff make a study of the presidential elections in the United States going back to 1860. It seems to me that to go back farther than that would serve no useful purpose, because so many social changes, voting changes, and other changes have occurred since that time. I have determined that there are two cases in which, if the Lodge-Gossett proposal or, as it is now known, the proposal of the Senator from Texas [Mr. DANIEL] had been in effect, the candidates who actually received the larger number of popular votes, and who did also receive the larger number of electoral votes—to wit, McKinley and Garfield—would not have received the larger number of electoral votes, and would not have been elected President.

Mr. DANIEL. Our committee, after weeks of studying this matter, reached the conclusion that it was simply impossible to relate the proposed amendment to previous elections and arrive at any proof of what would have happened back then if this amendment had been in effect, because if there is anything that is certain, it is that under a change in our electoral system, there will be a larger amount of voting on both sides; and that in those cases, the number of votes cast was undoubtedly smaller than the number of votes which would have been cast if another system had been in effect.

Mr. CASE of New Jersey. I recognize the force of that argument. However, I think it is very limited in its application. But it shows that this entire matter is extremely speculative, insofar as the effect of the proposed constitutional amendment is concerned. However, when one argues that the past would not be repeated, it seems to me that the Senator who uses that argument is basing his case on very dangerous ground; and I take that view in this instance also, if that is the ground upon which the Senator from Texas proposes the amendment. Other than by judging from the experience in the past, we scarcely can test this proposal.

I shall be glad to point out the effect on our two-party system, and as regards the way—perhaps illogical—by which we arrive at the will of the people. I am frank to say that I do not think a popular vote would be as good as the present system, for this purpose. Therefore, I do not regard the fact that a candidate does not receive the largest number of votes on a single day as being the test as to the best way to elect the President of the United States.

In the United States we have accomplished this consensus, not only in the case of the election of candidates, but in the case of the solution of great problems, by a system which is very difficult to explain logically, but which I think is understood by those who have to operate under it. I think the existence of a few difficulties and a few logical inconsistencies, if you will, in a system which in practice has worked so well, does not constitute sufficient ground for changing that system lightly. It seems to me that to change the system under those circumstances would be the height of folly.

Mr. DANIEL. Does the Senator from New Jersey believe that the present system has worked well, when we have so small a percentage of the voters of the Nation coming to the polls and expressing their views by means of their votes?

Mr. CASE of New Jersey. I am very glad to answer that question. There are in the United States certain areas where there should be a much greater vote; and there are also certain areas where that situation exists because the people are prevented from voting by law or by pressure. I do not wish to get unduly partisan or to excite, by referring to irrelevancies, those who participate in the discussion of this issue; but this is not an irrelevancy: I am convinced that if the amendment went into effect, the restrictions by which many persons are not allowed—either by law or by pressure—to vote, would increase, and in that event the participation would be correspondingly smaller. That is one of the reasons why I am opposed to this amendment.

As to the general question of whether it is desirable for us to aim at having 100-percent participation in voting in elections, let me say I think that question is largely irrelevant to our present consideration, if I may say so. Today there is 100-percent participation in voting in Russia, and also in other countries where there are dictatorships.

It seems to me we have accomplished so much by means of the present system, that I hesitate to favor the making of a change. So I believe it does not matter too much to the vital interests of any person which side wins an election. By that, I do not mean to say that I am not strongly partisan in respect to favoring my party at any particular time and wanting to make it as good as I can. But if we had deep divisions among our people, there would be ample participation in the elections. However, such a situation does not now exist. That is one of the very good reasons why we do not have 100-percent participation in elections, although there is 100-percent participation in elections in some countries in Europe and elsewhere.

Mr. DANIEL. Of course, I am not advocating 100-percent participation in elections.

Mr. CASE of New Jersey. I understand.

Mr. DANIEL. And I would not want to have develop in our country the conditions which have brought that about in other countries. But I think it is a shame for nearly half of the citizens of the State of New Jersey, for instance, to be casting their votes for candidates for President and Vice President, and never have their votes counted—in fact, not only never have their votes counted for

the candidates for whom they cast their votes, but actually have their votes lumped in and counted in favor of the candidates against whom they voted.

Mr. CASE of New Jersey. Really, Mr. President, this argument amounts to no more than saying that because a choice has to be made between two candidates, when the candidate who received one more than half of the votes is declared elected, those who voted for the losing candidate are disenfranchised. Such an argument does not make sense.

My people in New Jersey gave me a majority of only approximately 3,500. In other words, almost a majority of the voters in New Jersey did not vote for me. Yet I do not regard them as disenfranchised, and I do not think they regard themselves as disenfranchised. The same is true in this case.

Mr. DANIEL. That is a different matter. We elect our Senators and our State officers by majority vote within the State. But when we come to elect the President of the United States, it seems to me that the vote of all the people should have some bearing and should count more in the case of the total.

Mr. LANGER. Mr. President, will the Senator from Texas yield briefly to me?

Mr. DANIEL. I yield.

Mr. LANGER. I think of a famous national convention held only a short time ago. The Democrats had in the basement of the convention hall, in Chicago, a man who kept yelling into a microphone, "We want Roosevelt! We want Roosevelt!"

And over in Philadelphia, Wendell Willkie had a lot of forged admission cards for the galleries; and the persons who used those forged admission cards entered the galleries and yelled again and again, "We want Willkie!"

What voice did the people have in the selection of the candidates at the convention? It is nonsense to say that the people selected either one of them. When the nominations were made, the people had a choice between the two.

A little while ago, in a convention a lawyer for J. P. Morgan & Co. was finally nominated. How many people in the United States would have selected that gentleman? The people have no voice in the nomination of such candidates. The distinguished Senator knows it. That is not the way business is done. If the Senator does not believe it, let him go back to the convention in Chicago when Lowden and Wood were opposing candidates. Great sums were spent in behalf of the two candidates.

Mr. DOUGLAS. Who was the man finally selected? It was neither one. It was a man who probably could not have obtained the support of 2 percent of the voters had his name been submitted to a popular vote.

Mr. DANIEL. Mr. President, I conclude my presentation by saying that under our amendment, which has been presented in the form of a substitute, we would certainly do away with the independent electors we now have in this country, who are not bound by law to follow the will of the people who vote for them. Even though their names appear under the names of certain candidates for President and Vice President, the electors are not legally bound to cast their votes in the way the people tell them to do.

It is true, as the Senator from Massachusetts has said, that there have been only five occasions, as I recall, in which an elector cast his vote differently from the way the people voted. But had that happened in the case of the Tilden-Hayes contest in 1876, it would have changed the entire election for President of the United States.

It seems to me that this antiquated electoral college system is something we should get rid of. Why should we have a provision in our Constitution which we are sworn to uphold and obey, when none of us is doing so? Today our Constitution provides that the States shall choose their electors, and the electors shall choose a President. That is the form of the Constitution today. The form is not being carried out. Although electors are nominally independent, and have the right to vote any way they wish, in most cases they are simply casting their votes the way the plurality goes in their particular States.

Under the proposed amendment, the independence of those electors would be taken away, and they would be obliged to cast their votes for the candidates to whom they were pledged, under the alternative proposed for any State which wishes to follow the Mundt-Coudert plan.

In the part of our amendment which would apply in States which do not adopt the Mundt-Coudert plan, the vote would be divided, in each State, in proportion to the way it is cast for each candidate. In my opinion, that is the nearest we can ever come in this country to a direct election of President and Vice President. As a practical matter, it is the nearest we can come to having the people of the Nation express themselves as to whom they want for President and Vice President, and find that expression counted in Washington in the electoral vote.

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

Mr. DANIEL. I yield.

Mr. DOUGLAS. Has the Senator from Texas yet proposed his substitute for the original Senate Joint Resolution 31?

Mr. DANIEL. I intend to do so before yielding the floor.

Mr. DOUGLAS. May the Senator from Illinois ask the Senator from Texas questions on the new amendment after he has offered it?

Mr. DANIEL. Yes.

Mr. President, on behalf of 53 other Members of the Senate and myself, I offer the amendment which I send to the desk. It is designated "3–15–56–A." It is an amendment in the nature of a substitute.

The PRESIDING OFFICER. Does the Senator wish to have the amendment read, or merely printed in the RECORD at this point?

Mr. DANIEL. I ask that the amendment be printed in the RECORD at this point, without reading.

There being no objection, the amendmen in the nature of a substitute, offered by Mr. DANIEL (for himself, Mr. KEFAUVER, Mr. MUNDT, Mr. THURMOND, Mr. WILEY, Mr. DIRKSEN, Mr. MCCLELLAN, Mr. JENNER, Mr. IVES, Mr. ANDERSON, Mr. CHAVEZ, Mr. MURRAY, Mr. MANSFIELD, Mr. SPARKMAN, Mr. STENNIS, Mr. HILL, Mr. WILLIAMS, Mr. BYRD, Mr. BUTLER, Mr. WELKER, Mr. KNOWLAND, Mr. GEORGE, Mr. SMITH of New Jersey, Mr. FULBRIGHT, Mr. FLANDERS, Mr. MCCARTHY, Mr. KERR, Mr. GOLDWATER, Mr. THYE, Mr. ERVIN, Mr. CURTIS, Mr. CASE of South Dakota, Mr. SCHOEPPEL, Mr. HOLLAND, Mr. SMATHERS, Mr. BARRETT, Mr. YOUNG, Mr. HICKENLOOPER, Mr. CAPEHART, Mr. FREAR, Mr. DWORSHAK, Mr. HRUSKA, Mr. COTTON, Mr. MARTIN of Iowa, Mr. BIBLE, Mr. POTTER, Mr. BEALL, Mr. SCOTT, Mr. ALLOTT, Mr. BRICKER, Mr. BENNETT, Mr. ROBERTSON, Mr. MORSE, and Mr. WATKINS), which was to strike out all after the enacting clause and insert certain language, was ordered to be printed in the RECORD, as follows:

The the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of 4 years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution. No person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The electoral votes cast by each State may be cast in the manner provided by section 2 or, if the legislature of such State so provides, in the manner provided by section 3 of this article.

"The voters in each State in any such election shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature.

"SEC. 2. Except in any State in which electors are chosen under the provisions of section 3, votes for President and Vice President shall be cast by the people of each State, and the electoral vote to which such State is entitled shall be apportioned among the 3 persons receiving the greatest number of votes of the voters of such State for each office in the same ratio as the number of votes received by each such person bears to the total number of votes received by such 3 persons. In making the apportionment, any fractional portion of an electoral vote to which a person is entitled shall be disregarded if it is less than one one-thousandth.

"Within 45 days after the election, or at such time as the Congress shall direct, the official custodian of the election returns of such State shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each

such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the number of electoral votes of such State to which each such person is entitled.

"SEC. 3. Notwithstanding the provisions of section 2 of this article, the legislature of any State may provide for the election of a number of electors equal to the number of electoral votes to which the State may be entitled in the same manner in which its Senators and Representatives are chosen. Any candidate for elector who before the election has pledged his vote for President or Vice President to a specific person shall, if elected, cast his vote for such person. No Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen elector.

"Within 45 days after the election, or at such time as the Congress shall direct, the electors so chosen shall meet in their respective States, and vote by ballot as pledged for President and Vice President, at least one of whom shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate.

"SEC. 4. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the vote shall then be counted. The person having the greatest number of votes for President shall be the President, and the person having the greatest number of votes for Vice President shall be the Vice President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes for President or Vice President, then from the persons having the three highest numbers of electoral votes for such office the Senate and the House of Representatives sitting in joint session shall choose such officer immediately, by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives, and the person receiving the greatest number of votes shall be chosen.

"SEC. 5. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them, and for the case of the death of any person who, except for his death, would have been entitled to receive a majority of the electoral votes for President or for Vice President.

"SEC. 6. The 1st, 2d, and 3d paragraphs of section 1, article II, of the Constitution, the 12th article of amendment to the Constitution, and section 4 of the 20th article of amendment to the Constitution are hereby repealed.

"SEC. 7. This article shall take effect on the 10th day of February following its ratification, but shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within 7 years from the date of its submission to the States by the Congress."

Mr. DOUGLAS. Mr. President, will the Senator yield for some questions upon the substitute which is now the pending question?

Mr. DANIEL. I am glad to yield.

Mr. DOUGLAS. Do I correctly understand that the amendment with which the Senator from Texas and 53 other Senators are now proposing to supersede the original Senate Joint Resolution 31 would give State legislatures the choice as to whether they would use, first, the proportional State method which was originally embodied in the Lodge-Gossett proposal, and then later by the Senator from Texas and the Senator from Tennessee [Mr. KEFAUVER], or second, the district unit method, under which each congressional district would vote as a unit for 1 elector and with 2 votes for the State as a whole?

Mr. DANIEL. In effect, that statement is correct. Actually the amendment, as drawn, would provide that the so-called Lodge-Gossett proposal for division of the vote in proportion to the popular vote shall be in effect in every State, except where a State legislature exercised its right to choose the alternative proposed by the Senator from South Dakota [Mr. MUNDT] and Representative COUDERT.

