those who in this tumultuous period would recreate America over night and spurn all the lessons of the past.

The man from Illinois even now speaks of courage and devotion to a great issue and a great cause regardless of the political consequences. Even as a young man while addressing a church group in the city of Springfield, Ill., he could say, "Let not the probability of defeat deter us from asserting a cause which is just." In this day and time the lure of political victory is great. The lure of public office is even greater. The desire to appease sectional and economic groups is difficult to restrain. The impulse to yield to pressure is not unknown. Well might we listen to the man from Illinois, as he placed causes and principles above all other considerations.

Above all else, he speaks to us of the future. How preoccupied each generation becomes with its own affairs and concerns, and how often the future is forgotten.

The man from Illinois was thinking not merely of his own time but of the future of the Republic, knowing that unnumbered generations would live in this fair land. What then was to be their legacy?

In his message to Congress in 1861, he said, "The struggle of today is not altogether for today—it is for a vast future also."

But it was at Gettysburg that the grand sweep of the past, the present, and the future was in his mind and in his heart. First came the deathless question whether a nation conceived in liberty and dedicated to equality could long endure. It is a deathless question for it continues to roll down the corridors of time as an ever recurring challenge.

Then came the haunting present, as he noted the sacrifices which had already been made on the altar of that cause. And then came the future expressed in terms of the unfinished work, the great task that remained, and finally the flaming hope "that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people shall not perish from the earth."

The man from Illinois still speaks to his countrymen. So long as Providence endows his countrymen with the capacity to remember, he shall continue to speak to them, even as he spoke to them here 100 years ago this night. The man from Illinois—his name was Abraham Lincoln.

SENATE

MONDAY, MARCH 7, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

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

Eternal God, Thou knowest our mortal frame, Thou rememberest that we are dust. Thy patience outlasts all the dullness of our apprehension, and all our foolish choices.

At another week's beginning, we bow at this hallowed wayside altar where the flaming purity of Thy holiness rebukes the baseness of all our actions motivated by expediency rather than honor.

In our appraisals of men and measures, save us from mistaking shadows for substance.

From the tyranny of drab duties, which take captive most of our waking hours, we would lift our inner eyes to the shining splendor of the heavenly vision to which we dare not be disobedient.

From the fret and fever of problems that baffle, from all thought of the praise or blame of men, from noisy and confusing conceptions which beat upon jaded senses, at noontide we would follow the path to the quietness of Thy presence, where there is breathed upon our anxious hearts a sense of the eternal.

In the Redeemer's name. Amen.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour for the transaction of routine business, subject to a 3-minute limitation on statements.

The VICE PRESIDENT. Without objection, it is so ordered.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE PRESIDENT. Without objection——

Mr. RUSSELL. Mr. President, I object.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Robert C. McFadden, of Indiana, to be U.S. marshal for the southern district of Indiana; and

Santon Buxo, Jr., of Puerto Rico, to be U.S. marshal for the district of Puerto Rico.

By Mr. HART, from the Committee on the Judiciary:

Clifford O'Sullivan, of Michigan, to be U.S. circuit judge for the sixth circuit.

By Mr. HRUSKA, from the Committee on the Judiciary:

William C. Spire, of Nebraska, to be U.S. attorney for the district of Nebraska.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has the Senate disposed of the nomination of Gilbert B. Scheller, of Illinois?

The VICE PRESIDENT. The nomination has been confirmed.

Mr. JOHNSON of Texas. I thank the Chair.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS, OFFICE OF CIVIL AND DEFENSE MOBILIZATION

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, reporting, pursuant to law, on property acquisitions by the Office of Civil and Defense Mobilization, for the quarter ended December 31, 1959; to the Committee on Armed Services.

SUMMARY REPORT ON MUTUAL SECURITY PROGRAM

A letter from the Acting Secretary of State, transmitting, pursuant to his letter of February 29, 1960, forwarding a full report on the mutual security program, a general summary report of plans on grant economic assistance relating to defense support and special assistance programs, dated March 4, 1960 (with an accompanying report); to the Committee on Foreign Relations.

RESOLUTIONS OF MEXICAN SENATE AND CHAMBER OF DEPUTIES, RELATING TO ESTABLISHMENT OF A MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

A letter from the Assistant Secretary of State, transmitting, for the information of the Senate, resolutions adopted by the Mexican Senate and Chamber of Deputies, relative to the establishment of a Mexico-United States interparliamentary group (with accompanying papers); to the Committee on Foreign Relations.

GRANT OF CERTAIN LANDS TO GOVERNMENT OF GUAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to grant to the government of Guam certain filled lands, submerged land, and tidelands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

TERMINATION OF FEDERAL SUPERVISION OVER LOWER ELWHA BAND OF CLALLAM TRIBE OF INDIANS AND INDIVIDUAL MEMBERS THEREOF, WESTERN WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the termination of Federal supervision over the property of the Lower Elwha Band of the Clallam Tribe of Indians of western Washington, and the individual members thereof, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

TERMINATION OF FEDERAL SUPERVISION OVER THE GEORGETOWN OR THE SHOALWATER BAY INDIAN RESERVATION, WASH.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RUEDI DAM AND RESERVOIR, COLO.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the Secretary of the Interior on Ruedi Dam and Reservoir, Colo., dated

September 1959 (with accompanying papers); to the Committee on Interior and Insular Affairs.

SESSION LAWS OF HAWAII

A letter from the Revisor of Statutes, Honolulu, Hawaii, transmitting, pursuant to law, copies of the Sessions Laws of Hawaii, for the regular session of 1959 (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIM PAID BY HOUSING AND HOME FINANCE AGENCY

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., reporting, pursuant to law, on the payment of a tort claim by that Agency, during the calendar year 1959; to the Committee on the Judiciary.

EFFECTUATION OF PROVISION OF CONVENTION OF PARIS FOR PROTECTION OF INDUSTRIAL PROPERTY

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958 (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

EXTENSION OF SCOPE OF POSTAL FRAUD STATUTES TO COVER ENTERPRISES OPERATING UNDER FALSE PRETENSES

A letter from the Postmaster General, transmitting a draft of proposed legislation to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes (with an accompanying paper); 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 VICE PRESIDENT:

A resolution of the House of Delegates of the State of Maryland; to the Committee on Armed Services:

"HOUSE RESOLUTION 12

"Resolution urging that the U.S. Naval Weapons Plant continue operation as an engineering and manufacturing control center for the Bureau of Naval Weapons at a personnel operation level based on its January 1, 1960, complement and that the same be modernized and expanded and its name changed to reflect the aforementioned mission

"Whereas the trend in development, engineering and manufacture of naval weapons and weapons systems has attained a high degree of technological complexity; and

"Whereas the United States, in order to obviate a purported declining defense posture, must increase its rate of technological progress exponentially; and

"Whereas the Federal executive and legislative bodies must take necessary measures to negate the existence of a technological deficiency by realizing its inherent ability to reduce reaction time during this period of international competition; and

"Whereas the aforementioned technological deficiency is the existence of a disastrous void between scientific or theoretical concept and resultant end product, namely: reliable serviceable, safe and almost maintenance-free hardware in the nature of missiles, missile systems, antimissile systems, and other advanced weapons; and

"Whereas the Naval Weapons Plant is an essential and indispensable function of the naval defense establishment exhibiting such diversified capabilities in engineering, scientific and industrial skills as to bridge the gap between weapons concepts and prototype manufactured hardware; and

"Whereas there is no comparable Bureau of Naval Weapons facility or defense contractor having the road technical competence and versatility exemplified by experience in conception, design, engineering development, production engineering, prototype manufacture and technical administration of weapons and weapons systems equivalent to the U.S. Naval Weapons Plant; and

"Whereas the Naval Weapons Plant is the only naval weapons establishment having the comprehensive technical competence and industrial ability in the field of structural fabrications, an area of vital importance in the development and manufacture of advanced weapons and weapons systems; and

"Whereas the Naval Weapons Plant has a complete complement of technical skills in the basic fields of the physical sciences and engineering (physics, chemistry, metallurgy, materials, electrical, electronics, mechanical, structural) and superior technical abilities in optics, fire control, hydraulics, engineering management and contract administration supplemented by designers, draftsmen, technicians, engineering aides, technical writers and editors; and

"Whereas the Naval Weapons Plant has a complete complement of industrial skills in metals processing, machining, fabrication, metals finishing, electroplating, heat treating, molding, casting, forging, electronics and plastics to provide for requisite manufacture on a prototype or production basis; and

"Whereas the Naval Weapons Plant has provided consulting services to nationally recognized corporations in the fields of design, materials and fabrication techniques taking the form of analyses critiques and advice in order to support programs in which these contractors are involved, thus facilitating the Navy Department's progress and control of varied projects; and

"Whereas the overall operational costs for the Naval Weapons Plant are not in excess of those found in comparable industry functioning under similar fiscal and workload procedures; and

"Whereas the Naval Weapons Plant has displayed outstanding proficiency in contributing to the progress and development of new scientific, engineering, industrial and related techniques necessary for the flexibility in conforming to the everchanging weapons and weapons system concept and control of the naval defense complex; and

"Whereas the primary constitutional power and obligation to support the defense complex, which includes manpower and weapons, lies with the Federal legislative bodies of the United States; and

"Whereas the Federal legislative bodies have a legal right to delegate its defense powers to the Federal executive for necessary and proper administration; and

"Whereas the contracting out of defense requirements to private industry in such manner as bestows an almost irrevocable financial and technical jurisdiction over vast defense programs without retaining in-house capabilities such as the Naval Weapons Plant for sufficient governmental control is tantamount to an unlawful delegation of power on the part of the Federal legislative body or a usurpation of the legislative power of the Federal executive body; and

"Whereas the citizens of Prince Georges County, and in fact the people of the entire State of Maryland, are vitally interested and affected in the premises aforementioned: Now, therefore, be it

"Resolved by the House of Delegates of Maryland, That a change of name be effected for the Naval Weapons Plant that more realistically reflects the required functions and responsibilities necessary for support of the naval defense complex such as Naval Weapons Engineering and Manufacturing Center; and be it further

"Resolved, That the Navy Department provide the Naval Weapons Plant with a definite mission based on vital engineering and prototype manufacturing functions in lieu of the outmoded weapons and product concepts in order to continue the Naval Weapons Plant as an essential link in the chain of national defense; and be it further

"Resolved, That the Naval Weapons Plant continue to operate as an engineering and manufacturing center for the Bureau of Naval Weapons to maintain surveillance and provide adequate contract administration and field engineering services to contractors engaged in the fabrication of defense weapons and weapons systems, in order to prevent the Navy Department from relinquishing control over defense projects; and be it further

"Resolved, That the Navy Department, Bureau of Naval Weapons, provide adequate support for the Naval Weapons Plant and its sister establishments relating to continued modernization of physical plant, installation of necessary equipment, retention of in-house capabilities by sustaining a manpower level based on the January 1, 1960, complement at the Naval Weapons Plant, in order to promote the highest standard of efficiency in Government installations, keep them prepared for emergencies, provide industrial support, and assure control over the defense complex in accordance with the intent of the Federal legislative body; and be it further

"Resolved, That the Navy Department Bureau of Naval Weapons take cognizance of the potential capabilities, capacities, and importance of the Naval Weapons Plant and its sister establishments to the defense of the Nation and provide an adequate and judiciously balanced in-house workload that will insure compliance with the Federal Constitution in lieu of an apparent contravention by an unwarranted delegation of legislative and executive power over defense to private individuals; and be it further

"Resolved, That the chief clerk of the house of delegates be instructed to send copies of this resolution to the President of the United States, the Vice President of the United States, Secretary of Defense, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy for Materials, Rear Adm. P. D. Stroop, Chief, Bureau of Naval Weapons, Rear Admiral Hirsch, Assistant Chief of the Bureau of Naval Weapons for Fleet Readiness, Capt. Charles E. Briner, Superintendent, U.S. Naval Weapons Plant, all Members of the Congress and Senate of the United States.

"Read and adopted by the house of delegates, February 17, 1960.

"JAMES P. MAUSE,
"Chief Clerk of the House of Delegates.
"PERRY O. WILKINSON,
"Speaker of the House of Delegates."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 2

"Resolution memorializing the Congress and the President of the United States to cause to be issued silver dollars commemorating the centennial of the admission of the State of Nevada into the Union

"Whereas by act of Congress Nevada was admitted to the Union October 31, 1864; and

"Whereas during the year 1964, the people of the State of Nevada expect to celebrate, with creditable pageantry and commemoration, the 100th anniversary of the admission of the State of Nevada into the Union; and

"Whereas Nevada was one of the richest and most famous silver producing areas of all time; and

"Whereas the revenues resulting from such silver production aided materially in maintaining the integrity of the Union and in the great industrial expansion of the entire country; and

"Whereas Nevada is known as the Silver State; and

"Whereas, Congress has many times previously authorized the issuance by the United States Treasury of commemorative coins for other States: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada (jointly), That the Legislature of the State of Nevada respectfully memorializes the Congress of the United States to enact such legislation, and the President of the United States to take such action as may be necessary to issue commemorative silver coins of the denomination of $1, commemorating the 100th anniversary of the admission of the State of Nevada to the Union; and be it further

"Resolved, That such coins be delivered to the Nevada centennial commission upon payment therefor, and that such commission be, and it hereby is, authorized to sell and distribute such coins; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives and each Senator and the Representative from the State of Nevada in the Congress of the United States.

"Adopted by the senate January 25, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly February 1, 1960.

"BREAK PARK,
"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly".

The petition of William W. Anderson, Jr., of Newport News, Va., relating to civil rights, and so forth; to the Committee on the Judiciary.

Petitions signed by pupils of the Jose de Chondens Junior High School of Arroyo, P.R., praying for the enactment of the School Support Act of 1959; to the Committee on Labor and Public Welfare.

RESOLUTIONS OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE. Mr. President, on behalf of my colleague, the senior Senator from Rhode Island [Mr. GREEN] and myself, I present, for appropriate reference, copies of various resolutions adopted by the Rhode Island General Assembly at its January session, A.D. 1960.

A resolution memorializing Congress and praying for the passage of H.R. 4700, introduced into Congress by Representative AIME J. FORAND, Congressman from Rhode Island, the purport of which is to help the American people find a low-cost method of paying for the high cost of hospital and surgical care in their old age.

A resolution opposing efforts to diminish services to veterans at the Veterans' Administration hospital at Davis Park, in Providence, R.I.

A resolution memorializing the President of the United States, and Senators and Representatives in Washington, D.C., from Rhode Island, the Secretary of the Interior in Washington, D.C., and the Governor of the State of Rhode Island, to make every effort to have built on Federal unused land, on the island of Aquidneck in Newport County, a saline water conversion plant.

A resolution memoralizing the Congress of the United States to enact legislation to provide for a national cemetery in the State of Rhode Island.

The VICE President. The resolutions will be received and appropriately referred.

The resolutions were received and appropriately referred; and, under the rule, ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"H. 1227

"Resolution of the Rhode Island General Assembly memorializing Congress and praying for the passage of H.R. 4700, introduced into Congress by Representative AIME J. FORAND, Congressman from Rhode Island, the purport of which is to help the American people find a low cost method of paying for the high cost of hospital and surgical care in their old age

"Whereas a bill has been introduced into the Congress of the United States by Representative AIME J. FORAND, Congressman from Rhode Island, upon which the House Ways and Means Committee has concluded preliminary hearings; and

"Whereas the bill is intended to help the American people find a low cost method of paying for the high cost of hospital and surgical care in their old age; and

"Whereas Americans over 65 need more medical care at a time when they have little money to pay for it, spending twice as many days a year in hospitals as younger persons while adequate hospitalization and surgical insurance for persons over 65 is virtually nonexistent at any price; and

"Whereas Congressman FORAND'S proposal in H.R. 4700, provides that we use our social security system to organize an adequate system of insuring us against the cost of hospital care and surgery in our old age; and

"Whereas Congressman FORAND estimates that 15 million persons would be eligible for hospital and surgical benefits under his bill while the cost of these benefits would amount to approximately $1 billion a year, and to meet this cost the Forand bill would raise the social security tax by one-fourth of 1 percent for each employee and 1 for each employer, and three-eighths of 1 percent for the self-employed: Now, therefore, be it

"Resolved, That the members of the Rhode Island General Assembly now go on record as approving said Forand bill, requesting the Senators and Representatives from Rhode Island in the Congress of the United States to work for the passage of the measure; directing the secretary of state to transmit to them duly certified copies of this resolution.

"AUGUST P. LAFRANCE,
"Secretary of State."

To the Committee on Interior and Insular Affairs:

"H. 1084

"Resolution memorializing the President of the United States, the Senators and Representatives in Washington, D.C., from Rhode Island, the Secretary of the Interior in Washington, D.C., and the Governor of the State of Rhode Island, to make every effort to have built on Federal unused land, on the island of Aquidneck in Newport County, a saline water conversion plant

"Whereas the Department of Interior of our Federal Government is having built five saline water conversion plants somewhere in the United States; and

"Whereas one might ask why fresh water from salt is necessary, that answer lies in the future. Fresh water sources are diminishing. This is true in Rhode Island where the State has been probing means of developing new sources to provide more fresh water for coming generations; and

"Whereas consideration of Rhode Island promised by the Department of Interior as a possible site for a saline water conversion plant calls attention to the years of experiments the Government has been undertaking to create a means to produce fresh water from salt water; and

"Whereas new concepts for refining salt water have been developed in recent years through atomic and other research; and

"Whereas it has been stated that unused Federal land would be used as a site for construction of such a plant; and

"Whereas citizens of the island of Aquidneck have many present inactive Federal Government installations; and

"Whereas the fact that this is an island and depends on watershed water that requires much treatment with chlorine, etc.; and

"Whereas the taste of this water (due to the treatment it must have) leaves much to be desired, and many people buy distilled bottled water for drinking and cooking purposes: Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island does now respectfully request the President of the United States, the Senators and Representatives from Rhode Island in the Congress of the United States, the Secretary of the Department of the Interior, and the Governor of Rhode Island, to make every effort to have located and built on one of the inactive Federal Government-owned sites on the island of Aquidneck in the State of Rhode Island and not necessary to the public defense, a saline water conversion plant; and be it further

"Resolved, That the secretary of state of Rhode Island be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States, to the Senators and Representatives from Rhode Island in the Congress of the United States, to the Secretary of the Interior and to the Governor of the State of Rhode Island.

"AUGUST P. LAFRANCE,
"Secretary of State."

"H. 1006

"Resolution memorializing the Congress of the United States to enact legislation to provide for a national cemetery in the State of Rhode Island

"Whereas many of the fallen heroes who have lost their lives in the defense of human rights and liberties have not been interred in national cemeteries because of the great distance to be traveled by their loved ones in visiting their resting places; and

"Whereas it is fitting that those who have made the supreme sacrifice be properly interred and recognized; and

"Whereas the need for establishing national cemeteries on a regional basis has now become apparent; and

"Whereas it is proper that such a cemetery be established in the State of Rhode Island, the early exponent of freedom in the New World; and

"Whereas a suitable site for such purpose is available in the town of Glocester, which site is owned by the Federal Government: Now, therefore, be it

"Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States are earnestly requested to use their best efforts in behalf of the passage of H.R. 4018 now pending in Congress, a bill introduced by Congressman FORAND of Rhode Island to provide for a

national cemetery in the State of Rhode Island, thus assuring the establishment of such a national cemetery in the State of Rhode Island for the interment of any veteran of any of the wars in which the United States has been or in the future may be engaged; and be it further

"Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to each of the Senators and Representatives from Rhode Island in the Congress of the United States.

"AUGUST P. LAFRANCE,
"Secretary of State."

To the Committee on Labor and Public Welfare:

"H. 1179

"Resolution opposing efforts to diminish services to veterans at the Veterans' Administration hospital at Davis Park, in Providence, R.I.

"Whereas a report of the committee on veterans' affairs of the Rhode Island Medical Society has been approved by the house of delegates of the Rhode Island Medical Society, recommending immediate tightening of regulations governing admission to the Veterans' Administration hospital in order to place more emphasis on financial need; and

"Whereas the further pronouncement that the local veterans hospital 'could then be operated under State supervision, or as a private hospital for general medical and surgical care, or for specialized care, such as for chronic disease patients,' is most unfair to the many veterans whose sacrifices in the service of their country should never be forgotten; and

"Whereas a further pronouncement of this group to the effect that only 46 of 331 patients admitted to the Veterans' Administration hospital here last September had service-connected illnesses is a further manifestation of the lack of sympathy the Rhode Island Medical Society has always demonstrated toward the veterans of this State; and

"Whereas the Rhode Island Medical Society seems to forget that the VA hospital is supported exclusively by the Federal Government and that there are presently 28,288 veterans with service-connected disabilities registered with the local regional Veterans' Administration office in the city of Providence, while there are approximately 180,000 veterans in Rhode Island and 60,000 in southeastern Massachusetts for whom the facilities of the VA hospital have been made available by the Federal Government when needed to which they are justly and patriotically entitled: Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island respectfully gives assurances to all veterans that it will resist all efforts by the Rhode Island Medical Society to effect a closing of the VA hospital and/or diminishing its services to veterans as advocated by the Rhode Island Society; and be it further

"Resolved, That duly certified copies of this resolution, expressing the wishes of the general assembly, be sent to the secretary of the Rhode Island Medical Society, the Director of the Veterans' Administration hospital at Davis Park, Providence, and the Senators and Representatives from Rhode Island in the Congress of the United States, said duly certified copies to be transmitted by the secretary of state immediately upon the passage of this resolution.

"AUGUST P. LAFRANCE,
"Secretary of State."

REPORT OF A COMMITTEE

The following report of a committee was submitted.

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. 2850. A bill to provide for the appointment of one circuit judge for the seventh judicial circuit (Rept. No. 1157).

BILLS INTRODUCED

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

By Mr. JOHNSTON of South Carolina (for himself and Mr. CARLSON):

S. 3141. A bill to make permanent certain temporary increases in rates of basic salary for postal field service employees; to the Committee on Post Office and Civil Service.

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

By Mr. CHAVEZ:

S. 3142. A bill for the relief of Maria Luisa Martinez; and

S. 3143. A bill for the relief of Angel Ardaiz Martinez; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3144. A bill relating to the rate of duty on primary aluminum pig; and

S. 3145. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Finance.

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

By Mr. CLARK:

S. 3146. A bill to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses; to the Committee on Agriculture and Forestry.

S. 3147. A bill relating to interest rates payable on obligations of the United States purchased by the Civil Service Retirement and Disability Fund; to the Committee on Post Office and Civil Service.

By Mr. KEFAUVER:

S. 3148. A bill to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas; to the Committee on Banking and Currency.

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

By Mr. BYRD of Virginia (for himself and Mr. ROBERTSON):

S. 3149. A bill to provide free mailing privileges for the Woodrow Wilson Birthplace Foundation, Inc.; to the Committee on Post Office and Civil Service.

RESOLUTION

PROPOSED WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. ENGLE submitted a resolution (S. Res. 284) expressing the sense of the U.S. Senate that the President should call a White House Conference on Narcotics, which was referred to the Committee on the Judiciary.

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

PERMANENCY OF CERTAIN TEMPORARY INCREASES IN RATES OF BASIC SALARY FOR POSTAL FIELD SERVICE EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I send to the desk a bill I discussed on March 2, 1960, but at that time I was not permitted to introduce. So on behalf of myself, and the Senator from Kansas [Mr. CARLSON], I now send to the desk a bill to make permanent certain temporary increases in the rates of the basic salaries for postal field service employees. As I stated at the time I made my statement on March 2, we shall have hearings to determine certain inequities in the pay scale at the present time, and probably propose certain amendments, and report the bill to the Senate after conclusion of the hearings.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3141) to make permanent certain temporary increases in rates of basic salary for postal field service employees, introduced by Mr. JOHNSTON of South Carolina (for himself and Mr. CARLSON), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTIONS FROM GROSS INCOME OF CERTAIN EXPENDITURES FOR LEGISLATIVE PURPOSES

Mr. HARTKE. Mr. President, I introduce for appropriate reference a bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income.

The Internal Revenue Code has just recently been so interpreted as to prevent labor unions, chambers of commerce, trade associations, professional groups, and every other organization from legitimately trying to support or oppose legislation in Congress, State legislatures, or legislative bodies of local governments.

These organizations, Mr. President, have always provided legislators with the arguments both for and against legislative proposals. In fact, we in Congress benefit from the various points of view on legislation which we receive in public hearings from such organizations.

I earnestly hope that Congress will act soon on this matter. Similar legislation has already been introduced in the House of Representatives.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3145) to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

DISPOSITION OF CERTAIN REAL PROPERTY FOR HISTORICAL SITE PURPOSES

Mr. KEFAUVER. Mr. President, it is my privilege to introduce a bill to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas.

The need for such an amendment was brought to my attention by many citizens in Knoxville, Tenn., including Mayor John Duncan, city councilmen; County Judge Howard Bozeman; Mrs. Earle Coulter, president of the James White's Fort Association; and Luke Wright, general manager of the East Tennessee Automobile Club.

A companion bill has been introduced in the House of Representatives by Representative HOWARD BAKER.

It is the desire of citizens to restore the historic General James White home and fort. General White, it may be recalled, founded the city of Knoxville. His home was constructed in 1786. Later he built three other cabins and a stockade, as defense against possible Indian attacks.

The Knoxville City Association of Women's Clubs has announced its plan to restore the home and fort at the original location adjacent to the present White Memorial Auditorium, on surplus land resulting from the redevelopment of First Creek by the Knoxville Housing Authority.

This bill would permit the Housing and Home Finance Agency to donate to any public or private nonprofit organization any real property, not exceeding one acre, acquired in an urban renewal area, if the Administrator finds that the property has historical significance of general interest and if such property is to be preserved on a nonprofit basis as an historical site or monument.

It is the responsibility of the Congress to encourage the preservation of our historic sites. This bill will enable civic groups throughout the United States to undertake such laudable restoration projects.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3148) to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on Banking and Currency.

PROPOSED WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. ENGLE. Mr. President, I submit, for appropriate reference, a resolution urging the President to call a White House Conference on Narcotics, patterned after previous White House conferences, such as those on education and children and youth. The inability to achieve a tighter control over the importation and illicit use of narcotics is arousing increased national concern. The alarm over the situation is accentuated by the growing contribution of narcotics to juvenile delinquency.

Mr. President several of the California Members of the House of Representatives have already submitted this resolution in the House of Representatives, and they had the unanimous backing of the 30-member California delegation.

It is hoped that the Narcotics Conference will make recommendations to the President and the Congress on the following:

First. Ways and means of securing more uniformity in State and Federal enforcement of narcotics statutes.

Second. The substance of a directive clearly defining procedures between existing governmental agencies in this field.

Third. Machinery for a continuing consultation between the United States and other nations, particularly Mexico and Canada.

Fourth. A proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict and society from the inevitable results of his addiction.

Fifth. Such other matters as will contribute to the solution of the national problem of narcotics.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 284) was referred to the Committee on the Judiciary, as follows:

S. RES. 284

Whereas the smuggling of narcotics and the illicit use of narcotics are serious national problems; and

Whereas the inability to achieve both a tighter control over the unauthorized importation of narcotics into this country and over the illicit use of narcotics by addicts and others in this country is causing increased nationwide concern; and

Whereas the traffic in, and addition to, narcotics are serious problems affecting the Federal Government and the several States; and

Whereas narcotics contribute to juvenile delinquency and greatly add to the expenses of law enforcement and the cost of running the courts and judicial system of our country; and

Whereas the departmental councils of the executive branch previously appointed have not successfully solved the problems of narcotics control: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should call a White House Conference on Narcotics, patterned after previous White House conferences, such as those on education and children and youth. Such conference should be broadly representative of persons dealing with such problems at the State and local levels, and should also include, but not be limited to—

(1) an appropriate number of the Members of the House of Representatives and the Senate; and

(2) representatives of the departments and agencies of the Federal Government concerned with such problems, including, but not limited to, the Immigration and Naturalization Service, Department of Justice; the Bureau of Narcotics and the Bureau of Customs, Department of the Treasury; the Public Health Service, Department of Health, Education, and Welfare; and the Department of State; and be it further

Resolved, That it is the sense of the House that this narcotics conference should undertake to recommend—

(1) ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority;

(2) the substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field;

(3) machinery for a continuing consultation between the United States and other nations, particularly the governments of our neighbors, Mexico and Canada, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require;

(4) a proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict; and

(5) such other matters as will contribute to the solution of the national problem of narcotics; and be it further

Resolved, That it is the sense of the House that the White House Conference on Narcotics should submit a report to the President and the Congress setting forth its recommendations with respect to the problems relating to the traffic in, and addiction to, narcotics, and any other results of its deliberations.

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

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

By Mr. RANDOLPH:

Article prepared by him entitled "What's Right With West Virginia," to be published in the Charleston Gazette.

By Mr. YARBOROUGH:

Editorial entitled "Why I Am a Democrat," based on a recent speech of Senator JENNINGS RANDOLPH, of West Virginia, and published in the Tulia (Tex.) Herald of January 21, 1960.

By Mr. LAUSCHE:

Statement by him to the Masaryk Champion of Liberty Commemorative Committee and to the Czechoslovak National Council of America.

IMPORTANCE OF CLOSING THE ECONOMIC GAP BETWEEN THE UNITED STATES AND THE UNDERDEVELOPED COUNTRIES

Mr. ENGLE. Mr. President, the economic gap between the United States and the underdeveloped countries must be closed if the United States is to improve its foreign trade position. Such a development is necessary if we are to redress the present unfavorable balance of trade. The trade gap is as dangerous to the health of our national economy as the ICBM gap is to the defense of our national security. These underdeveloped countries can serve as an important market for American products.

Past measures to narrow the economic gap have been little more than sustaining operations. If there is going to be any accelerated economic development in Asia, Africa, and Latin America, the developed countries will have to adopt a drastic new concept of what constitutes aid. The developing countries must realize that present aid is being nullified by their hesitance in taking some logical and reasonable steps basic to economic development.

Mr. President, there are some actions which should be taken by the developing countries. If these countries seriously want development, then they should rec-

ognize that 19th century colonialism is dead. They should invite foreign private investment in participation with their own nationals.

They should enact investment laws providing reasonable incentives to foreign investors. They should make reasonable guarantees against expropriation and for the repatriation of capital and profits. They should provide tax incentives. They should eliminate the present formidable redtape by establishing central offices to deal with foreign investors. Above all, they should get away from the idea that only the state can engage in economic activity and they should remove the chains which now shackle the dormant private initiative among their own nationals.

Among the remedial actions urgently recommended for the United States, I would emphasize the need for more extensive governmental activity in the promotion of foreign trade and investment in the underdeveloped areas.

First, there is a need for a double-barreled approach to foreign investment. The State Department has the clear responsibility for negotiating investment treaties and agreements. While much more could be done at the diplomatic level, the more conspicuous need is for an expansion of our dwindling corps of commercial attachés. In the Far East and south Asia there are only 19 commercial officers, as compared to 1,242 noncontract personnel in the International Cooperation Administration. The expanded corps of commercial attachés could ferret out export and investment opportunities and could give real assistance to American businessmen if they were not tied down with other minor duties in the embassies. Investment promotion along with trade promotion in the less developed areas should be a fixed responsibility of an expanded professional corps of commercial attachés.

Second, the United States should take the lead in negotiating a multilateral investment agreement, preferably under the auspices and supervision of the United Nations. Such a treaty would provide uniform guarantees as an incentive for private investment. It would also provide guarantees to dispel fears of colonial domination. Such a treaty could make for expanded private investment in much the same manner as the General Agreement on Tariffs and Trade maintains world trade at maximum levels.

Third, in the past we have recognized the importance to the national interest of grant aid and credits to the developing nations. We somehow have forgotten the importance of export credits and export guarantees to cover American exports. As a result, the American exporter has been placed at a disadvantage, in competition with Japan and those countries of Western Europe which have such liberal credits and guarantees. Most American businessmen in Asia will confirm that in this competition, export credits of the Export-Import Bank are inadequate and time consuming. Our export credits and guarantees should match those of our competitors.

Fourth, in our concern for aiding the so-called social overhead programs, we and most of the countries of Asia have neglected the need for providing long-term, low-interest capital to nationals of the developing countries, for the expansion of small industries. The new Industrial Development Bank in India is a new departure in indirect aid. Not only does it provide a stimulus to pent-up private initiative, but the initial capitalization serves as a continuing revolving fund which permits a chain reaction of private initiative.