Mr. DOUGLAS. Is the Senator from Texas aware of the fact that in the State legislatures of the country, almost without exception the large cities are grossly underrepresented?

Mr. DANIEL. The Senator from Texas does not know whether or not that is true all over the country, but he does know that it is true in certain sections of the country.

Mr. DOUGLAS. The Senator from Illinois will place in the RECORD at a later time evidence showing the degree to which, in State after State in this Union, large cities are grossly underrepresented in the State legislatures, which will make the choice as to whether or not they will operate under the Lodge-Gossett or the Mundt-Coudert method.

This is true in Rhode Island and Connecticut. It is true in New York, New Jersey, Pennsylvania, Maryland, and Delaware. It is true in Georgia and Florida. It is true, in one house, in my own State of Illinois. It is true in Texas. It is true in Minnesota. It is true in Tennessee. It is true in Arizona. It is true in Nevada. It is true in Michigan, Missouri, Ohio, South Carolina, and Idaho. It is true to some degree in North Dakota. It is true in North Carolina and in Mississippi.

It is true in most States of the Union. What will happen will be that the Senator from Texas and his conferees would turn over to grossly unrepresentative State legislatures the choice of a proportional State system or a district unit system. But they would not be allowed to retain the present State unit system which they have all advocated.

Mr. DANIEL. I would say to the Senator from Illinois that I doubt his prediction is correct. I believe that most of the States would follow the proportional system, because that is the preferred plan under the proposed amendment, and affirmative action of a State legislature would be necessary to adopt the district system. The fact that most of the States which have tried the district system have abandoned it, would lead me to believe that the majority of the States would not follow the alternative set up by the Mundt-Coudert plan. The Senator from South Dakota [Mr. MUNDT] may disagree with me, but the Senator from Texas is giving his opinion. He does not believe that a majority of the States would follow that system.

Mr. DOUGLAS. Mr. President, may I ask a further question of the Senator?

Mr. DANIEL. I yield for a question.

Mr. DOUGLAS. Is it not correct to say that States could shift back and forth, in one election using the proportional State system, and in the next election using the unit-district system?

Mr. DANIEL. They could.

Mr. DOUGLAS. Would there not be a temptation to adopt that system or combination of systems which would be most advantageous to the political parties dominant in various State legislatures, and in that way provide a shifting basis of representation?

Mr. DANIEL. I have never held the suspicion or had the worry of anyone doing anything with the amendment for partisan political purposes which the Senator from Illinois has in mind. I hope the Senator from Illinois knows that in offering the amendment the Senator from Texas sincerely would like to see the people themselves have a more direct voice in deciding who should be elected President.

As the Senator knows, the amendment which I introduced at the beginning would have provided merely for the proportional system, which I believe the Senator from Illinois voted for in 1950.

Mr. DOUGLAS. I voted for it in 1950, when I was a new Member of the Senate and somewhat unwary, and when I believed that if the big States made sacrifices it might induce some reciprocal yielding on the part of other States. Since then the Senator from Illinois has become wiser and more acquainted with the realities. He now understands that there are certain sections of the country which will yield nothing, and which are seeking constantly to diminish the power of the large States and of the large cities and to hold them in bondage. The Senator from Illinois is a wiser man now than he was in 1950. His hair is whiter, but his wisdom is greater.

Mr. DANIEL. Does the Senator from Illinois feel that his large State and his large city have some advantage which he wishes to preserve under our present system?

Mr. DOUGLAS. The Senator from Illinois feels that the big cities of the country are largely in political chains and, as he will develop later, he feels that they are grossly underrepresented in the Senate and are grossly underrepresented in the House and are grossly underrepresented in the various State legislatures of the country.

If we take the entire system of government in the United States, as the Senator from Massachusetts has suggested, the big cities are the most oppressed and the least represented. The

objection of the Senator from Illinois to the amendment which is now being offered is that it would take from the cities the one point of vantage they have and from the big States the one point of vantage they now have.

If the Senator from Texas has a great zeal for reform, why does he not seek to provide universal suffrage in the great State of Texas, or seek to abolish the poll tax, or seek to remove the physical liabilities which are imposed upon a large section of the people there and throughout the South—namely the colored race.

Mr. DANIEL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. DANIEL. I yielded to the Senator for questions, not for a speech. I even tried to interrupt him in order that things would not get too far. I do not mind yielding for questions, but I do not yield to him for the purpose of berating the Senator from Texas.

Mr. DOUGLAS. I am not berating the Senator from Texas.

Mr. DANIEL. And I do not yield to the Senator from Illinois to intimate that the Senator from Texas may not have tried to do what he could with respect to the poll tax. I supported a constitutional amendment in my State to get rid of the poll tax. There are several things the Senator from Illinois has mentioned which the Senator from Texas might agree with him on.

However, we now have before us a constitutional amendment. I should like to yield to the Senator from Illinois for questions that he may ask concerning the constitutional amendment, or with respect to the remarks I have made.

I know that the Senator from Illinois feels that Chicago has a great advantage under our present electoral system and that perhaps the State of Illinois has a great advantage under the present electoral system under which all the votes cast go whichever way the plurality goes and under which system all the votes go one way if only a few more votes are cast on one side than on the other. In that way a candidate gets all the electoral votes of a State, even though only a few more votes may have been cast for him than for his opponent.

The fact gives the big cities and the State of Illinois an advantage which the Senator from Illinois would like to retain.

I do not blame the Senator for trying to hold on to the advantage which Illinois and Chicago now have as against the rest of the country. However, I am surprised that he should take that attitude in view of the fact that he voted for a similar amendment in 1950. Does the Senator from Illinois wish me to yield to him for a question?

Mr. DOUGLAS. I did not mean to break in on the Senator. I feel very deeply on this subject. I thought the Senator was taking an inconsistent view. What I did is what I and other Senators do on occasion, namely, make a statement as well as ask a question. If I violated the rule, I am sorry.

I should like to ask the Senator this question, however. Does he not realize that the alternative method he proposes, namely, the district unit system, will disenfranchise a large number of people in congressional districts? I say that because congressional districts are not of equal size, nor do all voters have an equal vote. What he is proposing is in the nature of the Georgia county system blown up into a national system. Is that not correct?

Mr. DANIEL. No; the Senator from Texas is not proposing that at all. As a matter of fact, the Senator from Texas proposes exactly what the Senator from Illinois voted for in 1950. I am proposing a compromise which would compose the differences which exist among those who want electoral reforms and who believe the present system is unfair.

In order to do that, we felt it was fair to allow under the new amendment what can be done under the present Constitution, namely, the selection of electors on the basis of two for the Senators, two at large, and the remainder by congressional districts.

Does the Senator realize that the objections being raised by him now to the part of the amendment that we have added as an alternative go to the present Constitution as well? Does the Senator realize that 11 States, including his own State, used the Mundt-Coudert system of electing electors at one time or another in their history?

Mr. DOUGLAS. They used it, but they abandoned that system in favor of the State unit system.

Mr. DANIEL. That is correct. Under the present Constitution, however, any State that wishes to do so may return to the Mundt-Coudert system, under the Constitution. Therefore, I do not think it is any great concession to say that under our present amendment we leave the State with that right.

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

Mr. DANIEL. I yield.

Mr. MUNDT. I point out for the RECORD at this time—and I am sure the Senator from Illinois will agree with this observation, because he has read a great deal of American history—that the reason the State of Illinois and other States left the district system and adopted the unit block system was that as soon as some of the larger States had gone in the direction of the unit block system it made them so disproportionately strong in the electoral college that it virtually forced the other States to abandon the district system.

Mr. DANIEL. I return to the quotation I referred to a moment ago. In a letter of August 23, 1823, Mr. Madison wrote:

> The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted, and was exchanged for the general ticket and the legislative election as the only expedient for baffling the policy of the particular States which had set the example.

That quotation from Madison bears out what the Senator from South Dakota [Mr. MUNDT] has stated.

Mr. President, I am ready to yield the floor.

Mr. DOUGLAS. Mr. President, I shall make my remarks at a later time. I hope the Senator from Texas will pardon me if I say that I think this amendment is extremely unfortunate in that it would tend to weaken the liberal elements in both the Republican and Democratic Parties. I hope to develop that point later. At the moment, I have no further questions.

Mr. DANIEL. Let me say to the Senator that I am surprised at this statement that any constitutional amendment which would bring about more votes in our general elections could in any way weaken the liberal element in either party. It would seem to me that the liberal elements in both parties would want to see more of the people express themselves at the polls. That has been my attitude all the way through. The Senator from Illinois will not find anything in my record in my State or in this body which would prevent the people of my State from having a right to express themselves in elections, especially in elections for President of the United States.

I understand the Senator from Illinois is worried about some States which might gerrymander their districts and may not set up their congressional districts as they should. In some States which adopt as an alternative the Mundt-Coudert plan it might give the Senator some concern.

But section 4 of article I of the Constitution provides as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

So, it would seem to me that if any of the States misuse this power in electing electors by congressional districts, that is, by gerrymandering their congressional districts, Congress would have the right to do something about it.

Mr. DOUGLAS. Is it not true that this right could only be exercised by Congress in which the big States and the big cities which are themselves underrepresented and gerrymandered? In other words Congress is unlikely to reform itself on this point.

Mr. DANIEL. I do not know. I am unable to give the Senator an answer to that question, because I have never heard the argument made that the big States and big cities are not properly represented in the Congress. I have been a Member of the Senate only a short time, but this is the first time I have heard it argued that the big States and the big cities are not properly represented in the Congress of the United States.

Mr. DOUGLAS. The big States are underrepresented in the Senate and the big cities are underrepresented in the House.

Mr. DANIEL. I have always observed that there are many Representatives from the big cities in the House, and the question of whether the big States are underrepresented in the Senate was settled long ago in the constitutional convention. It was one of the most troublesome questions, and it was settled

by providing that each State shall have two Senators. We have had that system so long that there is nothing we can do about it today.

Mr. DOUGLAS. I do not wish to enter into a long colloquy with the Senator, but this part of no underrepresentation of the big States is the one provision in the Constitution which cannot be amended. What I am protesting against is adding still another disability to the big States and big cities. I hope to develop the fact that we are underrepresented in the House of Representatives and in the State legislatures and are frequently denied even the elementary right to govern our own affairs by home rule so far as cities are concerned. The only way we have is some part in the election of a President. If this is taken away it will operate in a much greater degree and the net result will be as additional underrepresentation of the big States and cities.

Mr. DANIEL. In comment on the Senator's statement, it seems to me that instead of taking away any advantage that a State or a city might have, we are simply equalizing the matter and giving the people of the entire Nation, whether they live in small or in large States, an equal amount of say as individuals in the election of a President and Vice President through the system we have advocated in this substitute amendment.

Mr. President, I yield the floor.

During the delivery of Mr. DANIEL'S remarks,

Mr. KENNEDY. Mr. President——

Mr. GORE. Mr. President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. KENNEDY. I yield, with the understanding I do not lose my right to the floor.

Mr. GORE. 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. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Without objection, it is so ordered.

INTRODUCTION

Mr. KENNEDY. Mr. President, Senate Joint Resolution 31, concerning which there has been little, if any, public interest or knowledge, constitutes one of the most far-reaching—and I believe mistaken—schemes ever proposed to alter the American constitutional system. No one knows with any certainty what will happen if our electoral system is totally revamped as proposed by Senate Joint Resolution 31 and the various amendments which will be offered to it. Today, we have a clearly Federal system of electing our President, under which the States act as units. Today, we have the two-party system, under which third parties and splinter parties are effectively discouraged from playing more than a negligible role. Today, we have a system which—in all but one instance throughout our history—has given us Presidents elected by a plurality of the popular vote. I refer to one instance, because the frequently mentioned situation in 1824, involving Andrew Jackson and John Quincy Adams, in which six States did not have popular votes, can be ignored; and the other frequently mentioned case, that of the Hayes-Tilden contest, involved outright corruption, and the decision of the electoral commission was responsible for the election of Hayes; so in the 175 years of our constitutional system, there is really only one valid example in which the present system produced the election of a candidate who did not receive the largest number of votes. And today we have an electoral vote system which gives both large States and small States certain advantages and disadvantages that offset each other.

Now it is proposed that we change all this. What the effects of these various changes will be on the Federal system, the two-party system, the popular plurality system, and the large-State-small-State checks and balances system, no one knows. Nevertheless, it is proposed to exchange this system—under which we have, on the whole, obtained able Presidents capable of meeting the increased demands upon our Executive—for an unknown, untried, but obviously precarious system which was abandoned in this country long ago, which previous Congresses have rejected, and which has been thoroughly discredited in Europe. No State legislature, political party, or major group of citizens has requested this change. Any State legislature which felt such a change to be more democratic or more logical has been free to adopt it for the past century. No statute or constitutional provision prevented the States from doing so. But, with the single exception of Michigan, which quickly abandoned the system proposed by Senate Joint Resolution 31 after a single trial more than half a century ago, not a single State has done so.

Why should we in Congress be in such a hurry to adopt a drastic constitutional amendment which most of the voters do not know we are considering, and which they certainly have not demanded? These are crucial times—and whatever defects may be claimed in the present federalist two-party system, we at least have knowledge of and experience with its operation. We have no knowledge as to whether these proposed revisions would provide adequate machinery to serve a country in the midst of recurring foreign policy crises—or whether they would lead to a breakdown in this machinery, such as those we have witnessed in France and elsewhere, paralyzing the country before it could return to the old system. The world situation does not permit us to take the risk of experimenting with the constitutional system that is fundamental to our strength and leadership, particularly without full knowledge of the effects of such changes.

No urgent necessity for immediate change has been proven. No minority Presidents have been elected in the 20th century; no elections have been thrown into the House of Representatives; no breakdown in the electoral system, or even widespread lack of confidence in it, can be shown. The evils of the present system alleged by the proponents of Senate Joint Resolution 31 are decisive; the benefits they claim for the future are at best speculative, and at worst statements exactly contrary to the results more likely to take place. There is obviously little to gain—but much to lose, by tampering with the Constitution at this time.

It seems to me that Falkland's definition of conservatism is quite appropriate—"When it is not necesary to change, it is necessary not to change."

The substantive arguments advanced by the proponents will be discussed subsequently—but it is revealing to note the political appeal made to various groups. Northern Democrats have been told that the Daniel amendment will assure their party of permanent control of the White House. Southern Democrats were told that the amendment would give them overwhelming control of their party. Liberals were told that the amendment would give them recognition by treating third-party movements more equitably. Conservatives were told that the influence of minority pressure groups in the Northern cities would be eliminated. And Republicans have been told that from the votes that will somehow appear in the South, under the Daniel amendment, or from gerrymandering of electoral districts by Republican-dominated State legislatures, under the Mundt amendment, their party will permanently possess the White House. It is difficult to believe that two-thirds of the Members of the Senate will accept such contradictory predictions.

Mr. President, under the previous agreement I shall yield the floor at this time to the Senator from Texas [Mr. DANIEL], who is the sponsor of the proposed amendment.

Mr. DANIEL. Mr. President, will the Senator yield to me for comment on his remarks?

Mr. KENNEDY. Yes. With the understanding that when the Senator has concluded it will be possible for me to regain the floor, I yield for a question.

Mr. DANIEL. I wish to make it clear that the Senator from Texas has not made all the representations of which the Senator from Massachusetts has spoken, concerning the effect of the proposed amendment.

Mr. KENNEDY. I have read the hearings very carefully. One of the real reasons why I regret that I cannot support the proposed amendment is the fact that the distinguished Senator from Texas has given so much of his time and conscientious effort in behalf of his amendment. It seems to me that his amendment, as he introduced it, and as it was reported to the Senate, was infinitely preferable to the amendments to his amendment, which I believe he was obliged to accept somewhat reluctantly. Therefore I am completely sincere when I say that I appreciate the conscientious work the Senator has done. As he has just said, my discussion of the various arguments with respect to the different sections does not apply to him.

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

Mr. KENNEDY. I yield.

Mr. GORE. I concur in the observation which the distinguished junior Senator from Massachusetts has just made. Before going further, I wish to say that I have listened attentively to the very able and challenging remarks of the distinguished junior Senator from Massachusetts.

Like him, I believe that the amendment recommended by the junior Senator from Texas is preferable to the proposed amendment before the Senate, which combines the recommendation of the junior Senator from Texas and the recommendation of the junior Senator from South Dakota [Mr. MUNDT]. However, I ask the Senator this question: If he had to choose between continuation of the present system, which I regard as undemocratic and filled with potential danger of the usurpation of the will of the people, and accepting the proposed change, which would he prefer? Or does the Senator think we must choose between those alternatives?

Mr. KENNEDY. I will say to the Senator that I am opposed to the Daniel amendment, the Mundt amendment, and the combined Daniel-Mundt amendment. I am opposed to the Humphrey amendment, which provides for direct election. In this case, I am opposed to change. Therefore, though I believe the Daniel amendment to be preferable to the Mundt amendment, I should be compelled to vote against it, even if it were offered separately. However, in the combined form, the evils are compounded, in my opinion; and I believe that the benefits which each might have are completely submerged in this strange union.

Mr. GORE. The Senator certainly has great ability to clarify his position. He has made it explicit. Does not the Senator recognize the apprehensions of a Senator who comes from a State which, as recently as 1948, was partially disfranchised through the action of an elector selected and placed on the ballot by the Democratic Party, but who finally, as a member of the electoral college, cast his ballot, not for the candidate whose electors had carried the State, not for the candidate whose electors had been second in the State, but rather for the candidate whose electors had been third in the State?

Mr. KENNEDY. Of course, the Senator has every right to be especially interested in that situation. Nevertheless, the fact is that of the 12,463 votes cast in the electoral college since 1820, only 5 have been cast contrary to instructions. In 1820 one New Hampshire delegate voted for Adams instead of Monroe. In 1824 three New York delegates voted for Henry Clay's opponent, though they were pledged to him.

Then, in spite of the great provocation existing in the Hayes-Tilden contest, which, as the Senator knows, was decided by one vote, I believe one of the electors from Massachusetts uttered a more or less classic phrase when he said he was chosen by the people not because they had confidence in his judgment, but because they knew what his judgment would be. I believe that in every case since 1824, with the exception of the case which the Senator has described in Tennessee in 1948, every elector has obeyed the instructions of his people.

Abuses are always possible. However, I believe that under our present system we have made quite a good record in a democratic society. Nevertheless, I would support that portion of the amendment of the Senator from Texas which would prevent any repetition of the incident to which there has been reference here today. I believe that portion of the Senator's amendment is most important. If the remaining portion of the Senator's amendment is defeated, I hope that this particular section will be pressed, in order to avoid throwing an election into the House of Representatives, which almost occurred in 1948. There it should be decided upon the basis of Members voting as individuals, and not as State delegations, which might result in the election of a so-called minority President.

Regardless of what happens to the remainder of the Senator's amendment, I hope the Senator will press for action on this particular section.

Mr. GORE. Mr. President, I congratulate the Senator upon the further exposition of his views. In the opinion of the junior Senator from Tennessee the Senator from Massachusetts has just acknowledged that the present constitutional provision is not satisfactory. I join him heartily in expressing that view.

I am not entirely satisfed with the proposed amendment now before the Senate. I believe the Senate will have an opportunity to work its will. The able and distinguished junior Senator from Massachusetts, for whom I have the greatest affection and the highest of esteem, and with whom I enjoy a warm personal friendship, is making a valuable contribution. However, I implore the Senator not to take an adamant position against any change, and not to remain satisfied with the present situation when he has now acknowledged that it is far from satisfactory.

Mr. KENNEDY. I agree; but the Senator should realize that what I am talking about is the method of selecting a President by the House of Representatives. That is a provision in the Constitution which the large States accepted in the Constitutional Convention, for the same reason that they accepted the provision for two Senators from each State—to get the Constitution adopted. However, that is a far cry from the plan proposed by the Senator from Texas [Mr. DANIEL], which would divide the electoral vote of each State proportionately. That is an entirely different subject, on which I must reluctantly disagree with the Senator from Texas, in spite of the very important work he has done on this subject.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from New Jersey.

Mr. CASE of New Jersey. First, I wish to express my appreciation to the Senator from Massachusetts for his very fine statement and analysis of the pending joint resolution. I wish to emphasize the fact that the Senator from Tennessee has made it possible for us to point out that it is not necessary to accept the provision in the joint resolution with regard to counting the electoral vote or even the provision with respect to casting it, in order to eliminate the defect which, I agree with both Senators, ought to be eliminated, namely, the existence of the electoral college and chance that a member of the electoral college may go haywire.

That provision, as well as the provision for counting the votes, in the event that the election should be thrown into the House of Representatives, can be corrected without in any way involving us in the dangers and difficulties and unknowns which the provisions to which I object would lead us.

Mr. KENNEDY. The Senator is absolutely correct. I believe that half of the States have already removed the danger of electoral college delegates not reflecting the views of the States. States can take care of that situation themselves.

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

Mr. KENNEDY. I yield.

Mr. GORE. In reply to the junior Senator from New Jersey, I should like to say that it is not a question of an elector going haywire, as he said, under the present system, because under the present system it is an elector's constitutional right to cast a ballot as he pleases. Legally he has the opportunity to do so. There is apparent the possibility that the electoral votes of an entire State could be cast contrary to the wishes of the people, contrary to the first choice, to the second choice, and even to the third choice of the people of that State.

Mr. CASE of New Jersey. Mr. President, will the Senator yield further?

Mr. KENNEDY. I yield.

Mr. CASE of New Jersey. I must disagree with the statement that an elector, even though there may be no law in his State requiring him to do so, is free to cast his vote as he wishes. He is not free, under our system. He is under the greatest obligation to conform with the——

Mr. GORE. Which is a moral obligation.

Mr. CASE of New Jersey. Yes; a moral obligation, which is the greatest of all. Fortunately, it is not necessary to accept the provisions of the amendment which I regard to be dangerous in the extreme in order to accept other provisions.

Mr. KENNEDY. I am glad that we have been able to isolate that issue, and that people will not feel that they must support the entire amendment on the ground that their only choice is between that and nothing.

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

Mr. KENNEDY. I yield.

Mr. DOUGLAS. Would the Senator from Massachusetts say that the Senator from Tennessee at the moment seems to be straining at a gnat and swallowing a camel? I hope during the course of the debate the proportions of the gnat which he rejects and the proportions of the camel which he accepts may become manifest and bring the Senator from

Tennessee back to his usual clear perception of the issues.

Mr. GORE. I should like to observe that the Senator from Illinois resembles neither. [Laughter.]

Mr. KENNEDY. Mr. President, the Senator from South Dakota [Mr. MUNDT] stated that the district plan is the plan advocated by the Founding Fathers. They did it at a time when they conceived the electoral college to be completely removed from the people and when they had no conception of the rise of large political parties. So the development of the Nation has been different from the way in which they conceived it.

The Senator from Texas stated that certain States had an undue influence in the election of a President. I would say to the Senator that the solid South has 127 electoral votes, based on an average of 5 million popular votes, which is a very strong position in connection with representing nearly 45 million people. Having a vote of one-eighth of the country at large and a fourth of the electoral votes, it would indicate that those States have a disproportionate influence.

In May of last year, Senate Joint Resolution 31 was reported by the Senate Judiciary Committee. This amendment, known as the Daniel-Kefauver—formerly Lodge-Gossett—amendment, provides for a system of proportional voting, whereby the electoral vote for each State is divided among the various candidates in the same proportion as the popular vote cast within that State. Recognizing that the present requirement of an electoral vote majority would be more difficult to achieve, inasmuch as splinter parties would also be receiving electoral votes, Senate Joint Resolution 31 lowered this requirement to 40 percent.

The committee rejected Senate Joint Resolution 3, the so-called Mundt-Coudert proposal, or district system, whereby the electoral vote for each State would be divided in the same manner as that State's Senators and and Representatives were elected, namely, two electoral votes representing the State's two Senate seats being awarded to the candidate who carried the entire State, and the electoral vote representing each congressional district being awarded to the candidate who carried that district.

In March of this year the Senator from Minnesota [Mr. HUMPHREY] proposed still another substitute amendment for Senate Joint Resolution 31, under which each State would retain two electoral votes, to be awarded to the candidate carrying that State, but dividing the remainder of the 531 electoral votes cast for them without regard to State lines. The Senator from North Dakota [Mr. LANGER] and other Senators also introduced an amendment to provide for election of the President by direct popular vote, without regard to State lines.

On March 15, or less than 1 week ago, the sponsors of both Senate Joint Resolution 31 and Senate Joint Resolution 3 joined in offering a new compromise proposal as a substitute for Senate Joint Resolution 31.

This compromise amendment submits both plans to the States for ratification, and permits each State to take its choice. The Senator from Texas [Mr. DANIEL] announced to the press that neither plan would have passed the Senate, inasmuch as the proponents of each opposed the other; so the sponsors combined both plans in an effort to satisfy everyone.

In short, the Congress of the United States is to say to the States, "We cannot agree on any single system for electoral reform, and in fact we do not approve of either one of them; therefore, we are giving you your choice."

There is a constitutional obligation to consider which proposal is best on its merits, and affirmatively to approve or disapprove of each for referral to the several States.

That, in my opinion, is a circumvention of the constitutional amendment procedure as proposed by the founding fathers.

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

Mr. KENNEDY. I yield.

Mr. DANIEL. Will not the Senator agree that today the States have the choice of any method of naming their electors which they might desire to use?

Mr. KENNEDY. After reading the hearings, after listening to the Senators discuss the deficiencies of the Mundt-Coudert plan, and after hearing the Senator from South Dakota discuss the deficiencies of the Daniel-Kefauver plan, suddenly to find them linked together seems to be a strange combination, arrived at only in order to get two-thirds of the vote.