As a final measure, I point to the need for international agreements to maintain the exports of the underdeveloped countries at a maximum level. They cannot buy from the developed countries unless the developed countries buy from them. Economic history has pretty well confirmed the mutual advantage of an expanding market. The alternative is interminable grant aid and the political implications that would accompany economic stagnation.

In conclusion, Mr. President, let me state that the brevity of my remarks on this vital subject is due to the nature of the current civil rights debate. I intend to discuss the matter at greater length after the issue of civil rights legislation has been attended to by the Senate.

IMPORTANCE OF THE RURAL ELECTRIFICATION ADMINISTRATION AND THE RURAL COOPERATIVES

Mr. JOHNSTON of South Carolina. Mr. President, I hold in my hand a copy of an editorial entitled "Lest We Forget: Potent Reminder of Benefits From a 'Revolution'." The editorial was published in the March 4, 1960, issue of the Anderson (S.C.) Independent, and was written by the honorable Wilton E. Hall, formerly a Member of the U.S. Senate.

Senator Hall points up the revolution in rural living which was fostered by the Rural Electrification Administration. I, as a former Governor of South Carolina, also recall vividly our early efforts, as well as the subsequent success. Today, close to 100 percent of the homes in rural South Carolina have electricity.

I ask unanimous consent that the editorial be printed in the body of the RECORD.

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

[From the Independent, Anderson (S.C.) Mar. 4, 1960]

LEST WE FORGET: POTENT REMINDER OF BENEFITS FROM A "REVOLUTION"

"Gone are the slavelike tasks of the mother who cooked on a wood stove in a small kitchen on a summer day with the thermometer registering around 100°

"Gone are the black washpots, the wooden scrubboards, the heavy smoothing irons, the hot wood fire used to heat the iron on a July day, and the smoking kerosene lamps and lanterns.

"Compare, if you will, the era of the 1920's and the early 1930's when rural people had little of the necessities, to say nothing of the conveniences, such as electric current.

"To compare a rural community of today with one in earlier years, our community is a 'dream land.'"

This reminder is from the pen of F. W. Brown, manager of the Little River Electric Cooperative, which has nearly 4,000 customers along 1,438 miles of energized lines in Abbeville, McCormick, and Anderson Counties.

Writing in the South Carolina Electric Co-Op News, Mr. Brown, not only reminds of past accomplishments, often made against odds but warns of present dangers. To quote further:

"Many of us can remember the early years when efforts were being made by our leaders to get electric service built into their communities, but there was no company, agency or organization that could or would furnish this service.

"There were those dedicated men and women then who sought out and with the help of loan funds from the Rural Electrification Administration did just the thing needed, which was to organize our cooperatives to furnish themselves with electric service.

"The job was done and done well and the story of the cooperatives has been a success story.

"However, there is propaganda in the present day which would, if carried out, destroy our cooperatives and many of our people who are receiving electric service in our sparsely settled rural areas would be deprived of this service if the aim of this propaganda is accomplished.

"An uninvited challenge has been thrust upon us by those who oppose our program and call it socialistic and a big government giveaway.

"The rural electrification program today is no more socialistic and a big giveaway than it was in the 1930's when it was proclaimed as to the best thing that ever happened to America by everyone and the opposition was none or, at least, silent, because the public acceptance was in such a vast majority no group could oppose such a program that was to serve a vital segment of the American people with a necessity that had not been their good fortune to have.

"The territory served by the rural cooperatives was of poor economic value and it was thought the cooperatives would never pay for themselves and in a few years they would be liquidated and absorbed by other groups who are today attacking us with the hope to destroy us by adverse propaganda and political influence."

Mr. Brown goes on to point out that "the opposition of today stems from the very fact that rural electric programs have been a success and efforts are being made to curb our operations and rights as a cooperative serving its members on a no-profit, competitive cost basis."

The propaganda of which Mr. Brown speaks is to be found on all sides—in advertisements, in speeches before civic groups, on radio, TV, and elsewhere. Real professionals have been hired for this fight to discredit any power-producing facility or distribution system not owned by close-held private corporations.

The political influence to which he refers is to be found in the insistent drive in Washington to raise the interest rates charged on loans to REA co-ops. The cry, as he says, is "giveaway."

Senator OLIN D. JOHNSTON voiced the answer to that cry recently in an address before the national electric co-op meeting in St. Louis when he declared that not 1 cent of the national debt can be blamed upon the rural electric co-ops.

Loans to co-ops have been repaid with interest faithfully and regularly. And he said he wished, as we do, that the same could be said for the billions of dollars that have been poured out to foreign nations during the past 30 years.

Closer home, the rural co-ops are faced with the threat of their systems being nibbled away in areas where franchise and service disputes have arisen as a result of rapidly expanding suburban populations.

Mr. Brown's advice to those who are vitally interested in retaining their systems at reasonable cost is to do more than talk about it. He advises taking pen in hand and letting State and national legislators know how the customers feel.

The coming of REA and the rural co-ops constituted a real revolution in rural living—the greatest revolutions in American rural living in the history of the Nation.

Since successful revolutions always breed reactionaries, Mr. Brown's reminder is both timely and necessary, for it is human nature to forget conditions that prevailed before arrival of what, too often, is now taken for granted.

ONE HUNDRED AND TENTH ANNIVERSARY OF BIRTH OF THOMAS G. MASARYK

Mr. HRUSKA. Mr. President, today, March 7, marks the 110th anniversary of the birth of Thomas G. Masaryk, founder and President-liberator of the first Czechoslovak Republic.

There was dedicated to his memory a new commemorative postage stamp by the U.S. Post Office Department, which is the sixth in the "champion of liberty" series issued in tribute to leaders in the cause of freedom everywhere.

The celebration on the commemorative stamp and its first day of issue today began Saturday, and continued yesterday and today, under auspices of a group of patriotic organizations whose membership is composed chiefly of American citizens of Czechoslovak ancestry. There are 14 such organizations. Last evening a banquet was held which was attended by some 400 persons. Today, before a capacity audience in the Interdepartmental Auditorium at 12th and Constitution Avenue in Washington, there were official ceremonies of commemoration.

Mr. President, at that meeting there was handed to Postmaster General Arthur Summerfield a check for $250,000, representing advance purchases of this commemorative stamp. It was handed to him by the cochairmen of the Thomas G. Masaryk Stamp Committee, namely, Mr. Karel Prchal, of Chicago, and Dr. James J. Matejka, Jr., of Chicago.

Tabulation of advance sales is not yet completed. It is expected that the sum will be increased by about $100,000.

On the occasion earlier today, remarks were made by the Honorable Arthur E. Summerfield, Postmaster General of the United States, by the Honorable Livingston T. Merchant, Under Secretary of the Department of State, and by myself.

I ask unanimous consent that these three speeches be inserted in the CONGRESSIONAL RECORD at this point in my remarks, together with a manuscript covering a broadcast for Voice of America, in which the Senator from Nebraska participated last week, and a description of the commemorative stamp which appears on the official souvenir program issued for that occasion.

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

REMARKS OF SENATOR ROMAN L. HRUSKA AT THOMAS G. MASARYK STAMP CEREMONY, WASHINGTON, D.C., MARCH 7, 1960

Today, on the 110th anniversary of his birth, we honor and pay tribute to Thomas G. Masaryk as a personality, as a symbol, and a leader of a brave people—a true champion of liberty.

Although he was of lowly origin and had many obstacles to overcome, by the time Masaryk was 60 years of age, he had gained worldwide standing and recognition as an educator, author, philosopher, statesman, and humanitarian. It was about that time—when he was 60—that he was honor guest at a testimonial dinner, given with the idea that he had reached the apex of his career.

Four years later, with the outbreak of World War I, he flung all of his strength, energy, and vitality into the battle for his country's independence. There followed 4 years of amazing and widespread activity and travels that took him back and forth across Europe and around the world. He was without government treasure and without the prestige of a country to back him up.

Yet by sheer force of personality, untiring effort, and unbounded faith, he achieved wonders.

A noted journalist and author (John Gunther, "Inside Europe") wrote: "Masaryk—what grandeur the name connotes: The son of a serf who created a nation; the blacksmith boy who grew to have the finest intellect of the century, the pacifist who organized an army that performed a feat unparalleled in military annals—the Czechoslovak legions who marched across Siberia to the Pacific; the philosopher who became a statesman in spite of himself; the living father of a state who is also its simplest citizen; an unchallengeably firm democrat who is the debacle of the modern world still believes in the rule by tolerance; the man who more than any other smashed the old Austro-Hungarian empire so that Czechoslovakia, a free republic rose from its ruins—the stablest, strongest, and most prosperous of the succession states."

But today, Czechoslovakia is a captive nation. For 12 years it has been enslaved and oppressed by a relentless power which seeks to fasten a similar fate upon all nations and peoples the world over.

Yet there abide in that country the patriotism and the fierce love of liberty which serve as a foundation for eventual deliverance from bondage.

That yearning for liberty is not vocal today. It may appear to be at low ebb. But we need only to recall the 300 years of repression preceding 1918 to realize that the hope and goal of freedom can live under oppressive conditions for a long, long time.

Also we can well recall the feat unparalleled in military annals when the Czechoslovak legions marched across Siberia to the Pacific. It was conceived and sustained to completion by the magnetism of Masaryk's leadership. About 40,000 troops from among Czechoslovak Nationals, many defecting from the Austrian Army, assembled in Southern Russia, with the idea of joining Allied forces of the Western front. But the fall of the Czar and unsettled conditions in Russia made it impossible to do so successfully except by going around the world. That is exactly what they did, displaying a daring and fortitude which captured the imagination and admiration of the entire world.

This epic may well foretell a time when feats of similar nature and daring will be repeated, not only in Czechoslovakia but in other nations as well.

The Kremlin strives hard to have the free world accept the false notion of monolithic power inherent in the Soviet Republic. Constantly they speak of a Soviet nation, or the Soviet people, or the integrated Soviet military might, in an effort to win acceptance for the illusion of a united unified Soviet Republic.

The plain fact is, however, that the U.S.S.R. is a basic empire of captive nations and suppressed peoples. Non-Russian divisions compose a substantial part of the apparent Soviet strength both militarily and economically. Talk to the contrary denies the truth.

The pressure for freedom of those millions in captive nations is a realistic deterrent and a heavy limitation on further Soviet aggression.

As long as the spirit of resistance in captive nations remains alive, the Soviet Union must reckon, not only with forces of their external enemy, but also with the unreliability of its satellite armies and the insecurity of the Soviet westward lines of communication and supply. They will be required to allow in their planning for a substantial part of their armed forces for security duty in captive countries.

But that spirit of resistance and its deterrent effect should not be taken for granted. It must be bolstered by continuing acts of the free world.

It should be made clear to those unfortunate people that moral responsibility toward the captive millions is basic in American foreign policy, one of the foremost goals of which is the peaceful but unremitting support for the restoration of freedom to those who have been deprived of it by communism.

They should be reminded that we are not and cannot be reconciled to the captivity of millions by Communist masters, nor do we regard it as a permanent condition; that our policy in relation to Communist satellites is emancipation—achieved, not by use of force from without, but primarily by the appeal of freedom to the minds of men everywhere. For the achievement of emancipation, our weapons are not military, but ideological, psychological, political, economic, and diplomatic.

We fully realize that for these nonmilitary forces to be fully effective our military power must be sufficient to neutralize the threat of Communist arms. The fact is that our power is confidently sufficient for that purpose today, and we have a determined, assured purpose and capability to keep it increasingly so for the future.

Notwithstanding all this, our ultimate weapon for satellite emancipation is the inherent desire in all men for freedom.

With these thoughts in mind, it is clear that in honoring Thomas Masaryk as a champion of liberty, we are doing more than merely recalling his greatness.

In reality, the event has the greater purpose and effect of helping the people of Czechoslovakia to reaffirm and keep alive their faith in the universal principles of justice and right; to keep alive the hope that self-determination will once again be effective; and that freedom and independence of captive nations are a political objective of the free world, which it is determined to continue to pursue by all peaceful, nonmilitary means, and with unremitting vigor.

Seven years ago, when President Eisenhower took office, he declared: "We shall never acquiesce in the enslavement of any people in order to purchase fancied gain for ourselves."

In more recent time, he stated, "There can be no true peace which involved acceptance of a status quo in which we find injustice to many nations, repression of human beings, on a gigantic scale."

People of America have fully and consistently supported these declarations and all their implications.

Those assembled here this morning are among the many millions who have given of their support to the President in his incessant search for peace. Many here today are representing organizations which have had a prominent role in the building of a loyal and strong citizenry in our Nation. They are all to be highly commended for their achievements, and for their presence here.

Their enthusiastic presence here is in keeping with the preachments of the great Thomas Masaryk to American citizens of foreign birth or origin when he taught and urged that their first and primary obligation was a loyalty of fullest devotion to America; and only when that was achieved could they consider themselves privileged to extend to the land of their forbears any assistance not in conflict with American objectives.

Fortunately, all Americans regardless of their national origins may join and rejoice in today's Thomas Masaryk stamp ceremony, because to do so not only subserves so well the cause of a true peace, but also is in keeping with and advancement of the moral principles of the free world to which our country is thoroughly dedicated.

It is in that spirit we pay tribute and honor to the President-Liberator Thomas G. Masaryk, champion of liberty, on the occasion of his 110th anniversary of his birth.

May the time come soon when the natural yearning for freedom, still felt so thoroughly by his oppressed fellow countrymen, will be richly fulfilled.

Let the time come soon when the words "Byli jsme, a budem" will become a reality and be proven true once again.

I conclude my remarks here in words and fashion as my father and grandfather would have done, by saying, "Na zdar."

ADDRESS BY THE HONORABLE ARTHUR E. SUMMERFIELD, POSTMASTER GENERAL OF THE UNITED STATES, AT THE THOMAS G. MASARYK STAMP CEREMONY, WASHINGTON, D.C., MARCH 7, 1960

It is our privilege, here, to honor the memory of another great champion of liberty—Thomas G. Masaryk, the father of the first Republic of Czechoslovakia.

To all our distinguished guests, may I extend a cordial welcome.

The occasion is most appropriate, for today is the 110th anniverstry of Masaryk's birth.

The United States Post Office Department salutes this brilliant scholar, author, statesman, and patriot by dedicating to his memory a new commemorative postage stamp. It is the sixth in the "Champion of Liberty" series, issued in tribute to leaders in the cause of freedom throughout the world.

Thomas Masaryk was such a leader. His long and valiant fight for the independence of Czechoslovakia won the admiration and active support of freedom-loving peoples everywhere, including the people of the United States.

Masaryk was truly a soldier for freedom—a soldier who fought with the powerful weapons of ideas, logic, and eloquence.

He declared, as we declare today, that love of freedom knows no national boundaries. It is universal; it has flamed in the hearts and minds of people of all races and creeds through the ages.

In this spirit, the American people felt, and still feel, a strong kinship with him. But there were other reasons as well.

He was married to an American girl and took her family name, Garrigue, as his middle name.

The democratic ideals he advocated and the institutions he helped to establish were influenced significantly by American concepts.

And, as many of our leaders have done in this country, Masaryk rose from humble origin to the Presidency of his country and to a place of honor among his people.

He was born in Moravia in 1850. His father, a native of Slovakia, was a coachman employed on one of the Austrian imperial estates. His mother was a Czech. As a boy he attended a Czech school.

Later while studying to become a teacher, in accordance with his parents' wishes, young Masaryk supported himself, as did many poor students, by tutoring. At that time, of course, the Czech and Slovak lands were part of the Austro-Hungarian Empire.

Masaryk turned to politics a few years after he had become a professor of philosophy at Charles University in Prague. He did so with the conviction that cultural nationalism in the fields of history, folklore, literature, art, and music would not reach fulfillment unless his people also enjoyed political independence.

His views won for him the ardent support of the crusading Young Czech Party, which in 1891 elected him to Parliament.

In succeeding years, both in and out of the Parliament, he carried forward an eloquent campaign for independence. And, as often happens, his courage brought him not only devoted followers but powerful enemies.

When World War I broke out, Masaryk escaped from certain arrest and imprisonment, and, during the next 4 years, conducted an intensive political campaign from other countries on behalf of Czech liberation from Hapsburg rule.

In this campaign, he was aided by Eduard Benes, a Czech; Milan Stafanik, a Slovak, and other dedicated leaders in the fight for freedom.

The untiring efforts of these men succeeded in uniting Czechs and Slovaks abroad, in mustering military units of their countrymen to fight for the Allies, and in arousing worldwide public opinion in behalf of Czechoslovakia's liberty.

Masaryk came to the United States in May 1918. He quickly won from our Government a formal declaration of sympathy with the cause of Czechoslovak independence. The Allied governments supported that declaration and, with the United States, recognized Masaryk's National Council as the de facto government of the future Czechoslovak State.

The crowning success came in October 1918, with a formal declaration of Czechoslovak independence. Masaryk was unanimously chosen by the National Council as the first President.

He served as President continuously from 1918 until 1935, at which time he resigned because of his advanced age. He was then in his 86th year. He was succeeded as President by his longtime colleague, Eduard Benes.

Masaryk's death 2 years later, on September 14, 1937, united his people in deep and heartfelt mourning for the great founder and first President of the Republic.

During his long and fruitful life, Masaryk was ranked highly as both a statesman and a philosopher, and the two fields were closely related in his career and his political views.

As a philosopher, he stood for a unified conception of life. In this unity he believed that spiritual values should have equal places with the intellectual and political aspects of life.

These values and the ideals for which Masaryk stood, without doubt, are cherished as deeply as ever by his liberty-loving people.

These stamps commemorating this champion of liberty go on sale in Washington today. Beginning tomorrow, they will be sold in all of our Nation's 36,000 post offices.

As in the past, some 120 million stamps are being issued in the 4-cent denomination for use on first-class mail in the United States and 40 million of the 8-cent denomination for use on international surface mail.

The 4-cent stamps are printed in blue, while the 8-cent denomination is in yellow, blue, and red. President Masaryk's likeness is shown in the center of these stamps, with the dates "1918–1935" and with the words "President—Czechoslovakia—Patriot" around the milled edge.

The pictorial cancellation used on first-day covers sent from Washington, D.C., today features a view of Hradcany Castle in Prague, with the historic words "Truth Prevails."

We now dedicate these Masaryk stamps with the hope—indeed, the conviction—that they will carry a clear message, not only to the American people, but to peoples throughout the world.

It is the message of friendship, of shared aspirations, and of the living inspiration a champion of liberty leaves behind as a priceless heritage to be preserved by us all.

ADDRESS BY THE HONORABLE LIVINGSTON T. MERCHANT ON OCCASION OF CEREMONY DEDICATING THOMAS MASARYK CHAMPION OF LIBERTY POSTAGE STAMP, MARCH 7, 1960

I am pleased to be here today to share in paying homage to Thomas Masaryk. In honoring him as a champion of liberty, we also mark our dedication to the principles by which he lived and which he translated into action in his own country—principles of freedom and human dignity which are fundamental in American society and which motivate us in our international relations.

In paying tribute to President Masaryk we honor both the father of Czechoslovakia and the social philosopher, who looked at life and society from a deeply moral point of view. His strong convictions as to the democratic and moral basis of the state helped to shape the free Czechoslovakia that played so influential a role in European affairs. He expressed these convictions when he said that "no state, no society, can be managed without general recognition of the ethical bases of the state and of politics; and no state can long stand if it infringes the broad rules of human morality."

Interested in American history and institutions, Masaryk was impressed by the Jeffersonian philosophy of democratic federalism—represented in the voluntary association of free people. Concerned with the freedom of Czechoslovakia and her neighbors, Masaryk was outspoken in his advocacy of freedom and self-determination for these peoples.

It is fitting that we today refer to these principles, to which the United States has given—and continues to give—its full support. In championing the aspirations of these European nations for independence almost half a century ago, the United States respected their right to establish by their own free choice the government and institutions which best satisfied their needs as they saw them. Today we continue to support the right of these peoples to institutions of their own free determination. It is an article of American faith that in the spirit of Thomas Masaryk, free men remain dedicated to the search for freedom and human dignity for all mankind until these high goals are realized.

THOMAS GARRIGUE MASARYK "CHAMPION OF LIBERTY" STAMP CEREMONY, MARCH 7, 1960

The Thomas Garrigue Masaryk set of "champion of liberty" stamps go on first-day sale at Washington, D.C., today, March 7, 1960, the 110th anniversary of Masaryk's birth. Tomorrow the stamps will be available in more than 36,000 post offices of the United States.

The Masaryk stamps, 0.85 by 0.98 inches in size and arranged vertically, are in two denominations. The 4-cent denomination is blue, and 120 million have been printed on the Cottrell press for use on domestic first-class letters. Forty million of the red, blue, and ocher 8-cent denomination, printed on the Giori press, are for use on international surface letters.

In both instances the medallion likeness of Masaryk is based on a photograph of a

bust furnished to the Post Office Department by the library of the U.S. Information Agency. The wording "T. G. Masaryk—1st President—Czechoslovakia—Patriot 1918–35" encircles the head on the medallion, which is suspended from a ribbon.

Directly above the medallion is the Torch of Liberty and two sprays of leaves. The words "champion of liberty" from the top of the stamp and "U.S. Postage" the bottom, both drawn in modified Gothic. The denomination numerals are shown in the lower right corner.

The visual plan for these stamps was developed by Arnold J. Copeland, a member of of Post Office Department's Citizens' Stamp Advisory Committee. Two other committee members, William H. Buckley and Ervine Metzl, collaborated on its design.

The models and engravings for the two denominations were made by William K. Schrage, Richard M. Bower, and George A. Payne, of the Bureau of Engraving and Printing.

INTERVIEW OF THE CZECHOSLOVAK SERVICE OF THE VOICE OF AMERICA WITH THE HONORABLE ROMAN L. HRUSKA, U.S. SENATOR FROM THE STATE OF NEBRASKA

Question: "As chairman of the Masaryk 'Champion of Liberty' Commemorative Committee of the Czechoslovak National Organizations of the United States of America, Senator HRUSKA, you are certainly very well informed as to how Americans of Czech and Slovak descent responded to the announcement last October of the Postmaster General concerning the issuance of special stamps with the picture of Thomas Masaryk on his 110th birthday?"

Mr. HRUSKA: "The announcement that a special American stamp would honor Thomas Masaryk was received with considerable joy by Americans of Czech and Slovak origin all over the United States. As Senator from the State of Nebraska, I am naturally especially informed about public opinion in the American Middlewest, and I know that in cities like Omaha, Cedar Rapids, Chicago, and in several other cities great celebrations of this year's Masaryk anniversary have been prepared. The focus of all these festivities, of course, will be on Washington where Americans of Czech and Slovak origin from all parts of the United States will gather on March 7."

Question: "Will the United States Congress in any way make note of the issuance of the Masaryk stamp?"

Mr. HRUSKA: "Yes, the American Congress will also commemorate the birth of the first President of the Czechoslovak Republic during the week beginning on March 7, and there will be several special addresses in the Senate as well as in the House of Representatives to mark this occasion. I have been one of those chosen to have the honor of speaking on this occasion in the Senate. By these remarks, both Chambers of the American Congress will honor the memory of President Masaryk and draw attention to the issuance of the special stamps on his birthday. It will be recorded for history in the CONGRESSIONAL RECORD and in the Archives of the Congress how America has valued Thomas Masaryk's life work and respected his name."

Question: "How do you feel personally about this celebration which has received such an enthusiastic response all over the United States?"

Mr. HRUSKA: "For me as Member of the American Senate and as an American citizen whose parents both were of Czech origin, the issuance of a special stamp honoring the first President of the Czechoslovak Republic, is a doubly joyous occasion. That the country whose citizen I am celebrates the 110th birthday of Thomas Masaryk makes me proud, while at the same time I feel sad that his native land, under Communist rule, suppresses and even abuses this very memory. For Thomas Masaryk is a man of the universal world, esteemed as one of the apostles of democracy in much the same way that we esteem Washington and Lincoln. His philosophy of humanism is a sublime, beautiful, and infinitely higher concept than Communist materialism that has replaced it, with its dedication to class struggle, the cruelty of which has horrified us and filled us with disgust. Think of Masaryk's motto, 'Truth Prevails,' and is it not far superior to the Communist principle that the ends always justify the means.

"As long as Czechoslovakia adhered, and was able to adhere to these great ideals of Masaryk's, it was an island of peace and a prospering state. Democratic Czechoslovakia was also the closest friend and a faithful partner of the United States of America, which contributed so much to her freedom, during the First as well as during the Second World War.

"I trust that I will live to see the day when the United States of America will again be able to consider Czechoslovakia among its closest partners and friends, when no citizen of Czechoslovakia will be intimidated to speak openly Thomas Masaryk's name, and when in his native land as well as in the rest of the world he will again be held as the 'President-Liberator'—the Father of his Country."

Mr. DOUGLAS. Mr. President, today, March 7, is the 110th anniversary of the birth of Thomas Garrigue Masaryk, the President-Liberator of Czechoslovakia. He is being honored as a "champion of liberty" by the U.S. Government at an impressive ceremony in the Interdepartmental Auditorium in Washington. Today, a 4-cent and 8-cent stamp of the great teacher and statesman is being put into circulation. Speeches of commemoration in Congress and other gatherings will pay tribute to this great democratic leader.

Masaryk of Czechoslovakia is called the "father of his country" for his leading role in World War I in restoring his country's independence. He does not belong to Czechoslovakia alone, however, but to freedom-loving men everywhere.

Like Lincoln, Masaryk was of very humble origin, the son of a coachman in the little village of Hodonin, Moravia. Like Lincoln, his example is a constant source of inspiration to men of all nations.

Masaryk began his career as a Privatdozent, or teacher, in Vienna in the days of the Austro-Hungarian empire. Three years later he was appointed to the chair of philosophy at the Czech University of Prague, a post he retained for almost 30 years. As a teacher he exerted a deep influence over the intellectual class which extended far beyond his country as more and more Slav students, especially Croats and Serbs, fell under his spell at the University.

Soon he was drawn irresistibly into political life. In the prewar years he was a deputy for a Czech party in the Austrian Parliament where he rallied together the liberal, modern forces. Although Masaryk was a peace-loving man, he was always the center of a heated controversy. In parliament, he was against the dishonorable conduct of statesmen and won the lasting gratitude of the Yugoslavs for exposing the judicial scandal of the notorious Zagreb Treason Trial.

Masaryk, a true champion of the underprivileged and downtrodden, fought the deeply rooted social prejudices of his day. The best known example is the Hilsner case. At the turn of the century, there was a great anti-Semitic outburst in Austria. Hilsner, a Jew, was charged with the ritual murder of a Christian girl. Masaryk staked his future on the lonely fight against the myth of ritual murder "not for Jews alone but to free all people from stupefying hate." It took an incredible amount of courage to take up the unpopular cause. Masaryk faced angry mobs and was hooted at the university; he even had to discontinue his lectures for a time, but in the end he won out. Eventually, Masaryk was repaid in an unexpected way many years later, in World War I, when he came to the United States to plead his cause for an independent Czechoslovakia. Not only Jews, but many other Americans remembered his gallant flight and supported his new drive for freedom.

In peace and war, Masaryk always applied realistic methods to his philosophy. Masaryk first reasoned things out carefully to reassure himself that the issue was a moral one. And thus it came about that a man who hated war became a great war leader.

When World War I broke out, Masaryk carefully analyzed the situation and when he convinced himself that the Hapsburg monarchy would never mend its ways, he broke with the Hapsburgs for moral reasons and went into exile to head the movement for the independence of his country. Masaryk was 64 years of age at the time. His fighting spirit defied the most desperate situations. As a war leader he planned further ahead than his contemporaries. The earlier war years he spent in London. In 1917, he went to Russia after the first revolution, in time to organize the Czechoslovak legions, where he fired the men with the dream of their country's independence. Later on, these legions were the first to fight the Bolsheviks in their famous trek across Siberia.

From Russia, Masaryk came to the United States. In the last months of the war he met with President Wilson. It was a momentous meeting of two philosopher-statesmen, men with a great vision for mankind. In October, 1918, Masaryk drew up the Declaration of Independence of Czechoslovakia with the American model in mind. It was signed on October 26 in the historic Declaration Chamber in Independence Hall, Philadelphia. In December, 1918, the President-elect of a free Czechoslovak Republic returned home.

For 17 years Masaryk presided over the destinies of his people. Under his guidance, Czechoslovakia became a democracy, despite great postwar internal problems and the growing outside pressures of rising Hitlerism and communism.

As President, Masaryk put humanity above party or nation or state—"patriotism is not enough in itself." Moral ideas and principles of a wider humanity, he urged, must be in the foreground of practical action. His humanism demanded that evil be fought everywhere, even when it does not endanger us immediately.

It is not enough that I feel a beggar's misery when he stands before me, disturbing my comfort. Today love means much more—no peace of mind while physical and moral misery exist. Today love means to work tirelessly" ("The Social Problem," TGM).

This is how Masaryk understood democracy:

Democracy * * * rests on the humanitarian principle that no man shall use another man as an instrument for his own ends; that no nation shall use another nation as an instrument for its own aims. This is the moral purport of the political principle of equality, or equal rights.

No wonder that the Communist regime in Czechoslovakia has banned Masaryk's books and that it has distorted history in an effort to wipe out Masaryk's influence on his people. It will be interesting to note the behavior of the Communists when thousands of letters with Masaryk stamps begin to arrive behind the Iron Curtain.

Masaryk fought any form of dictatorship and firmly believed that "democracy must become the faith of all, a world view." He built upon a basis of belief in God's justice and confidence in the principle of "consent of the governed." The ultimate goal, as Masaryk saw it, was to be first a European and finally a world federation, federated by free consent and not through force—"Federation without freedom is impossible"—"The New Europe," TGM.

Although his country is now enslaved by brutal force, Masaryk, were he alive today, would never lose faith in the ultimate triumph of right. And his principles were deeply implanted in the hearts and minds of his fellow countrymen who have not surrendered the hope of liberty despite the present reign of tyranny installed and maintained by the Soviet Union.

Masaryk knew America and loved America. He was here as a student and later came back for prolonged visits. His wife was an American woman. His foremost political work, called World Revolution, speaks of America at great length and always with affection, as a democracy built on religious foundations. Masaryk wrote that the American Constitution was a code of pioneer thinking, and he had great respect for the American system.

In his writing Masaryk talks with admiration about American literature. The literature of every nation, he said, is a mirror of its soul and the best means of getting to know its people. It was Masaryk who, in the twenties, saw to the establishment of the Anglo-American Library which published the first Czech translations of modern American literature. He loved the realism in American writings, the strong element of progressive thinking, struggle for freedom, and respect for the pioneer woman, and he admired the large number of American women writers.

There was a close friendship between Masaryk and President Woodrow Wilson; both were university professors, with similar methods of dealing with political problems. Masaryk saw in Wilson a sincere and a conscientious interpreter of Lincoln's democracy, of American cultural and political ideals.

The people in Czechoslovakia did not give up their love for Masaryk. The Communists did not succeed in stomping out Masaryk's memory from the hearts of his people. And that also means, I am reliably informed, that the present regime in Czechoslovakia has not managed to destroy in the people Masaryk's positive feeling toward America.

The United States, I believe, remains for Czechs and Slovaks the symbol of freedom, progress, and democracy—as Masaryk saw it and loved it. So, let us prove to his people that we have not forgotten their most beloved President-Liberator, Thomas G. Masaryk.

America needs a free Czechoslovakia, as it was under Masaryk's leadership, to hold an important post for democratic culture and government in Central Europe—today even more than in Wilson's day. In the changing relations of nations Masaryk and his life's work remain for that area the cornerstone on which, let us hope, we shall build again.

The world today needs a Masaryk badly, a spirit fired with enthusiasm and vital faith in man's future, a spirit strong and unbowed, a spirit coupled with a capacity for effective action. To Masaryk moral principles were scored and compromise or coexistence with evil were unthinkable. The honor bestowed upon him by the U.S. Government today comes at a crucial time in our history when his guiding principles come to haunt us for our failures, to warn us of the terrible consequences of immoral compromise with evil, and to inspire us all to more resolute action in the cause of human freedom.

We pay homage today to the strong, wise, and noble man whose strength and love of man have made him a shining light in a period of darkness for his own people and in a period of doubt and fear for many others.

Mr. SYMINGTON. Mr. President, March 7 marks the 110th anniversary of the birth of Thomas G. Masaryk, first President of Czechoslovakia and President-Liberator of his people.