Mr. DANIEL. No. What I asked the Senator was if it was not true that today the States have a choice of any plan they might desire to use in order to name electors.

Mr. KENNEDY. And they have made that choice. Would the Senator from Texas object to this? Would he object to the present plan's being included among the choices to be given to the States?

Mr. DANIEL. Yes, I would. I feel the present plan is outmoded, works many handicaps, and should be abolished.

Mr. KENNEDY. Would the Senator from Texas deny to the States the opportunity, which they are using, to follow the present plan, and to force them to choose between two other plans, both of which could have been put into effect, if it had been desired to do so, but as to which, of course, there was no desire to do so?

Mr. DANIEL. One of them could not have been put into effect in Texas. The Lodge-Gossett plan could not have been put into effect in the present situation.

Mr. KENNEDY. That is true.

Mr. DANIEL. Mr. President, will the Senator yield for one observation concerning his remarks as to the differences between the Senator from South Dakota and the Senator from Texas?

Mr. KENNEDY. I yield.

Mr. DANIEL. True, each of us argued that his own plan would be better; on the other hand, I think it will be found that each of us acknowledged that the plan of either would be better than the method which is in existence today.

Mr. KENNEDY. I remember the Senator discussed Harris County, Texas, which, as I remember, has one-sixth of the population of Texas, even though there are 22 Representatives from Texas. The Senator suggested that the Mundt-Coudert plan would be an invitation to that sort of procedure all over the country.

Mr. DANIEL. That is correct. That is one argument which I made against the Mundt-Coudert plan. Even though that be true, I feel it is a better system than is in existence today.

I have no idea that the State of Texas would ever adopt the alternative offered by the substitute amendment for the Mundt-Coudert plan, because our State has been very much in favor of the Gossett-Lodge plan of the substitute amendment.

Mr. KENNEDY. If I were from Texas, I would be in favor of it, as Representative Gossett was. The Senator has given us the 1948 figures. Under the Senator's proposal, there would have been 15.0 electoral votes for Truman, and 5.6 for Dewey. In other words, there would have been a margin of 9.4.

For the State of Illinois, which the Senator suggested had a disproportionate influence, there would have been 14.0 for Truman and 13.8 for Dewey, making a margin of .2 in the electoral vote balance, while for the State of Texas the margin would have been 9.4.

So it seems to me that there would be taken away all the influence Illinois would have with its population of 8 million or 9 million, while the slightly smaller population of Texas would have had a margin of 9.4 balancing the electoral scales. I think that would have been unfortunate for Illinois. It would have been repeated in New York.

New York is the largest State in the Union. It has only 2 Senators, but it has 43 Representatives. One of New York's great hopes of recapturing its relative loss of influence in the legislative branch is to have an effective influence on the presidency.

In 1948, 28.2 percent of the electoral votes were for Truman, and 21.6 percent were for Dewey, a difference of 6.6, compared with Texas' margin of 9.4 electoral votes.

Mr. DANIEL. The Senator from Massachusetts is using percentages.

Mr. KENNEDY. I am using the distribution of the electoral vote.

Mr. DANIEL. On a percentage basis.

Mr. KENNEDY. Yes.

Mr. DANIEL. If the Senator will read the distribution of electoral votes, he will see that New York has an electoral vote in proportion to its population. The Senator is reading figures pertaining to an election in which the Lodge-Gossett plan was not in effect. If the Lodge-Gossett plan had been in effect, I imagine the figures would have been quite different. More people would have gone out to vote on both sides.

Mr. KENNEDY. I agree with the statement which the Senator made about the Lodge-Gossett plan. I agree that a prediction cannot be made for the future on the basis of what has happened in the past—at least, with certainty. But an indication is given. We know from what has happened in the past that what I have read would have happened. I also know from reading the RECORD that on

at least three occasions under the Lodge-Gossett plan there would have been a President who was a minority candidate in the election. I think on three occasions there would have been a President elected by one party, while the opposite party would have been in control of Congress.

Mr. DANIEL. Does the Senator from Massachusetts realize that under the present system there have been three Presidents elected who received less than a majority of the popular vote?

Mr. KENNEDY. There has been only one occasion, because the Tilden-Hayes election was fraught with corruption. It was won as a result of an electoral commission making a decision that caused Hayes to win the election.

In the 1824 case of Adams, Jackson, and Crawford, there is no indication that the votes that went for Crawford, Adams, and Clay would have gone for Jackson. Jackson was a minority candidate, in any case. So that is not a good example.

Mr. DANIEL. In the record of the hearings, at page 331, there is a listing prepared, I believe, by the Library of Congress of Presidents who received less than a majority of the popular vote.

In 1824, John Q. Adams; in 1876, Rutherford B. Hayes; in 1888, Benjamin Harrison were the Presidents who received less than a plurality of the popular vote from 1824 to 1952.

The fraud which is continually referred to in the Hayes-Tilden case was a fraud that grew up under the present electoral system which is being followed today.

Mr. KENNEDY. Oh, no, the fraud was discovered as a result of the New York Times' refusal to accept the election of Tilden. On the night of the election, the Times sent telegrams to the various States to make certain that they held the line for Hayes; thus it was as the result of Senator Lamar and other influential members of the electoral commission making a deal that Hayes would withdraw Federal troops from the South that they agreed to accept the election of Hayes.

That was the reason for the result; it was not because of an unsatisfactory electoral voting system.

Mr. DANIEL. But the situation arose under the electoral system which is in operation today.

Mr. KENNEDY. That is correct; but it had nothing to do with it. There was no connection between the two. It occurred, of course; but it was not directly connected with it. There was no cause and effect relationship.

Mr. DANIEL. But there would not have been any electoral commission intervening in the matter if the votes had been counted either by congressional districts or in proportion to the popular vote and certified to the President of the Senate as provided in the proposed amendment.

Mr. KENNEDY. I shall quote briefly from a book on the Presidency:

> Had it not been for four journalists, sitting up that night in the New York Times office, that would have been the official result. But these four men changed the course of history. As they watched the returns in the early morning hours, a dispatch came in from Democratic State Chairman Magone: "Please give your estimate of electoral votes secured for Tilden. Answer at once." The four Republican editors guessed that the Democrats were uncertain of the electoral result in the South.
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> One of the four—John C. Reid, the managing editor of the Times—rushed to the Fifth Avenue hotel where Zachariah Chandler, chairman of the Republican congressional committee, was sleeping in sweet exhaustion, partly as a result of the election, partly from the drinks he had consumed during the night. The two men, one dead sober and the other in not quite the same condition, evolved a plan. Telegrams were sent out to the Republican Party heads in Louisiana, South Carolina, and Florida: "Hayes is elected if we have carried South Carolina, Florida and Louisiana. Can you hold your State? Answer at once."
>
> The second edition of the Times—at 6:30—gave Tilden 184 and Hayes 181 votes (assuming Louisiana and South Carolina for Hayes). Tilden needed 1 more vote for his election, as 185 constituted the majority. But the newspapers stated that Florida with its four votes was doubtful. Therefore, "if the Republicans have carried that State, as they claim, they will have 185 votes—a majority of 1." Thus, the struggle to secure the 1-vote majority began, keeping the country in a state of wild excitement for weeks to come.
>
> The next day the now-sober Chandler announced: "Hayes has 185 electoral votes and is elected." But Hayes was not so confident. He said in an interview in Cincinnati: "I think we are defeated in spite of recent good news. I am of the opinion that the Democrats have carried the country and elected Tilden."

In the 1824 case, the vote was not counted in six States.

Since the Senator from Texas stated there were three cases, I believe we should get this correct. There is no sense in dismissing the past, because the past is a pretty good indication for the future. As I have indicated, there is really only one case in the past in which a minority President was elected.

Offsetting this 1 case are 3 elections in which Senate Joint Resolution 31 would have elected 3 minority Presidents. The proposal before us would have given the country 3 minority Presidents instead of the 3 majority Presidents who took office.

In 1880, under Senate Joint Resolution 31, Hancock would have defeated Garfield in the electoral vote, while losing the popular vote.

In both 1896 and 1900, Bryan would have become President by virtue of the electoral vote under Senate Joint Resolution 31, instead of McKinley, who won the popular vote.

When we talk about what the past has shown, it is easy to ascertain what the results were under the existing procedure. Under this proposal, there would have been 3 cases which would have given a bad result. There would have been 3 cases in which there would have been a President of 1 party at the beginning of his term and a Congress controlled by the other party. I do not think that has happened in any other case in our history.

The two schemes joined together by this shotgun wedding, moreover, are wholly incompatible, the sponsors of each having thoroughly and accurately assailed the merits of the other over the years. The Mundt proposal multiplies the general ticket system; the Daniel proposal abolishes it. The Mundt proposal continues the importance of States as units for electoral purposes; the Daniel proposal reduced it. The Mundt plan keeps the electoral college; the Daniel plan abolishes it. And yet it is now proposed that the Senate, being unable to give its approval to either system, should lump them together and give each State its choice. No surer method of introducing confusion and loss of public confidence in our electoral system could be devised.

It should also be pointed out that two minor but worthwhile changes are included in these amendments: One, the office of presidential elector is either abolished or made specifically nondiscretionary, which would make impossible the never-realized fear of electors defeating the popular will by casting their vote for the losing candidate; and, two, when a presidential election is thrown into the Congress, it would be decided by a majority vote of the Members of the House and Senate in joint meeting, a more democratic method than the present procedure whereby the Members of the House, voting as State units, decide the presidential election.

If the amendment were confined to these two changes, which correct minor but obvious defects, the proposal would not be objectionable; but it should not be necessary to reconstitute our entire electoral system to accomplish these minor changes.

I am very strongly opposed to any change in the Constitution at this time. The present system has served us well. Its advantages are well known. But the consequences of the proposed amendment, however desirable they may appear to be, cannot be foretold.

The Senator from Texas has said there is no use going back over the past figures. They show that in only one case the present system has not provided for the election of the candidate voted for by the majority. But to go back over past history and predict what would have happened if the proposal had been in effect, it is said, does not give a fair picture. The facts indicate it would have a most unfortunate effect.

I am sure the Langer amendment, while purporting to be more democratic, would increase the power of and encourage splinter parties, and I believe it would break down the Federal system under which most States entered the Union, which provides a system of checks and balances to insure that no area or group shall obtain too much power.

The amendment proposed by the Senator from North Dakota would have the very beneficial effect of expanding the electorate and of encouraging people to vote in areas where they do not now vote. That would be a good thing, but I am afraid we would not get two-thirds of the necessary votes to approve such an amendment. In addition, the claim would be made that the States came into the Union with the understanding that electoral votes would be assigned to the States on the basis of their population, and not on the basis of the number of

people voting. Therefore, I would say it would be better to keep the present system, even though there are many advantages to the system proposed by the Senator.

Under the proportional voting system, the likelihood of a President who had a lesser number of popular votes being elected would be greatly decreased.

The Senator from Texas has now returned to the floor. I wanted to point out that under his proposal there would have been three Presidents elected who were minority candidates from the viewpoint of popularity: Bryan twice and Hancock once, as opposed to the one case involving Harrison.

Mr. DANIEL. Of course, the committee seems to feel that there are three cases in which Presidents were elected with less than a plurality of the votes. As to both of those examples, I will say that if there had been in effect a constitutional amendment which would let the voice of the people be heard in the electoral votes when they are counted here in Washington, we might have had a different result.

In my opinion, and in the opinion of the committee, also, it is impossible to try to relate the presently proposed system back to an election 20 or 30 or 50 years ago, and say the same thing would have happened had we had this system. I am convinced we would have had a different vote. We would have had so many more voters participating, if there had been either of the proposed systems in effect, that I just doubt that the comparisons as to what would have happened in the past under the proposed system are valid.

Mr. KENNEDY. I do not think there is any doubt that probably a greater number of people would have voted, but there is no indication that the proportion would have been any different. There is no indication that there is a great reservoir of Republicans in the Southern States, as the Senator has suggested. By examining the primary figures and the presidential figures, and by examining the registration figures, I do not think there is a great reservoir of Republican votes, and that people would come out and vote when they knew their votes were to be counted.

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

Mr. KENNEDY. I yield.

Mr. MUNDT. I associate myself with what the Senator from Texas has said, when he points out that by changing the rules of the game after the game has been completed, there is no way in the world to tell how the game would have been played under different rules, except by replaying the game. I do not think comparisons of figures under the proposed program and applying them to elections which took place 10, 20, or 50 years ago, have any significance whatsoever.

As to registration figures, I have talked with hundreds of northern Republicans who have moved into Dixie and who have told me—and I know they have told me correctly—that when they get down into the South they register as Democrats; but when there is an opportunity, as there was in the 1952 election, and the possibility of sweeping a 1-party State to a 2-party State in the general elections, they vote Republican. But, because of the 1-party system, Republicans in Texas and in South Carolina may register as Democrats. When they move to South Dakota, Democrats register as Republicans to vote in the Republican primaries, but in the elections many of those Democrats vote for the candidates of their choice. So I do not think that comparing primary statistics is very effective.