Time has not changed the meaning of Masaryk's teaching. His words are as alive as when they were written many years ago.

Masaryk believed that theory and practice were necessary to each other. He wanted politicians to be philosophers and wanted philosophers in politics, in touch with the people.

Thus when we call Masaryk a democrat, we mean he was a theoretician of democracy and a practicing democrat as well. Whatever he wrote or preached he carried out to the utmost.

During the First World War, Masaryk wrote a treatise called New Europe. In it he set out a plan for federalization that the nations of Europe are now—40 years later—thinking of seriously.

Masaryk knew better than Hitler that Europe could not be united by force, because her free people abhorred force.

The Europe of today, divided along the Elbe River, is just the opposite of what Masaryk understood as unification. It is contrary to his ideal because that unification was accomplished by the Soviet Union by force and suppression of freedom.

Still, Masaryk's effort was not in vain. Those who know the history realize that progress marches at a slow and heavy pace and that each step demands new sacrifices and new strife.

Some day—when a free Europe will be firmly established in a free world—Masaryk's name shall be one of the main milestones along the road to a better political future.

Masaryk was a great philosopher on a small post of Europe. The world did not rise in protest when this post collapsed after he died. Yet his post was in the heart of Europe, and Europe cannot be united without its heart. Neither Munich nor the usurpation of Prague by Communists after the Second World War, was a solution for Europe.

We believe, as Masaryk, that the people of Eastern Europe will never be content until they take their place in freedom with the nations of the world.

Mr. PROXMIRE. Mr. President, today being the birthday anniversary of one of the world's greatest democratic philosophers and statesmen—the late Thomas Masaryk, liberator, and President of Czechoslovakia—it is appropriate for this body to pause to pay tribute to him and to the valiant and liberty-loving people of Czechoslovakia.

The U.S. Government recognizes the greatness of Thomas Masaryk today by issuing a commemorative postage stamp honoring him in the "Champions of Liberty" series. This stamp will be issued in ceremonies in Washington by the Post Office Department.

By this stamp, and by our tributes to Thomas Masaryk here today, we in America reaffirm our recognition of and opposition to the danger of international Communist imperialism, and we reaffirm our sympathy and compassion for the freedom-loving people of Czechoslovakia and the other captive nations.

Mr. President, I ask unanimous consent that a letter to me from leaders of the Council of Free Czechoslovakia be printed at this point in the RECORD. This letter points out that Thomas Masaryk lived by the ideals of our great American statesmen Jefferson and Lincoln. He was married to an American, and considered America his "second homeland." But in his leadership and devotion in the cause of world peace and freedom he has assuredly contributed, in greater measure than he has received, to the spirit of American democracy and liberty.

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

COUNCIL OF FREE CZECHOSLOVAKIA,
Washington, D.C., February 22, 1960.

DEAR SENATOR PROXMIRE: The silenced Czechoslovak people in the homeland are not permitted by their Communist oppressors to celebrate publicly the 110th anniversary of the birth of their beloved President-Liberator Thomas Garrigue Masaryk (March 7, 1850).

The Council of Free Czechoslovakia speaking on behalf of the captive people take the liberty to ask you to remind the American public of Masaryk's greatness.

The more the free world must resist the onrush of totalitarian forces, the more Thomas Garrigue Masaryk, first President of the Czechoslovak Republic, begins to stand up as one of the greatest thinkers and statesmen of this century. For Masaryk considered democracy the only form of government worthy of the dignity of the modern free man. His whole life was spent in fighting for the idea of democracy. He took issue with the teachings of Marx, he denounced Bolshevism; and the volunteer army of the Czechoslovak Legionnaires, whose commander in chief he was, was the first army that stood up with arms to the Bolshevik expansion already in 1918. In his "Making of a State" Thomas G. Masaryk clearly analyzed all periods of democracy and outlined the way for mankind to prevent its downfall. Throughout his three terms as President of the Czechoslovak Republic, the founding of which was largely attributed to his efforts, he continued as democracy's strongest champion. T. G. Masaryk was the first statesman to propagate the unification of Czechs and Slovaks in a common state. After he went abroad to organize the Czechoslovak liberation movement—in cooperation with Milan Rastislav Stefánik and Edward Beneš—he succeeded to convince the Allied governments to endorse the setting up of Czechoslovakia, a Republic of Czechs, Slovaks and Carpatho-Russians. (These last joined the united movement of making a new state voluntarily later.) As a result Czechoslovakia became a flourishing island of peace in a world tossed about by disorders and revolutions.

Exactly 40 years have elapsed since Czechoslovakia, headed by President Masaryk, inaugurated its new democratic constitution. It was altogether a modern constitution which encompassed and guaranteed all basic freedoms. Its preamble purposely paraphrased the preamble of the Constitution of the United States to demonstrate the ideological proximity of the two nations.

Thomas G. Masaryk lived by the ideals so dear to every American since he was inspired both in the struggle for his nation's independence and in his function as President by the ideas of Jefferson and Lincoln. In his radio message to the American people, the 87-year-old Masaryk said: "Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson. Let others find a solution to their own problems, but let us not allow them to touch our most important treasures: freedom of soul, freedom of word, and freedom of race." This was 6 months before his death and a year and a half before Czechoslovakia ceased to be a free Republic losing its hard-acquired liberty.

Thomas G. Masaryk, then, lived by the ideals which are so close to all Americans and which have made the United States big and powerful. His wife, Charlotte, a great support to him in times of hardship, was an American. Small wonder then that Masaryk once upon a time called America his second homeland. In issuing of the Thomas G. Masaryk "Champion of Liberty" postage stamps commemorating the 110th anniversary of his birth, the United States is reminded that it is paying tribute not only to a great philosopher, statesman, and human being, but also to one of its closest and most devoted friends.

The Council of Free Czechoslovakia thanks you sincerely for anything you will deem appropriate to commemorate the great Czechoslovak educator and scientist, the intrepid fighter for liberty and truth, the great statesman and architect of democracy, the founder of the Czechoslovak Republic and propagator of the federating of Europe and the free world.

Very sincerely yours,

Dr. PETR ZENKL,
Chairman, Executive Committee.

Mr. HARTKE. Mr. President, for years Czechoslovakia was a beacon of freedom in the world.

Through these years the name "Masaryk" was synonymous with this freedom.

Today the light of freedom has been temporarily extinguished in Czechoslovakia. But the people who lived for many years in the warmth of this light have not forgotten the blessings of liberty.

This is why today on the 110th birthday of Thomas G. Masaryk the United States is honoring this great world statesman and fighter for freedom with a postage stamp in the series "Champions of Liberty."

It is my hope that the stamp will help keep alive the precious love of freedom and liberty which beats in the hearts of loyal Czechoslovakians who are today under the yoke of tyranny and that, in this way, the light of freedom soon will go on again in this land which for so long was a symbol of our type of life.

Mr. KUCHEL. Mr. President, in an appropriate action to demonstrate America's warm admiration of a truly brave and devoted apostle of democracy and freedom, the United States today, March 7, commemorates a historic birth, that 110 years ago of Thomas G. Masaryk, the liberator of Czechoslovakia and one of the modern world's fervent champions of liberty.

I feel it will be inspiring to resistance leaders in countries under the heel of the Russian boot and reassuring to exponents of self-determination and independence everywhere to receive pieces of mail from the United States bearing one of the commemorative postage stamps which our Government is issuing in honor of T. G. Masaryk's birth in 1850.

During his life, this great figure had close contacts with America. His wife was an American woman, whose family name, Garrigue, he chose to add to his own Slovak name. The new state of Czechoslovakia was created with American cooperation, on the American pattern of democracy, largely through his associations with President Woodrow Wilson, who enthusiastically applauded the Czechoslovakian declaration of independence, which Masaryk authored.

From early manhood, Masaryk was outstanding as a defender of truth and liberty, even when truth was not popular. Everywhere he saw or experienced injustice, this unselfish patriot sought to expose it to the force of public and world opinion. As an ardent crusader, he fought against persecution of Slovaks by feudal Hungarian lords and as professor at the University of Prague he influenced students in the movement for unification of Czechs and Slovaks. His uncompromising battle against Marxism and communism was typified by bold, defiant action as when after the Bolshevik revolution he decided to withdraw Czechoslovak legions from Russia in protest against brutalities and destruction.

This first President of Czechoslovakia, like our peace-loving Wilson, pursued an ideal which conceivably might have averted World War II. One of his highest ambitions was to bring about creation of a federated Europe. Under his wise leadership he developed into a model democratic state the nation he was greatly instrumental in founding. Its destinies he helped direct for nearly 20 years until his death, at the age of 87, in 1937.

It is altogether proper for the United States to include in the Champions of Liberty series of postage stamps the issue being placed in use on the anniversary of the birth of this monumental personage, this farsighted thinker, this gifted and crusading statesman for man's freedom, Thomas Garrigue Masaryk.

Mr. KEATING. Mr. President, on this date, March 7, 1960, the United States and the entire free world is proud to join with the freedom-loving people of Czechoslovakia in celebration of the 110th anniversary of the birth of the great architect of Czechoslovakian liberty, Thomas Masaryk. A commemorative stamp will be issued by our Post Office on this occasion, and it is a source of profound gratification to me to have been one of the sponsors of this gesture of acclaim to such a distinguished champion of liberty.

Mr. President, on the occasion of the 110th anniversary of the birth of Thomas Masaryk, I wish to make a statement for the RECORD.

Great causes often produce great men who would speak for them, champion them, fight for them, and try to defend them against all assailants. The cause of the Czechoslovak people was such a cause, and, in the person of the late Thomas Masaryk, it found a leader who proved to be the preeminent Czechoslovak statesman of modern times.

This gifted son of a humble coachman, born 110 years ago today, seems to have been destined for greatness in a wide field of human endeavor. He became a great teacher, a distinguished philosopher and man of letters, a stanch and conscientious parliamentarian, a matchless and beloved leader of his people, and an uncompromising champion of freedom and independence. He was great in many ways, but he was resolved to devote all his time and efforts, in the course of his arduous and fruitful life, to fight for the liberation of his people. It was their good fortune that he guided their destiny for almost two decades as the founding President of the Czechoslovak Republic. Today we honor his memory as the great liberator and creator of the Czechoslovak Republic, as an outstanding statesman, and as a stout champion of freedom.

It is all the more fitting that we, in the free world, honor this outstanding man in public tribute since the silenced Czechoslovak people in his homeland are not permitted by their Communist overlords to manifest their underlying admiration and affection for Thomas Garrigue Masaryk.

In issuing of the Thomas G. Masaryk "Champion of Liberty" postage stamps commemorating the 110th anniversary of his birth, the United States gives token of its tribute not only to a great philoso-

pher and statesman, but also to one of its most loyal and dedicated friends.

At the age of 87, in a radio address to the American people, Masaryk said:

> Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson. Let others find a solution to their own problems, but let us not allow them to touch our most important treasures: freedom of soul, freedom of word, and freedom of race.

In honoring Thomas G. Masaryk on this anniversary of his birth, we honor as well the grandeur of spirit and the enduring love of freedom that distinguishes the people of Czechoslovakia. The curtain of tyranny has been raised up between them and the free world, but it can never dim or extinguish the light of freedom in their eyes and in their hearts. Let us pledge anew to them our unfailing devotion to their cause, and our fervent hopes for their return to the free world that Thomas G. Masaryk did so much to create for his fellow countrymen of Czechoslovakia.

In celebration of the 110th anniversary of the birth of the great architect of Czechoslovakian liberty, Thomas G. Masaryk, a commemorative stamp is being issued by our Post Office Department on this occasion, and it is a source of proud gratification to me to have been one of the sponsors of this gesture of acclaim to such a distinguished champion of liberty, Mr. President, on the occasion of the 110th anniversary of the birth of Thomas G. Masaryk.

Mr. BUSH. Mr. President, today marks the 110th anniversary of the birth of Thomas G. Masaryk, the founder and first President of Czechoslovakia. In its "champion of liberty" series, the Post Office Department today will issue a stamp in honor of T. G. Masaryk who, according to many historians, was the most illustrious statesman of the century in central Europe.

When this great and gifted son of Czechoslovakia was born, his country was ruled by autocratic monarchs and his people were suffering under oppressive regimes. At the time of his death in 1937, his country was liberated and united, his countrymen were freed from alien oppression, and were living happily in the recreated democratic Czechoslovak Republic.

The credit for this supremely successful performance of a thoroughly patriotic and humanitarian task goes to the gifted, wise, and modest servant of freedom and liberty, Thomas G. Masaryk.

Liberty was not long enjoyed by the Czechs, however, as they with many of their neighbors came under the domination of the Soviet Union. We trust that the people of Czechoslovakia will one day be free of Communist control and that they will once again enjoy the blessings of liberty.

In honoring the memory of Thomas G. Masaryk, Americans join with the freedom loving peoples of Czechoslovakia in paying tribute to one of history's tireless champions of freedom. May his memory inspire others to the same cause.

Mr. JOHNSON of Texas. Mr. President, I join my colleagues in paying tribute to the founder of modern Czechoslovakia and its first President, Thomas Masaryk.

Today marks the 110th anniversary of Masaryk's birth. Thomas Masaryk's life began in an era when the Czech people endured under a great empire based in Vienna. Today they endure under another great empire, based in Moscow.

That Czechoslovakia enjoyed any moment in the sun as a free nation was in a large measure due to the genius and determination of Thomas Masaryk. His devotion to Czech independence, and his tireless efforts to see it established, bore fruit in May 1918, when the United States expressed its sympathy with his great ideal. The other Allied Powers soon joined in that resolution, and on November 14, 1918, Thomas Masaryk was elected first President of Czechoslovakia.

Masaryk was, in a real sense, more than a nationalist; he was a friend of human rights and an apostle of human dignity. In a time when these rights are everywhere denied, and that dignity assailed, it is appropriate that we pay tribute to one of their great protectors in the past.

Mr. PASTORE. Mr. President, presently the mail of America will be graced by stamps commemorative of world champions of liberty. Today, the first of these stamps will honor Thomas G. Masaryk, founder and first President of Czechoslovakia. It is the occasion of his 110th birthday.

Individuals to be honored are champions not of their own personal freedom but of national causes—of nations tested in the harsh fires of world conflict and testifying to an unconquerable will to be free.

Through centuries of hope, at last, on October 28, 1918, Czechoslovakia achieved its independence. It came through leaders of superlative character and skill. Thomas Masaryk, the first President, was a Slovak, the son of a coachman. The first Premier and the last free President was Eduard Benes, a Czech, the son of a peasant.

For 20 years, Czechoslovakia possessed freedom and proved itself a nation of deep, practical, and successful democracy. The bright memories of that score of years still stimulate the hearts that now chafe under the Communist sway.

Czechoslovakia has cause to be suspicious, resentful, and bitter. The betrayal of Munich—the German butchery of Lidice—the deceit of Moscow are deep wounds in the hopes of a determined people.

Czechoslovakians everywhere—openly or in their secret hearts—will be honoring Thomas Masaryk on March 7 for their freedom that was and again will be.

American lovers of freedom and admirers of courage will honor Thomas Masaryk and his nation—all champions of liberty. On that day and every day Americans will remind themselves that eternal vigilance and the ultimate in preparedness are the only guarantees against the doctrines of deceit and enslavement.

Mr. MARTIN. Mr. President, I am delighted to join in the eulogies to Thomas G. Masaryk, the founder and first President of Czechoslovakia, on the occasion of his 110th birthday anniversary today.

Whenever one calls to mind the name of Thomas Masaryk, it is quite natural to think also of America, for Thomas Masaryk was a warm friend and devoted admirer of the American Republic.

In America, Thomas Masaryk saw much to be emulated in the field of industry and technology. But the profound scholar and philosopher saw far deeper into the workings of American civilization than just the superficial advances of industry. "In America," he said, "We can and should learn love of freedom and individual independence."

It was here, too, that during World War I he pressed his case for American support for his vision of the Czechoslovak Republic. And it was here that the first Czech constitution was prepared. He visited this country many times, lecturing, teaching, learning.

To his contemporaries here as well as in Czechoslovakia, he symbolized man's eternal dream of freedom from tyranny, of safety from arbitrary rule, of the right of men to choose their own rulers. In saluting Thomas G. Masaryk, we rededicate ourselves to these traditional American values that he also shared. And in honoring him today, we honor, too, the fundamental notion that an individual man, dedicated, honorable and profound in his thought, may achieve great things for his own people and for the wider world of which his country is a part.

Mr. YARBOROUGH. Mr. President, today, March 7, it is fitting that we honor Thomas G. Masaryk, for this is the 110th anniversary of the birth of this great leader who was founder of the free Republic of Czechoslovakia, and its first President, from 1918 to 1935.

This day is celebrated by all those who love freedom and especially by Americans descended from ancestors with a Czechoslovakian background. All of us are determined that the towering torch of liberty, which Thomas G. Masaryk lit for his people, will continue to burn brightly in the hearts of men.

Although the ruthless hordes of communism have dropped an Iron Curtain over freedom of this brave nation, we know from history that where liberty has existed it will live again.

The teachings and leadership that Thomas G. Masaryk, a scholar and writer, gave his people are well remembered. They are remembered in this Nation as well as in his own. He stood for good government by consent of the governed in his time. In paying tribute to him, I would be remiss if I failed to point out that the Slavonic Benevolent Order of the State of Texas has been a force for honest government in my own State.

It has been an active, progressive, militant force. On several recent occasions that I know of personally it has taken a courageous stand against an entrenched political machine and has firmly defended the right of reform candidates to be heard.

Mr. President, scores of thousands of Czechs migrated to Texas beginning

shortly after the Civil War, in the period of 1880, 1890, 1900, and up to World War I. They came by tens of thousands, settling mainly on the great black land farming belt that runs north and south across Texas, averaging about 50 miles in width, just to the east of Dallas. It is some of the richest farming land in our State. Their sons and daughters attended the universities. Now they are leaders in the professional and business life of the State. They have taken an active part in the public life of the State.

Unlike some ethnic groups which have come to the United States, they did not stand aside from the mainstream of American life. On the contrary, from the very first they entered into the democratic procedures of this country, taking an active part in the political affairs of our State. As I have stated, they have been a militant force for progress and honest government in the State.

In reverence, all freedom-loving citizens should pause today in memory of Thomas Masaryk and, remembering the ideals of human liberty which his people loved but lost, we should look forward to the day when Czechoslovakia will again be free.

Mr. President, in my own State, the Czech language is taught at the University of Texas, by collaborators of Masaryk and his successor. We have people there who helped them from the Republic of Czechoslovakia, who are teaching the youth of this country what it means to people to win their liberty and freedom, set up a free country, and then in the same generation see it torn away from them by two dictatorial powers, one Communist and the other Nazi. There are no more dedicated people to the cause of liberty in this land than those of Czech descent.

Mr. SPARKMAN. Mr. President, as an amateur stamp collector I am especially interested in the "Champions of Liberty" series now being issued by the Post Office Department. I think it is most fitting that Thomas G. Masaryk has been selected as one of these champions.

There are several reasons why Thomas G. Masaryk, President-liberator of Czechoslovakia, was included in the postal series, "Champions of Liberty." Even before the liberation of his nation Masaryk was a prominent spokesman of the ideals of liberty and democracy, rooted firmly in the democratic traditions of the Western Civilization. During World War I he put his ideals into practice and on the side of Western Allies he fought for and eventually brought his people freedom.

In the years of his presidency he laid the foundations of a truly democratic and freedom-loving State. It was none other than the British author George Bernard Shaw who proclaimed Masaryk in the late twenties the only possible president of the future United States of Europe.

A profound awareness of the traditions of the Western Civilization was combined in the person of Masaryk with an intimate knowledge of Eastern Europe and of the Russian mind. Therefore it is not surprising that his authoritative work on "Russia and Europe" was reprinted a few years ago in English and that it finds numerous readers more than four decades after its original appearance. And the words in which Masaryk condemned Bolshevism and the Soviet system when they were still in their beginnings hold true even today, after so many eventful years.

"I can solemnly declare that the Soviet system is not suitable for our country," he declared in Prague in 1921. And these words are as true today as they were 40 years ago.

Otakar Machotka, writing of Masaryk in 1950 said:

> He was one of the prime factors in destroying one of the mightiest and oldest political powers in Europe, and after the First World War led his country and Europe through 17 troubled years. During these years of moral and political leadership he probably came closer to being a wise philosopher ruler than any leader who lived since Plato first set up his high ideal.

It is indeed tragic that today, on the 110th anniversary of his birth, his own homeland is not allowed to pay him tribute. Nevertheless, the spirit of Masaryk still lives wherever men hunger for freedom and wherever men are on the alert to keep their freedom. For this reason the issue of his commemorative stamp is not only a tribute to this great Czechoslovak patriot, but also to the ideals of freedom for which he fought through his long and blessed life.

Mr. CLARK. Mr. President, March 7 is the 110th anniversary of the birth of Thoams G. Masaryk, first President of Czechoslovakia. The Post Office Department is to be commended for honoring this great champion of democracy and freedom with a special stamp on this anniversary.

Masaryk was both a philosopher and a statesman of the first rank—the Thomas Jefferson of his nation. His philosophical treatises were distinguished for their realism, and his political activity for its idealism and courage. The United States can be proud of having given him asylum during World War I and of the fact that the Lansing Declaration, which he authored, was the basis for the future Czechoslovak State.

Under Masaryk's leadership and tutelage, Czechoslovakia became a model democracy, bringing to life his belief that "democracy is based on the political realization of love of one's neighbor."

If, indeed, as Masaryk has said, "the strongest argument for democracy is faith in man, in his spirit and immortal soul," we must have faith that ultimately Czechoslovakia will find its way out of oppression and back to democracy. Let us hope that in Czechoslovakia today, people are taking heart from these words.

These are good words for us to remember, here in the U.S. Senate, as we debate how we may more broadly secure "the political realization of love of one's neighbor."

Mr. LAUSCHE. Mr. President, last evening, in Washington and throughout the country, many assemblies were held in honor of Thomas Masaryk, a great Czech statesman. He was a philosopher, a student of government, and a great patriot.

At the end of World War II, in Pittsburgh, Pa., Masaryk and others wrote the documents which later became the basis of the Czech Constitution.

The Czechs throughout the centuries have been battlers for liberty. They live on the plains and are surrounded by mountains. Their great pride is that the spirit of the Czechs, who live in the mountain passes and on the slopes, speaks of liberty.

In the Chamber today are a number of Czechs who have come from Cleveland, and who attended the celebration last night. Although I have already made a statement for the RECORD, about Masaryk, I am certain that the people of the United States give recognition to this great statesman and value his contributions to good government and to liberty throughout the world.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the statement just made by the distinguished Senator from Ohio relative to the anniversary of the birth of a great man, who was not only a great Czech, but also a great international figure.

We know that Mr. Masaryk was largely responsible for the Czechoslovakian Republic. We know of the great work he did in the formulation of the Treaty of Pittsburgh. We know of the tremendous efforts he made to achieve a degree of stability for his country in the trying days which followed.

I believe it is extremely fortunate and significant on this occasion that the distinguished Senator from Ohio [Mr. LAUSCHE], who has always been in the forefront, so far as Czech freedom and the freedom, for that matter, of all the people behind the Iron Curtain is concerned, has taken the floor to emphasize his great interest in this particular subject.

I am very happy to observe that on this occasion the Government of the United States has seen fit to issue a postage stamp honoring the great President Masaryk, and in that way to indicate to the peoples of all the world, including Czechosolvakia, if letters bearing that stamp reach that country, that the United States has not forgotten, but is fully aware of, the many fine contributions to democracy in its best form which this man has made.

Again, I especially wish to commend the distinguished Senator from Ohio for the leadership and the inspiration he has always shown in this field.

Mr. LAUSCHE. I thank the Senator from Montana.

Mr. CASE of South Dakota. Mr. President, I, too, wish to join in what has been said in appreciation of the spirit of leadership which was shown in the contribution made by Thomas Masaryk to the cause of human freedom.

It was my privilege to be in Prague in the fall of 1947, at a time when tremendous issues were at stake. I had been sent there by the House of Representatives. I was impressed by the spirit of the people whom we met, who were struggling to preserve freedom at that time. It was a tragedy, we felt, that certain events happened shortly afterward.

I simply desire to make this expression on behalf of other Senators on my side of the aisle, some of whom have already spoken on this subject this afternoon,

and to express appreciation to the Senator from Ohio by adding my words to what is now being said.

South Dakota numbers among its population a great many Czechs, notably in the towns of Tabor, Gregory, and Mission. They are always interested in anything which builds for freedom. They have great appreciation of the ideals of America. At this time I know the rank and file of those people would want me to join their expression of commendation to those of others concerning the spirit of Thomas Masaryk.

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Post Office today issued a special postage stamp to honor Thomas G. Masaryk, the founder and first President of Czechoslovakia. The stamp is one in the "Champion of Liberty" series; it was released today, March 7, to mark his birth 110 years ago.

All Americans, I believe, have a fond and sharp memory of T. G. Masaryk and his contributions to the institutions in which free men believe. In a comparatively few years he left his mark on his new nation and on the world. He inspired others to seek freedom and to make freedom work.

In these dark years for the people of Masaryk's homeland, all of us can nevertheless continue to remember that great leader and to join those who honor him.

Mr. JAVITS. I just want to say a word on the 110th anniversary of the birth of Thomas Masaryk, the great hero of Czechoslovakia, about whom I am sure other Members have spoken on the floor, and to emphasize particularly the tremendous impact upon the hope for freedom of Czechoslovak people that we take note of here in the Senate, the fact that this great man lived his whole life and gave his life for the cause of Czechoslovak freedom. This is so important to the people of an enslaved nation at this time.

PART III OF THE 1957 CIVIL RIGHTS BILL

Mr. STENNIS. Mr. President, those who contend the loudest that the pending bill is only a voting rights bill have now come out in the open and are offering as an amendment the old part III, sponsored in 1957 by the then Attorney General Brownell, taken out of the bill by the Senate after the hardest kind of fight. It has been resurrected, rearranged, and reintroduced.

This part III again bestows virtually unlimited power on the U.S. Attorney General to sue, in the name of and in the cost of the U.S. Government, for thousands and thousands of complaining people seeking to gain admission to schools, parks, restaurants, theaters, and all public and semipublic places.

This is no voting amendment. It has nothing to do with voting. The sole purpose of this amendment is to inject the Federal Government into the school and other integration cases at taxpayers' expense.

It also would operate to silence and intimidate local citizens who object to enforced integration.

They know when they object to U.S. meddling in local school cases they run the risk of winding up in jail without the benefit of any trial by jury—as happened in Clinton, Tenn.

They know that the fact that they may be following State law will be used as an excuse to haul them into court under this revived part III.

Under the terms of the bill, the Attorney General is granted amazing power which could be used to control elections and to become a political boss in the States. Under the terms of this part III, which is now proposed, he could also become the director general of integration on a nationwide front.

No such power as this sought now to be conferred on the Attorney General has been entrusted to any Federal officer, even under Reconstruction laws. On the contrary, every action on the subject taken by Congress during the Reconstruction period authorized segregated schools. Even in this worst period of Federal oppression in our country's history, there was no movement to control such purely local institutions. I repeat, the Reconstruction Congresses served the cause of free public education.

I do not think the sponsors of this amendment are serving the cause of free public education.

I think their action, if it has any effect, will be to arrest the course of progress toward better education of children of all races. I know civil rights agitation is hurting the relationship between the races in the South, and it will be a long time before the true leaders of the white and colored people can restore true communication.

Mr. DOUGLAS. Mr. President, I should like to read a telegram which I have received, and which I think many other Members of the Senate have received, from Roy Wilkins, chairman, and Arnold Aronson, secretary, of the Leadership Conference on Civil Rights, which reads as follows:

On behalf of millions of citizens who have worked for years to establish civil rights for all Americans regardless of race, religion, color, national origin or ancestry, we urge you to oppose such preconditions to the invoking of cloture as (1) abandonment or prior disposal of part III; (2) abandonment of proposals for effective Federal aid to school districts seeking to comply with constitutional desegregation requirement, and (3) acquiescence in voting rights provisions weaker than either the Rogers referee proposal or the Hennings-Javits-Douglas registrar-enrollment officer proposal.

We believe that the majority and minority leaders as the principal sponsors of the present rule 22, should disavow all such attempts to make the two-thirds majority necessary to invoke cloture the test for amendments to the pending civil rights bill and for final passage of the bill itself. When the present rule 22 was being debated, we were assured that the Senate could legislate by simple majority vote, once cloture has been voted.

We urge you to stand firm in support of (1) amendment to include part III, now more needed than ever to protect all civil rights; (2) Federal voting rights proposals that will provide for registration of Negro voters without requiring each individual to have applied and been rejected on the grounds of color, and (3) Federal aid to local school districts wherever needed in achieving the Supreme Court's goal of school desegregation with all deliberate speed, as ordered 6 long years ago.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
ROY WILKINS, *Chairman.*
ARNOLD ARONSON, *Secretary.*

Mr. DOUGLAS. Mr. President, I want to take up a task which is somewhat distasteful to me, and which I had not intended to raise, but which, because of the remarks some of our various southern friends have addressed about the so-called crime rate and murder rate in the cities of the North, and particularly my own city, I believe I should take up. The actual facts on this matter should be brought to the attention of the Senate and the public.

As we all know, the Federal Bureau of Investigation publishes each year the "Uniform Crime Reports for the United States." I hold a copy of this in my hand. I want to introduce two comparative tables. The first is the index of serious crimes for 1958 in standard metropolitan areas, and the figures for total offenses, expressed as a rate per 100,000 inhabitants. I will start off by saying that the Chicago rate is 943.5, but I would like the Senate to listen to these other rates in certain southern cities and metropolitan areas.

Miami, 2,303.3; Jacksonville, 2,004.4; Pensacola, 1,784.7; New Orleans, 1,720.7; Savannah, 1,675.4; Nashville, 1,669.2; Norfolk-Portsmouth, 1,609.1; Little Rock-North Little Rock, 1,570.3; Orlando, 1,544.6; Charlotte, N.C., 1,462.2; Greenville, S.C., 1,419.9; Raleigh, 1,400.8; Charleston, 1,382.8; Columbia, S.C., 1,365.2; Atlanta, 1,336.1; Richmond, 1,325.9; Tampa-St. Petersburg, 1,320.3; Birmingham, 1,212.2; Mobile, 1,162.9; West Palm Beach, 1,080; Montgomery, 1,078.6; Macon, Ga., 1,049.5; Asheville, 1,006.5; Baton Rouge, 1,006.3; Roanoke, 984.4; Detroit, 1,343.0; New York, 1,145.3; Chicago, 943.5; Philadelphia, 916.8; Boston, 851.7; Pittsburgh, 834; Cleveland, 638.2.

While there are some cities in both the North and the South with higher or lower rates than these I have listed, I think it will be seen that the big northern cities come off very well in this comparison.

If we wish to go into the question of murder, the following rates per 1,000 may be interesting. The Chicago rate is 5.9; Detroit, 3.8; Philadelphia, 3.6; Boston, 1.6; New York, 3.3; Pittsburgh, 2.8; and Cleveland, 4.4.

Listen to these rates, however:

Asheville, N.C., 13.0; Atlanta, Ga., 12.5; Augusta, Ga., 11.9. Now I want to congratulate the city of Baton Rouge, La., 2.9.

Birmingham, Ala., 13.8; Charleston, S.C., 6.8; Charlotte, N.C., 11.0; Columbia, S.C., 10.3; Columbus, Ga., 11.0; Durham, N.C., 8.4; Fort Smith, Ark., 4.1; Gadsden, Ala., 19.3; Greensboro-High Point, N.C., 8.2; Greenville, S.C., 8.1; Hampton-Newport News-Warwick, Va., 10.5; Jackson, Miss., 9.5; Jacksonville, Fla., 12.7; Little Rock, Ark., 7.5; Macon, Ga., 5.9; Memphis, Tenn., 7.8; Miami, Fla., 10.2; Mobile, Ala., 12.9; Montgomery, Ala., 8.4; New Orleans, 7.0; Norfolk-Portsmouth, Va., 10.2; Orlando, Fla.,

11.0; Pensacola, Fla., 9.5; Raleigh, N.C., 7.6; Richmond, Va., 9.2; Roanoke, Va., 8.2; Savannah, Ga., 10.6; Shreveport, La., 13.6; West Palm Beach, Fla., 14.6; and Winston-Salem, N.C., 12.6.