Mr. KENNEDY. The breakdown for the registration figures for Louisiana are: Republicans, 2,221; Democrats, 999,370. I think Florida and Texas have the best hope for the Republicans of any Southern States. In the general election, there were in Florida, 136,376 Republicans and 1,215,775 Democrats. In the primary elections there were 131,264 Republicans versus 1,197,437 Democrats.

To be honest with the Senator, these amendments would insure that the Republican Party would be a permanent minority party in that section of the country. I do not think there is a larger potential Republican vote there, nor do I think there is a potential Democratic vote in Vermont. In the case of a major overturn, as happened in Maine, they do have an opportunity. But they have never done it over a period of 30 or 40 years.

Mr. MUNDT. Mr. President, will the Senator from Massachusetts agree with me that it is no more significant or meaningful to argue that there is no hope of building a Republican Party in Florida, for example, because the registration there is so overwhelmingly Democratic, than to say that in 1952 a great many more persons in Florida voted Republican than voted Democratic, and therefore Florida must be a Republican State?

Mr. KENNEDY. Will the Senator repeat his question, please?

Mr. MUNDT. Yes. In 1952 a great many more persons in Florida voted Republican than voted Democratic. Therefore, would the Senator from Massachusetts conclude that Florida is a Republican State?

Mr. KENNEDY. No.

Mr. MUNDT. Neither would I.

So my point is that primary elections statistics mean little or nothing in the case of a one-party State. I myself live in what is a one-party State, although perhaps not as much so as in the case of the Southern States. But over a quarter of a century, my State has been largely a one-party State. In many of the counties, a Democratic official has not been elected in a quarter of a century. In many, many cases the voters say, when they reach the polls, "I guess I will vote Republican."

I repeat that the statistics on primary elections mean very little, if anything, in connection with this matter.

Mr. KENNEDY. I may point out that in the State of Maine, when the people were stirred up over the local situation, they elected a Democratic governor in 1954.

Mr. MUNDT. That proves my point.

Mr. KENNEDY. But when we examine the figures for the last 40 or 50 years, in the case of the Southern States, we do not find that there has been a strong reservoir of Republican support there. If that were so, there would have been an increasing Republican vote.

The point is that if this amendment were to go into effect, and if the electoral votes were to be divided proportionately, there would be an increase in both the primary and the general vote, but the proportion would remain the same. That is my honest opinion.

Mr. MUNDT. Why does the Senator from Massachusetts believe there is so small a vote in the average fall election in the Southern States—for instance, in the State of Georgia?

Mr. KENNEDY. Because most of the people there are Democrats, and they know that the State will go Democratic.

Mr. MUNDT. Precisely. So if a two-party system were encouraged, there would be greater participation in the voting.

Mr. KENNEDY. Yes; but in my opinion the relationship between the two figures would not thus be changed. I know the Senator from South Dakota feels that there would be a change, because he favors the amendment. But in my opinion, after examining the figures for the primaries and after examining the figures for the registrations, the Republican Party will not gain enough in the South, in proportion to what it will lose in the pivotal States. I do not think the Republican Party can win without carrying those States, because it suffers such a disadvantage in the Southern States. So if the amendment were adopted, the effect would be to neutralize the vote in the pivotal States. Unless there were a great Republican tide in the Southern States, as the Senator from South Dakota anticipates would be the case—although he does not have any statistical evidence to support his view—in my opinion if the amendment went into effect, the Republican Party would be permanently a minority party.

Mr. MUNDT. Let me point out that, as in the case of the Mundt-Coudert alternative, in a one-party State it does not matter what the system is; in a really one-party State, that party gets 100 percent of the votes for the governor, for instance.

Mr. DOUGLAS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. DOUGLAS. Let me say that it makes a great deal of difference in the States which from time to time swing from one side to the other; it diminishes very much the importance of the votes in those States.

Mr. KENNEDY. The Senator has stated that even in closely contested elections, there is a much smaller vote in the South than there is in the North. In my opinion that is because of the habits and situations in particular areas.

The Senator from New Jersey has given a great deal of consideration to this matter. I think he will agree that there will not be such a tide of Republican votes in the Southern States. The point is that if the Republican Party is to elect a President, it must carry the pivotal States. The proposed change would weaken its position in the pivotal

States, and would not increase in proportion its position in the Southern States—certainly not enough to make up for the loss it would incur in the pivotal States. In my opinion, Mr. President, if the amendment were to go into effect, the Republican Party would never win a presidential election.

Mr. CASE of New Jersey. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. CASE of New Jersey. Let me say that I think the Senator from Massachusetts is quite correct. I think it was most impressive—although in a rather depressing way—to hear the statistics the Senator from Texas read a few minutes ago. It is quite true that the figures show a larger primary vote than a general election vote. But the primary vote of 15 or 20 percent, in the case of some of the Southern States, was amazingly lower than in the case of my State and, I think, in the case of other Northern States generally.

I think the Senator from Massachusetts is utterly correct when he says it would take a very long time, indeed, if we can anticipate that it would ever happen at any time in the future, before voting habits and restrictions on voting and repressive measures—in the South, particularly—would change; and that long before that could happen, the Republican Party's permanent minority status would have been irrevocably established.

Mr. KENNEDY. I thank the Senator from New Jersey.

Mr. POTTER. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield to the Senator from Michigan.

Mr. POTTER. Is it not true that, under the proposed amendment, during a presidential election there would be a tendency or an incentive for the presidential candidates to concentrate on the States where the votes are one-sided—either the Southern States or the New Hampshires and the Vermonts; in other words, on the Republican voters in the New Hampshires and the Vermonts, or on the Democratic voters in the Southern States—and to completely ignore States such as New York and Ohio?

Mr. KENNEDY. Let me say that in the 1952 election, under the proportionate plan the situation would have been just as I have indicated, namely, that the theoretical advantage to be gained by the Republicans in the Southern States would have become a disadvantage in the case of the larger States. In other words, in that case the influence of the larger States would have been minor as compared with the influence of the Southern States; and of course that situation would not have been based on their relative populations.

Mr. CASE of New Jersey. Mr. President, will the Senator from Massachusetts yield further to me?

Mr. KENNEDY. I yield.

Mr. CASE of New Jersey. I was very much struck by the remark of the Senator from Michigan, because it was almost a paraphrase of a statement made a few years ago by Carl Becker, an eminent historian of this country; I believe he is a teacher of history at Cornell University. He pointed out that one of the least understood, but actually one of the greatest, benefits of our Constitution is that it requires both major parties not to concentrate upon an area where they can get more than 51 percent of the votes. Instead, they are forced to appeal to the country as a whole, and not only to attempt to sell their merits, but also to meet the needs of the people throughout the country as a whole, thus keeping both parties national, as opposed to sectional.

Mr. KENNEDY. In regard to the prospects of Republican success, let me say that Dr. Ruth C. Silva, who I believe knows as much about this matter as does anyone, has made a study of the matter, based on a proportionate division of the votes; and she points out, in effect, that such a change would make the election closer in the years when the Republicans lost the Presidency, but it also would endanger the chances of Republican victory in the years when the Republicans won.

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

Mr. KENNEDY. I yield.

Mr. DANIEL. I should like to read into the RECORD what the committee had to say, after much study, about trying to relate the new proposed system back to elections held in the past. I read from page 23 of the committee report:

> It cannot be too strongly emphasized that while it is, of course, easy to apply the amendment retroactively—by adjusting the new rules to the old figures—it is useful to do so only as a means of illustrating how it would have operated mechanically. One cannot assume—as some have, erroneously—that citizens would have voted identically or in the same volume under this new system as they actually did vote under the existing procedure.

The point which the authors of the proposed amendment make, is that if we had an amendment under which the individual voters could have their votes actually show up in the total electoral count, they would come out in greater numbers. We would have a different voting population, and perhaps a different result in some sections, than would be the case as a result of applying the new proposal retroactively to the old case.

Mr. KENNEDY. There might be a different result in the pivotal States, in which there is a big turnout. We know what happened in those States in 1948. Although their voting habits probably would not change, there could conceivably be a more nearly even margin in some of the one-party States. However, we know enough not to risk a very sound system. I can understand why the Senator is reluctant to go back into history. The Senator's system would have resulted in the election of McKinley over Bryan by one-tenth of an electoral vote.

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

Mr. KENNEDY. I yield.

Mr. LANGER. Is it not true that the country would be a great deal better off if the Democrats were to choose their own candidate at a primary? Suppose the Democrats could have held a primary in June, and could have decided as between the senior Senator from Tennessee Mr. [KEFAUVER], Mr. Stevenson, and the Senator from Kentucky [Mr. BARKLEY], who at that time was a candidate; and suppose the Republicans had been able to hold a primary to decide as between Taft and Eisenhower in the last election.

Does not the fallacy of the entire argument of the Senator from South Dakota [Mr. MUNDT], the Senator from Massachusetts, and the Senator from Texas [Mr. DANIEL] lie in the fact that the people do not select the candidates? They are selected by a group of politicians, instead of by the people. Why should there not have been a primary? Why should not Mr. Taft and Mr. Eisenhower have submitted their candidacies by petition, just as is done in the case of a candidate for governor or Senator?

Why should not the people have the opportunity to decide as between Mr. Stevenson, Mr. Barkley, and Mr. Kefauver?

Mr. KENNEDY. I will say to the Senator that in theory his suggestion is good, but I think as a practical matter, it would be a mistake, because I do not think we could ask all the candidates to carry on campaigns over the entire country, in all 48 States, considering all the time and effort which would be required.

In any event, the winner would probably be a minority candidate. There would be 7, 8, or 9 candidates. There would not be a majority candidate. In my opinion the present system, which has produced many great Presidents, is preferable. So I cannot agree with the Senator.

Mr. LANGER. Is it not true that the same argument was made against George Norris when he advocated the direct election of Senators? It was argued that there would be a great many candidates, and a great deal of expense. No one compels a man to run for President. But if he can get a petition signed by 1 percent of the voters, why should he not have the privilege of having his name on the ballot?

Mr. KENNEDY. He can in a great many States; but even in those States where there is a campaign, there is still a very small turnout. The people are not as interested as they should be.

The point is that I do not agree with the Senator that we would get better candidates.

Mr. LANGER. They might not be better candidates, but the people would select them.

Mr. KENNEDY. I think we would do well not to abandon the present system. There is an old saying to the effect that one should not take down a fence until he knows why it was put up. In my case, I would be reluctant to take down a fence which has served us pretty well in the past.

Mr. LANGER. In Illinois, Massachusetts, and Ohio there is no provision for a third candidate. There might be a large group of people who wanted to run a man on a third ticket. They could not do so. They are specially prohibited from doing so.

Mr. KENNEDY. I think the Senator is mistaken. There have been prohibition candidates and Socialist candidates.

Mr. LANGER. They lose their rights in the State of Massachusetts.

Mr. KENNEDY. They had such rights in 1952.

Mr. LANGER. They did not get any votes. They lost their rights in Ohio and Illinois.

Mr. KENNEDY. That is a democratic decision.

Mr. LANGER. I agree with the Senator, provided the people select the candidates, instead of their being selected by politicians meeting in smoke-filled rooms.

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

Mr. KENNEDY. I yield.

Mr. PASTORE. I am not too sure that I am convinced that the pending measure would be an improvement over our present system. I am not wholly satisfied that our present system is the proper one; but if we believe that this is a government of the people, by the people, and for the people, and that the President of the United States is President, not of the States, but of the people of the United States, why should we not adopt the principle that the President of the United States ought to be the popular selection of the people, and that the popular vote of the country should count? Why should not that be the system to adopt, rather than the other system? While it may be argued that such a system would be an improvement over the present system, I doubt very much that it would be. I still think there is a "gimmick" in it. The States could adopt one system or the other, as best suited their case. But why should one State be a pivotal State? Why should a group of States be pivotal States?

Mr. KENNEDY. Under the Senator's plan the pivotal States would be infinitely more important than they are today. Except in the Senate, Rhode Island would cease to be of any real importance.

Mr. PASTORE. What does the Senator mean by "any real importance"? Why should one citizen in Rhode Island resent the fact that a man who is elected President receives 51 percent of the entire vote of the country? Why is it of any importance to Rhode Island, if the man who is elected President is the selection of the majority of the people?

Mr. KENNEDY. Rhode Island is overrepresented in the electoral college today, based upon its population.

Mr. PASTORE. I am not going into that question at all. I want to do away with the electoral college. I want to elect my President on election day. I say that when the people go to the polls the man who receives the greatest number of votes should be elected the President of the people. He is the President of the people of the United States, and not the President of the States. It makes no difference to me how many electoral votes the people of Rhode Island have. What difference does it make? Why do we seem to talk so much about the power of a State? There is reason for the States having equal representation in the Senate.