May I further indicate that every southern city listed by the FBI report with the exception of Baton Rouge and Fort Smith, Ark., has a higher rate for murder than Chicago, and with the exception of Macon, Ga., which has an identical rate of 5.9.

I think these figures should restore a greater sense of proportion, and I hope that our friends will be more guarded in their references in the future. I may say that we in Chicago are perfectly aware of the fact that we have many faults. We are seeking to correct those faults, but I do say that the realities of the situation are by no means as bad as many of our southern friends would like to have the Nation believe.

I ask unanimous consent that these tables may be printed in the RECORD.

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

INDEX OF CRIME, 1958, STANDARD METROPOLITAN AREAS

Total offenses, rate per 100,000 inhabitants

Miami	2,303.3
Jacksonville	2,004.4
Pensacola	1,784.7
New Orleans	1,720.7
Savannah	1,675.4
Nashville	1,669.2
Norfolk-Portsmouth	1,609.1
Little Rock-North Little Rock	1,570.3
Orlando	1,544.6
Charlotte, N.C.	1,462.2
Greenville, S.C.	1,419.9
Raleigh	1,400.8
Charleston	1,382.8
Columbia, S.C.	1,365.2
Atlanta	1,336.1
Richmond	1,325.9
Tampa-St. Petersburg	1,320.3
Birmingham	1,212.2
Mobile	1,162.9
West Palm Beach	1,080.0
Montgomery	1,078.6
Macon, Ga.	1,049.5
Asheville	1,006.5
Baton Rouge	1,006.3
Roanoke	984.4
Detroit	1,343.0
New York	1,145.3
Chicago	943.5
Philadelphia	916.8
Boston	851.7
Pittsburgh	834.0
Cleveland	638.2

Source: "Uniform Crime Reports for the United States, FBI."

Rates per 100,000 population in 1958 for murder and nonnegligent manslaughter

Asheville, N.C.	13.0
Atlanta, Ga.	12.5
Augusta, Ga.	11.9
Baton Rouge, La.	2.9
Birmingham, Ala.	13.8
Charleston, S.C.	6.8
Charlotte, N.C.	11.0
Columbia, S.C.	10.3
Columbus, Ga.	11.0
Durham, N.C.	8.4
Fort Smith, Ark.	4.1
Gadsden, Ala.	19.3
Greensboro-High Point, N.C.	8.2
Greenville, S.C.	8.1
Hampton-Newport News-Warwick, Va.	10.5
Jackson, Miss.	9.5
Jacksonville, Fla.	12.7
Little Rock-North Little Rock, Ark.	7.5

Rates per 100,000 population in 1958 for murder and nonnegligent manslaughter—Continued

Macon, Ga.	5.9
Memphis, Tenn.	7.8
Miami, Fla.	10.2
Mobile, Ala.	12.9
Montgomery, Ala.	8.4
New Orleans, La.	7.0
Norfolk-Portsmouth, Va.	10.2
Orlando, Fla.	11.0
Pensacola, Fla.	9.5
Raleigh, N.C.	7.6
Richmond, Va.	9.2
Roanoke, Va.	8.2
Savannah, Ga.	10.6
Shreveport, La.	13.6
West Palm Beach, Fla.	14.6
Winston Salem, N.C.	12.6
Chicago	5.9
Detroit	3.8
Philadelphia	3.6
Boston	1.6
New York	3.3
Pittsburgh	2.8
Cleveland	4.4

Source: "Uniform Crime Reports for the United States, FBI."

THE PANCHO VILLA RAID—VERSES BY LARRY McGINNIS

Mr. CHAVEZ. Mr. President, the Albuquerque Morning Journal on June 15, 1959, had a story about how a new song ribs the legislature on Villa Park.

In 1916 Pancho Villa at the head of a Mexican army of outlaws attacked the New Mexico border town of Columbus. Houses were burnt, robbed, and several citizens were killed and many wounded. The United States was so aggrieved that they sent General Pershing after Villa in Old Mexico. The whole Nation was outraged and New Mexico in particular.

Notwithstanding this outrage, our last State legislature passed a law creating a State park and had the audacity to name the same Pancho Villa Park.

Larry McGinnis of my home city makes verse and he has written some verses on the occasion. I ask unanimous consent that the Albuquerque Journal article and the verses written by Mr. McGinnis be printed in the body of the RECORD.

There being no objection, the news article and verses were ordered to be printed in the RECORD, as follows:

[From the Albuquerque (N. Mex.) Journal, June 15, 1959]

NEW SONG RIBS LEGISLATURE ON VILLA PARK

An Albuquerque tunesmith, Larry McGinnis, has spoofed the New Mexico State Legislature in his latest number, Pancho Villa Park.

McGinnis, who heads the Larry Macs, a novelty entertainment act, introduced the number Saturday night at the annual policemen's ball in the Civic Auditorium.

Actually the tune—which recounts Pancho Villa's raid of Columbus and the 1959 legislature's action in naming a State park for Villa—was written by McGinnis and his father, C. Earl, originator of "This Is New Mexico," a State political cartoon which appears every Thursday in the Journal.

The song, which is sung by the younger McGinnis, Sheila Keller, Marilyn Temple, and Beverly Williams, tells of Pancho Villa and his "ragged, rebel band. An army of destruction, with rifles in their hands. They rode on toward Columbus. The moon was hanging low, when Villa crossed the border, into New Mexico."

The song winds up with a comment about the legislature.

"It met up there in Santa Fe, and lost all its State pride. It talked with complacency of Pancho Villa's ride. It sat up there in Santa Fe, and really made its mark, when it honored Pancho Villa, with Pancho Villa Park."

PANCHO VILLA PARK

In 1916 Pancho Villa, at the head of a rebel army of outlaws, attacked the New Mexico border town of Columbus. In 1959 the New Mexico State Legislature named a State park after this notorious Mexican bandit. This is the story:

CHORUS

This is the story of Pancho Villa
And that Mexican bandit's ride.
This is the tale of a legislature
In Santa Fe that lost its pride.

VERSES

Columbus was a border town
'Twas known both far and near
As a peaceful place to live
Without a trace of fear.
The stars were shinin' down that night
'Twas many years ago,
When Villa came aridin'
From out of Mexico.

A thousand men rode at his side,
A ragged, rebel band,
An army of destruction,
With rifles in their hands.
They rode on toward Columbus town
The moon was hangin' low
When Villa crossed the border
Into New Mexico.

The bandits fell upon the town,
They took it by surprise,
They burned and robbed and murdered
With the devil in their eyes.
And when the burning border town
Had set the skies aglow,
Pancho Villa and his men
Rode back to Mexico.

For many years this wild attack
Upon American soil
Angered New Mexicans
And caused their blood to boil.
And then a legislature,
To everybody's shame,
Insulted New Mexico
With Pancho Villa's name.

It sat up there in Santa Fe
And lost all of its pride.
It talked with complacency
Of Pancho Villa's ride.
It sat up there in Santa Fe
And really made its mark
When it honored Pancho Villa
With Pancho Villa Park.

RICH GETTING RICHER SINCE 1949 BUT SINCE 1929 MUCH LESS CONCENTRATION OF WEALTH

Mr. PROXMIRE. Mr. President, there are few facts harder to come by in an authoritative and objective fashion, or more pertinent to tax, monetary, labor, farm and other economic policy, than the distribution of wealth in this country.

Probably no matter has been more wildly exaggerated by the self-serving on both sides of economic issues than the concentration or lack of concentration of wealth. Some have charged that a few dozen hugely rich men in Wall Street own the Nation and can live in Babylonian splender. Others contend with equal vehemence that since the balmy days of the New Deal, millionaires suffer the direst persecution from tax laws, labor policies, antitrust

policies that confiscate or at best decimate their moneys, and compel them to work almost all of their waking hours for Washington bureaucrats.

A survey by the National Bureau of Economic Research just released sheds some urgently needed light on this situation. The National Bureau of Economic Research, can hardly be said to be composed of impractical, wild-eyed visionaries. It includes among its directors—Gabriel Hauge, who is chairman of the finance committee of the great Manufacturers Trust Co. of New York City and Theodore O. Yntema, vice president in charge of finance for the Ford Motor Co.

This survey shows that less than 2 percent—1.6 percent to be exact—of the adults in the country now own virtually all of the State and local government bonds—which incidentally are exempt from Federal income taxes—nearly 90 percent of corporate bonds, 80 percent of corporate stock held in the personal sector of the economy and between 10 and 35 percent of every other type of property held in the personal sector.

The survey also shows that between 1949 and 1956—there are no figures for later years—the concentration of total wealth held by the top 1 percent of wealth holders increased from 20.8 percent to 26 percent. At the same time it shows that this is still far below the concentration of wealth in 1929 when the richest one out of one hundred held 36.3 percent of the wealth. Concentration in America is also far below that in England where, as recently as 1946–47, 1 percent of the adults held 50 percent of the total capital.

Mr. President, because this issue arises again and again in debate, and because the study is so objective and authoritative, I ask unanimous consent that a news article from the New York Times summarizing the study be printed in the RECORD at this point, and that it be followed by the study itself.

There being no objection, the news article and study were ordered to be printed in the RECORD, as follows:

RICH ARE RICHER, STUDY DISCLOSES—TREND TOWARD CONCENTRATED WEALTH NOTED—STATE TOPS PERSONAL INCOME

The rich are getting richer in this country and New Yorkers lead the Nation in total personal incomes, economic studies disclosed today.

A survey by the National Bureau of Economic Research showed that since 1949 there has been a trend toward more wealth in the hands of fewer people. The bureau is a private research organization sponsored by business, labor, and universities.

It noted, however, that the concentration of wealth was still far below the precrash period of 1929.

Personal income in New York topped the Nation with a record of $41,954 million in 1958, according to a State commerce department analysis. Per capita income for New Yorkers that year was $2,609, slightly more than $500 above the Nation's average.

The nationwide survey disclosed that during the 20 years that began with the stock-market crash and ended in 1949 there had been a period of more equal distribution of personal holdings. The reversal of this trend was clearly evident in 1953, the study reported, when 1.6 percent of the country's population held 30 percent of the Nation's personal wealth.

ESTATE TAX RETURNS CITED

The study reported that the same year this minority top income "owned at least 80 percent of the corporate stock held in the personal sector, virtually all of the State and local government bonds and between 10 and 35 percent of each other type of property." Estimates were based on an analysis of estate tax returns, the only explained.

An official of the research bureau explained that stock market increases during recent years accelerated the renewed trend toward concentration of national wealth because the majority of holdings were held in top-income bracket levels.

The personal income of New Yorkers during 1958 represented an increase of 2.1 percent over the previous year, according to the Commerce Department, and lagged slightly behind the national average increase of 2.4 percent. Only three States exceeded New York—California, with a 4-percent gain; Texas, with 3.5 percent; and Massachusetts, with 2.8 percent.

Of the remaining 8 of the Nation's 12 leading industrial States, New Jersey, Wisconsin, Illinois, Connecticut, Pennsylvania, and Indiana showed a drop of 1.2 percent in personal income during 1958 compared with the previous year; Ohio dropped 2 percent, and Michigan dropped 2.3 percent.

New York ranked fourth in per capita personal income, trailing Connecticut, Delaware, and the District of Columbia.

The 2.1-percent increase in personal incomes of New Yorkers resulted mainly from the 3.2-percent increase in the metropolitan area. Upstate there was a decline of .4 percent despite increases in 31 of the 53 counties.

In the metropolitan area, Suffolk County led with a 6.7-percent rise, followed by New York City, which recorded a 3.3-percent advance.

In the actual dollar gains, New York City accounted for $710 million during 1958 compared with 1957.

This was 81 percent of the State's total increase. Suffolk County was second with $84,300,000, followed by Westchester County with $72,900,000 and Nassau with $57,500,000.

CHANGES IN THE SHARE OF WEALTH HELD BY TOP WEALTHHOLDERS, 1922–56 [1]

(By Robert J. Lampman)

NATIONAL BUREAU OF ECONOMIC RESEARCH, 1959

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RELATION OF THE DIRECTORS TO THE WORK AND PUBLICATIONS OF THE NATIONAL BUREAU OF ECONOMIC RESEARCH

1. The object of the National Bureau of Economic Research is to ascertain and to present to the public important economic facts and their interpretation in a scientific and impartial manner. The Board of Directors is charged with the responsibility of insuring that the work of the National Bureau is carried on in strict conformity with this object.

2. To this end the Board of Directors shall appoint one or more Directors of Research.

3. The Director or Directors of Research shall submit to the members of the Board, or to its Executive Committee, for their formal adoption, all specific proposals concerning researches to be instituted.

4. No report shall be published until the Director or Directors of Research shall have submitted to the Board a summary drawing attention to the character of the data and their utilization in the report, the nature and treatment of the problems involved, the main conclusions, and such other information as in their opinion would serve to determine the suitability of the report for publication in accordance with the principles of the National Bureau.

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[1] This is part of a larger study which was carried out while the author was research associate at the National Bureau of Economic Research. The author has been aided by a great many persons. In particular, the study owes much to Raymond W. Goldsmith, who was instrumental to its initiation and who frequently gave counsel and encouragement to the author. The charts were drawn by H. Irving Forman. Research assistance was provided by Elaine Saleman, Irving Brown, and Robert Ross. An earlier draft of this paper was read at the December 1958 meetings of the Econometric Society where it profited from the discussant comments of Selma F. Goldsmith and Victor Perlo. The author is also indebted to Geoffrey H. Moore for constructive criticism. The author is solely responsible for any errors which may remain.

This paper has been approved for publication as a report of the National Bureau of Economic Research by the Director of Research and the Board of Directors of the National Bureau, in acordance with the resolution of the board governing National Bureau reports (see the annual report of the National Bureau of Economic Research). It is reprinted as No. 71 in the National Bureau's series of Occasional Papers.

5. A copy of any manuscript proposed for publication shall also be submitted to each member of the Board. For each manuscript to be so submitted a special committee shall be appointed by the President, or at his designation by the Executive Director, consisting of three Directors selected as nearly as may be one from each general division of the Board. The names of the special manuscript committee shall be stated to each Director when the summary and report described in paragraph (4) are sent to him. It shall be the duty of each member of the committee to read the manuscript. If each member of the special committee signifies his approval within 30 days, the manuscript may be published. If each member of the special committee has not signified his approval within 30 days of the transmittal of the report and manuscript, the Director of Research shall then notify each member of the Board, requesting approval or disapproval of publication, and 30 additional days shall be granted for this purpose. The manuscript shall then not be published unless at least a majority of the entire Board and a two-thirds majority of those members of the Board who shall have voted on the proposal within the time fixed for the receipt of votes on the publication proposed shall have approved.

6. No manuscript may be published, though approved by each member of the special committee, until 45 days have elapsed from the transmittal of the summary and report. The interval is allowed for the receipt of any memorandum of dissent or reservation, together with a brief statement of his reasons, that any member may wish to express; and such memorandum of dissent or reservation shall be published with the manuscript if he so desires. Publication does not, however, imply that each member of the Board has read the manuscript, or that either members of the Board in general, or of the special committee, have passed upon its validity in every detail.

7. A copy of this resolution shall, unless otherwise determined by the Board, be printed in each copy of every National Bureau book.

(Resolution adopted October 25, 1926 and revised February 6, 1933 and February 24, 1941.)

This paper presents estimates derived from Federal estate tax data of the numbers of top wealth holders[2] and of the aggregate amounts of wealth held by them for selected years between 1922 and 1956. Changes in the concentration of wealth during that period are delineated by relating the numbers of top wealth holders to the population and the amount of wealth held by the top group to independent estimates of the amount of wealth held by all persons.

The discussion is organized under the following headings: (1) "History of Wealth Distribution Study"; (2) "Sources of Data and Methods of Estimation"; (3) "The Share of Top Wealthholders in 1953"; (4) "A Comparison With Survey of Consumer Finances for 1953" (5) "Historical Changes in Inequality"; (6) "Comparison With Wealth Distribution in England and Wales"; and (7) "Summary."

HISTORY OF WEALTH DISTRIBUTION STUDY

Studies of wealth distribution in the United States are quite rare. Up to the close of World War II only 10 scholars are known to have attempted nationwide size distributions of personally held wealth.

Several important steps in the history of wealth distribution study taken after 1945 were prerequisite to any advance in understanding which may be contributed by the present study. One was the first demonstration in this country of the use of the estate multiplier method. This pioneering work was done by Horst Mendershausen. While earlier investigations had used estate tax data, none of them had used this method to estimate the distribution of wealth among living persons. Mendershausen's study, "The Pattern of Estate Tax Wealth,"[3] is the platform from which this inquiry departs. A second step was the completion of a set of national balance sheet accounts for a limited number of benchmark years. These accounts as published by Goldsmith[4] show considerable detail by sectors of the economy and by type of property and make possible the calculation of the shares of several types of wealth held by the top wealth-holding groups. The balance sheet data for 1945, 1949, and 1953 were prepared for use in this study by Morris Mendelson of the National Bureau of Economic Research.

A third and highly significant postwar contribution to the study of wealth distribution was made by the Survey Research Center of the University of Michigan in the carrying out of the first nationwide sample studies of assets and net worth held by spending units. These studies were part of the survey of consumer finances for the years 1950 and 1953. They yield a broad picture of the distribution of the national total of most kinds of property and it is to be hoped that they will continue to be made and published at frequent intervals as the basic source of information on wealth distribution.

From the point of view of this study, the survey of consumer finances has a special usefulness. It provides an independently arrived at set of estimates for 1953 against which our findings for 1953 can be checked for accuracy, and thus furnish us with a kind of anchor for the historical series.

SOURCES OF DATA AND METHODS OF ESTIMATION

The principal source of data upon which this study is based is tabulations of Federal estate tax returns. The Federal estate tax has been in existence since 1916 and some information on returns filed has been published for most years. The minimum filing requirement, which is currently $60,000, has varied from $40,000 to $100,000 over the period. However, the necessary information concerning age and sex of decedents, cross-classified by type of property, is presented in such a way as to enable the derivation of a detailed representation of the distribution of wealth among living persons for relatively few years. For 1953 the Internal Revenue Service made available to the National Bureau of Economic Research the most complete tabulation of estate tax returns which has ever been prepared. In this tabulation the variables of gross estate size, age, sex, and residence (by community-property State or noncommunity-property State) of decedents were cross-classified by type of property. For the year 1944 a similar breakdown, but without sex or residence information, had been prepared by the Internal Revenue Service and was the basis for the intensive study by Horst Mendershausen referred to above. For 1948, 1949, and 1950 there is information by age and gross estate size which makes possible an estimate of aggregate gross estate without a breakdown by type of property. Similar but unpublished data for 1941 and 1946 were made available to Mendershausen. Data on economic estate by net estate size and age are available for 1922, 1924, 1941, 1944, and 1946. Finally, data on the sex of decedents by age and size of estate are available only for the years 1922, 1923, 1948, 1949, 1950, and 1953.

The method which was followed in dealing with estate tax returns is known as the estate multiplier method. This method calls for multiplying both the number of, and the property of, decedents in each age-sex group by the inverse of the mortality rate experienced by that age-sex group. This process yields an estimate of the number of living persons and the amount of estate in each age-sex group and in each estate size class. A simple hypothetical example will illustrate what is involved. Suppose that out of a population of 1,000 men aged 40 to 50, 2 men died in the year with estates of between $100,000 and $200,000. Suppose further that it is known that 5 percent of all the 1,000 men aged 40 to 50 died in the year. Then it may be assumed that the 2 men who died with $100,000–$200,000 estates were 5 percent of all the living men in the group with estates of this size. Hence, to estimate the number of living men in this estate size class we should multiply 2 by 20 (the inverse of 5 percent) to get the answer of 40 living men having $100,000–$200,000 estates.

The leading disadvantage of thus deriving wealth estimates from estate tax returns arises from the fact that the sampling is done by death rather than by a random draw of living persons. This means that a connection can be established between decedent wealth-holders and living wealth-holders only by use of a set of mortality rates which are assumed to reflect the mortality experience of the upper wealth-holding groups. The selection of mortality rates presents an opportunity for considerable error in the estimation of the number of living persons in each estate size, and, similarly, in the aggregate of wealth held by such persons. Other problems arise to the extent that decedents' reported estates may differ from the "actual" estates of nondecedents in the same age-sex groups.

Space here does not allow a full exploration of these two difficulties. However, we have attempted to find the most appropriate set of multipliers for this purpose, and have examined in detail the peculiarities of the method of sampling by estate tax returns. We have estimated quantitative corrections in those instances in which by law or practice individual wealth items are included, excluded, or differently valued than an ideal definition of personal wealth would require. In the course of the inquiry two ideal definitions were improvised. "Prime wealth" is used to connote the wealth to which a person has full title and over which he has power of disposal. "Total wealth" is a broader concept; it includes prime wealth and also wealth in which a person may have an income interest but over which he may not have any present power of disposal. Examples of the latter are rights to personal trust funds or to equities in pension and retirement funds. Our rough estimates indicate that basic variant aggregate estimates (which are the blown-up estate tax data with only one correction, namely, that for reduction of insurance face value to equity amounts) are not substantially different from an ideally arrived at estimate of prime wealth, but are considerably lower than the aggregate of total wealth.

SHARE OF TOP WEALTHHOLDERS IN 1953

In 1953 there were 36,699 decedents for whom estate tax returns were filed. The aggregate gross estate reported on those returns was $7.4 billion. By use of the estate multiplier method it is estimated that the number of living persons in that year with $60,000 or more of gross estate was 1,658,795 and that their gross estates aggregated $309.2 billion. This number of persons comprised 1.04 percent of the total population and 1.6 percent of the adult population. They held

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[2] The term "top wealth holder" is here defined to mean a living person having wealth in an amount above the estate tax exemption.

[3] Raymond T. Goldsmith, "A Study of Saving in the United States," Princeton University Press, 1956, vol. III, pt. III, 277–381.

[4] Ibid., vol. III, pt. I, tables W–9 through W–16, 41–57.

about 30 percent of the total of personal wealth on the basis of either the prime wealth or total wealth variant of personal wealth. See chart I (chart I not printed in RECORD) and table 1. Table 1 [5] needs some explanation. The data in columns 1–7 are derived from the national balance sheet accounts referred to above. These accounts record estimates of aggregate assets, liabilities, and equities for sectors of the economy. Several of these sectors have been combined and adjusted to form a personal sector which is conceptually adapted for comparison with the holdings of individual wealthholders. As shown in table 1 the personal sector is defined to include the following subsectors: "household," "farm business," "nonfarm, noncorporate," and "personal trust funds." (We have excluded nonprofit organizations entirely.)

Since the household subsector consolidates balance sheets of all households, the debts owed by one household to another are canceled out. In other words, intrahousehold debt is excluded both as an asset and as a liability. Another difficulty arises in the treatment of households' equity in unincorporated business. Because the national balance sheets do not consolidate the household, farm business, and nonfarm business subsectors while the estate tax wealth data in effect do consolidate them [6] the balance sheet totals for most types of property are relatively overstated. This means that we do not have strict comparability on a line-by-line basis, but it is believed that this is not a serious difficulty for most types of property. Double counting of the equity in unincorporated business is avoided by showing it in the household sector but not adding it into the personal sector totals. Hence, this does not lead to any errors in the total gross and economic estate figures. Following the concepts discussed above, we refer to prime wealth and total wealth variants of personal wealth. Prime wealth differs from total wealth in that prime wealth excludes personal trust funds, annuities, and pensions and retirement funds.

The top wealthholders, i.e., those with estates of $60,000 or more, in 1953, held 30.2 percent of the prime wealth in the personal sector, and 32.0 percent of the total wealth. (See table 1, columns 12 and 13.) These columns also show estimates of the share of each of several types of property held by top wealthholders. These range from over 100 percent for State and local bonds down to 9 percent for life insurance reserves. Particular interest attaches to the corporate stock figure. Our estimate for 1953 is that the top wealth group held 82 percent of all the stock in the personal sector. This matter is discussed in more detail below in the section on type of property.

[5] Similar tables have been drawn up for 1949, 1945, 1939, 1929, and 1922 but are not reproduced here.

[6] That is, estate tax wealth is not uniformly classified to show all assets held by unincorporated enterprises as "equity in unincorporated business." In some cases they are separately listed as real estate, cash, etc. The equity item is listed under the heading of miscellaneous in table 1.

TABLE 1.—*Role of top wealthholders in national balance sheet accounts, 1953* [1]

[Dollar figures in billions]

	All sectors	Personal sector						Top wealthholders			Share of wealth held by top wealthholders		
	Total wealth variant [2]	Household	Personal trust funds	Farm business	Nonfarm, noncorporate business	Total, total wealth variant	Total, prime wealth variant	Basic variant	Prime wealth variant	Total wealth variant [3]	Basic variant (col. 8÷col. 7)	Prime wealth variant (col. 9÷col. 7)	Total wealth variant (col 10÷col. 6)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
											Percent	*Percent*	*Percent*
Real estate	$765.1	$317.9	$2.0	$78.8	$45.9	$444.6	$442.6	$70.1	----	$71.7	15.8	----	16.1
Structures:													
Residential	294.9	270.6	----	----	14.5	----	----	----	----	----	----	----	----
Nonresidential	260.3	----	----	14.7	17.3	----	----	----	----	----	----	----	----
Land	209.9	49.3	----	64.1	14.1	----	----	----	----	----	----	----	----
U.S. bonds	260.6	47.3	7.3	----	5.8	60.4	53.1	17.4	----	23.2	32.8	----	38.2
State and local bonds	33.9	7.8	8.2	----	----	16.0	7.8	10.8	----	17.3	(4)	----	(4)
Other bonds								2.8	----	5.4	100.0	----	88.5
Corporate bonds	56.0	2.8	3.3	----	----	6.1	2.8	----	----	----	----	----	----
Stock [5]	$245.5	$127.2	$28.5	----	----	$155.7	$127.2	$105.7	----	$128.3	83.2	----	82.4
Cash [6]	306.5	138.8	2.6	$6.6	$13.0	160.0	158.4	44.6	----	46.7	28.2	----	29.1
Monetary metals	27.4	----	----	.2	.2	----	----	----	----	----	----	----	----
Currency and deposits	258.1	----	----	6.4	12.8	----	----	----	----	----	----	----	----
Deposits in other financial institutions	20.9	----	----	----	----	----	----	----	----	----	----	----	----
Mortgages and notes	234.0	19.5	1.2	----	10.5	31.2	30.0	10.5	----	11.3	35.0	----	36.2
Receivables from business	106.7	.6	----	----	6.3	----	----	----	----	----	----	----	----
Receivables from households	31.1	----	----	----	4.2	----	----	----	----	----	----	----	----
Loans on securities	4.9	1.1	----	----	----	----	----	----	----	----	----	----	----
Mortgages, nonfarm	84.1	14.6	----	----	----	----	----	----	----	----	----	----	----
Mortgages, farm	7.2	3.0	----	----	----	----	----	----	----	----	----	----	----
Life insurance reserves	69.8	78.2	----	----	----	78.2	78.2	7.1	----	10.4	9.0	----	13.3
Pension and retirement funds	56.7	63.5	----	----	----	63.5	----	----	----	3.8	----	----	5.9
Private	8.8	11.0	----	----	----	----	----	----	----	----	----	----	----
Government	47.9	52.5	----	----	----	----	----	----	----	----	----	----	----
Miscellaneous	611.0	332.5	.9	39.2	35.6	220.8	219.9	39.6	----	40.3	18.0	----	18.2
Durable producer goods	134.7	----	----	17.2	19.5	----	----	----	----	----	----	----	----
Durable consumer goods	122.7	128.8	----	----	----	----	----	----	----	----	----	----	----
Inventories	106.8	----	----	18.9	16.1	----	----	----	----	----	----	----	----
Equities:													
Farm and nonfarm	187.4	[7](187.4)	----	----	----	----	----	(20.0)	----	----	----	----	(10.9)
Mutual financial organizations	16.1	16.1	----	----	----	----	----	----	----	----	----	----	----
Other intangibles	43.3	.2	.9	3.1	----	----	----	----	----	----	----	----	----
Gross estate	2,639.3	1,135.5	54.1	124.6	110.8	1,237.6	1,120.0	309.2	$327.6	381.2	27.6	29.2	30.8
Total tangible	----	447.9	2.0	115.1	81.7	----	----	----	----	----	----	----	----
Total intangible	----	687.4	52.1	9.5	29.1	----	----	----	----	----	----	----	----
Debts and mortgages	299.8	85.0	----	13.7	34.1	132.8	132.8	27.7	28.8	28.8	21.3	----	22.1
Payables to banks	44.9	9.6	----	2.8	6.9	----	----	----	----	----	----	----	----
Other payables to business	79.9	13.2	----	2.7	9.1	----	----	----	----	----	----	----	----
Payables to households	----	----	----	----	----	----	----	----	----	----	----	----	----
Borrowing on securities	3.2	3.2	----	----	----	----	----	----	----	----	----	----	----
Mortgages	91.2	58.8	----	7.8	15.1	----	----	----	----	----	----	----	----
Other liabilities	80.6	----	----	.4	3.0	----	----	----	----	----	----	----	----
Economic estate	2,339.3	1,050.5	54.1	110.8	76.6	1,104.8	987.0	281.5	298.8	352.4	28.5	30.2	32.0

[1] Source for cols. 2–8. Preliminary national balance sheet estimates for 1953 by National Bureau of Economic Research.

[2] Col. 1 shows preliminary estimates for 1952. All-sector totals are not yet prepared for 1953.

[3] 80 percent of each type of asset in personal trust fund wealth is allocated to the top wealthholder group. This allocation was adopted after inspection of tabulations of fiduciary income tax returns, which suggest that 80 percent of fiduciary income distributable to beneficiaries went to persons with estates worth $60,000 or more since it was from parcels of wealth of at least $60,000 in value. However, available data do not enable an identification of the share of each type of property (e.g., real estate and stock) in the personal trust fund aggregate allocable to the top wealthholders. Lacking any better data, we have applied the 80 percent ratio to each type of property. For pensions and retirement funds, 10 percent of private and 5 percent of Government funds are so allocated, and 20 percent of annuities are estimated to belong to the top wealthholders. This column does not add to gross estate as shown. The gross estate figure of $381.2 billion is our best estimate.

[4] In excess of 100 percent.

[5] The original estate tax data for stock include shares in savings and loan associations. However, we have adjusted the top wealthholder account in cols. 8 and 10 to exclude those shares from "stock" and to include them in "cash." The assumption used for 1953 was that the top wealthholders held 70 percent of the $22.5 billion worth of shares in savings and loan associations held by "individuals." This assumption is based on the belief that such shares are less concentrated than corporate stock and corporate bonds.

[6] Including shares in savings and loan associations. See footnote 5.

[7] Excluded from cols. 6 and 7 but included in "gross estate" and "economic estate" in col. 2.

TABLE 2.—*Proportion of net worth and components held within net worth groups, early 1953* [1]

Net worth	Spending units	1952 money income before taxes	Consumer capital goods [2]	Business and investment assets [3]	Fixed value assets [4]	Total assets	Debt [5]	Net worth
	Percent							
Negative	31	19	1	[6]	[6]	[7]	6	[7]
0 to $999			1	[6]	2	1	4	1
$1,000 to $4,999	23	20	13	1	9	7	18	5
$5,000 to $24,999	35	37	55	19	37	36	51	34
$25,000 and over	11	24	30	80	52	56	21	60
All cases	100	100	100	100	100	100	100	100
	Billions of dollars							
Aggregation valuation	----------	219	288	328	109	725	84	641

[1] Source: 1953 Survey of Consumer Finances, reprinted from Federal Reserve Bulletin, 1953, supplementary table 5, p. 11.
[2] Includes automobiles and owner-occupied nonfarm houses.
[3] Includes owner-occupied farms, farm machinery, livestock, crops, interest in unincorporated business, and privately held corporations, real estate other than home or farm on which owner is living, and corporate stock.
[4] Includes liquid assets and loans made by spending units.
[5] Includes mortgages and other real estate debt, installment and other short-term debt.
[6] Less than one-half of 1 percent.
[7] Negative or less than one-half of 1 percent.

COMPARISON WITH S.C.F. FINDINGS, 1953

The broadest view obtainable of the wealth holdings picture in 1953 is that furnished by the Survey of Consumer Finances for that year. According to the Survey the median net worth of the Nation's 54 million spending units was $4,100. Four percent of the Nation's spending units had net worth of $50,000 or more. Eleven percent had net worth of $25,000 or more. This upper 11 percent held 56 percent of total assets and 60 percent of total net worth. While this group held only 30 percent of consumer capital goods, they held 80 percent of business and investment assets. (See table 2.)

Inspection of 1953 survey results suggests that the spending units having $60,000 or more of net worth were 3 percent of all spending units in 1953. These spending units held 30 percent of total assets and 32 percent of total net worth.[7] These particular figures about the top 3 percent are ones we would like to compare with the estimates of the holdings of top wealth-holding individuals as made via the estate multiplier method.

First, however, it should be noted that there are some limitations to the 1953 Survey data as a representation of wealth-holdings. Not all types of property were included in the count. Insurance, consumer durables other than automobiles, currency, personal trust funds, annuities, pension reserves, bonds of corporations and of State, local and foreign governments were all omitted. Further, there appears to be some understatement of those assets which were included, with perhaps the largest understatement for liquid assets.[8] These exclusions and the difficulty of getting full representation of top wealthholders and complete reporting of their holdings would lead one to suspect that the Survey has probably understated the degree of inequality of wealth distribution on a prime wealth basis and more certainly on a total wealth basis.

[7] It is of interest that the Survey conclusions about this top group are based upon interviews with 124 spending units.

[8] Approximately 80 to 85 percent of the full value of the included items is accounted for by the Survey. Among the excluded items, personal trust funds, annuities, and pension reserves, which together totaled about $100 billion, fall outside our definition of prime wealth. For a comparison of Survey and national balance sheet aggregates, see Goldsmith's "A Study of Saving," vol. III, 107, table W-44. Further difficulties with Survey data are discussed in the Federal Reserve Bulletin, September 1958, 1,047.

Since all our estate tax data are for individuals, it is awkward to check them against the spending unit estimates of the survey. This study shows that while the top wealthholder group in 1953 made up 1.6 percent of all adults, they represented a minimum of 2.3 percent of the families. More precisely, in 2.3 percent of the families there was one or more person with $60,000 or more of gross estate. In some unknown number of other families the combined holdings of two or more persons will equal $60,000 or more. In the light of this the survey's estimate that 3 percent of the spending units have $60,000 or more of net worth seems altogether reasonable. Similarly, their estimate that this group had 30 percent of total assets and 32 percent of total net worth seems compatible with our findings that the top 1.6 percent of adults held 30.2 percent of total economic estate. To add another 0.7 percent of all families would mean to add another 400,000 persons to the top wealthholder group. If we impute $60,000 to each one of them this would add $24 billion or an extra 2 percentage points to the top group's share of total economic estate. Thirty point two plus two equals thirty-two point two which is close to the survey's finding of 32 percent of net worth. In spite of the fact that the survey figures tend to minimize the degree of inequality by exclusions of certain kinds of property, we find only slightly more inequality than is found by the survey. However, the principal conclusion is that the survey gives some confirmation to our estimates at one end of the historical series.

HISTORICAL CHANGES IN INEQUALITY [9]

Table I and unpublished companion tables enable a comparison of top wealthholders and the personal sector for the years 1953, 1949, 1945, 1939, 1929, and 1922. In looking for trends over the decades the reader should remember that varying numbers of wealthholders are involved in each year. These changes are due to changing exemption limits, changing prices and incomes, and changing population numbers. Chart 2 (not printed in RECORD) records the changing number of top wealthholders and the changing population between 1922 and 1953.

Comparison over the years, at least as regards aggregate economic estate, is facilitated by table 3. Here we have shown as much information as could be assembled for the years 1922–56. In some cases the results are the product of interpolation. The estimates shown for 1929, 1933, 1939, and 1954, and 1956 are particularly contrived, since the estate tax data for those years are not presented with age and estate size breakdowns and it has been necessary to use judgment in selecting devolution rates [10] for those years. The 1945 results are adjusted on the basis of 1944 findings, for which considerable basic data were available.

In columns 14–18 the proportion that estate-tax wealth holders are of the total population is shown with their share of total wealth. Thus, in 1922 0.47 percent of the population held 29.2 percent of the total equity of the personal sector. In 1949 0.80 percent of the population held 22.7 percent of the total equity. In 1953 1.04 percent of the population held 28.5 percent of the total equity. The whole set of figures suggests a downward drift in the degree of concentration of wealth, particularly from 1929 to 1945. 1929 stands out as the peak year for inequality in this series with 0.27 percent of the population holding 29.0 percent of the wealth. There is considerable variability in these relationships over short periods. The variability may be due to sampling errors or other errors in the estate tax wealth estimates or to difficulties in the national balance sheet estimates or to a combination of such errors. On the other hand, it is not altogether implausible that the degree of inequality would have increased during the 1920's, returned to below the pre-1929 level in the 1930's, fallen still more during the war and then increased from 1949 to 1956.

[9] So far as is known, this is the first attempt to relate estate tax data to national balance sheet aggregates. Several other students of wealth distribution have examined changes in concentration within the group of decedent estate tax wealthholders. W. L. Crum studied the returns for the period 1916–33 and concluded that "with respect to curvature, as with respect to the coefficients of average inequality, a rough lagging correlation with the economic cycle is evident. Prosperity is followed by a much greater stretching into high total valuations of the few largest estates than is depression." ("The Distribution of Wealth", Boston, Harvard University Graduate School of Business, 1935, 10.)

Working from a distribution of estate tax returns by net estate classes, Mendershausen was able to make some comparisons of inequality among living top wealthholders for the 1920's and the 1940's. He concludes as follows:

"* * * we find less inequality in the 1944 and 1946 distributions than in those for 1922 and 1924. This pertains of course to all returns for each of the several years, which, as has been noted before, extended over a changing range of wealth classes owing to changes in exemptions" (p. 344). These exemptions were $50,000 in 1922 and 1924, and $60,000 in the 1940's.

The introduction of the marital deduction in 1948 makes the net estate data after that year noncomparable with that for earlier years. Hence, we cannot compare the inequality among top wealthholders in the 1920's and 1940's with the 1950's. It is possible to compare the distribution of gross estate among the top wealthholders in 1944 and 1953. We find virtually no difference in inequality in the 2 years. It should be emphasized that there is great difficulty in the way of presenting a meaningful comparison of the degree of inequality among estate tax wealthholders over the years. Because of the dollar exemption (which itself changes) and the changing level of asset prices and the general growth in the economy, the top wealthholders constitute a varying proportion of the total population. To compare the inequality within a group whose limits are so arbitrary and whose relative importance is so variable is apt to raise more questions than it answers.

[10] A devolution rate is an average estate multiplier for number of persons or amount of estate.

TABLE 3.—*Selected data relating top wealthholders to population and estate tax wealth to national balance sheet aggregates, for selected years 1922–53*

Year	Total assets, all sectors total wealth variant (1)	Total assets, personal sector total wealth variant (2)	Total equity, personal sector total wealth variant (3)	Total equity, personal sector prime wealth variant (4)	Total population (5)	Population aged 20 years and over (6)	Number of estate-tax wealthholders (basic variant)	
							White mortality (7)	Adjusted mortality (8)
	(*Billions*)	(*Billions*)	(*Billions*)	(*Billions*)	(*Millions*)	(*Millions*)	(*Thousands*)	(*Thousands*)
1922	$653.0	$347.8	$296.6	$278.3	110.1	65.1	[1] 454	[1] 517
1924					114.1	68.0	[1] 495	
1929	981.7	521.5	441.8	409.8	121.8	74.4	[2] 290	[2] 330
1933	733.1	387.9	329.1	300.7	125.7	78.8	[2] 402	[2] 461
1939	877.4	426.6	368.7	326.5	131.0	85.5	[2] 641	[2] 758
1941					133.4	87.8	[1] 529	
1944					138.4	91.7	[1] 660	[1] 782
1945	1,626.2	722.5	671.8	598.4	139.9	92.9	[1 3] 759	[1 3] 914
1946					141.4	93.9	[1] 859	[1] 1,045
1947					144.1	95.5	[1] 967	[1] 1,014
1948					146.6	97.0	938	1,107
1949	2,063.5	942.7	855.0	760.6	149.2	98.0	1,003	1,187
1950					151.7	99.2	1,079	1,269
1952	2,639.3				157.0	101.4		
1953		1,237.6	1,104.8	987.2	159.6	103.4	1,417	1,659
1954		1,340.9	1,190.7	1,060.2	161.2	105.4		1,661
1955		1,465.4	1,292.0	1,142.4	164.3	107.8		
1956			[4] 1,400.0	[4] 1,230.0	167.2	110.0		2,109

Year	Top wealthholders' aggregate economic estate				Top wealthholders' aggregate gross estate	Top wealthholders as percent of		Wealth of top wealthholders as percent of wealth in personal sector		
	Basic variant		Prime wealth variant	Total wealth variant		Total population Col. 8	Adult population Col. 8	Basic variant	Prime wealth variant	Total wealth variant
	White mortality	Adjusted mortality	Adjusted mortality [5]	Adjusted mortality [6]	Basic variant adjusted mortality	Col. 5	Col. 6	Col. 10 / Col. 4	Col. 11 / Col. 4	Col. 12 / Col. 3
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
	Billions	*Billions*	*Billions*	*Billions*	*Billions*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1922	[7 1] $70.0	[7 1] $81.3	[8] $86.2	$98.1	[7] $92.2	0.47	0.79	29.2	30.7	32.7
1924	[7 1] 75.9	[7 1] 86.6								
1929	[2] 104.2	[2 7] 119.1	[8] 126.1	146.2	[7 2] 138.4	.27	.44	29.0	30.7	33.2
1933	[2] 60.6	[2] 70.1	[8] 72.1	89.9		.37	.44	23.3	24.0	27.3
1939	[2] 81.0	[2 7] 95.1	100.8	126.3	[7 2] 109.3	.58	.89	29.1	30.6	34.1
1941	[9 1] 65.1									
1944	[1] 105.0	[1] 124.7				.56	.86			
1945	[1 3] 117.8	[1 3] 139.6	[8] 148.0	183.6	153.6	.65	.98	23.2	24.7	27.4
1946	[1] 130.5	[7 1] 152.2				.74	1.11			
1947						.70	1.06			
1948	[7] 133.9	[7] 159.4			[7] 177	.75	1.14			
1949	[7] 144.0	[7] 171.4	[8] 181.7	223.9	[7] 190.2	.80	1.26	22.7	24.6	26.0
1950	[7] 162.9	[7] 193.9			[7] 216.2	.81	1.23			
1952										
1953	235.2	281.5	298.8	352.4	309.2	1.04	1.60	28.5	30.2	32.0
1954		[2 7] 297.0	[8] 314.8	375.8	315.0	1.04	1.57	28.0	29.7	31.5
1955										
1956		[2 7] 406.6	[8] 431.0	510.0	432.6	1.26	1.90	33.0	35.0	36.3

[1] Multiplier process carried out for both sexes combined, hence these estimates are slightly high relative to those of 1948–53.
[2] Estimates of wealthholders and aggregate economic estate made by multiplying number of returns and economic estate on returns by selected devolution rates. The rates were selected by inspection of devolution rates in surrounding years and with reference to changing exemption limits.
[3] Estimated from 1944 and 1946 findings.
[4] Estimated from 1953, 1954, and 1956 balance sheets.
[5] Relationship between basic variant and prime wealth variant estimated on basis of 1953 findings.
[6] Personal trust funds allocated to estate tax wealthholders on this basis, 1953, 85 percent of the total; 1949, 80 percent; 1939, 75 percent; 1933 and 1929 and 1922, 66 percent.
[7] Includes a reduction of life insurance to equity value. For 1950 this correction was estimated to be $20,000,000,000; for 1949, $19,000,000,000; for 1948, $19,000,000,000; for 1946, $15,000,000,000; for 1939 and 1929, $7,000,000,000; for 1924 and 1922, $5,000,000,000.
[8] Basic variant adjusted to prime wealth variant on basis of 1953 relationship of basic to prime wealth.
[9] Apparently there was an abnormally old group of decedent wealthholders in 1941.

Table 4 summarizes, perhaps in a clearer way, what changes in inequality are estimated.[11] It shows the same top percent of population in 1953 as the total group of estate tax wealthholders were in some earlier years. Thus, in 1922 the estate tax wealthholders comprised 0.47 percent of the total population and held 29.2 percent of the wealth. In 1953 the top 0.47 percent held 22.0 percent of the wealth.

This is shown graphically in chart 3 (not printed in RECORD), which shows the upper right-hand section of a Lorenz curve.[12] The easiest way to see what changes are involved is to hold the percent of population constant, which can be done with minimum guessing only for the top one-half percent of the population for the series of years. (See bottom row in table 4.) This shows quite clearly that there were three periods with inequality declining in jumps from the 1920's to the 1930's, and then to the war and postwar periods.

The change in inequality over time is modified somewhat by considering the percent that estate tax wealthholders are of adults rather than of the total population. In 1920 persons over 20 years were 57.9 percent of the total population; in 1930, 61.1; in 1940, 65.9; in 1950, 65.7 percent; and in 1955, 63.8. In view of this striking change, and also because adulthood is relevant to wealthholding status, we have shown the percentage that estate tax wealthholders were of the adult population in column 15 of table 3. While the share of wealth held by the top 0.5 percent of all persons fell from 32.4 in 1929 to 22.7 percent in 1953 (table 4), the share held by the top 0.44 percent of adults had a slightly larger percentage fall from 29.0 to 19.7 percent (table 5). The fact that there were more children, most of whom held zero wealth, per 100 of population in the 1920's than in 1953 means that the top 1 percent of adults were a larger part of the total population in 1953 than in 1922. Further, it means that to include the top 1 percent of adults in 1953 one has to count down to smaller estate sizes than in 1922. Presumably it is because of this that we find a greater loss of share on an adult than on an all-person basis. The share of the top 1 percent of adults

[11] This section has been much improved by the suggestions of Thor Hultgren.

[12] This chart should be read downward and to the left from the upper right-hand corner. The line of equality shows the relationship that would obtain if the top 1 percent of the population held 1 percent of the wealth. It will be noted that the further a line is from the line of equality the more the inequality being represented. According to this chart the share of wealth held by the top one-half percent moved from 1929 to 1953 about one-third of the distance toward absolute equality.

shows a greater fall over the years than does the share of wealth of the top one-half percent of all persons.[13] The top 1 percent of adults held 31.6 percent of wealth in 1922 and 23.6 percent in 1953. (See table 5, bottom row, chart 4, not printed in RECORD.)

TABLE 4.—*Share of top groups of wealthholders shown as percent of total population in personal sector total equity (basic variant) selected years, 1922–53*

Percent of population	Percent of wealth								
	1922	1929	1933	1939	1945	1949	1953	1954	1956
Top 0.27	----	29.0	----	----	16.9	----	18.0	----	----
Top 0.37	----	----	23.3	----	18.6	----	20.2	----	----
Top 0.47	29.2	----	----	----	20.2	----	22.0	----	----
Top 0.58	----	----	----	29.1	21.8	----	23.8	----	----
Top 0.65	----	----	----	----	23.2	----	24.8	----	----
Top 0.80	----	----	----	----	----	22.7	26.6	----	----
Top 1.04	----	----	----	----	----	----	28.5	28.0	----
Top 1.26	----	----	----	----	----	----	----	----	33.0
Top 0.50	29.8	32.4	25.2	28.0	20.9	19.3	22.7	22.5	25.0

Source: Table 3, columns 14 and 16. Percentages for top 0.5 percent of population, shown in last row above are derived from chart 3 by extension of lines from known points. The extensions were made by drawing lines parallel to that for 1953, except for 1945, for which detail is available for the top 0.65 percent.

TABLE 5.—*Share of top groups of wealthholders (shown as percent of total adult population) in personal sector total equity (basic variant) selected years, 1922–56*

Percent of population aged 20 years and over	1922	1929	1933	1939	1945	1949	1953	1954	1956
Top 0.44	----	29.0	23.3	----	----	----	18.3	----	----
Top 0.79	29.2	----	----	----	----	----	22.3	----	----
Top 0.89	----	----	----	29.1	----	----	23.3	----	----
Top 0.98	----	----	----	----	23.2	----	24.1	----	----
Top 1.26	----	----	----	----	----	22.7	26.4	----	----
Top 1.57	----	----	----	----	----	----	28.4	28.0	----
Top 1.60	----	----	----	----	----	----	28.5	----	----
Top 1.90	----	----	----	----	----	----	----	----	33.0
Top 1	31.6	36.3	28.3	30.6	23.3	20.8	24.2	24.0	26.0

Source: Table 3, cols. 15 and 16. Percentages for top 1 percent of adults, shown in last row above, are derived from chart 4 by extension of lines from known points except for 1953.

Evaluation of the finding that inequality among all persons and among all adults has fallen over the period 1922 to 1953 is aided by moving to the family as the wealthholding unit. The nearest that estate tax data enable us to come to a family wealth distribution is a rough count of the number of families having at least one member with at least $60,000. This was established by subtracting the number of married women from the total of top wealthholders. Thus, for 1953 the total of 1.6 million top wealthholders less the .3 million married women yields the minimum estimate of 1.3 million families. The identical caculation for 1922 is 517,000 top wealthholders less 45,000 married women, which yields the minimum estimate of 472,000 families.[14]

Setting these numbers of families among top wealthholders against the numbers of total adults less married women in the total population yields the finding that families among the top wealthholder group were 1.4 percent of all families in 1922[15] and 2 percent of all families in 1953. Since the top wealthholder groups in the 2 years held almost the same share of total equity (29.2 percent and 28.5 percent, respectively), it follows that the reduction in inequality is shown by the increase in the percentage of families.[16] By plotting these points on a Lorenz curve and projecting the line a short distance we estimate that the top 2 percent of families in the 2 years had 33 percent of all wealth in 1922 and 29 percent in 1953. It is apparent that a considerably greater amount of splitting of estates between spouses was being practiced in 1953 than in 1922 since the percentage of adults who were top wealthholders doubled while the percentage of families with a top wealthholder increased only 40 percent. (See table 6. Chart 5 not printed in RECORD.)

TABLE 6.—*Selected data on top wealthholders, 1922 and 1953*

Year	Top wealthholders' share of total personal equity	Top wealthholders as percent of—		
		All persons	All adults	All families
1922	29.2	0.47	0.79	1.4
1953	28.5	1.04	1.68	2.0

It is concluded, then, that the decline in inequality shown on the basis of individuals tends to be an overstatement of the decline which would be found on a family basis.

Another way to test whether we have really found a decline in inequality or not is to enter a question about how much error there would have to be in the balance sheet estimates upon which all the percentage estimates of wealthholdings are based in order to invalidate our finding of a decline. Suppose the balance sheet estimates of personal sector total equity are 10 percent too high in 1953 and 10 percent too low in 1922. Correction for this assumed error (in the direction unfavorable to the hypothesis that there was a decline in inequality) yields the result that instead of the top wealthholders having 29.2 percent of total equity in 1922 and 28.5 percent in 1953, they would have 26 percent in 1922 and 32 percent in 1953. Plotting these points on chart 4 (not printed in RECORD) will indicate that both points could very well lie on the same Lorenz curve and hence that no decline in inequality actually took place. In this writer's judgment there is little likelihood of an error of this size.

Interestingly, the conclusions about changes over the years are not affected by selection of one or another variant of wealth. The gap between prime wealth and total wealth as here defined changed very little in the 30-year period. (See table 3, cols. 16, 17, and 18.) A more significant difference may be involved in the choice of mortality rates. The findings shown in table 6 are based on our adjusted mortality rates, calculated as constant percentages of white rates for the respective years. However, it is generally believed that social and economic differentials in mortality have narrowed over time and to the extent that such narrowing has taken place, we have understated the decline in inequality between 1922 and 1953. This means the multipliers used for 1922 are too low because the mortality rates are too high. The maximum possible error here is suggested by a comparison of the results for 1922 using the adjusted mortality rates with the results for 1953 using white mortality rates. Estimates of numbers of top wealthholders using white mortality rates are shown in table 3, column 7. The 1922 result of the top 0.47 percent of the population holding 29.2 percent of the wealth then compares with the top 0.88 percent of the population in 1953 (1.4 million top wealthholders) holding 24.6 percent of the wealth. This means that the top 0.47 percent in 1953 held 19.0 percent of the wealth, according to white mortality rate estimates. It is possible then that the fall in the share of the top 0.47 percent of the population was on the order of 29.2 percent in 1922 to 19.0 percent in 1953.[17] See table 7.

TABLE 7.—*Share of personal sector total equity held by top 0.47 percent of persons*

Year	Adjusted mortality rates	White mortality rates
1922	29.2	----
1953	22.5	19.0

CHANGES BY TYPE OF PROPERTY

Between 1922 and 1953 the top 1 percent of the adult population experienced a decline in share of personal sector total equity and a decline in the share of most types of property. (See table 8.) Notable exceptions

[13] A comment by P. F. Brundage to the author makes it clear that one may make a further step here to say that a statistical determinant of the degree of inequality of wealth holding is the age composition of the population. Increasing the percentage that adults are of the total population tends to decrease the degree of inequality, or to offset a rise in inequality. Similarly, increasing the percentage that older-aged adults are of the total population would tend toward a showing of decreasing inequality. The reasoning runs like this: There is, in general, a positive association between age and size of estate. Hence, up to a point, as a larger part of the population moves into older-age groups, the percent of the total population with no wealth or with small estates will fall and hence the degree of inequality will fall.

[14] Married women were 9.7 percent of decedent estate tax wealthholders in 1953, but only 5.5 percent in 1922. (5.3 and 6.0 percent in 1923 and 1924.) In the estimate of living top wealthholders married women are 18 percent in 1953 and 8.5 percent in 1922.

[15] W. I. King estimated that in 1921 the top 2 percent of property owners held 40.19 percent of all wealth. The top 1.54 percent held 37.25 percent of wealth; the top 0.63 percent held 28.14 percent of wealth. This may be compared with our finding that in 1922 roughly the top 1.4 percent of families held 29.2 percent of wealth. Since some families include two or more property owners, it is probable that there would be more concentration among families than among property owners. Hence, it appears that King, by his entirely different methods, found a higher degree of inequality in wealthholding than we do for the same period. ("Wealth Distribution in the Continental United States," Journal of the American Statistical Association, January 1927, 152.)

It is also of interest that both G. K. Holmes and C. B. Spahr concluded that the top 1 percent of families in 1890 owned 51 percent of wealth. (For Holmes' work see "The Concentration of Wealth," Political Science Quarterly, VIII, 1893, 589–600. Spahr's estimates are reported in his book, "The Present Distribution of Wealth in the United States," Crowell, 1896.) It is difficult to believe that wealth was actually that highly concentrated in 1890 in view of the 1921 and 1922 measures.

[16] Using the Census definition of "households" yields the even smaller change of from 1.9 percent in 1922 to 2.3 percent in 1953. However, this overlooks an important change in household size over the years. In the 1920's households included many more subfamilies than was the case in any period since. (In 1910, 23 percent of persons were heads of households; in 1950, 29 percent were heads of households. Paul Glick, "American Families," Wiley, 1957, II.) To get around this difficulty it seemed best to adopt the "adults less married females" concept referred to above as the family measure.

[17] The relative fall of 10 percentage points is meant to be indicated here. The percentage for 1953 is believed to be substantially too low.

are "stock" and "other bonds," which appear to have changed little in degree of concentration. All studies of stock ownership indicate that this asset is highly concentrated.[18]

TABLE 8.—*Share of personal sector assets and liabilities, total wealth variant, held by top 1 percent of adults, by type of property, 1922, 1929, 1939, 1945, 1949, 1953* [1]

[Percent]

Type of property	1922	1929	1939	1945	1949	1953
Real estate	18.0	17.3	13.7	11.1	10.5	12.5
U.S. Government bonds	45.0	100.0	91.0	32.5	35.8	31.8
State and local bonds	88.0	(2)	(2)	(2)	77.0	(2)
Other bonds	69.2	82.0	75.5	78.5	78.0	77.5
Corporate stock	61.5	65.6	69.0	61.7	64.9	76.0
Cash	----	----	----	17.0	18.9	24.5
Mortgages and notes	----	----	----	34.7	32.0	30.5
Cash, mortgages, and notes	31.0	34.0	31.5	19.3	20.5	25.8
Pension and retirement funds	8.0	8.0	6.0	5.9	5.5	5.0
Insurance	35.3	27.0	17.4	17.3	15.0	11.5
Miscellaneous	23.2	29.0	19.0	21.4	15.0	15.5
Gross estate	32.3	37.7	32.7	25.8	22.4	25.3
Liabilities	23.8	29.0	26.5	27.0	19.0	20.0
Economic estate	33.9	38.8	33.8	25.7	22.8	27.4

[1] Source: Table 1 and companion unpublished tables, col. 13. National balance sheet data used for 1922, 1929, and 1939 are from Goldsmith, "A Study of Savings", vol. III; for 1945, 1949, and 1953, from preliminary unpublished tables by the National Bureau of Economic Research.

[2] In excess of 100 percent. See text.

However, the unreasonable variation of some of these series, plus the greater than 100 percent figures for State and local bonds, yield a less than convincing picture. It would seem appropriate to review the possible sources of error in the whole process of estimating wealth distribution. The irregularities referred to above could have arisen out of random errors in the sampling process.[19] For example, the stock figure in one year could be too high because of an unrepresentative age distribution of decedents with large stockholdings. Another possible cause is the selection of mortality rates; we could have the wrong measure of the differential mortality enjoyed by the rich, or, it could be that there are errors in the way property is valued or classified on the estate tax returns. On the other hand, it could be we are confronted with difficulties in the national balance sheet aggregates for the several types of property.[20] It also is possible that we have double counted some of the assets in personal trust funds in making adjustments to move from the basic variant to the prime wealth to the total wealth variant of wealth held by top wealthholders.

All of these considerations urge that the whole of table 8 be used in evaluating any single figure in it, and that each individual item be treated with caution.

COMPARISON WITH ENGLAND AND WALES

In appraising a given degree of inequality in wealth distribution it is useful to have not only an historical perspective, but a comparison with other national economies. The only other nation for which similar studies have been made is Great Britain. British study of wealth distribution by use of the estate multiplier method goes back to the work of Bernard Mallet in 1908 and includes the later work of G. H. Daniels, H. Campion, and T. Barna. More recently Allan M. Cartter, an American, and Kathleen M. Langley have used this method with British tax data. The British estate tax has had a low filing requirement of £100 and hence the estate multiplier method can give a much more nearly complete picture of wealth distribution for Britain than for this country.

Comparison of inequality in the United States and in England and Wales is made possible by our findings as set forth above and those of Langley, who related her own study of postwar distribution to studies by others of earlier periods. Except for the exclusion of life insurance the British data seem to be quite comparable to our own for the United States. Property in trust is treated in the same way in the two countries. Such a comparison yields the finding of much greater inequality in England and Wales.

A similar finding of greater inequality in England appears in a comparison of the 1953 parallel surveys of net worth conducted in the two countries.[21]

It would appear that the historical picture of decline in the degree of inequality of wealth distribution is similar in the two countries, at least for the period 1922 to 1946. (See chart 6—not printed in RECORD.) However, throughout the whole period the inequality has been considerably greater in England and Wales than in the United States. Mrs. Langley explains the British decline as follows:

The distribution of capital had gradually become more equal during these years. One percent of the persons aged 25 and over in England and Wales owned 50 percent of the total capital in 1946–47; in 1936–38 the percentage was 55; in 1924–30 1 percent of the persons owned 60 percent of the total capital; while in 1911–13, 1 percent of the persons owned 70 percent of the total capital. The scale of wealth had changed from that of 1911–13; there were more people in each of the groups over £100. Inequality had lessened by 1946–47 but capital was still unequally distributed. Ten percent of the total number of persons aged 25 and over owned 80 percent of the total capital in this period while 61 percent of the adult population owned 5 percent of the total capital in 1946–47.[22]

SUMMARY

Thirty percent of the assets and equities of the personal sector of the economy in 1953 is assignable to the top wealthholders, i.e., persons with $60,000 or more of estate tax wealth, who were 1.6 percent of the total adult population that year. The top group owned at least 80 percent of the corporate stock held in the personal sector, virtually all of the State and local government bonds, nearly 90 percent of corporate bonds, and between 10 and 35 percent of each other type of property held in the personal sector in that year. These relationships are quite close to those found by the Survey of Consumer Finances for the same year.

The top wealthholder group, defined according to estate-tax requirements, has varied in number and percent of the total population over the years. Also, their share of total wealth has varied. It appears, however, that the degree of inequality in wealthholding increased from 1922 to 1929, fell to below the pre-1929 level in the 1930's, fell still more during the war and to 1949 and increased from 1949 to 1956. However, the degree of inequality was considerably lower in 1956 than in either 1929 or 1922.

To make a comparison of degrees of wealth concentration it is convenient to consider a constant percentage of the total adult population. The top 1 percent of adults held 32 percent of personal sector equity in 1922, 36 percent in 1929, 31 percent in 1939, and 24 percent in 1953. It is probable that the decline in inequality among individual wealthholders is greater than would be found if families were considered as the wealthholding units, since it is apparent from the data that married women are an increasing part of the top wealthholder group. Converting to a measure of adults less married women suggests that half the percentage decline found for individuals between 1922 and 1953 would disappear on a family basis (table 9).

In these figures two types of error in estimation are likely to offset each other in some degree. On the one hand, the selection of mortality rates tends to understate the decline in inequality. On the other hand, the differences over time in completeness of reporting personal sector wealth and of estate tax wealth may tend to overstatement of the decline. It is difficult to imagine any combination of errors which would yield a result of increasing concentration over time. Interestingly, the conclusions about changes in concentration of wealth over the years are not affected by selection of one or another variant of wealth.

TABLE 9.—*Share of personal sector wealth (equity) held by top wealthholders in 1922 and 1953*

Year	Top 1 percent of adults	Top ½ percent of all persons	Top 2 percent of families [1]
1922	31.6	29.8	33.0
1953	24.2	22.7	29.0

[1] Families here defined as all adults less married females.

[18] Butters, Thompson, and Bollinger give as their best estimate for 1949 (based on SRC data, tax return data, and their own field surveys) the following: The upper 3 percent of spending units as ranked by income owned 75 percent of marketable stock; the top 1 percent, 65 percent; the top one-half of 1 percent slightly over one-half; and the top one-tenth of 1 percent, about 35 percent of all the marketable stock owned by private investors. They indicate these percentages would be higher if the stock held by personal trust funds were allocated to individuals. ("Effects of Taxation: Investments by Individuals," 25, and also chs. XVI and XVII.) As regards a ranking by size of stockholdings, the 1 percent of all spending units that owned $10,000 or more of stock accounted for at least two-thirds of the total value of stock reported to the Survey of Consumer Finances (1952 Survey, Federal Reserve Bulletin, September 1952, 985). For one measure of concentration of stock ownership by use of a total wealth ranking, see Goldsmith, A Study of Saving, volume III, table W–53. He estimated that in 1950 those spending units with $60,000 or more of net worth held 76 percent of corporate stock. The reader is cautioned that rankings by income and wealth are not interchangeable.

[19] The top wealthholder group held substantially more market value in stocks in 1953 than in 1949. The aggregate gross estate of decedent top wealthholders was 36.5 percent in stock in 1949, but 40.5 percent in stock in 1953.

[20] It seems probable, for example, that balance sheet difficulties are responsible for the high State and local bonds percentage in 1929 and 1939.

[21] K. H. Straw, in discussing the two surveys ("Consumers' Net Worth, the 1953 Savings Survey," Bulletin of Oxford University Institute of Statistics, February 1956, table II, 4) supplies us with some clues as to why the difference in inequality may prevail. In Great Britain 16 percent of the population is over 60 years of age, while the comparable figure for the United States is 12 percent. In the United States, 9 percent of the spending units are headed by farm operators while only 1 percent of the British income units are so headed. In the United States half the spending units own their own homes, while in Britain only 27 percent of the primary income units own their homes. Also see Harold Lydall and J. B. Lansing, "A Comparison of Distribution of Personal Income and Wealth in the United States and Great Britain," American Economic Review, XLIX (March 1959), 43–67.

[22] Langley, "The Distribution of Capital in Private Hands," op. cit., 47.

A leading exception to the general picture of declining concentration is corporate stock. This particular type of asset appears to have become no less concentrated in ownership over time.

Inequality of wealth distribution is considerably greater in Great Britain than in the United States, but a pattern of similar historical decline in inequality is observable in the two countries.