Mr. KENNEDY. When those States came into the Union, Madison, who, after all, was the guiding force of the Convention, informed the Virginia Convention:

> This Government is not completely consolidated, nor is it entirely Federal. Who are the parties to it? The people—not the people as composing one great body, but the people as composing 13 sovereignties.

That is the conception of the rights of States. The States have certain rights. Therefore I support that system. I must say that I disagree with the proposal of the Senator. In fact, it would not have a chance to get by. It would require a two-thirds vote, and the smaller States would not accept it.

Mr. PASTORE. I have never worried about what gets by and what does not get by. I am concerned with the principle involved.

One Senator made the statement today that the reason why we have our electoral college is that the framers of the plan had the idea that the people of the United States did not have the intelligence to rule. I understand that it was that attitude which gave birth to this idea. I want to do away with the idea, because I think the American people have an abundance of intelligence. They have the right of franchise, and they want to select their President and Vice President. Most of the people in my State, when they go to the polls on election day, think they are voting for President and Vice President. They do not vote for President if they must elect electors or delegates who meet later in the governor's office and have a luncheon at 12 o'clock noon and then cast their ballot for President.

Mr. KENNEDY. Mr. President, is the Senator asking a question?

Mr. PASTORE. Yes; I should like to ask a question, and the question is this. If we believe in the principle and in the concept that this is a government of the people, for the people, and by the people, why do we not elect our President by popular vote?

Mr. KENNEDY. I should like to have the Senator——

Mr. PASTORE. That is my question. That is the question I should like to ask.

Mr. KENNEDY. I should like to call the Senator's attention to the fact that he talked about the concept of the electoral college, which was developed in the American Constitution. That has been done away with in practically all cases, with the exception of one case, during the last 120 years. What he fears has happened in only one case. Does the Senator understand what I have in mind?

Mr. PASTORE. I understand.

Mr. KENNEDY. If the point is how to distribute the vote for each State so far as the people's rights are concerned, I will say that the people now have the right of electing their President.

Mr. PASTORE. Does the Senator mean to tell me that under our present system of counting the votes it is not possible to have the situation in which the candidate who has received the largest number of votes will not be elected President?

Mr. KENNEDY. That has happened in one case only.

Mr. PASTORE. But it can happen. That is not the popular way of electing a President. Does the Senator from Massachusetts believe that that system carries out the concept of government of the people, for the people, and by the people, when the candidate who gets the largest number of votes loses the election? That is not my idea of a popular vote.

Mr. KENNEDY. Would the Senator do away with the 2 electors which his State has by virtue of the fact that it has 2 Senators in the Senate of the United States?

Mr. PASTORE. I would do away with the whole electoral college. I would do away with it completely. I would have the people elect the President of the United States on election day. I would not care where the candidates came from, whether they came from the North, the South, the West, or the East. They are all Americans. We are all one country. I say let us vote for the best man. Let the man that gets the most votes be our President. It is as simple as that. That is my idea of representative government. Everything else beyond that is a gimmick.

Mr. KENNEDY. Let me ask the Senator why he believes it to be fair for Rhode Island to have two Senators and for New York State, which is a much larger State, to have only two Senators?

Mr. PASTORE. That is an entirely different matter. We have the concept of the legislative branch of the Government, founded on the principle that every State shall have equal representation in the Senate of the United States.

Mr. KENNEDY. Mr. President——

Mr. PASTORE. In the State of Rhode Island, in the State senate, we have a representative from every city and town. The two systems should not be confused.

Mr. KENNEDY. At the time that Rhode Island came into the Union it came into the Union with the understanding that it would have an electoral vote for each of its Senators. That is why I am against the plan proposed by the Senator. The State represented by the Senator from Rhode Island—which, by the way, I believe was the 13th State to ratify the Constitution—came into the Union with the understanding that it would have two electoral votes. However, that is not what we are talking about.

Mr. PASTORE. I merely wanted to ask a question of the Senator, and I was hopeful that the Senator would answer it. However, I am still as much in the dark as I was before.

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

Mr. KENNEDY. I yield.

Mr. DOUGLAS I hope the distinguished Senator from Rhode Island, who was governor of his State, does not intend to defend the system in his State senate under which there is an approximate equality of representation among the communities of the State. I can remember when there were 39 Senators in the State of Rhode Island, and the city of Providence, with half the population of

the State, had one of those 39 seats, and the other communities of the State had the 38 seats, with the result that Providence, Pawtucket, and Woonsocket were grossly underrepresented. If I remember the political history of Rhode Island correctly, the present junior Senator from Rhode Island made quite a campaign against that provision. This is why I do not think the legislators can be depended upon to give justice to the crisis.

Mr. PASTORE. I am afraid that the Senator from Rhode Island is being grossly misunderstood. I do not have to defend anything in order to prove something else. I do not have to defend the system in Rhode Island so far as the composition of the Senate of Rhode Island is concerned. All I am saying is that many people have the belief that when they go to the polls on election day and cast their vote, they are voting for the President and Vice President. Unfortunately, that is not the case. We would do ourselves justice if, instead of voting on the bill that is now pending, we would do something about providing for the popular election of the President and Vice President. Certainly I will have to be convinced about any of the provisions of the pending bill.

Mr. KENNEDY. I am not trying to convince the Senator to accept the present bill, but to vote against it.

Mr. PASTORE. I might do that.

Mr. KENNEDY. The proposal which the Senator is in favor of is not before the Senate. Therefore, it would have to be offered in the form of an amendment.

Mr. LANGER. Mr. President, if the Senator will yield, I should like to submit an amendment now in the nature of a substitute.

Mr. KENNEDY. I yield for that purpose, with the understanding that I do not lose the floor.

Mr. LANGER. I thank the Senator. With that understanding Mr. President, I send to the desk an amendment in the nature of a substitute. It provides for the direct election of President and Vice President by popular vote.

Mr. KENNEDY. May I ask the Senator from North Dakota what his amendment would do with respect to the two electors, one for each Senator, from North Dakota?

Mr. LANGER. I beg the Senator's pardon. I did not hear what he said.

Mr. KENNEDY. The electoral college is composed of one elector for each Member of Congress. What does the amendment submitted by the Senator from North Dakota do with respect to that provision in the Constitution?

Mr. LANGER. It would wipe out the electoral college entirely. It would wipe out conventions and the electoral college. It would let people select their candidates in the June primaries. The people would select their Republican and Democratic candidates in the primaries, and then they would elect the President and Vice President in November by popular vote.

Mr. PASTORE. I am the one who gave the Senator from North Dakota the inspiration to submit his amendment. I wonder whether he will thank me for making a speech for him.

Mr. LANGER. When the time comes for me to speak on the amendment, I shall be glad to have the Senator from Rhode Island speak for it also.

Mr. DOUGLAS. The amendment of the Senator from North Dakota is one in which I also believe, although I am not certain that this is the time to discuss it. I should like to point out, however, that representatives from two relatively small States, North Dakota and Rhode Island, are proposing an amendment which would decrease the power of their respective States under the present system.

Mr. KENNEDY. By 50 percent.

Mr. DOUGLAS. That is somewhat remarkable and to my mind praiseworthy.

Mr. KENNEDY. It is admirable.

Mr. DOUGLAS. It is an indication that in the small States, as well as in the large States, people who are like these two Senators put the interests of the Nation first. I believe the Senator from Rhode Island and the Senator from North Dakota ought to be commended for the position they have taken.

Mr. PASTORE. I do not admit that I am making any sacrifice. I believe that the power of a Rhode Islander lies in the fact that he has the right of franchise to vote for the President of the United States. If more Rhode Islanders want a Republican to be President than a Democrat, and more people in the country agree with him than agree with other people who favor a different candidate, then the more popular candidate should be elected President. I do not believe we are making any sacrifice in that regard. We are not talking about power. When we talk about the right to elect a President, we are talking about carrying out the popular will of the people, and to elect a man who gets the greater number of the votes of the people. At least, we would be able to say that the man who has received the most votes is the man who ought to be the President, whether he is from the South or the North or the East or the West. We are all Americans. We are all one Nation. Our President ought to be chosen by popular votes in an election by all the people.

Mr. KENNEDY. The facts of the matter are that the system of proportional voting will greatly increase the likelihood of a minority President. Inasmuch as electoral votes will still be based upon congressional representation rather than voter turnout, thus increasing disproportionately the weight of small and one-party States, a candidate could win, for example, 21 out of 40 million votes cast in the large States, but that 2 million vote lead would not net him as many electoral votes as his opponent would receive for sweeping the small, one-party States with a lead of considerably less than 2 million popular votes. The simplest example is the hypothetical case of 2 States, each having 24 electoral votes. In State A, 4 million popular votes are cast, with the Republican candidate obtaining three-fourths of the vote. In State B, 2.4 million votes are cast, and the Republican candidate receives one-eighth of the vote. In the 2 States combined, the Republican candidate has a popular vote majority of 3.3 million to 3.1 million to the Democratic candidate. Under the present system, each candidate would get 24 electoral votes, but under the proportional voting system of Senate Joint Resolution 31, the Democratic minority candidate would receive 27 electoral votes, with 21 for the Republican, who had won a popular majority.

## ORDER FOR RECESS

Mr. JOHNSON of Texas. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until 12 o'clock noon tomorrow.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that if the Senator from Massachusetts does not complete his statement this evening, he may have the floor immediately after the morning hour.

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

Mr. JOHNSON of Texas. Mr. President, we are prepared to stay as long as the Senator from Massachusetts cares to address the Senate, but if he cares to stop at about 6 o'clock, a motion to recess will then be made.

Mr. KENNEDY. Mr. President, I shall be very glad to follow the suggestion of the majority leader.

Mr. JOHNSON of Texas. I thank the Senator for his usual courtesy.

## ELECTION OF PRESIDENT AND VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S. J. Res. 31) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

Mr. MUNDT. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MUNDT. Before we get too far away from the place in the RECORD where the Senator from New Jersey [Mr. CASE] quoted from Professor Becker, I should like to point out that I agree completely with Dr. Becker's hypothesis that we do not now have optimum conditions in conducting an election. If he were among us he would not have us believe that in the last campaign the Republican and Democratic candidates tried to spread out their campaigns equally across the country. We did not see the candidates speaking in Painted Post, N. Y., or in Texas Flats, Wyo.

Mr. KENNEDY. I will say to the Senator that one-half of the population lives in eight of our States——

Mr. MUNDT. But people will be people wherever they live, and voters will be voters. The fact that they can cast unit votes, whereby they register in one bundle not only the electoral votes of all the people but also the popular votes, represents the three bars in the slot machine

which come up when one hits the jackpot.

Mr. KENNEDY. The State of New York has 45 electoral votes and has many millions of people. What the Senator is proposing is to divide those electoral votes on the basis of the proportion of popular votes secured by the candidates. In the pivotal States we have a 4 percent difference betwen the two parties which would neutralize 12 million people politically.

The State from which the Senator comes is over-represented in the electoral college.

Mr. MUNDT. As we are in the Senate. The Senator from Rhode Island and the Senator from North Dakota have a practical problem in connection with the adoption of a constitutional amendment.

Mr. KENNEDY. I must say that if I were writing the Constitution today without the experience we have had, I think I would probably adopt the system advocated by the Senator from Texas.

Mr. MUNDT. Does the Senator mean that he is moving in our direction?

Mr. KENNEDY. Oh, no. But we have the experience of the past. We see a limited number of persons voting in some of the States. We see how small States are benefited by having the same powers as have large States. We have the benefit of a majority in the House and Senate because Members are elected again and again. So, where we may lose in one way, we gain in another way.

Mr. MUNDT. How does it happen that the State of New York has 45 electoral votes? I think the Senator would agree with me that it is not the fact of the population being so large that would would account for the fact that the winner may receive 26 or 27 electoral votes. The reason why it has 45 electoral votes is because of the electoral college provisions. They count not only the votes that win but the votes of the people who lost, making up the 45 electoral votes.

Mr. KENNEDY. We consider a State a sovereign unit, and therefore we decide the issue in each State.

Mr. MUNDT. It would register the same influence according to population, but it loses the advantage it gets because of the theory which Madison expounded. We have a situation in our democracy where we go to the polling places and count the votes not only of those who voted for the candidate but also those who voted against him.

Mr. KENNEDY. California had 11.9 for Truman and 11.8 for Dewey, counting some 9 million people in 1948. That would give California on balance 0.1 percent.

Mr. MUNDT. It takes something away from the people, but the people of California have the votes counted in the same proportion as they were cast.

Mr. KENNEDY. If we change the balance in one area the whole system is disarranged.

Mr. MUNDT. If we want to elect our Presidents by States, the present system is as effective as any that could be devised. If we believe in electing Presidents by the votes of the people, we come up with the fact that the suggestion the Senator from North Dakota has made would result in election directly by the people. Because of the reasons which have been pointed out, the people would not adopt that system.