It helps to place these findings in perspective to compare them with Simon Kuznets' findings in "Shares of Upper Income Groups in Income and Savings" (National Bureau of Economic Research, 1953). He traced changes in the shares of the upper one and five percent of persons in a per capita distribution from 1913 to 1948 and found that the top 5 percent's share of basic variant income had a rather narrow range of movement during the period 1919–38, with no perceptible and sustained change. However, he found that "From 1939 to 1944 it dropped from 23.7 to 16.8 percent—almost 7 percentage points in 5 years; and in 1947 and 1948 its level was only slightly higher—17.6 and 17.8 percent respectively. During the last decade, then, the share of the top 5 percent declined about a quarter."[23] The fall for the top 1 percent was from 12 percent in 1939 and 1940 to about 8½ percent in 1947 and 1948. In the disposable income variant the top five percent's share fell by well over three-tenths, from 27.1 to 17.9 percent.

Our finding that the share of wealth held by the top two percent of families fell from about 33 percent to 29 percent from 1922 to 1953, or by about one-eighth, would seem to be not incompatible with Kuznets' findings[24] and with the general belief that there has been some lessening of economic inequality in the United States in recent decades. Wealth distribution appears to have changed less than income distribution during this period.

[23] Ibid., xxxvii.

[24] Kuznets' per capita distribution of income should not be confused with a per earner distribution. In the former family income is divided by number of family members to obtain in array of families (or individuals) by per capita income. Since our wealthholder data are not calculated on a per capita basis we cannot make a direct comparison with Kuznets' findings on income. Our estimates of the distribution of wealth by families seem to be conceptually closest to Kuznets' per capita procedure.

SHARING NUCLEAR WEAPONS WOULD INCREASE DANGER OF WAR

Mr. YOUNG of Ohio. Mr. President, the recent press conference suggestion of the President of the United States about distributing nuclear weapons among our allies is shocking and appalling.

Whatever the reason for such an ill-advised step, it multiplies, rather than diminishes, the chances of war.

Weapons of such a terrible, devastating nature—weapons which indeed could wipe out the world if enough of them were loosed—cannot be broadly distributed without vastly increasing the risk of a conflict dreadful beyond imagination.

My view is that atomic war is less likely to be thrust upon us by a hostile dictatorship than through a grimly strange accident touched off by a drunk, a fool, or an irresponsible madman. An all-out nuclear war involving this Nation is far more likely to be touched off by human error than by human intention.

Too many all too human error-prone fingers on triggers cause disquiet. With the nationals of more countries handling such lethal weapons, the possibilities of accidental destruction of life, by some trigger-happy subordinates, are enhanced.

Mr. President, if we arm some allies with nuclear weapons, where would the practice stop? If we share them with England and France, it is a certainty that the pressures from other allied nations will become so great that they, too, will soon have atomic weapons made in the United States.

I would unalterably oppose placing such weapons in the hands of Germany, a nation which already has plunged the world into two terrible wars in a period of less than 30 years.

Nor would I want Syngman Rhee, of South Korea or, more particularly, Chiang Kai-shek, to have control of nuclear armaments.

Moreover, there is no guarantee that an allied nation presently governed by a ruler considered completely trustworthy will always continue to be so governed.

Mr. President, let us look at the other side of the coin. By multiplying the number of our allies who possess atomic weapons, undoubtedly the number of nations in the Soviet sphere which would receive these weapons also would be increased.

When France recently exploded her first atomic bomb in the Sahara, the shock was felt in every capital in the world. The Soviet Union has strongly hinted that it may give nuclear weapons to Red China to counterbalance the addition of a new nuclear power in the West.

At a time when the major nuclear powers have called a cessation to nuclear testing in the hope that a disarmament agreement may be reached, the French action was cause for serious criticism from practically the entire community of nations.

If France may test her bomb, then what is to prevent any nation receiving like weapons from us or the Soviet Union from testing their bombs when they receive them? The chain of events—of explosives, I should say—could be disastrous. Thus, such weapons would soon be shared by the Russians with Red China and East Germany.

The consequences of a move so drastic as that proposed by President Eisenhower could be tragic. It could open a huge Pandora's box of added worries to besiege the world.

For instance, would such a step include missiles? If not initially, is it not reasonable to believe that it would eventually include missiles with nuclear warheads, all primed to go?

There again, the probability of war would be increased.

I am certain that many Senators have read the hilarious Max Shulman book, "Rally Round the Flag." This book dealt with the establishment of a missile base in a small, quiet Connecticut suburb. Worried townspeople were constantly assured by pompous, smug generals that the missiles simply could not go off by accident. Too many buttons had to be pushed, and they had to be pushed in just the right sequence. It could not happen unless it was meant to happen, the generals said. But it happened. Although the event was treated with humor in the book, there was in the humor a grain of warning, a hint that, though this was all in good fun, what happened in the book could happen in life.

Most Senators have lived too long and have experienced too much to believe any general if he were to say "it just could not happen by accident."

Mr. President, there are other aspects of this suggestion which have not received enough attention.

Such a step would deal a body blow to any disarmament negotiations with the Soviet Union and would further jeopardize negotiations to secure an agreement to permanently end nuclear weapons testing.

The psychological effect of the proposed transfer of weapons upon world opinion, and especially upon the peoples of the uncommitted nations, would be disastrous. It would confirm the belief among some of the peoples of the world that the Soviet Union is more sincerely interested than the United States in halting the arms race.

All else aside, this is a poor time even to discuss such a giveaway in view of the approaching summit conference.

It would be a jolt to all the people of the world who yearn for a genuine peace free of fear, not an uneasy peace maintained by a balance of terror.

The exchange of scientific information for peaceable purposes is highly desirable, and in this sense the existing secrecy restrictions should be relaxed. Such relaxation should not, however, carry over into the field of weaponry. In this field our aim should be to limit rather than to widen the circle of nuclear powers.

Mr. President, any legislative proposal to share atomic weapons with our allies must be considered first by the Joint Committee on Atomic Energy, then by both House of Congress.

Should it get that far, I earnestly hope Senators will bear in mind that to spread atomic weapons around will probably not act as an added deterrent to war. On the contrary, it could begin a chain reaction which would lead, step by step, to the most horrifying war in history.

TRIBUTE TO THE LATE FORMER SENATOR HERBERT R. O'CONOR

Mr. KEFAUVER. Mr. President, I rise to pay a brief tribute to the life, character, and public service of Herbert R. O'Conor, who passed away, most untimely, a few days ago.

He was a fine public servant, a statesman in the finest sense of the word.

I had the privilege of serving with Herbert O'Conor on the Judiciary Committee, where he was always diligent, thoughtful, and thorough in his consideration of legislation. He was always courteous and thoughtful of his colleagues in the U.S. Senate.

I was chairman of the Senate Crime Investigating Committee for about 2 years, during which time he served as a member. We held many hearings, and he made a great contribution to the work of the committee. Later he served as chairman of the committee, and made several important legislative recommendations, some of which were accepted.

After he retired from the U.S. Senate in 1953, he continued to visit us frequently, to give us counsel and advice, which was always appreciated as being thoughtful and well considered.

Herbert O'Conor leaves a wonderful family, a wife and children. To them we all send our sympathy and express our regrets at his passing away so untimely.

Mr. President, there is a very good editorial on the life and work of former Senator O'Conor in the Evening Star today, which I ask unanimous consent to have printed in the RECORD following my remarks.

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

HERBERT R. O'CONOR

Public service and the profession of law have lost a distinguished practitioner with the death of Herbert R. O'Conor, 63, of Baltimore.

A man of attractive personality, Mr. O'Conor turned from newspapering at an early age to the not unusual combination of law and politics. In those related fields, he progressed steadily from local prominence in Baltimore to statewide success and popularity in Maryland—as Attorney General, Governor, and, from 1947 to 1953, as U.S. Senator. During his term in the Senate, Mr. O'Conor served for a time as chairman of the Senate Crime Investigating Committee and as chairman of the Senate Internal Security Subcommittee—two areas in which he was particularly well acquainted by experience and by personal interest.

After deciding not to seek reelection to the Senate in 1952, Mr. O'Conor continued his dedicated fight against communism and was a spokesman of the American Bar Association in its condemnation of lawyers who resort to fifth amendment protection against questions of possible Communist affiliation. A lifelong Democrat, he was also a devoted participant in lay activities of the Roman Catholic Church. In all of these outlets for his interests and his talents, Mr. O'Conor earned widespread respect.

Mr. WILEY. Mr. President, today I rise to pay tribute to a former Governor of the great State of Maryland, a fine U.S. Senator, a dedicated citizen of this great country, and a good friend, the former Herbert R. O'Conor.

Just last week, I spoke to him in the corner of the Chamber on the opposite side of the aisle. Now he has gone on the journey we must all take.

As we all appreciate, the passing of such men leaves a wake of regret and sorrow.

At the same time, however, we can be grateful that they have lived, worked, and made their contribution to our way of life.

To his loved ones go our deepest expression of sympathy.

Recently, the Evening Star printed a brief review of the life and services of a good friend, patriot, and loyal and dedicated citizen, Herbert R. O'Conor.

I might say he served with me when I was chairman of the Judiciary Committee. He was a hard worker. There developed between us a friendship that was more than superficial.

Mr. President, I request unanimous consent to have the article printed in the RECORD following my remarks.

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

[From the Evening Star, Mar. 5, 1960]

HERBERT O'CONOR DIES; EX-GOVERNOR, SENATOR

Funeral rites for Herbert R. O'Conor, 63, the only Marylander to serve his State as attorney general, Governor, and U.S. Senator, will be held at 9:10 a.m. Tuesday, at his home in Baltimore.

A requiem high mass will be said at the Cathedral of Mary Our Queen at 10 a.m. Burial will be in the New Cathedral Cemetery, Baltimore.

Mr. O'Conor died of a cerebral hemorrhage yesterday in Baltimore's Mercy Hospital, where he had gone for treatment of a heart condition.

Born in a typical Baltimore row house, Mr. O'Conor became a police and court reporter for the Baltimore Sun after his graduation from the University of Maryland Law School. He began his career of public service when, at the age of 25, he was appointed an assistant State's attorney.

WON WIDESPREAD ATTENTION

The case which first brought him to widespread public attention involved Walter Socolow, a 19-year-old boy wanted in Baltimore as the trigger man in a murder case. The youth had escaped to New York, and Mr. O'Conor was sent to get him after his arrest there.

As the boy's lawyers sought a writ of habeas corpus in a New York courtroom Mr. O'Conor shoved his Baltimore detectives forward and ordered, "Take him, boys."

The youth was taken out of the courtroom without resistance, placed in a police car, and rushed to Baltimore.

ELECTED GOVERNOR

From that point on, Mr. O'Conor held the succession of public offices. He was elected State's attorney for Baltimore, Maryland attorney general and, at the age of 45, became Governor of Maryland.

Serving as Maryland attorney general from 1935–39, he was first elected Governor in 1938. He gambled in seeking the governorship. After a tough primary battle against Baltimore Mayor Howard W. Jackson, Mr. O'Conor won by a plurality of more than 65,000 votes. He was then 42.

Mr. O'Conor began to gain national attention when he won reelection in 1942. He was elected chairman of the Governors' conference that year and became president of the Council of State Governments in 1943. He also served as Chairman of the Interstate Commission on the Potomac River Basin during his second term.

During the World War II he many times expressed concern that wartime emergency measures were denuding States of their individual rights. However, he was a strong supporter of President Franklin D. Roosevelt.

Elected to the Senate in 1946, Mr. O'Conor succeeded Senator KEFAUVER, Democrat, of Tennessee, as chairman of the Senate Crime Investigating Committee.

DIFFERED WITH TRUMAN

He and President Truman often differed, particularly on the subject of Communist influence. Friends said one of the reasons he decided to retire to private life in 1952 was so he could be free to criticize the Truman administration.

Even after his retirement to private law practice in Baltimore, Mr. O'Conor carried on his anticommunism campaign.

He was chosen by the American Bar Association to go to Tallahassee, Fla., to represent the organization in its stand against lawyers who resort to the fifth amendment regarding questions of Communist affiliation.

Mr. O'Conor leaves his wife, Mrs. Eugenia Byrnes O'Conor; four sons, Herbert R. O'Conor, Jr., who has filed for the Democratic nomination to Congress from Maryland's seventh district in the May 17 primary; Eugene F. O'Conor, James P. O'Conor, and Robert O'Conor, and a daughter, Mary Patricia O'Conor.

NEW YORK TIMES WARNS AGAINST CIVIL RIGHTS COMPROMISE

Mr. KEATING. Mr. President, an editorial in today's New York Times warns against acceptance of a "weak, dishwatery compromise" bill on civil rights.

I believe that any such compromise would be indefensible. The proposals which have been advanced by the administration certainly are no stronger than would be justified to correct all of the injustices the evidence has disclosed. The administration's bill, despite all the haranguing against it by the opponents of civil rights, is very moderate and actually could be strengthened in several particulars.

Under the circumstances, suggestions of an agreement to a bill offering less than the proposals in the Dirksen amendments should be rejected by all who advocate effective legislation in this area. I believe the Members in this body who would be willing to go beyond the seven-point bill now pending far outnumber the opponents of any legislation on this subject. This is what makes talk of a weak compromise so incomprehensible.

If any compromise is forced through, it will be an admission that under the rules of the Senate a majority can be overrun by a small minority. Any such situation would be intolerable and would make imperative a change in the Senate's rules to restore democratic control over the Senate's decisions. Last year when the majority leader's amendment to rule XXII was approved, he said this amendment would "close the circle of the Senate's ability to proceed responsibly."

In my book, "responsible" proceedings in a democratic body require decisions on the merits by a majority after a reasonable opportunity for debate. We will not be proceeding responsibly if we finally yield to minority control in shaping this legislation. I hope this was the majority leader's understanding when he made his statement last January, and I hope that the outcome of this debate will prove he was right.

Mr. President, it behooves all of us to consider the sage and timely comments of the New York Times on this issue, and I, therefore, ask unanimous consent that the Times editorial be printed at this point in the RECORD.

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

[From the New York Times, Mar. 6, 1960]

QUORUM CALL

Eighteen southern Senators who know what they don't want, were expected to turn

up bright, rested, and well scrubbed at noon today to continue their efforts to keep the Senate majority from getting what it does want.

The Senate majority wants some kind of civil rights legislation. The civil rights Senators are not in agreement as to how far this legislation ought to go. Some would settle for a better guarantee of the Negro's voting privileges. Some want to put in a word for school integration and for an endorsement of the Supreme Court's integration decision of 1954 as "the supreme law of the land." This proposal seems to make the southern blood, in certain States, run cold.

Behind the scenes the leaders of both parties and of the factions inside the parties have spent a short weekend talking things over, while some of their colleagues slept, ate, and, as LYNDON JOHNSON suggested, bathed. The indications are that if the warm, lukewarm, and cool friends of civil rights can agree on a bill they will be able to roll up the two-thirds majority, present and voting, that is necessary to stop the prospective continuation of last week's night-and-day yammering and invoke cloture.

We trust the bill finally voted on will not be a weak, dishwatery compromise. Such a compromise would not even be politically wise. If, nevertheless, it happens, an appeal for change of venue may be taken, from the 51 Member quorum that enables the Senate to do business at 4:30 in the morning to that larger quorum that believes in the whole of the Bill of Rights, in the liberating amendments, in the American dream.

Hesitant Senators should bear in mind that there will be no filibustering on the Tuesday after the first Monday of next November.

ANNIVERSARY OF THE COMMUNIST DOMINATION OF RUMANIA

Mr. KEATING. Mr. President, the date of March 6, 1960, marks the 15th anniversary of the Communist assumption of control over the brave nation of Rumania. The modern history of the Rumanian people has had its sorrows and tragedies, but no part of it is so tragic as that period between early 1945 and today.

The helpless and unhappy Rumanians were caught in the vortex of the last war. Even if they had the choice and wanted to stay out of that world struggle, they could not have remained aloof, because their fate was, throughout the war, in the hands of the Nazis and Communists. So they were inextricably involved in it, fought as best they could, hoping that in the end justice would be done to their cause. But that was not the order of those days, and, in the rapid deterioration of East-West relations, even before the end of the war, Rumania was robbed of its chance for freedom by the treachery of Moscow.

In March of 1945, when Soviet leaders forced a leftwing, Communist-dominated government upon non-Communist and freedom-loving Rumanians, freedom fled from that once happy land. All this was done on March 6, 15 years ago. On that day Rumania's ties with the free world were snapped, and since then some 18 million Rumanians have remained prisoners in their homeland, far behind the Iron Curtain.

On the anniversary of this fateful date, let us reaffirm to these imprisoned peoples our profound sympathy in their plight, and our dedication to the ultimate cause of their liberation from the chains of the oppressor.

ANNIVERSARY OF THE ALAMO

Mr. JOHNSON of Texas. Mr. President, the people of my State celebrated, yesterday, one of the epic moments in American history. On March 6, 1836, a small band of Americans—men from Tennessee, New York, Georgia, Pennsylvania, the Carolinas, Ohio, Kentucky, and 10 other States—fell before a great Mexican army at the Alamo.

They had come to Texas for every reason under the sun. And perhaps it was for a number of reasons, Mr. President, that they stayed in that beleaguered mission in San Antonio when it was under attack by a force more than 30 times the size of their own. For 13 days of siege, they fought off repeated attacks by the army of Santa Anna.

I suppose every schoolchild in Texas knows the letter of the Alamo's commander, Col. William Barrett Travis. It was addressed to "the people of Texas and all Americans in the world"; and in it Travis said:

> The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, and our flag still waves proudly from the walls—I shall never surrender or retreat.

Travis and his men did not surrender or retreat. On March 6, they died in the defense of the Alamo and of Texas independence. Their bravery and tenacity have few parallels in the military history of the world.

It is not enough, Mr. President, to salute them on this day. What is required of us is a profound dedication to their example. Their courage and devotion to liberty are not matters of dry historical fact, to be filed away and forgotten. Only as we keep the same virtues alive in our hearts today, will we survive as a nation in the fateful decades ahead.

MAIL ORDER PRESCRIPTION SCHEMES ARE DANGEROUS TO PUBLIC HEALTH

Mr. DIRKSEN. Mr. President, the Senate Antitrust and Monopoly Subcommittee has been conducting hearings on the pricing policies in the drug industry. In connection with the subcommittee's hearings, which have temporarily been suspended, I have inserted in the RECORD quite a number of items; and I have followed the hearings, and have attended them insofar as time permitted.

One of the issues presented to the subcommittee was the ability to purchase drugs through mail-order prescriptions, rather than from local pharmacies. For the information of the Members of Congress, I ask unanimous consent that an article entitled "Special Conference Reports—Mail-Order Prescription Schemes Are Dangerous to Public Health," which was published in the Journal of the American Pharmaceutical Association for February 1960, be printed at this point in the body of the RECORD.

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

SPECIAL CONFERENCE REPORTS—MAIL-ORDER PRESCRIPTION SCHEMES ARE DANGEROUS TO PUBLIC HEALTH

Any mail-order prescription service which prevents personal pharmacist contact with patient and prescriber is dangerous to patient safety and public health.

Such was the consensus of a special conference of State pharmaceutical association secretaries and secretaries of State boards of pharmacy which met in Washington, D.C., at the Statler-Hilton Hotel on January 6. The conference, attended by 64 pharmacy leaders from every part of the United States, was called by the American Pharmaceutical Association in cooperation with the National Association of Boards of Pharmacy and the National Conference of State Pharmaceutical Association Secretaries.

In opening the conference, Apha President Howard C. Newton noted:

"We have an extremely important problem facing us. It is a problem that is growing in the climate that is being created by the current Kefauver investigation. This problem deals with mail-order prescription schemes—schemes that are intended to circumvent the ordinary channels in which medicines are distributed. Our council, recognizing the danger involved, requested our secretary, Dr. Apple, to be on the alert, to study the problem, and to give information to those who should have it. The implications of this problem are tremendous and it is because they are so tremendous that our association decided that this conference should be called."

Dr. Patrick H. Costello, secretary of the National Association of Boards of Pharmacy, then told why the NABP was concerned with the problem:

"I have been the recipient of many communications from boards of pharmacy and several have representatives here today. All expressed the view that the [mail-order] scheme would result in law violations for which proof could not be established. Some boards expressed the view that they did not have statutory authority to deal with the matter as they believed it should be dealt with. Some expressed the view that they did have statutory authority and would exercise it if need be. One board has already done so. The solicitation by mail of new prescriptions and copies of filled prescriptions to be refilled and delivered by mail presents many things for us to consider. This is particularly applicable to the boards."

Following remarks by Samuel Silverman, president of the National Conference of State Pharmaceutical Association Secretaries and executive secretary of the Massachusetts Pharmaceutical Association, Dr. William S. Apple, Apha Secretary, outlined the problem at hand:

"This is a professional matter which is of great concern to us because it threatens to destroy a community pharmaceutical service. The mail-order mechanism is dangerous because it eliminates the personal professional relationship with patient and/or prescriber. The mail-order mechanism breeds inferior pharmaceutical service. The community, as well as the profession, must be made aware of the consequences."

Dr. Apple emphasized that "unless our profession reacts quickly and in a positive manner, the public and other health professions may be misled into believing that pharmacy considers the impersonal centralized mail-order method as an acceptable substitute for community pharmaceutical service."

Apha council chairman, George F. Archambault, noted that public health hazards of mail-order operations include:

The delays encountered in obtaining prescriptions by mail.

The encouragement of self-medication practices during the lapse of time prescriptions are en route.

The opportunities for deviators to obtain drugs for illicit traffic.

The tendency to use nonprofessional personnel in filling prescriptions by mail-order pharmacies.

The lack of accessibility of prescription files for use during emergencies resulting from idosyncrasies or the accidental ingestion of drugs by persons other than those for whom the medication was prescribed.

The destruction of the physician-patient-pharmacist relationship, making it nearly impossible for the mail-order pharmacists to authenticate the prescription or check with the physician on such matters as identity of the drug, strength or refill authorization.

Wisconsin board secretary, Paul Pumpian, and Apha legal division director, Raymond Dauphinais, reviewed the legal approach to the problem. Pumpian read a letter to Senator ALEXANDER WILEY asking if the residents of his State are to be stripped of their right to have qualified personnel fill their prescriptions, or if they are to have the physician-pharmacist contact destroyed by such mail-order schemes. Dauphinais noted in particular:

"The individual States have exclusive jurisdiction over matters of professional practice and privilege. Neither the Federal Government nor any other laws can, nor do, confer professional privileges upon a person within a State. The State's law relating to professional practice and privilege is administered by specialized boards or agencies. In matters of professional practice and privilege, these agencies engage in the following activities: They examine qualified candidates, they issue licenses to candidates possessing the requisites and skills and learning and they continually supervise practitioners. All of these activities are done to protect the people of a particular State against the effects of ignorance and incompetency. Practitioners not privileged with professional license by a given State are not privileged to practice in that State. Similarly, a practitioner with professional license in one State has no extraterritorial practice privileges by virtue of his license. This means, as I see it, if you are a pharmacist in a particular State, you practice pharmacy only within that State. If you are a practitioner authorized to create prescriptions, you can only create them in that State in which your practice permits."

Apha director of communications, George Griffenhagen, pointed out that the mail order prescription operations are not limited to elderly folks. While the American Association of Retired Persons and the National Retired Teachers Association drug-buying service is intended for those who claim to be older than 55, other schemes have developed for other groups. The Getz Prescription Co., of Kansas City, Mo., recently launched a nationwide newspaper advertising campaign offering prescription drugs on a mail order basis to the general public and Organization Drug Service, Inc., of Washington, D.C., has been established to fill mail order prescriptions for some 80,000 members of the Bakery & Confectionery Workers Union throughout the United States.

Since the January 6 meeting, the Wharhaftig Prescription Pharmacy, of Seagoville, Tex., has announced a prescription mail order plan to club members who pay a $2 annual membership registration fee. The form letter announcing the operation promises "a special discount of 25 percent off the usual cost of prescriptions" and that "prescriptions will be filled and mailed the same day they are received when possible." Pharmacists Arthur Warhaftig and Richard Carder announce that customers "may mail or telephone prescriptions in."

Conferees' recommendations for eliminating mail-order prescription schemes ranged from strengthening State and Federal laws through legislation or administrative rulings to incorporating a specific statement in the Apha Code of Ethics making it unethical for pharmacists to participate in such schemes which are dangerous to the public health.

It was noted that education must be a primary consideration. The public and the medical profession must be educated in particular concerning the inherent dangers that lie in these programs so that when their patients raise questions concerning the practice they can answer them in a fashion that would discourage the use of such facilities. The pharmacist first of all must recognize the situation and take every opportunity to point out the dangers to physicians and patients.

Individual comments and suggestions included the following:

Cecil A. Stewart, secretary, California Pharmaceutical Association: "We have a section in our California law which prohibits a pharmacy from accepting a prescription written by a prescriber not licensed in California. Section 651 of our Business Profession Code prohibits the member of any profession in California from offering or giving a consideration to any person that they would not give to other people and on this basis the board of pharmacy in California was able to stop the Altadena, Calif. pharmacist from establishing a mail-order service for American Association of Retired Persons."

Robert P. Fischelis, former Apha secretary and now president of the Drug Trade Conference: "The pharmacist is commanded under his State law to handle prescriptions in certain ways. Some of the laws are even specific about the receiving and the delivery of the prescription. Has the pharmacist the right to delegate any of his authority to anybody, including the U.S. mail?"

J. Ruffin Bailey, attorney, North Carolina Board of Pharmacy: "Getting down to the legal approach, I think there are 51 different solutions to this particular problem. Each State has it own method. We have a statute which makes it a misdemeanor for anybody not licensed to fill a prescription or sell, dispense, or compound drugs or pharmaceutical preparations. We can extradite people from outside our State who violate our criminal laws. I discussed this with our leading assistant attorney general, who is most familiar with this type work, and he has assured us that they will get the full cooperation of our attorney general's office. Getting down to the meat of it, it is a question of interstate practice of pharmacy which I think is illegal in its entirety. I don't think that any State board can stand by and tolerate the interstate practice of pharmacy, of medicine, or any other profession or privileges we have referred to here. We have a provision in our Constitution which permits us to enact certain legislation necessary for the protection of the public health, safety, and welfare. That's the general police power of all governments. Our legislators have delegated to each respective board of pharmacy that authority. Now, how far can you delegate that authority? We can't delegate it to anyone else's board or any other person outside our State. We have to enforce that law ourselves. We have the original and exclusive jurisdiction."

Hugo H. Schaefer, treasurer of the American Pharmaceutical Association: "In the original draft of the Durham-Humphrey legislation, there was a provision that prescriptions cannot be filled by mail except in the immediate shopping area of a pharmacy. The Federal Food and Drug Administration wanted that provision because of several organizations that fill prescriptions by mail for epileptics and the Food and Drug Administration couldn't tackle this problem very well unless they had a provision prohibiting mail-order prescriptions. The professional pharmacist opposed the restriction at that time because of the fact that his patient often went to vacation places and maybe saw a doctor there. We were successful in having the provision taken out of the law before it was passed, but now, I think we should honestly go to the Federal Government and say, 'Look, we originally opposed the restriction on mail-order prescriptions because there wasn't any serious danger at that time to public health but now we can see it is becoming a health problem of real magnitude.' I think we can get the Food and Drug Administration to back us in the enactment of an amendment. I believe this is the way to do it most quickly and most advantageously."

In summary at the conclusion of the conference, APA secretary William S. Apple noted: "This new mechanism is enveloping and imposing a threat to pharmaceutical service as our profession believes it should be rendered. We must not overlook that it stems from acts committed by members of our own profession. We have tried to show you that this new mechanism is developing at a rather opportune time for those who advocate and want to perpetrate it. We've had several possible solutions proposed. If we consider this a problem vital to the present and future interest of our profession, the next step is to explore diligently these solutions."

ORAL DECISION BY JUDGE SAVAGE IN CASE OF UNITED STATES AGAINST ARKANSAS FUEL OIL CORP. AND OTHERS

Mr. DIRKSEN. Mr. President, in January 1957, the Senate Antitrust and Monopoly Subcommittee conducted hearings relating to the Middle East oil crisis due to the closing of the Suez Canal. Many problems were discussed during the course of the hearings. I believe I attended every one of them. Some very distinguished witnesses were heard, and they included witnesses from the Interior Department and from other Government agencies.

While the Senate subcommittee hearings were in progress, the Department of Justice called into session a grand jury, to have it look into the Middle East oil problem. In 1957, the grand jury returned an indictment against numerous oil companies.

Mr. President, those oil companies were brought to trial on the pending indictments, and the cases were tried in Tulsa, Okla. For the information of Congress, I ask unanimous consent that the oral decision of Judge Savage in United States of America against Arkansas Fuel Oil Corp, and Others be inserted in full in the body of the RECORD.

Mr. President, I point out parenthetically that the decision of Judge Savage paralleled my individual views which I filed in the Senate Antitrust and Monopoly Subcommittee report on the Middle East oil crisis.

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

ORAL DECISION OF JUDGE SAVAGE IN UNITED STATES OF AMERICA *v.* ARKANSAS FUEL OIL CORPORATION ET AL.

The COURT. I am going to decide the case. I perhaps should spend some time and write something, but I have concluded that I will decide the case orally and decide it this afternoon.

Insofar as the conspiracy alleged in the indictment is concerned, it seems to me that the Government's position is based upon the first premise that the economic conditions existing in December 1956 and January 1957 were not exerting any pressure for a general increase in crude oil prices. It is the Government's contention that crude stocks and gasoline stocks were not in short supply; that the export demand brought about by the closure of the Suez Canal could not then have been expected to result in any substantial reduction in crude stocks, and that as a necessary consequence there could not have been a general crude price increase, absent an agreement upon the part of the defendant companies to act in concert to bring about the increase.

I don't agree with that first premise. And then, in addition, I think there are other considerations that must be taken into account. Of course, supply and demand is a tremendously important factor in influencing price movement. But, as disclosed by the survey made by Mr. McLean on behalf of Continental Oil Co., there are other factors which must be taken into account, and the evidence discloses that there had been an increase in cost in connection with the exploration for, and the production of, oil and Mr. McLean apparently thought that alone was an important factor suggesting justification for an increase in crude prices at a time when there were perhaps excessive stocks on hand.

But after the closure of the Suez Canal, the industry was confronted with an entirely different situation. I feel confident that many of the defendant companies had given consideration to possible price increases before that emergency arose. These defendants were interested, I am sure, in increasing the price of oil as there might be economic justification for it. They were interested in increased profits—I don't know of any business corporations that are not—and understandably so. So I am satisfied from this evidence that they were alert to the existence of a situation which would constitute economic justification for an increase in prices. It seems to me that the important thing to consider in connection with this price increase is the effect that it had primarily on Humble's position. Humble took the lead in announcing this price increase. And I don't believe we get a true picture of the situation by looking to the status of the crude stocks collectively. Humble had an export demand in January of 5½ million barrels. They were in position to supply 1,200,000 barrels, I believe, and 600,000 of that was oil carried over from the preceding month, which they had not been able to deliver because of tanker shortage. So certainly there was terrific economic pressure on Humble to increase the price of crude oil, and Humble was the first to make a move.

Now there isn't any evidence here in my judgment which would warrant a conclusion that Humble discussed this price increase with any person except the conversation that Mr. Baker had with Mr. Rathbone.

It is true that Continental followed on the same day with its announcement, but the evidence discloses that Continental had been making a study of the economic situation for almost a year, or perhaps even longer. It was a continuous thing, but Continental was looking for the opportune moment to increase the price of crude, and that does not suggest to me any unlawful action or any concert of action.

The McLean document embodies in it a recommendation to Continental's management that it run the risk of taking the lead in announcing an increase in the price of crude. Of course, there was a recognition that if there were not factors present in the market that would induce others to follow, that any price announced would not hold, and there was even an estimate of the probable cost to Continental if it should announce the price increase—I believe that was back in April or May 1956—which did not hold. As I recall that estimate was based upon the assumption that if others did not follow suit, it would be necessary to cut back within about 30 days or such a matter.

Others followed after Continental made its announcement, and in each instance it seems to me that the evidence certainly warrants a conclusion that there was economic justification for the move made by each of the defendants.