Mr. DOUGLAS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. DOUGLAS. The Senator from South Dakota has expressed himself as being interested in the people of the pivotal States and is anxious that they should be represented. But, is it not true that in connection with unit representation by districts which he advocates the minority in each of the separate districts would be underrepresented? South Dakota has 2 congressional districts which are grossly unequal in size, and it has 2 Senators. It is undoubtedly true that the minority party would cast over a quarter of the votes. Furthermore, the Second District of South Dakota has, I think, a population of approximately 260,000 or less.

Mr. MUNDT. Approximately.

Mr. DOUGLAS. The first district of South Dakota has a population almost double that number.

Mr. MUNDT. Not quite; approximately.

Mr. DOUGLAS. So there is no equality within South Dakota. Furthermore, the minority will be cooped up in each congressional district, and this will be true throughout the one-party States. I should say that, on the whole, Nebraska is a one-party State. The Democratic minorities in each of the congressional districts would be unrepresented, and the Democratic minority in the State as a whole would be unrepresented.

On the other hand, in the South, the Republican minority in each of the districts would be unrepresented, and also the minority in the State as a whole.

What the Senator from South Dakota is proposing is retaining district gerrymandering for the country as a whole for the election of a President. I am afraid that the State legislatures, being rural dominated, will adopt the Mundt-Coudert method in a very large proportion of the cases, with a net disfranchisement and lack of representation of the cities.

Mr. DANIEL. Mr. President, will the Senator yield, that I may ask a question of the Senator from Illinois?

Mr. KENNEDY. I yield.

Mr. DANIEL. Does not the Senator from Illinois realize that that could be done under the present Constitution; that it was followed by 11 States; and that what we have today, and what we are trying to change today, would permit that very thing to be done?

Mr. DOUGLAS. The point is that the States have abandoned that method. No State that I know of intends to return to it. But the Senator from Texas and the Senator from South Dakota are now proposing that the States must choose between the district system and a State proportional system.

I think an improper set of ideas will be put in the heads of the legislators, since this amendment would come to them with the prestige of having been approved by Congress.

Mr. KENNEDY. In Massachusetts, in 1932, 1936, 1940, 1944, and 1948, years in which the Democrats won the presidential elections by reasonably large margins, more Republican Representatives were elected than were Democratic Representatives. I do not think there was that much crossing of lines. What it means is, of course, that the boundaries of the districts are badly drawn.

We have the classic example about which the Senator from Texas speaks—Harris County, Tex. In my opinion, it would require action by the State to correct such a condition, because, after all, we believe the State can, more or less, do what it wishes, if it decides to do so. But then it would be difficult to draw a district line in order to give balance to a State. I suppose that is what would have to be done in order to permit the Mundt-Coudert plan to reflect the people's desires.

Mr. DOUGLAS. Would the Senator be interested in some comparative figures from the Houston area? The Houston area, which is the Eighth Congressional District, had a population in 1950 of 806,701.

In the 17th District on the other hand, the population in 1950 was approximately 226,000.

So within the State of Texas itself, 1 vote in the 17th District today equals approximately 4 votes in the Houston area.

The Dallas district had a population in 1950 of 615,000; the San Antonio district, 500,000.

We find such gross inequalities within all the States.

Mr. KENNEDY. After all, gerrymandering started in Massachusetts, and is named after one of our great Revolutionary figures.

In Georgia, the Fifth Congressional District, which is the Atlanta area, has a population of 618,00, which is larger than the total population of the Eighth and Ninth Districts.

In committee, the Senator from Texas pointed to the possibility of gerrymandering. I do not see how the States could get around the problem of unequal distribution of population.

Mr. DANIEL. The Senator from Texas does not believe that many States will adopt the Mundt-Coudert plan. I dislike to say that in the presence of the Senator from South Dakota, who believes very much in his own plan. But I do not believe many of the States will adopt it. They have a right to do so now, but they are not using that plan.

Mr. KENNEDY. I should like to reply to the Senator on one point. If the State legislatures can arrange the districts—and good draftsmen can arrange them very satisfactorily—every State will adopt the plan, because it will be possible, with the rural populations, to control the State legislatures. Most of them are Republican, and it will be possible, in my opinion, for the Republicans to do much better at the polls than they are doing today. It will be possible to do that in every State of the country.

I mention this to the Senator from Texas, because I know he is not anxious to have that happen.

Mr. DANIEL. Not at all. As the Senator from Massachusetts knows, if that should happen, it would be accusing someone of doing something——

Mr. KENNEDY. Which they are doing now.

Mr. DANIEL. To gain advantage. If they are doing it now, Congress has the right to correct it under section 4, article I, of the Constitution. The Senator realizes, does he not, that Congress has the power to do that, and that Congress has, in some instances, exercised that power?

Mr. KENNEDY. It is true that in 1872, 1901, and 1911 Congressional Reapportionment Acts attempted to prevent gerrymanders, but to no avail; and in the Reapportionment Act of 1929 all such provisions were dropped. Thus 183 congressional seats today represent districts either under- or over-populated, and a Republican assemblyman was able to boast that a blatant gerrymander that gave five seats for the Republicans in 1952 was responsible for Republican control of the House in the 83d Congress. Many States, satisfied with the effects of ancient gerrymanders, do not even bother to reapportion on the basis of up-to-date census figures.

Mr. DANIEL. The Senator admits, does he not, that Congress could do something about the situation?

Mr. KENNEDY. It would be extremely difficult.

Mr. DANIEL. But Congress has the power; has it not?

Mr. KENNEDY. Consider the city of Boston. How could the question be decided, unless everyone, more or less, was run out? The lines could be drawn geographically, but how would it be decided where the Democrats and the Republicans should be put? There are 4 districts in Boston, 2 Republican and 2 Democratic. The two Democratic districts are 10-to-1 Democratic. The Republican districts are extremely close. I do not see how that situation could be prevented from Washington.

Mr. DANIEL. All I was pointing out was that Congress has the power to prevent it.

Mr. KENNEDY. I think Congress would have difficulty in enforcing it.

Mr. DANIEL. Yes.

Mr. KENNEDY. I am not certain that I would like to have Congress drawing the lines. If the Republicans were in control, they could probably realine the congressional districts so as to change the whole makeup of Congress, as well as affect the Presidency.

I think that would be opening up a potentially dangerous situation, and that is why I prefer the plan of the Senator from Texas to the plan of the Senator from South Dakota.

Mr. DANIEL. We are in agreement on that. The only thing I must say in defense of the alternative plan which is in the substitute, and which could be followed today if any of the States wanted to adopt it, is that under section 4, article I, of the Constitution, it is left to the State legislatures to determine the places and manner of holding elections for Senators and Representatives.

Section 4 goes on to say:

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

So the power is there. If someone or some State misuses its power under the amendment, under the alternative in the Mundt-Coudert plan, there is a remedy for it.

Mr. KENNEDY. I should say that the remedy would be by a Congress which benefited from it.

I notice that the Senator from New Jersey is in the Chamber. In New Jersey 8 urban counties, with four-fifths of the population, have 8 State senators, while 13 rural counties, with one-fifth of the population, have 13 senators. That illustrates the problem of getting State legislatures to draw lines fairly.

Mr. CASE of New Jersey. It is quite true that the State legislatures "overweight the acres," as we say in New Jersey, as against the populous centers.

I know the Senator from Massachusetts does not suggest that there will be a yielding to these temptations, but rather his point is that we already have unbalanced districts, and grossly unbalanced districts, which have proved historical reasons for their existence. These ought not to be made the basic areas for the choosing of electors for President.

Also I wish to make one additional point with regard to the suggestion that Congress may have the constitutional power to correct anything of this sort. To say it has that power is quite naive, when we recognize that Congress has for a long time had the power to reduce the representation in Congress of States where there are restrictions upon the vote, and has never yet felt it was in a position to take action along that line.

Mr. KENNEDY. I am in complete agreement with what the Senator has said. To give another example, let us take the nearby city of Baltimore. Baltimore, with 47 percent of the population of the State, gets 29 percent of the representation. In Connecticut, Hartford, with a population of 126,000, has 2 Representatives. Colebrook, with a population of 527, also has 2 Representatives.

Mr. DOUGLAS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. DOUGLAS. The Senator from Massachusetts has pointed out, and the Senator from New Jersey has reinforced the point, that there is already a great temptation for State legislatures, rural-dominated as they are, to lay down congressional district lines which discriminate against the cities and discriminate against that political party which is strongest in the city but weak in the countryside. Would not this temptation be increased if the congressional districts became the units from which the President was elected?

Mr. KENNEDY. Of course, there would be that much more at stake and the temptation would be that much greater.

Mr. DOUGLAS. So if they succumb to temptation now, the temptation would be intensified and they would succumb still more if the Mundt-Coudert amendment were adopted. Is that correct?

Mr. KENNEDY. Yes. The figures which have been given are true of every State of the Union.

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

Mr. KENNEDY. I yield.

Mr. LEHMAN. So far as New York is concerned, the amendment proposed by the Senator from Texas and his associates would work a very serious and unfair advantage. The situation in New York is so arranged politically, and, as a matter of fact, constitutionally, that the great centers are at a tremendous disadvantage as compared to the rural centers, the great centers being Democratic, the rural areas being Republican, with the result that, so far as the legislature is concerned, every county of the State must have at least one representative in the assembly, regardless of size. The result is that a county like Putnam, with a population of only 20,000, has an assemblyman, whereas an assemblyman from New York City represents somewhere between three and four hundred thousand.

Furthermore, the congressional districts are very unequal in size. The upstate congressional districts are, generally speaking, very much smaller in population than are the congressional districts in New York City.

Furthermore, we have gone through a period of gerrymandering, which has placed a great handicap on the city districts, which are Democratic.

In spite of the fact that New York State has elected more Democratic governors and more Democratic Senators than Republicans over the past 25 or 30 years, the New York State Legislature has, in only 1 year in the past 21, been Democratic. That was in 1935, when I was governor. I did not permit gerrymandering. I sometimes regretted it a little bit, because of the fact that the Republicans did not repay me in kind. Since then there has been very, very serious gerrymandering, with the result that, through reapportionment, which requires a vote in the assembly of the legislature, and also requires a vote in the congressional district, the gerrymandering has placed the urban centers of New York State at a very great disadvantage.

I have mentioned the situation only as it affects New York State. I think the same arguments could be advanced with regard to many other States of the Union. I shall not go into that tonight, because I know the hour is late. I hope to have an opportunity to speak on the subject again tomorrow, but, as far as New York State is concerned—and I believe I can speak with some authority about New York State—the situation would be extremely unfair and dangerous to the interests of the people of New York State.

I again wish to emphasize that, in spite of the gerrymandering, in spite of the overwhelming control of the legislature by the Republicans, the people of New York State as a whole have elected far more Democratic governors and Senators in the last 25 or 30 years than Republicans.

Mr. KENNEDY. Mr. President, in conclusion, I would say to the Senator from Texas my feeling would be that the one-party States would use the Mundt-Coudert system particularly to submerge

those aspiring Republican groups which the Senator from South Dakota [Mr. MUNDT] is hopeful will arise in certain States, and the Democratic groups which other Senators are hopeful will arise in Republican States. It would not take much modification to draw the lines to bring that about. The people in the minority parties would continue to be unrepresented. So I think the things which are hoped for will not come about. I thank the Senator from New York for his statement.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1585. An act to provide for the return to the town of Hartford, Vt., of certain land which was donated by such town to the United States as a site for a veterans' hospital and which is no longer needed for such purposes;

H. R. 585. An act to authorize the conveyance to Lake County, Calif., of the lower Lake Rancheria, and for other purposes;

H. R. 622. An act to provide for the release by the United States of its rights and interests in certain land located in Saginaw County, Mich.;

H. R. 930. An act for the relief of John Daniel Pope;

H. R. 944. An act for the relief of Nicola Teodosio;

H. R. 1014. An act for the relief of Chung Fook Yee Chung;

H. R. 1074. An act for the relief of Mrs. Esther Chan Lee (Eta Lee);

H. R. 1097. An act for the relief of John Meredith McFarlane;

H. R. 1104. An act for the relief of Guenther Kaschner;

H. R. 1137. An act for the relief of Harry John Wilson;

H. R. 1209. An act for the relief of Numeriano Lagmay;

H. R. 1323. An act for the relief of Sister Ramona Maria (Ramona E. Tombo);

H. R. 1492. An act for the relief of Krsevan Spanjol;

H. R. 1544. An act for the relief of Mrs. Moli (Mali) Sobel;

H. R. 1666. An act for the relief of Jose Canencia-Castanedo;

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H. R. 1912. An act for the relief of Howard Rieck;