And I have wondered, as I have considered this question, what alternative was available to Tidewater as they were the last, I believe, according to Mr. Heffernan, to announce the price increase. Other crude purchasers who are defendants in this case had announced their increases, and perhaps some who are not defendants in the case, and Tidewater had just shortly prior to that time completed construction of a refinery and was in a position of having to have gulf-coast crude, and a certain kind of crude at that, and was about a million barrels short, as I recall, and was rather hard put to find sufficient crude to take care of its requirements. I just wonder what would have happened to Tidewater if they had interpreted the economic situation as justifying Tidewater in refusing to increase its posted price of crude at that stage.

It is my judgment that the evidence in the case does not rise above the level of suspicion. I believe that is a statement that my friend Judge Forman made in a case that he tried recently in which he sustained a motion for judgment of acquittal.

I think I should go further and say that after giving consideration to all of this evidence I have an absolute conviction personally that the defendants are not guilty of the charge made in this case.

I do not have to go that far to decide these motions. I could dispose of them upon the theory that the burden is on the Government to establish guilt beyond reasonable doubt, and that if the evidence is as consistent with the hypothesis of innocence as that of guilt, then the motions should be sustained. But I really do not hesitate to go further and say that I have a firm conviction, upon the basis of this record, that there was not an unlawful agreement entered into by these defendants to increase the price of crude or products prices.

I have barely referred to the increase in products prices, and I don't think it necessary to devote much discussion to the increase of these prices, because it seems to me that it must be expected when a general increase in the price of crude is made, there will be a comparable increase in the products prices. Crude constitutes the major cost in the refining of gasoline, and when you have a susbtantial increase in cost which the refiner and the marketer must bear then we would expect certainly some increase, or a comparable increase, in the products prices.

Of course, I have not overlooked the fact that the defendants, had there not been an increase in the products prices, might well have been confronted with the charge that there was a deliberate and concerted effort being made to squeze the independent refiners and put them out of business.

The question posed with respect to the alleged illegality of price agreements among members of the same corporate family is a rather difficult one.

I recognize that there are broad statements made in decisions called to my attention by the Government which constitute some justification for the opposition they have taken in this case. But I am not prepared to subscribe to that theory and I don't think there is a controlling decision. In the circumstances of this case, I think I should go no further than to say that it is my view that the mere approval by a parent corporation of the price schedules and price policies inaugurated and fixed by the subsidiary corporation does not constitute a per se violation of the Sherman Act. And I think that is all we have in this case. Although as to Socony Mobil and Magnolia I am not so sure we have even that much.

So the several motions for judgment of acquittal will be sustained.

I must before I quit talking say to all of you gentlemen that I greatly appreciate the wonderful cooperation that I have had from each of you in the preparation of this case, in the work that has been done in organizing the case, and it is that fine cooperative effort upon the part of counsel which made it possible to try a potentially long case within a reasonably short time; and I am grateful to you for that splendid cooperation.

Court will be in recess.

The PRESIDING OFFICER Mr. HARTKE in the chair). Is there further morning business? If not, morning business is closed.

CALL OF THE ROLL

Mr. MAGNUSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield, to permit me to suggest the absence of a quorum, if it is understood that in yielding for that purpose he will not lose the floor?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 98]

Aiken	Ellender	Mansfield
Allott	Engle	Martin
Anderson	Goldwater	Monroney
Bartlett	Gore	Moss
Beall	Green	Mundt
Bible	Gruening	Murray
Brunsdale	Hart	Pastore
Bush	Hartke	Prouty
Byrd, Va.	Hayden	Proxmire
Byrd, W. Va.	Hennings	Randolph
Cannon	Hickenlooper	Russell
Capehart	Hill	Saltonstall
Carlson	Holland	Schoeppel
Carroll	Jackson	Scott
Case, N.J.	Johnson, Tex.	Smith
Case, S. Dak.	Keating	Sparkman
Chavez	Kefauver	Stennis
Church	Kerr	Symington
Cooper	Kuchel	Talmadge
Cotton	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	McCarthy	Yarborough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Delaware [Mr. FREAR], the Senator from Minne-

sota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

The Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES], and the Senator from Hawaii [Mr. FONG] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from Nebraska [Mr. HRUSKA], and the Senator from New York [Mr. JAVITS] are detained on official business.

The PRESIDING OFFICER. A quorum is present.

CHARLES LEE WATKINS, PARLIAMENTARIAN OF THE SENATE

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Times of today on the service of Senate Parliamentarian Charles Lee Watkins.

Mr. Watkins has served in the Senate since 1904—56 years. I have served 27 years. Shortly after I commenced my service, Mr. Watkins was appointed Parliamentarian.

Mr. Watkins has had the confidence, respect, and affectionate friendship of all Senators of all political parties.

His rulings, as recommended to the Presiding Officer, are rarely, if ever, questioned. I have never heard an adverse comment about him. He has profound knowledge of the complexities of the Senate rules. He has always been eminently fair.

Mr. President, I pay my tribute to this great public servant for his long and very distinguished career in public service.

I respect him as a man, I admire him for his great ability, and I love him as a friend.

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

A PARLIAMENTARY RULER—CHARLES LEE WATKINS

WASHINGTON, March 6.—With the Senate caught in continuous debate, its 80-year-old Parliamentarian is working a 12-hour day and feeling a bit guilty because he has the easier half of the clock. Charles Lee Watkins, the presiding man's thinker, reports for duty at 9 a.m. and stays till 9 p.m. Then the assistant Parliamentarian, Dr. Floyd M. Riddick, who is 52, relieves him for the night. "If this keeps up I'll have to change and let him have the daylight to be fair," Mr. Watkins said in his serious, gentle way.

Only 6 years ago, with no assistant, he worked a filibuster for 2 days and nights without sleep.

All Mr. Watkins has to do is know the Senate rules and precedents thoroughly, stay alert and above the battle, anticipate traffic snarls, look unobstrusive, and have a ready, accurate, tactful answer for every parliamentary question.

Presiding Officers change by the hour and few would risk an answer to a Senator's question without the Parliamentarian's advice.

SCARCELY NOTICEABLE

A visitor in the gallery would scarcely notice Mr. Watkins at work. A little taller than average, slight of build, and soft of voice, he sits on the first step-up of the dais, just below and in front of the rostrum.

When a problem arises on the floor he gives his chair a quarter turn, tilts it back and maybe throws one leg across the other in a loafing position.

This might look indecorous to anyone not aware that Mr. Watkins at that moment is quietly prompting the Presiding Officer. Often the answer is in before the question is completed.

Mr. Watkins was born on August 10, 1879, in Mount Ida, Ark., where, he said, one never saw a U.S. Senator because the country was too difficult to penetrate.

Mr. Watkins' career shows that one cannot spring fully fledged into the post of Senate Parliamentarian. And there was no post with this title until Mr. Watkins and his predecessors had been doing the job without the money.

After being graduated from the University of Arkansas Law Department, Mr. Watkins worked in Arkansas for the attorney general and in the Governor's office before coming to Washington in 1904, a stenographer for Senator James P. Clarke, Democrat, of Arkansas.

Despite doing a stenographer's duties, Mr. Watkins recalls that he was carried on the payroll as a laborer and drew $75 a month. Two years later he became the Senator's secretary at $150 a month, "a real good salary then."

FIRST SENATE JOB IN 1914

In 1914, Mr. Watkins took a job in the office of the Secretary of the Senate, keeping track of the history of bills and resolutions. Later he became journal clerk, working on the Senate floor.

Through these jobs he acquired the knowledge of Senate procedure and rules that prepared him to advise the Chair on procedural issues.

He began having to give such advice occasionally as early as 1919. He recalls advising Thomas R. Marshall, Vice President under Woodrow Wilson.

In 1923, while still serving as journal clerk he permanently acquired the unofficial job of advising the Presiding Officer about interpreting the Senate's rules. But it was not until 1935 that the Senate created the title of Parliamentarian.

Mr. Watkins, a Methodist, received a plaque 2 weeks ago honoring him for 35 years' continuous service as secretary of the Sunday school. Mrs. Watkins, a Roman Catholic, said the correct number of years was 38, and if you wanted to count the time he helped out before that it would be 40.

He and Mrs. Watkins used to play golf. A touch of arthritis ruined his grip, but not enough to keep him from driving the car to work every day, most weekends, and every vacation.

His first wife died in 1923. He married his present wife, Barbara, in 1944. He has a son, Charles Owen Watkins, and five grandchildren in Detroit.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The Chair, in his individual capacity, would like to add his word of tribute to what the Senator from Virginia has said about our Parliamentarian.

Mr. MAGNUSON. Mr. President, I desire to be associated with what my good friend from Virginia has said about our mutual friend, Charlie Watkins.

Mr. SPARKMAN. Mr. President, I ask the privilege of being associated with the remarks so well made by the distinguished senior Senator from Virginia. If I had time, I would make a real speech regarding our Parliamentarian, Charlie Watkins. He is one whom all of us appreciate fully, we know so much about the real worth and value of his service to the Senate; and that appreciation exists among Members on both sides of the aisle. His rulings are rarely questioned, and when one is questioned, he takes whatever is done in the best of grace. He is a capable Parliamentarian, and a wonderful friend. I appreciate his services, and I am sure that sentiment is shared by every Member of the Senate.

Mr. YARBOROUGH. Mr. President, I desire to associate myself with the remarks of the senior Senator from Virginia with reference to our able and esteemed Parliamentarian, Mr. Charles L. Watkins. In addition to my gratitude for the public services which he has rendered for a long, long time, I desire to thank him personally. I know many other Senators feel the same way for the private advice that he gives when we seek him out at any time for his counsel.

I thank Mr. Watkins and his assistant, Floyd M. Riddick, for the years of labor that went into the production of the volume on Senate procedure, 674 pages of procedural wisdom on the rules, written by gentlemen with a knowledge of the precedents not possessed by any other living man. It is helpful to have both their oral and written counsel here in the Senate. Their judgments are written daily in the proceedings of the Senate.

Mr. GRUENING. Mr. President, I am delighted to join with the able and distinguished senior Senator from Virginia [Mr. BYRD] in paying a well deserved tribute to the Senate's capable, genial and most knowledgeable Parliamentarian, Mr. Watkins.

The article from the New York Times which has now been inserted in the CONGRESSIONAL RECORD details Mr. Watkins' amazing and satisfying career. He is an ever-present source of assistance to all of us as we thread our way through the parliamentary mazes of the rules of the Senate. It is my fond hope that he will be with us for many, many years to continue to be of vital assistance to the Members of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its

reading clerks, announced that the House had passed without amendment, the following bills of the Senate:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act to provide for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendment to the Dirksen substitute.

FISHING RIGHTS ON THE HIGH SEAS

Mr. MAGNUSON obtained the floor.

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

Mr. MAGNUSON. I yield.

Mr. McCLELLAN. Would the Senator like a quorum present?

Mr. MAGNUSON. No.

Mr. McCLELLAN. Does the Senator waive it?

Mr. MAGNUSON. Yes. I wish to thank the Senator from Arkansas for yielding to me. He was the next Senator scheduled to have the floor.

Mr. President, I would not take up the time of the Senate while the important civil rights legislation is pending were it not for the fact that what I have to discuss will assume a great deal of importance in the next 2 weeks, or in the next 30 days.

There will be a meeting in Geneva, starting on March 17, in which all of the nations of the world and all members of the United Nations will meet to again discuss certain matters pertaining to what we like to refer to in broad terms as the law of the sea.

In Geneva last year all the nations met and passed certain resolutions. They agreed on certain rules as to historic fishing rights in some cases. They agreed on certain territorial rights as to mineral deposits and other things on the floor of the ocean, of which we know very little, and about which we should know a great deal more.

In fact, we know more about the back side of the moon than we do about the bottom of the ocean. But the representatives of the nations at Geneva passed on certain so-called fringe problems relating to the law of the sea. They could not come to an agreement on two of the most vital subjects they considered. Agreement could not be reached because the Geneva Convention was set up under a rule that to agree upon any protocol, or to agree upon any treaty, or to agree upon a United Nations contract, would require a vote of two-thirds of the nations represented. In some cases there was majority agreement on the two important matters pending, but as of last year there was never a two-thirds agreement. So the delegates are meeting again beginning on March 17 to deal with two far-reaching problems, problems which may have a great deal to do with our future.

One, of course, pertains to the right of high sea fisheries, as to what rules of the game shall prevail, what conservation methods, what absentia should prevail in cases where conservation is dictated; and second, the most important, probably, the most pressing of the time, what shall be the territorial limits, oceanwise, of a nation.

Mr. SALTONSTALL. Mr. President, will the Senator from Washington yield, without losing his right to the floor?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. I wish I could stay to listen to all that the Senator from Washington is about to say. He and I have discussed this matter in general, and I know what he intends to say. Territorial rights and also a knowledge of what is at the bottom of the sea are of extreme importance to us at this time, especially in the New England areas, where the territorial waters mean so much to the fishing industry, particularly around Nova Scotia, and Iceland, and the other territorial waters.

The Senator from Washington has ably cooperated in making studies in new ways of fishing and of new methods, to ascertain what is in the very great depths of the sea.

The fishing industry is still very important to us in New England. I am very happy to know that the Senator from Washington is making his speech. As chairman of the Committee on Interstate and Foreign Commerce, he is well qualified to give us his ideas on this subject, about which he knows so much.

Mr. MAGNUSON. I thank the Senator from Massachusetts. He has had a deep interest in this matter because of the plight of the New England fisheries which I am sure will simply disappear unless something is done to solve the whole fisheries problem, both dometic and international.

Mr. SALTONSTALL. The Senator has just proposed something in a conference to protect the fishing industry, not only in New England, but all over the country.

Mr. MAGNUSON. I cannot resist placing this statement in the RECORD, because it may have been forgotten. But in negotiating bilateral agreements with other countries on fisheries, for many years the United States would send to those conferences a member of the Fish and Wildlife Service of the Department of the Interior. He would sit at the table in order to determine what was equitable so far as the United States was concerned. He would sit across from representatives of other countries. Those representatives, in most cases, would be persons holding the equivalent of Cabinet rank, such as a Minister of Fisheries, who could make decisions at the conference table. The U.S. representatives were severely handicapped because of their lack of authority to make binding decisions.

The Senator from Massachusetts and I have talked about this many times and have consulted with the State Department about it often. Finally, we succeeded in having the representative of the United States raised to the status of one who would be on a policymaking level, equivalent to that of those from other countries who deal with these matters.

The Senator from Massachusetts also knows that he and I have long been concerned about the possibility, not only in these agreements, whether they be total agreements, such as the one about to be considered, or bilateral agreements, or agreements with other countries which are also concerned about the position of fisheries, in our trade conferences in the GATT. We have found that the fisheries are considered somewhat as an orphan child. They are not put on the agenda prior to the time the various countries begin to discuss exports, imports, and quotas. The fishing industry would be down at the bottom of the list.

Mr. SALTONSTALL. Does the Senator recall that we met with Under Secretary of State Lovett at the request of General Marshall, when he was Secretary of State? I well recall the occasion, because it was held on the day when, unfortunately, Mr. Ghandi passed away. It was that long ago that we were trying to raise the level of the fishing industry, so far as the State Department was concerned.

Mr. MAGNUSON. Sometimes, at the conclusion of the international meetings, when the countries have agreed upon everything else—heavy machinery, automobiles, grain, and agricultural products—and are ready to sign the agreements, a fish is thrown out into the middle of the floor to be passed upon.

Mr. SALTONSTALL. We can only hope that it was a live fish which has been caught in U.S. territorial waters.

Mr. MAGNUSON. The result of our past policy is that the fishing industry throughout the country has deteriorated. The Senator from California [Mr. ENGLE] knows well the situation with respect to the tuna fishing industry.

Mr. SALTONSTALL. The situation with respect to fishing in the Gulf of Mexico has also deteriorated.

Mr. MAGNUSON. In the past 10 years the consumption of fish by the American public has doubled; but our fisheries are now in their worst shape.

I appreciate the long and deep interest which the Senator from Massachu-

setts has shown in this matter. Some progress has been made in this field, but not as much as should have been made.

Mr. SALTONSTALL. That is correct; and I am glad the Senator from Washington is making this effort to improve conditions in the domestic fishing industry.

Mr. MAGNUSON. Now we are confronted with another serious matter. Starting on March 17, 10 days from now, the first item on the agenda before all the nations in Geneva will be to see if they cannot agree upon the law of the ocean with respect to territorial waters. Historically and legally, the interpretation of the international law with respect to territorial waters has been somewhat of a jumble. Some countries have claimed a territorial limit beyond 3 miles. Other countries have claimed certain straits and certain territories, which has made the boundary line uneven. The United States has fairly well established an interpretation of territorial limits of the seas as 3 miles. That was changed a little during prohibition days, when the Department of the Treasury assumed a territorial limit of 12 miles, much to the chagrin of some citizens, but to the applause of others. But, generally speaking, the limit has been 3 miles.

Some States have different laws. Texas, Louisiana, and California have extended their limits to 12 miles. That question was argued not many years ago, but only with respect to mineral deposits.

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

Mr. MAGNUSON. I yield.

Mr. YARBOROUGH. Is there not a difference in international law with respect to territorial limits in the bed of the sea and as to the right to control waters for navigation?

Mr. MAGNUSON. Yes, there is a great deal of difference.

Mr. YARBOROUGH. With respect to the bed of the sea, and the minerals contained therein, the limits are not coextensive with the control of the sea for fishing navigation.

Mr. MAGNUSON. That is correct. The Committee on Foreign Relations now has before it a protocol which, as arrived at, pretty much clears up the question so far as mineral rights, mineral deposits, and other things which we may not know of in the bottom of the ocean, are concerned. But this is a different matter, one which relates to what is called the open sea and the use of the open sea. While some States have adopted a different version of the meaning of territorial limits, the United States itself has always adhered to the 3-mile limit version.

I know that in my State of Washington there is some legal doctrine—obiter dictum—to the effect that the territorial constitution provided that the limit should be as far as a man could row a boat. The territorial constitution did not specify whether it was to be a big boat or a small boat; what the weather was to be; whether it was a big man or a small man, a weak man or a strong man. But the theory was that the distance was to be as far as he could be seen on the horizon. Generally speaking, the States have adhered to the 3-mile limit.

I shall place in the RECORD a statement covering some of the facts concerning this subject, but last year, at Geneva, as I understand, the conference was confronted with the most important problem. Russia and her satellite countries said they wanted a 12-mile limit. They said that every country should own the territory 12 miles beyond its borders. At first blush, that sounds pretty good.

One asks, "Why should not a country own the territory 12 miles out?" But then someone discovered that to give Russia and her satellite countries a 12-mile territorial limit would add 3,000,000 square miles to the Russian and satellite territories, because of the tremendous coast lines. Russia held out for 12 miles. We never could get two-thirds. Every country was represented, even San Marcos, the smallest of the countries. It was hoped that she would vote with the free nations.

Now it is proposed to consider the problem again. Whether a two-third majority can be obtained, I do not know. But I do know that it would be disastrous to the United States in this day and age, to have a 12-mile limit prevail.

What would be the result of having a 12-mile limit? I have here a map prepared by the Navy Department. The Navy has also prepared big charts, which I wish I had here today. Some of them are semi-classified. Anyway, I wish I had one of the larger ones. All of our movements over the water, both commercial and naval, operate over the shortest routes to the strategic points in the world and connect the free nations and other points. Wherever possible, attempt is made to operate on a straight line between given points, at least as straight as possible, if it becomes necessary to operate through straits.

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

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Is it not true that the adoption of the 12-mile limit for territorial waters for all countries has given a great advantage to the maritime nations which depend largely on submarines, so far as maritime operations are concerned?

Mr. MAGNUSON. The Senator is absolutely correct. I shall point out in a few minutes what that might mean to the United States. If Russia and the United States became involved in a war, with Russia having its tremendous submarine strength, Russia would have a tremendous advantage.

We might as well bring out the point. I am sure the Soviets would be smart enough, if I may use those words—to keep some satellite as technically neutral as it was possible to keep it, and that satellite would have a 12-mile limit off its coast line.

Let us consider the coast of Norway. Russia could operate submarines up and down the Atlantic and across the Pacific with its whole submarine fleet, and we could never touch it. But with a 3-mile limit, difficulties would be presented to Russia. I believe the Senator and I discussed this subject once before.

Then there is the English Channel. The English Channel would be considered territorial waters under the 12-mile limit. Of course, it is true that it would be owned half by Great Britain and half by France. But I do not know what might happen to France, in some instances. If the English Channel were considered to be territorial water in its entirety, and France were technically neutral, there is no reason why the whole Russian submarine fleet could not move back and forth in the English Channel.

Fixing a 6-mile limit would even result in closing the Straits of Gibraltar to international navigation.

Then there are areas where foreign fishermen take large quantities of immature fish which within a few weeks would double in weight to provide greater health and economic benefits for man.

Some of the proposals which will be presented at Geneva by other nations indubitably would aggravate these practices I have described.

In my opinion it would be well, instead, to devise international rules to define these wasteful and destructive practices and, insofar as possible, to eliminate them.

It may be argued at Geneva that such rules would be encroaching upon the ancient customs of fishermen in some parts of the world, that the rules would be difficult or impossible to enforce under present conditions, or that in some places and at some times they would work a hardship upon impoverished fishermen dependent on catches of spawning fish for their livelihood. These arguments may be pressed despite the fact that generally where these practices persist there is poverty and want, caused in part by the very practices which have depleted the natural resources of the adjacent seas. And in these areas we are spending millions of dollars annually in economic aid.

Discussing this problem several of my constituents have come up with a novel suggestion which I feel worthy of consideration. The suggestion is this:

That the United Nations or the FAO Fisheries Section set up a world fish bank to compensate the fishermen referred to above for abstaining from harvesting migrating stocks at the times and places where they are ripe with spawn.

The small costs that this would impose upon the member nations would more than be compensated by the rich rewards in future food supply and economic value from multiplying stocks.

Mr. President, as I commented earlier in my remarks the coming Conference at Geneva on the Law of the Sea has aroused great interest and considerable apprehension in the Pacific Northwest.

The Governor of Washington, the Honorable Albert D. Rosellini, has addressed a letter to Mr. William C. Herrington, Special Assistant for Fisheries

and Wildlife, the Department of State, under date of February 8, 1960, expressing this concern, and has forwarded a copy of this letter to me.

I ask unanimous consent that this letter by Gov. Albert D. Rosselini of the State of Washington, under date of February 8, 1960, be printed in the RECORD at this point in my remarks.

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

FEBRUARY 8, 1960.

Mr. WILLIAM C. HERRINGTON,
Special Assistant for Fisheries and Wildlife to the Under Secretary, Department of State, Washington, D.C.

DEAR MR. HERRINGTON: I appreciate receiving your letter of January 21 in which you explained matters relating to fisheries problems discussed by the International North Pacific Fisheries Commission.

In analyzing the text of the resolution adopted by the Commission at its fifth and sixth annual meetings, I can see little hope for agreement that will be effective in conserving salmon covered by the Convention.

The resolution as follows appears to have no purposeful meaning in relation to the harvest and conservation of North Pacific salmon on the high seas:

"In view of the results of scientific investigations to date as contained in the reports of the Committee on Biology and Research and in accordance with the objective of conservation of fishery resources of the North Pacific Ocean, as expressed in the International Convention for the High Seas Fisheries of the North Pacific Ocean, the Ad Hoc Committee on the Protocol recommends that the International North Pacific Fisheries Commission respectfully recommend to the governments of the contracting parties that full consideration be given to the conservation needs of these fisheries resources in the area of common concern when preparing fishing regulations for future operations."

It would seem that after 5 years of almost continuous negotiation and millions of dollars spent by our country for research, in addition to the restrictions placed upon our own fishermen in banning all high seas net fishing for salmon, we have gained little or nothing by the Commission's action.

One must conclude that if such restrictive regulations are right and proper for our people and those of Canada to manage the salmon resource in the interest of conservation, the same should apply to all others where similar operations are carried out.

Washington fishing interests have continually expressed the need for a more positive approach to the problems relating to North Pacific salmon. The resolution apparently expresses the views of the Commissioners of all three participating countries.

In addition to North Pacific salmon problems, we now find a more serious situation facing our Washington coastal fisheries under proposals before the International Law Commission convening at Geneva, March 17, 1960, to extend territorial seas.

Our concern stems from the apparent stand of Canada to press for 12 nautical miles jurisdiction over fisheries contiguous to their shores and the apparent inclination of our State Department to go along if necessary with such proposals to obtain some form of international understanding.

The results of years of continuous research carried out by both Canada and the State of Washington reveal that under such proposals we would lose control of our entire chinook and silver salmon fisheries, stocks of which mainly originate in streams of the State of Washington and the Columbia River. In addition, our historic bottom fisheries would be greatly reduced while Canadian fishermen are afforded the opportunity of flooding our markets with fish.

I urge you to withhold all consideration to join other nations in extending territorial boundaries until the following understanding with Canada is obtained.

1. Agreement to maintain historic rights for U.S. fishermen up to the present 3-mile limit.

2. Agreement with Canada to acknowledge common fisheries.

3. Agreement with Canada to maintain cooperative management with the State of Washington and Pacific Coast States.

Our Washington Director of Fisheries, Milo Moore, will forward to you in a few days information relating to national and international fisheries of interest to this State. I sincerely request your fullest consideration of his report.

Sincerely,

GOVERNOR.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a letter under date of February 5, 1960, addressed to me by Clarence R. Nordahl, secretary-treasurer of the Deep Sea Fishermen's Union of the Pacific, and dealing also with the forthcoming conference at Geneva, be printed in the RECORD.

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

DEEP SEA FISHERMEN'S
UNION OF THE PACIFIC,
Seattle, Wash., February 5, 1960.

Re forthcoming conference in Geneva on the law of the sea.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Deep Sea Fishermen's Union request that you use your good office to put a checkrein on the U.S. State Department so they will not trade our fisheries away for nothing.

As I see it, an international law extending territorial waters out from the present 3 miles for fisheries on a worldwide basis will not solve any problem. At least, not as far as the Pacific Northwest is concerned. Where two countries such as Canada and the United States fish on a common stock of fish, a treaty between the countries based on conservation and management of common fisheries seems to me as a logical goal.

As of now, Canada holds all the cards, unless the United States would use it's economic strength such as import quotas or tariffs on fish imported from Canada. The Canadians seem to want all of the fishing grounds and also at the same time want free access to the U.S. market. If the Geneva conference should extend territorial limits for fisheries without historic rights or abstention, you can rest assured that the U.S. Congress will be bombarded with requests for economic sanctions against Canada on fishery imports. I believe, even at this late date, that our bargaining position with Canada could be strengthened by threat of economic sanctions, and could at a later date be of great help when fishery treaties will no doubt be negotiated.

To trade fishing grounds for a defense position does not seem to be a valid argument. In a time of all-out war, our fishing fleet and the food they produce could be of vital importance to our national security.

Thank you for any effort on our behalf.

Yours very truly,

CLARENCE R. NORDAHL,
Secretary-Treasurer.

Mr. MAGNUSON. Mr. President, I have also received a significant letter from Mr. R. O. Pierce, president of Puget Sound Salmon Canners, Inc., bearing not only on the Geneva conference but upon the meeting, previously referred to in my remarks, held by the State Department in Seattle, to discuss the question. Mr. Pierce's letter is under date of February 3, 1960.

I ask unanimous consent that this letter, expressing the position of Puget Sound Salmon Canners, Inc., be printed in the RECORD.

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

PUGET SOUND,
SALMON CANNERS, INC.,
Seattle, Wash., February 3, 1960.

Hon. WARREN MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I was at the meeting Mr. Herrington called in Seattle to bring various segments of the fishing industry up-to-date on the progress and the thinking of the State Department with reference to the Geneva Conference on the law of the sea. Many of us were seriously disturbed over the apparent willingness of the State Department and the Department of Defense to negotiate a giveaway of our fishing resources and industry.

I believe that all of us at the meeting appreciated the feelings of the Defense Department as expressed by a Captain Hardy, but we can't help wondering why they differentiate between defense and fisheries. In case of war, especially an atomic war, fisheries could easily become a most important source of food supplies for the nations involved. It is extremely hard for us in Washington to understand the preconceived ideas of our State Department before negotiations have even begun.

Along these same lines, we want to draw your attention to the immediate problems of fisheries of the State of Washington, the State of Alaska, and the Province of British Columbia. We feel that our State Department should assist us in any way possible to negotiate with Canada on the conservation and utilization of stocks of fish harvested by the nationals of both countries.

It is possible, Senator, that we could find ourselves in the position of asking the Senate and our State Department to play power politics. We are not defenseless, it is simply distasteful to the industry to threaten and require of our Congress certain steps that might disrupt the friendly feelings that have existed for so many years.

But I must draw your attention to the apparent policies of our good neighbors to the north who have used, and continue to use, certain geographical conditions to negotiate us right off the seas.

At Mr. Herrington's meeting I told him he had two good aces up his sleeve—the American markets and the very dangerous fact that either or both Canada or America can wreck the Fraser River fisheries.

It is hard to judge the temper of the American fishermen if they are pushed into a position where they have nothing to lose, so please continue your good work with the State Department and get these fellows to realize that they don't have to give away too many of our rights just for the sake of signing a convention.

Sincerely,

R. O. PIERCE,
President.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to also have printed in the RECORD a letter addressed to me under date of February 5, 1960, by Mr. John H. Wedin, manager of the Fishermen's Marketing Association of Washington, Inc., and Northwest Trawlers Association, Inc.

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

FISHERMEN'S MARKETING ASSOCIATION OF WASHINGTON, INC., AND NORTHWEST TRAWLERS ASSOCIATION, INC.,
Seattle, Wash., February 5, 1960.

WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR MAGGIE: At a recent meeting attended by most of the Pacific Northwest industry personnel concerned with the forthcoming law of the sea meetings, our position of no deviation from the 3-mile concept was unanimously supported. I know of your feelings and interest in this matter from the visits we have already had on this vital decision. Certainly, the sacrifice of space prior to the conference can do little but weaken our eventual position at Geneva.

Our primary concern here, of course, is Canada. Any weakening of position at this time could relieve us of all argument should we fail at the conference. Our argument for tariff or protection against Canadian imports would be sorely weak if the United States had willingly taken a position greater than 3 miles prior to the conference.

Sincerely,

JOHN H. WEDIN,
Manager.

Mr. MAGNUSON. One of the truths we must consider is that regardless of what the Geneva Conference determines to be the law of the sea in measured miles with respect to fisheries, the fish themselves observe laws of their own, laws as old as nature.

Salmon, for example, come in from the open ocean past the 3- or 6- or 12-mile limit, whatever may be the territorial bounds, swim into our fresh-water river and on up into their tributaries where they narrow to streams in the cool hills and mountains, there to spawn and perpetuate their race.

Other species have their own laws of propagation and preservation, laws which ignore manmade marine boundaries but which, unfortunately, cannot ignore manmade barriers such as dams on spawning streams or fishtraps at river mouths.

In the Pacific Northwest, our conservation-minded officials endeavor to provide that sufficient salmon are conveyed over or around these barriers, or escape artificial obstacles, to replenish the species in the ancestral spawning grounds where instinct drives them if they are to spawn at all.

Similar conservation measures are followed in some countries, but in many parts of the world they are quite ignored. The waste of this most valuable food resource, it has been reported to me, is in many parts of the world almost unbelievable.

In certain areas only spawning fish are taken, and are taken in such numbers as to seriously reduce the economic values that might otherwise be obtained by the people of these areas.

In some areas good wholesome food fish are taken from the sea and used, not for food, but for industrial purposes, as oil, or meal, or as fertilizer.

Mr. HOLLAND. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. In the example which the Senator has just used; namely, of the English Channel, is it not true that the depth is so great there that submarines could operate under the water within a neutral zone on either side, if either Great Britain or France were neutral?

Mr. MAGNUSON. It would be very hard to detect them, if they go down very deeply.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Washington mentioned the fact that some satellite of the chief Soviet power might remain neutral, and then Soviet submarines could operate in the 12-mile zone. Later he mentioned the fact that they might even slip up and down the coast of Norway. I am certain that the distinguished Senator from Washington did not intend to have the RECORD show that Norway might have been referred to as a satellite of Russia, because we know that it is a bulwark of our allies. I just desire to clarify that point on the RECORD.

Mr. MAGNUSON. No, no; the Senator is correct.

Mr. YARBOROUGH. I also wish to ask if the distinguished Senator from Washington did not really mean that the Norwegians would not know that submarines were slipping under the water 12 miles off the shore, while our surface vessels could be seen and would have to stay out of those waters.