H. R. 1920. An act for the relief of Ane Karlic Vlasich;

H. R. 1923. An act for the relief of Kevin Murphy;

H. R. 1973. An act for the relief of Mrs. Chin-An Wang (nee Alice Chiacheng Sze);

H. R. 2054. An act for the relief of Induk Pahk;

H. R. 2072. An act for the relief of Julian Nowakowski, or William Nowak (Novak);

H. R. 2283. An act for the relief of Wilhelmus Marius Van der Veur;

H. R. 2285. An act for the relief of Marie Lim Tsien;

H. R. 2345. An act for the relief of Jean Henri Buchet;

H. R. 2522. An act for the relief of Isabelle S. Gorrell, Donald E. Gorrell, Mary Owen Gorrell, and Kathryn G. Wright;

H. R. 3037. An act for the relief of Jakob Hass, Rosa Hass, and Mala Hass;

H. R. 3057. An act for the relief of Doctor Bienvenido L. Balingit;

H. R. 3201. An act for the relief of George Mikroulis, his wife, Dora Mikroulis, and his daughter Madonna G. Mikroulis;

H. R. 3265. An act for the relief of Alkista Sfounis;

H. R. 3375. An act for the relief of Dr. James C. S. Lee, his wife, Dora Ting Wei, and their daughter, Vivian Lee;

H. R. 3501. An act for the relief of Nisan Sarkis Giritliyan and Virgin Giritliyan;

H. R. 3557. An act to further amend the act of July 3, 1943 (ch. 189, 57 Stat. 372), relating to the settlement of claims for damage to or loss or destruction of property or personal injury or death caused by military personnel or certain civilian employees of the United States, by removing certain limitations on the payment of such claims and the time within which such claims may be filed;

H. R. 3650. An act to provide for the conveyance to Elief Rue of certain real property situated in Cassia County, Idaho;

H. R. 3723. An act for the relief of Freda H. Sullivan;

H. R. 3845. An act for the relief of Guillermo Padraza;

H. R. 3857. An act for the relief of Constantin David, Paula Marie David, Claire Edmond David, and Arlane Constance David;

H. R. 3869. An act for the relief of Esther Ledea Escobedo;

H. R. 3965. An act for the relief of Max Moskowitz;

H. R. 4181. An act for the relief of P. F. Claveau, as successor to the firm of Rodger G. Ritchie Painting & Decorating Co.;

H. R. 4185. An act for the relief of Zabel Vartanian;

H. R. 4376. An act to exempt from duty the importation of certain handwoven fabrics when used in the making of religious vestments;

H. R. 4391. An act to abolish the Castle Pinckney National Monument, in the State of South Carolina, and for other purposes;

H. R. 4680. An act affirming that title to a certain tract of land in California vested in the State of California on January 21, 1897;

H. R. 4802. An act to authorize the execution of mortgages and deeds of trust on individual Indian trust or restricted land;

H. R. 5280. An act to authorize land exchanges for purposes of Colonial National Historical Park, in the State of Virginia; to authorize the transfer of certain lands of Colonial National Historical Park, in the State of Virginia, to the Commonwealth of Virginia; and for other purposes;

H. R. 5556. An act authorizing a preliminary examination and survey of McGirts Creek, Florida, for flood control;

H. R. 5856. An act to repeal the requirement for heads of departments and agencies to report to the Postmaster General the number of penalty envelopes and wrappers on hand at the close of each fiscal year;

H. R. 5866. An act for the relief of Giovanni Lazarich;

H. R. 6112. An act to authorize the constuction of a sewage-disposal system to serve the Yorktown area of the Colonial National Historical Park, Va., and for other purposes;

H. R. 6309. An act to authorize construction of the Mississippi River-gulf outlet;

H. R. 6363. An act for the relief of Edward Barnett;

H. R. 6532. An act for the relief of John William Scholtes;

H. R. 6617. An act for the relief of Boris Kowerda;

H. R. 6618. An act for the relief of Etha Dora Johnson;

H. R. 6772. An act to authorize the Secretary of the Interior to convey certain federally owned land under his jurisdiction to the school district No. 24 of Lake County, Oreg.;

H. R. 6961. An act to designate the lake created by Buford Dam in the State of Georgia as Lake Sidney Lanier;

H. R. 7097. An act to provide for the reconveyance of oil and gas and mineral interests in a portion of the lands acquired for the Demopolis lock and dam project, to the former owners thereof, and for other purposes;

H. R. 7927. An act to extend the time within which the State of Louisiana may make initial payment on the purchase of certain property from the United States;

H. R. 8607. An act to authorize and direct the Secretary of the Interior to convey to David Peters, or to his heirs or assigns, title to land held by the United States in trust for him;

H. J. Res. 194. Joint resolution to designate the General Grant tree (known as the Nation's Christmas tree) in Kings Canyon National Park, Calif., as a national shrine.

H. J. Res. 443. Joint resolution to increase the appropriation authorization for the Woodrow Wilson Centennial Celebration Commission; and

H. J. Res. 517. Joint resolution changing the date for the counting of the electoral votes in 1957.

## RECESS

Mr. KENNEDY. Mr. President, in line with my agreement with the majority leader, I now move that the Senate stand in recess until 12 o'clock noon tomorrow. I believe the majority leader stated it would be possible for the Senator from Massachusetts to have the floor again after the morning business.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Wednesday, March 21, 1956, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate March 20 (legislative day of March 19), 1956:

### DIPLOMATIC AND FOREIGN SERVICE

Sheldon T. Mills, of Oregon, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan, vice Angus Ward, resigned.

### CIVIL DEFENSE ADMINISTRATION

Lewis E. Berry, Jr., of Michigan, to be Deputy Federal Civil Defense Administrator, vice Mrs. Katherine C. Howard, resigned.

### PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service:

FOR APPOINTMENT, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS

*To be senior assistant surgeons*

| | |
|---|---|
| John K. Irion | Lesther Winkler |
| Harold P. Schedl | Samuel G. Southwick |
| Allen C. Pirkle | Robert H. Parrott |
| James L. German | Edward F. Wenzleff |
| Patrick J. Hennelly, Jr. | |

*To be assistant surgeons*

| | |
|---|---|
| Duane L. Hanson | Munsey S. Wheby |
| W. King Engel | James C. Wooton |
| Theodore A. Labow | Alvin Singer |

| | |
|---|---|
| Lowell H. Hansen | Alex Rosen |
| Donald A. Neher | Herman L. Smith |
| Leon N. Branton | Hugh S. Pershing |

*To be assistant dental surgeon*

Dale E. Smith

*To be nurse officer*

Mildred Struve

*To be senior assistant nurse officer*

Jean C. Casey

*To be senior assistant therapists*

| | |
|---|---|
| Josef Hoog | JaNeva I. Porter |
| Howard A. Haak | John R. De Simio |
| John F. Burke | Nellie L. Evans |

*To be assistant therapists*

| | |
|---|---|
| Royce P. Noland | Dean P. Currier |
| Michael J. Oliva | Lennes A. Talbot, Jr. |

*To be junior assistant therapists*

| | |
|---|---|
| Arthur J. Nelson, Jr. | John L. Echternach |
| Dell C. Nelms | James W. Barbero |

## CONFIRMATION

Executive nomination confirmed by the Senate March 20 (legislative day of March 19), 1956:

UNITED STATES CIRCUIT JUDGE

Stanley N. Barnes, of California, to be United States circuit judge for the ninth circuit.

# HOUSE OF REPRESENTATIVES

## TUESDAY, MARCH 20, 1956

The House met at 12 o'clock noon.

Dr. Garis T. Long, Grace Baptist Church, Richmond, Va., offered the following prayer:

Oh Thou Eternal God, our Father, the God and Father of our Lord, Jesus Christ, our Saviour, we turn our hearts to Thee in thanksgiving and praise for all of the riches of Thy grace and for Thy many blessings and favors. We thank Thee for this land in which we live, for the rich endowments that Thou hast given unto us, for the ideals of democracy, and for the privilege of freedom that we enjoy as individuals and for all of the opportunities which are ours. We pray Thy rich blessings to abide upon this great land and upon all the nations of the earth.

Grant Thy favors upon the President of the United States, upon those who are associated with him in positions of responsibility, and grant, our Father, Thy special blessing upon this assembly. We thank Thee for these men and women who represent us. Wilt Thou richly endow them with divine wisdom that they may seek to do Thy will. Give unto them discerning minds and understanding hearts. May they know the right, and grant, our Father, that they may have courage to act upon the truth as they know it.

Our Father, we realize that we are mortal men. We are dependent creatures. Thine are the true resources of light. Thine are the material bounties. Thine are the spiritual values. Supply us, we pray, with those things which are needful in our choices and decisions. May we ever be mindful of the fact that righteousness exalteth a nation but sin is a reproach to a people. May we know that Thou dost require of us to do justly, love mercy, and to walk humbly before Thee as our God.

Let Thy blessings be upon the people who are represented by these men and women. Wilt Thou give unto them a tolerant spirit and understanding minds and hearts, and may they always give encouragement to the ones whom they have chosen for positions of responsibility. May the people who are represented here today manifest a spirit of appreciation that we as a nation may be undergirded with strength, with courage, and with a desire to do Thy holy will. Let Thy blessings be upon all of the deliberations here in this Congress and grant, our Father, that we may seek Thy kingdom and may Thy will be done in us, through us, and by us. In Jesus' name and for His sake, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 585. An act to authorize the conveyance to Lake County, Calif., of the Lower Lake Rancheria, and for other purposes;

H. R. 622. An act to provide for the release by the United States of its rights and interests in certain land located in Saginaw County, Mich.;

H. R. 930. An act for the relief of John Daniel Popa;

H. R. 944. An act for the relief of Nicola Teodosio;

H. R. 1014. An act for the relief of Chung Fook Yee Chung;

H. R. 1074. An act for the relief of Mrs. Esther Chan Lee (Eta Lee);

H. R. 1097. An act for the relief of John Meredith McFarlane;

H. R. 1104. An act for the relief of Guenther Kaschner;

H. R. 1137. An act for the relief of Harry John Wilson;

H. R. 1209. An act for the relief of Numeriano Lagmay;

H. R. 1323. An act for the relief of Sister Ramona Maria (Ramona E. Tombo);

H. R. 1492. An act for the relief of Krsevan Spanjol;

H. R. 1544. An act for the relief of Mrs. Moli (Mali) Sobel;

H. R. 1666. An act for the relief of Jose Canencia-Castanedo;

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H. R. 1920. An act for the relief of Ane Karlic Vlasich;

H. R. 1923. An act for the relief of Kevin Murphy;

H. R. 1973. An act for the relief of Mrs. Chiu-An Wang (nee Alice Chiacheng Sze);

H. R. 2054. An act for the relief of Induk Pahk;

H. R. 2072. An act for the relief of Julian Nowakowski, or William Nowak (Novak);

H. R. 2283. An act for the relief of Wilhelmus Marius Van der Veur;

H. R. 2285. An act for the relief of Marie Lim Tsien;

H. R. 2345. An act for the relief of Jean Henri Buchet;

H. R. 2347. An act for the relief of Heinrich Wolfgang;

H. R. 2522. An act for the relief of Isabelle S. Gorrell, Donald E. Gorrell, Mary Owen Gorrell, and Kathryn G. Wright;

H. R. 3037. An act for the relief of Jakob Hass, Roza Hass, and Mala Hass;

H. R. 3057. An act for the relief of Dr. Bienvenido L. Balingit;

H. R. 3201. An act for the relief of George Mikroulis, his wife, Dora Mikroulis, and his daughter, Madonna G. Mikroulis;

H. R. 3265. An act for the relief of Alrista Sfounis;

H. R. 3375. An act for the relief of Dr. James C. S. Lee, his wife Dora Ting Wei, and their daughter, Vivian Lee;

H. R. 3501. An act for the relief of Nisan Sarkis Giritliyan and Virgin Giritliyan;

H. R. 3557. An act to further amend the act of July 3, 1943 (ch. 189, 57 Stat. 372), relating to the settlement of claims for damage to or loss or destruction of property or personal injury or death caused by military personnel or certain civilian employees of the United States, by removing certain limitations on the payment of such claims and the time within which such claims may be filed;

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H. R. 3845. An act for the relief of Guillermo Pedraza;

H. R. 3857. An act for the relief of Constantin David, Paula Marie David, Claire Edmonde David, and Ariane Constance David;

H. R. 3869. An act for the relief of Esther Ledea Escobedo;

H. R. 3963. An act for the relief of Ashot Mnatzakanian and Ophelia Mnatzakanian;

H. R. 3965. An act for the relief of Max Moskowitz;

H. R. 4181. An act for the relief of P. F. Claveau, as successor to the firm of Rodger G. Ritchie Painting & Decorating Co.;

H. R. 4185. An act for the relief of Zabel Vartanian;

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H. R. 5856. An act to repeal the requirement for heads of departments and agencies to report to the Postmaster General the number of penalty envelopes and wrappers on hand at the close of each fiscal year;

H. R. 5866. An act for the relief of Giovanni Lazarich;

H. R. 5876. An act to amend the copyright law to permit, in certain classes of works, the deposit of photographs or other identifying reproductions in lieu of copies of published works;

H. R. 6022. An act to provide for the relocation of the Trenton Massacre Canyon Monument presently located near Trenton, Nebr.;

H. R. 6112. An act to authorize the construction of a sewage-disposal system to