Mr. MAGNUSON. I did not intend to create the impression that Norway is a satellite of Russia. No one knows better the spirit of the Norwegians than does the Senator from Washington. My forebears were from Sweden. Sweden was neutral in World War II, for good and justifiable reasons. But let us suppose that Norway remained neutral and did not get into the argument, then those waters might be used, not with the consent of Norway, but Norway would have no way of knowing of it. But we, who have detection devices, could not move in close enough to know what was moving up and down the coast. That is the problem. I am glad the Senator corrected me on that. I did not mean to create the impression that so-called neutrals, such as Norway, Sweden, or the free nations, would allow this.

But when vessels are kept out 12 miles, they cannot detect these submarines, and we do not have devices which work at that distance. As a matter of fact, I think that some day we ought to take a little of the money we are spending trying to find out about the defense of the moon, and spend some of it on some sonar devices which would permit us to discover the movements of submarines. Also it is a fact that all the emphasis in Russia and all those countries associated with her is on underwater warfare, and we cannot even talk to each other's fleets underwater.

Mr. BARTLETT. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Can the distinguished Senator inform the Senate of the attitude of the U.S. Navy in respect to its territorial waters?

Mr. MAGNUSON. The U.S. Navy, of course, is more concerned about this than with any other problem on which they have been agitated for a long time. They want the 3-mile limit for the reasons I have given, as the Senator from Alaska knows: I was going to point out the number of straits on this map, strategic straits, which would be closed down even under the 6-mile limit.

Under the 12-mile limit, there would be 64 straits closed, and under the 6-mile limit, 52, a total of 116, and these include, as I said before, Gibraltar; the English Channel; I point out here on the map the Sound between Denmark, Norway and Sweden; here are all of these straits up around the Shetlands; here are all of the Orkneys; then moving over to the strategic Straits of the Dardanelles, and the Strait of Hodelda Mocha.

I do not know that the Presiding Officer knows where the Hodelda Mocha is, but Hodelda Mocha is the other end of the Red Sea.

When one goes through the Suez Canal, in either direction, one either ends up with or starts going through Hodelda Mocha. That would be closed completely, and that would be owned by the two countries that built it. I think one is the Trustee of Aden or the Protectorate of Aden, and the other is Oman. They would control that end of the Suez Canal going into the Persian Gulf.

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

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. I assume that the Senator is talking about the proposed Law of the Sea Treaty that is to be negotiated.

Mr. MAGNUSON. Yes.

Mr. MANSFIELD. Can the Senator tell us how that would affect the relationship between Big Diomede and Little Diomede Islands in the Bering Straits, which I understand are 1½ miles apart, one owned by the Soviet Union, and the other owned by the United States of America? I see the senior Senator from Alaska here. He probably could enlighten us on this too.

Mr. MAGNUSON. Under the 12-mile limit, that would be closed to ships.

Mr. BARTLETT. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. I notice that the map the Senator has in front of him contains further markings in respect to the Pacific area.

Mr. MAGNUSON. Yes, that is correct.

Mr. BARTLETT. I wonder whether the Senator would be good enough to explain what they mean.

Mr. MAGNUSON. For the benefit of the Senator from Alaska, let me say that extension of the limit to 6 miles or 12 miles would have most vital consequences, especially in respect to the straits through which maritime traffic passes from the North Pacific Ocean to the Bering Sea, or the other way around. Unimak Pass can serve as an important example.

Mr. BARTLETT. Aside from the fishing, which is very substantial, may

I ask the Senator to tell us whether it is not a fact that some grave dangers lie in this proposal in respect to national defense along that section of our national coast?

Mr. MAGNUSON. There is no question about it. Here is another example of what would happen if the 12-mile limit were agreed to. Consider a ship going from Hawaii around to India. Everyone knows how important that is to the defense strategically and to the Navy. If the 12-mile limit were put into effect, the ship would have to go all the way around Australia to reach its destination. Under the 6-mile limit the distance between certain straits would be left open. However, I am informed by the Navy Department that it would be virtually impossible to go by way of the Philippine Islands even with a 6-mile limit.

Mr. MANSFIELD. There is the sea beyond Guam.

Mr. MAGNUSON. Beyond Guam are open waters. Of course, we assume the Philippines would allow us to go through there, but they would still be territorial waters, and not the open sea.

Mr. BARTLETT. May I ask the Senator from Washington if a Navy officer, at a briefing session on this subject some weeks ago—a session arranged by the senior Senator from Washington—did not tell those in attendance that in some cases the Navy would have to go a thousand miles out of the way, if the 12-mile arrangement were put into effect?

Mr. MAGNUSON. Yes; if the territorial waters were blocked, in many cases. I say there are 116 strategic straits, known sea routes, that would become territorial waters rather than open sea.

Mr. BARTLETT. Will the Senator yield further?

Mr. MAGNUSON. Yes.

Mr. BARTLETT. I was fortunate enough to be in the Chamber when the senior Senator from Washington started this most interesting and important discussion, but I should like to ask if he knows what the attitude of the Department of State is on this matter.

Mr. MAGNUSON. I shall come to the State Department in a few minutes. The Senator knows that we have had several discussions with that Department. Only last week I was invited to go to the home State of the Senator from California. I think today the interested parties are meeting for a briefing on this subject.

Mr. BARTLETT. Yes; I was invited to that meeting also.

Mr. MAGNUSON. We were all invited. I sent a letter to the State Department, which I shall read. I shall come to the Senator's question later.

I sent a letter in reference to the invitation, which I wish to read to the Senate. This is to Mr. Macomber, who sent me the invitation. It reads as follows:

FEBRUARY 29, 1960.

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Your letter of February 24 advising of the March 7 meeting in San Francisco with officials of the Department and representatives of our fishing industry participating, is received.

I do not need to travel 3,000 miles to find out that our State Department is apparently going to Geneva for the Law of the Seas Conference with proposals not in the best interest of our fisheries.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

My reason for my statement was that we had had many hearings. We had a meeting in the Capitol with the representatives of the Navy, and the State Department, and everybody concerned. The State Department representative said he was going to Geneva with a compromise before he ever got there.

I think we should stick to the 3-mile limit. We may have to compromise on 6 miles, if worst comes to worst. But our representative was beginning by assuming such a compromise would be made; he was assuming that before the meeting even began.

Last year the meeting broke up because an agreement could not be reached.

But now, instead of sticking to his guns, as regards our position, our representative wanted, in advance, to assume that such a compromise would be reached.

Mr. BARTLETT. What does Russia propose in this field?

Mr. MAGNUSON. Twelve miles.

Mr. BARTLETT. So our representtives are coming closer and closer to the Russian position, are they not?

Mr. MAGNUSON. Yes. An agreement on 12 miles would mean that millions of square miles would be added to the area or the territory under Russian control, and it would mean handicapping the U.S. Navy in these straits, and it would mean jockeying with other countries in regard to what restrictions they would put on their territorial waters. I do not know what it would mean to the merchant marines of the countries of the free world, because all sorts of irritants and regulations could be imposed with respect to the territorial waters.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Washington yield to the Senator from Montana?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. At the Geneva Conference, will any consideration be given to the air above the seas?

Mr. MAGNUSON. I do not know that any will be given to that subject. The question of the air above the seas would coincide with the question of what we call the space above the seas.

Mr. MANSFIELD. Yes.

That brings me to another point. We know that a few weeks ago the Soviet Union fired, from an ICBM base on the Aral Sea, a missile which came in the direction of Hawaii, and landed in the area 800 miles southwest of Hawaii. We also know that within a short time thereafter, 3 Soviet picket ships which were in that location were able to recover the nose cone of that missile, which had traveled a distance of approximately 8,000 miles. If what the Soviet Union did was legal—and I believe it was—does the Senator think it is about time that we begin to reconsider the so-called laws of the seas and the so-called freedoms of the seas, and add to that a doctrine of responsibility?

I bring up this point because, as I understand, if the Soviets wish to fire an ICBM missile of any kind at the present time, they can fire it within 3 miles of the coastline of our country.

Mr. MAGNUSON. That is correct.

Mr. MANSFIELD. By the same token, the United States could fire such a missile within 3 miles of the coastline of Soviet Russia—for instance, let us say 3 miles from Vladivostok. Does not the Senator think that unless some order, regulation, and responsibility are derived from this situation, there might arise—accidentally or otherwise—a situation which could cause difficulty for the nations of the world?

Mr. MAGNUSON. There is no question about that. Technically, the air above the open seas should be open to all nations.

Mr. MANSFIELD. Yes, to all nations, and on a basis of responsibility.

Mr. MAGNUSON. Yes, on a basis of responsibility. But, in effect, the Russians have said, "This is our part of the sea, and you cannot go into it."

Mr. MANSFIELD. Yes—and on the basis of 8 days' warning.

Mr. MAGNUSON. Yes.

Mr. MANSFIELD. And prior to that time the Russians had sent two long-range missiles into the sea between Alaska and Hawaii. I am not at all certain as to how active our forces were in tracking them down; but I think that situation creates a problem which we should consider seriously, because it could possibly affect, and tie in with, our own defense structure.

The fact that our forces have been launching missiles from Vandenberg Field, in California, into the Pacific, and from Canaveral into the South Atlantic, does not mean that because we can do that sort of thing, the Russians cannot do it. But some responsibility must be established in this field, not only because of the situation as it applies to Russia and to the United States, but also because of the importance to all the nations of having such an understanding with respect to the 3-mile limit and other limits.

Mr. MAGNUSON. Certainly; there is no question about that. Otherwise, there would be very serious disputes—perhaps similar to those which occurred in the past with regard to international boundaries.

Mr. MANSFIELD. If the Russians now wanted to fire a missile within 3 miles of San Francisco, they could do so, could they not?

Mr. MAGNUSON. Absolutely.

Mr. ENGLE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. ENGLE. It is very obvious that Russia and all her satellites will seek an agreement based on 12 miles. Our representatives are going to be negotiating at Geneva. It seems to me it would be better to have an agreement on 6

miles, rather than have no agreement at all. Will the Senator from Washington comment on that point?

Of course, our representatives could block the reaching of any agreement; and probably they could prevent the Soviet Union from obtaining an agreement in favor of two-thirds of the proposed 12-mile limit. Our representatives there also probably could prevent a two-thirds vote in favor of a 6-mile limit, if they wished to be "hardboiled" about the matter. They could simply insist on the 3-mile limit, and probably could get all our friends to do likewise. But eventually the point would be reached where the question would be whether it would be better to have agreement on a 6-mile limit, rather than to have an impasse and no agreement at all.

So I should like to have the Senator from Washington, who has given this matter much study, state what he believes our representatives should do if a situation of that sort were reached.

Mr. MAGNUSON. Of course, I was going to discuss that point. Certainly that problem is posed.

Suppose there were no agreement at all. All these countries have been proceeding willy-nilly—without any international guideposts—to extend their territorial limits. In some cases that has been done because of the fishing industry. Peru said her fishing rights extended a great distance into the sea.

Mr. ENGLE. Yes, for 200 miles.

Mr. MAGNUSON. That is correct, 200 miles.

And Russia claims certain islands in the Arctic, only a short distance from the Alaska shore.

If we do not sign some kind of treaty in respect to this matter, the present situation will continue; and perhaps 15 or 20 years from now there would be all kinds of disagreements in this field.

I suppose our position would be that the Continental Shelf in the Bering Sea would be within our territorial control, insofar as matters other than fishing were concerned.

But my point is that if the State Department representatives go to Geneva and advocate an agreement based on a 6-mile limit, and if the Russians argue for a 12-mile limit, the result might be that the final agreement would call for 10 miles or 9 miles.

I think our representatives should present at Geneva our logical case in favor of a 3-mile limit. But if worst came to worst, then, as I have already suggested, perhaps, for the benefit of all the nations concerned, we might have to agree—in order to settle this matter—on a limit somewhere between 4 and 6 miles.

However, Mr. President, the Senator from California [Mr. ENGLE], who is a good lawyer, knows that in court one never gets all that he sues for, and one hopes to be able to settle for an equitable compromise.

I do not mean that our representatives should take a position contrary to the facts or simply for the sake of arguing. But the State Department never did seek to obtain an agreement on the 3-mile limit.

Mr. ENGLE. I agree with the Senator from Washington; I think he is correct. I believe our representatives should make a strong case in favor of the 3-mile limit, and should stand on it as long as they can.

But let me ask this question: The matter of the distance to which the territorial waters extend is also being considered at the same time that the fishing rights are being considered; is that not correct?

Mr. MAGNUSON. Yes.

Mr. ENGLE. I understand there is some discussion about trying to obtain agreement as to a 6-mile limit, with the right to fish out to 12 miles. Is there any disposition to "swap horses," so to speak, with reference to fishing rights and territorial limits? In other words, do some of our friends—those not so much concerned about the territorial limits in the seas—want fishing rights, and therefore may they be willing to make concessions with reference to the width or extent of the territorial waters, in order to improve their position with reference to fishing rights?

Mr. MAGNUSON. I think there has been some negotiation along those lines. The Senator from Alaska [Mr. BARTLETT] and I have discussed one problem involved in that situation. Hecate Strait is between Puget Sound and southwestern Alaska. Considerable fishing is done in that area. If the agreement were for 12 miles, those waters would be Canadian territorial waters, and U.S. vessels could not go there, to fish. If the agreement were for 6 miles, the line would come somewhere in the midst of that area, and it would be highly impracticable for U.S. fishing vessels to go there to fish. The result would be practically to kill the bottomfish industry around the Puget Sound area, insofar as the U.S. fishing boats were concerned.

It has been suggested that Canada might take our side in regard to this matter, because Canada would like to make an agreement about Hecate Strait, and so would we. But the State Department has proposed that we make a separate settlement in that respect with Canada—one similar to the one made in regard to the halibut fishery and the sockeye salmon fishery.

But it is true that Canada might be willing to make some further concessions with respect to the territorial waters, in order to obtain some further fishing concessions.

In any event, there is a basic, solid argument in favor of negotiating with the other nations of the world and reaching with them an agreement in line with the position we take regarding the 3-mile limit. Certainly our representatives should not, in advance, plan to abandon that position and reach a compromise which would disregard it—for we have already compromised on it.

Mr. HOLLAND. Mr. President, I want to say first that I am very happy that the Senator is discussing this matter and I hope that all Senators will agree with the position already taken by the Senator from Washington; namely, that in the new negotiations which are about to commence as to territorial waters and their limits, the question of the security of our country should come first; and closely after that should come the matter of our maritime commerce and the matter of our fisheries.

However, I just want to be very sure that other questions, somewhat related, are not thought by the casual reader to be involved in the able speech the distinguished Senator is making.

Do I correctly understand that at the last conference on this general subject matter, the nations of the world agreed on one thing—namely that as to the rights to the bottom of the sea, the rights to produce minerals, oil, or whatever else may be found there, the special right of the nation whose land adjoins the bottoms of the seas, out to the Continental Shelf, shall be recognized as exclusive of the rights of any other nation?

Mr. MAGNUSON. Yes.

The Foreign Relations Committee now has before it a proposal which clarifies that. I do not think everyone is in complete agreement on it; but it deals with that subject, and I am sure that we can come to some kind of agreement on it, because it involves a different matter. As Senators have pointed out, all countries are anxious to move in that direction as far as they can.

Mr. HOLLAND. Yes. It is certainly reasonable that the country which owns the shoreline from which various ships, structures, pipelines, and the like have to be moved, will have exclusive control; and it is my understanding that at the last convention that subject matter was agreed upon, and is now before us as a proposed protocol. Is that correct?

Mr. MAGNUSON. It was generally agreed upon. The proposals of the four countries will be subject to some amendments and some reservations, but let us say they are generally in agreement on that; let us put it that way.

Mr. HOLLAND. And that agreement, so far as we are concerned, would give force and effect to the Executive order of former President Truman in claiming exclusive rights for the United States out to the Continental Shelf in the Gulf of Mexico. Is that correct?

Mr. MAGNUSON. Yes, I understand that was generally agreed to, because even Russia and her satellites find that to their advantage; and we do not undertake to move in the Continental Shelf of Russia or any other nation—and vice versa.

Mr. HOLLAND. And the Senator will remember that Congress passed an act giving the Federal Government exclusive control of the area from the Continental Shelf inward to the territorial limits of the several States. That is correct, is it not?

Mr. MAGNUSON. That is right.

Mr. HOLLAND. The Senator will also remember that Congress also passed an act, known as the Tidelands Act, giving to the States control and ownership of all property values out to 3 miles in all cases, with a chance to have the same rule operative out to 3 leagues in the Gulf of Mexico, only. That is correct, is it not?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. And is it not also correct that the Supreme Court of the United States has upheld, on behalf of all 21 maritime States, their claims out to the 3-mile limit, so that that matter is now settled under our own law?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. And is it not also a fact that when the case—presently pending in the U.S. Supreme Court—which relates solely to the belt from the 3-mile limit to the 3-league limit, solely in the Gulf of Mexico, is decided by the Court, that should terminate the controversy, so far as the United States and Acts of Congress are concerned, as regards to ownership of assets, as distinguished from the subject to which the Senator from Washington is addressing himself—namely, freedom of the seas beyond territorial limits.

Mr. MAGNUSON. That is correct. There is also the fisheries problem, which of course involves freedom of the seas. The latter problem involves, not the bottom land, not the resources in the bottom, but the moving, living resources in the seas.

Mr. HOLLAND. And the Court of International Justice in deciding the case between Norway and Great Britain made it quite clear that that was still another matter by allowing Norway exclusive right and control of fisheries out 4 miles beyond the islands that lay off of Norway.

Mr. MAGNUSON. I am not familiar with that case, but if the Senator says that is the situation I am sure he is correct.

Mr. HOLLAND. Indicating so clearly that there are at least three different subject matters here and the Senator has already adverted to another, that is the question of the exercise of jurisdiction by the Treasury and by the Customs part of the Treasury, which is still another matter.

Mr. MAGNUSON. That is another matter, and, of course, in the case of the commercial merchant marine, that becomes a very important one because you have to get into territorial waters. There are all kinds of things that are required of a ship in territorial waters that would not be required if it was cruising in the open ocean. That is the difficulty there and you are right; that is the fourth problem.

Mr. HOLLAND. Mr. President, I want to again congratulate the distinguished Senator. I think that the most critical of these problems is that relating to defense and security. Following that, of course, maritime commerce of the fisheries come with great importance, and I am so glad that he is bringing this matter up in the Senate where ultimately any treaty that is negotiated will have to come back for ratification or the opposite. I hope that the words he is uttering will prove to be of great value in the thinking of the State Department, who heretofore, as I see it, have not been very sound by their determination in the position which they have taken.

Mr. MAGNUSON. I think the Senator is right and we are stuck with this two-thirds rule, but I think they have to be firmer in this matter. I appreciate there is a problem which confronts the State Department. Sometimes I may be right or wrong, but it seems to me that there are always—you go down there and they give you all the reasons why we cannot do anything about it rather than thinking about reasons why they can. Sometimes I have often felt that they were advocates of the other side of the question. I know there are two sides to every problem in all international problems but I always feel they never got the feel of this thing. Now, here is an example of it. They are having a meeting today in San Francisco with the fisheries people.

They are not there to ask the fishery people what they think, because they know what they have been thinking for a long, long time; but they are there to tell them they are going to benefit with a compromise.

I do not know, Mr. President. My friend, the Senator from Florida, and I sit on the Appropriations Committee. I am not so sure, some days, that we should not appropriate about $1 million and hire about 50 Greyhound buses and take the State Department on a Cook's tour of the United States. [Laughter.] It might be money well spent. By the very nature of their duties, they cannot do all these things or they cannot be as close to the people as the representatives of the people in Congress are. Nevertheless they always seem to say, "Well, this cannot be done. We have to make this compromise." Do we? I have watched other countries. Brother, they stick to their guns. Surely, out of the conferences may come some compromises.

I think the State Department has some problems in this area. I think what is bothering the State Department more than anything else is that there may be no agreement at all, and that fact might in the future cause even more confusion. But we have a great deal at stake in this question. The Navy is very disturbed about this matter, and I do not blame it. I think all the free nations of the world should be disturbed about it, because, in the event of hostilities, we know who is going to have to use these straits—not "they," but those with the biggest navies and those who ply the seas, which means a handful of maritime nations.

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

Mr. MAGNUSON. Yes, I yield.

Mr. HOLLAND. I am so glad the Senator is so determined. If the determination, and even stubbornness, of the Senator comes from the one-half Swedish ancestry he spoke of a while ago, I am glad of that fact. I want to say that in this matter the Senator from Washington has been aggressive and unyielding in advocating an increase of the information which we have about the seas. I remember only the other day, in the consideration of an appropriation bill, when he was insistent that the Coast and Geodetic Survey be supplied some money, without which it could not map the bottom of the seas for a certain distance off the Pacific Coast. Provision for that money was placed in the bill.

Mr. MAGNUSON. It is in the bill.

Mr. HOLLAND. I for one am glad the maritime activities and interests of this Nation have the aggressive and continuing interest of the senior Senator from Washington.

Mr. MAGNUSON. And I have had great support from the Senator from Florida, because I can see, and I know he can see, this is going to be a tremendous problem. This question involves not only what is going to happen on the open seas, but what is going to happen in undersea warfare.

In all the argument about lags and other questions of defense, at least one point stands out. It is that both Russia and the United States have, in the past few months, or perhaps the last 2 or 3 years, shifted all the emphasis they can toward undersea warfare, sometimes at the expense of items of conventional warfare. I do not mean to include all our resources, but the emphasis has been fixed in that direction.

This question is going to mean a lot in the future, because there are going to be submarines that will go down at least 10,000 or 12,000 feet. They are going to move under the seas just as one moves in the forest at night. They will move slowly and silently. The submarines can stay underwater for weeks and months. It is necessary for them to know where they are going. They must have undersea maps, just as those traveling on land need roadmaps. I do not know whether such submarines can be detected or not, but unless we have free and open seas, we shall not have an opportunity to utilize the seas by knowing what is on the bottom of them. We shall not have an equal chance to utilize the space underwater with those who may be our enemies, which we hope they will not become, but it may happen.

Every time oceanographers go out to sea they find new mountains under the seas. They found, about 200 miles off the coast of Washington, a mountain which was 10,000 feet high, and only about 300 feet from the surface.

All these matters pertain to a firm stand which we must take on the principle of freedom of the open seas, for the benefit of all the people, and for the use of free men.

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

Mr. MAGNUSON. I yield.

Mr. BARTLETT. The senior Senator from Florida has very properly pointed out that emphasis——

Mr. MAGNUSON. If I may interrupt, and just add this to what I have said, the Senator from Florida knows how far behind we have been on such information. He has always done everything he could to obtain appropriations. Our Coast and Geodetic Survey was limited in getting information by not being able to go beyond the Continental Shelf off our coasts to make surveys. It could not go to the open seas. The other nations use the open seas. The Russians do not send out a fishing boat without six or seven scientists on it who have nothing to do with fishing. Not a submarine leaves without six or seven scientists on it. We had to extend the area in which information could be obtained beyond the present limit.

The Senator from Alaska probably knows about this. I will give the Senate an example. We were so far behind, at the beginning of World War II, in having information, that I received a mission one time to scour the fishing docks of Seattle, Puget Sound, and Alaska, and I was given authority to give commissions forthwith and to find fishermen that knew the Aleutian chain waters. We put uniforms on those men, and they literally stood at the bows of warships and guided them through the fog when the Japs were at Kiska. We did not know anything about those waters.

Mr. BARTLETT. But the Japanese did.

Mr. MAGNUSON. They knew all about them. They sneaked into Kiska without our even knowing it.

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

Mr. MAGNUSON. Yes.

Mr. BARTLETT. As the Senator from Florida pointed out, national defense is, and ought to be, the main consideration of Congress; but, aside from that, fishing is very important to many people in the States of Washington, California, Oregon, and Alaska. I will ask the Senator if it is not true that a 12-mile limit would be hurtful to many American fishermen.

Mr. MAGNUSON. I know it would, and I can point out, specifically, many, many places where it would be. I can point out that, with respect to the movement of vessels fishing in the South Pacific, it would be very disastrous. It would be disastrous with respect to the waters between the State of Alaska and the State of Washington.

Mr. BARTLETT. Does the Senator know of any situation whereby American fishermen would be benefited if a 12-mile limit were effectuated?

Mr. MAGNUSON. I cannot think of any, because even in the Senator's own State of Alaska, if the 12-mile limit were extended, say, into the Bering Sea or Bristol Bay, or those areas, it would not make any difference whether the limit were 3 or 12 miles, because we can handle it. We would have just as much right to those waters, as part of the open seas, as otherwise. The Russians and Japanese who are fishing in those waters will not come along with any such understanding, because they can get all they want outside.

Mr. BARTLETT. Does the Senator believe that if the limit is extended any distance from 3 miles out, a principle so important as that of abstention will be hampered?

Mr. MAGNUSON. Of course, the principle of abstention would be hindered.

Mr. President, I wanted, for the RECORD, to make note of the fact that the Senator from Alaska is talking about another problem involved here, in which we have gotten nowhere, a problem which has almost forced the Representatives in Congress from Alaska, and all up and down the State of Washington, and all up and down the coast, to introduce bills to establish quotas—which we do not like to do—on certain importations from Japan. Abstention means we do not fish for salmon offshore, under the justification of the requirements of conservation.

So we cannot possibly take anybody else's salmon. We have no way to do it. The Japanese fish salmon on the high seas.

I may mention another thing about oceanography, and how far behind we are. We have never before known, and we know now just a little bit, about where the salmon went in the Pacific when they left all the streams from both sides, from Asia and the North American Continent.

The Japanese fish out in the Pacific. We never knew whether the Asian and the North American salmon intermingled. We never knew where they stayed for the 3 or 3½ to 5-year period they were at sea. So making the best guess we could, we agreed on a treaty with Japan to draw a dividing line on the 175th meridian. They agreed they would not fish on the east side of the line. Of course, it did not mean anything to us because we do not go away from shore, anyway, except in our own narrow waters.

Mr. BARTLETT. I will ask the Senator if fishermen are permitted to fish beyond the 3-mile limit.

Mr. MAGNUSON. No, they are not.

Now we have what I think is clear-cut evidence that the Japanese are taking and canning North American salmon which, of course, never can get back to their spawning grounds, and in some cases mutilating the whole concept of conservation.

We have made a suggestion, and we hope the Japanese will agree with us, but again we made a proposal which required unanimous consent. The negotiations were a little bit like the U.S. Senate in some respects. Canada, Japan, and the United States had to agree on any proposition before it could be put into effect. We merely said to Japan, in effect, "Well, until we can clear this up, and know exactly how they intermingle, and so that we can preserve our Bristol Bay run, can we not abstain in a certain area where we now know generally the fishermen might congregate? Then we can work out the agreement later." Canada voted with Japan not to do that, and there we are.

Mr. BARTLETT. Will the Senator yield?

Mr. MAGNUSON. I yield for a question.

Mr. BARTLETT. It is true, I am sure the Senator and I would agree, that the Japanese have faithfully abided by the provisions of the 1952 treaty. Yet that treaty was made, as the Senator has suggested, on the basis of insufficient scientific evidence so far as we are concerned.

Mr. MAGNUSON. Yes.

Mr. BARTLETT. The Japanese use nets 7 and up to 10 miles long. These nets catch a large number of immature fish. These fish were hatched in the rivers of Bristol Bay and, thus, are denied to the American fishermen because they are taken on the high seas.

Mr. MAGNUSON. Yes, and the catch is contrary to our program of conservation, of keeping the salmon runs alive.

Another bad feature, Mr. President, is that some of these long nets break off. Then they are left drifting around in the currents, perpetually catching fish. They are not part of a trawler, as they have broken off. These nets are sometimes 6 or 7 miles long, and sometimes the end just disappears. So it keeps going around and around the Pacific Ocean, catching fish 24 hours a day, until it gets so loaded with salmon, which are immature, that it goes to the bottom, or at least partially sinks. Then the fish finally rot, and the net gets light enough to come back up to the top and start all over again, and to keep on moving.

These nets pick up salmon we are trying to preserve on both sides, to get them back to their streams where they ordinarily spawn.

Mr. BARTLETT. We need them.

Mr. MAGNUSON. We need them, yes. I recommend to Russia, if they are not paying attention to their north Siberian runs, that they would better get interested in what is now proposed.

Mr. BARTLETT. Mr. President, will the Senator yield for one more comment?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. I wonder if the Senator from Washington would be good enough to tell the Senate about the situation which now exists in the Bering Sea, where the United States thought it had some historic fishing rights, and where a modern, large Russian fishing fleet has been operating for a year or more and is asserting for the Soviet Government fishing rights in respect to ground fish at our expense. Is it correct that we do not have a single U.S. fishing vessel out there? Is it also correct that we ought to get some fishing craft in that area soon or we are going to lose those valuable rights which we assumed for so long we held?

Mr. MAGNUSON. Of course, the Senator could go on and on citing situations which are causing trouble in this whole negotiation.

There is another matter I might mention, which I did not note in the outline of what I was going to say today. It is only in the past 4 years that the Russians have started to fish; or let us say 5 years, from the best information at my command. There is an operation which they refer to as "Fish Moscow." That is the headquarters. To my best information they have already built over 60 vessels. These are the big vessels, and they plan to have 90 more. They have instructed these ships, just as with an army, "You go to certain sections," and the ships have a quota of fish they must bring back—or else.

These ships are the most modern. I wish I could show the Senate a motion picture I have of a Russian ship fishing off the Grand Banks. It looks like the *Queen Mary*. The craft are open-end vessels. Last year one Russian ship, just one of them up there, took in one haul more than the whole Grand Banks fleet catches in a week. Of course, they can and do freeze them aboard. There are to be 140 ships which are going to be all over the world. We know where they are going.

The Russians had a fishing fleet in the Bering Sea last year, but it is bigger this year. They are, as far as we know now,

taking only bottom fish. That is the best information we have. They are trolling the bottom, as the Japanese do. They do not care for conservation, but will just bring up anything and everything.

One of our favorite fishes is about to go out of existence, the giant Alaskan crab. The fishermen bring up the female crab, and by the time they get them up they are injured and then are thrown overbroad. They bring up anything that is on the bottom; they scrape the whole bottom.

Mr. BARTLETT. And it is a subsidized operation.

Mr. MAGNUSON. Yes, it is subsidized.

We have not a single ship out there now because we cannot compete. They are on the Grand Banks and they are off the West Coast of Africa. They proceed as in a military movement: "You have a quota of fish to bring back. You bring them back—or else."

They have the most modern machinery. Also aboard are 15 or 20 scientists who do nothing but oceanography work.

Mr. BARTLETT. With a little mapping as they go along, perhaps.

Mr. MAGNUSON. Yes, they engage in mapping. I am not sure, but I would make an even wager that if there was what was thought to be a submarine in the Argentine, it was not a whale or a porpoise; it was a submarine mapping the coast. They have mapped the west coast of the United States underwater.

These fishing boats do the same thing. They are a combination of scientific and fishing fleet.

The Japanese and the Russians took more fish out of the Bering Straits last year, and comparable fishing is going on now, than all of the bottom fish brought into the United States by our own American fleet.

Mr. BARTLETT. I have heard that the Soviet Union now has the second largest, but most modern, fishing fleet in the world, and is already fishing the seven seas.

Mr. MAGNUSON. That is correct.

Mr. BARTLETT. I also heard that Russia had stated openly that in a decade they intend to be first with respect to catch as well as size. I will ask the Senator if he has heard that.

Mr. MAGNUSON. I have not only heard it, but I believe it will be realized, unless we do something. As I have said, the Senator should see the movie that I have seen. I have a movie film up in the committee, which I received in a sort of "cloak and dagger" way. Some poor fellow up in Gloucester thought he could compete on the Grand Banks, but felt that he needed a modern ship and at least some freezing machinery, with other machinery. The best machinery that was made was produced in East Germany, which is part of Russia, in the Danzig area, in the shipbuilding area.

So he got permission to go there and negotiate to see if he might get some of that machinery. The people who were selling the machinery for the fishing operation were most enthusiastic and wanted to sell it. They even said they would show him just how it worked. It was excellent.

They had a long motion picture film, describing one of those beautiful ships, and how it goes to sea and operates. That was how we learned what tremendous catches were taken aboard that ship. The Senator is absolutely correct. As the Senator knows, there is a bill in conference which might allow some kind of ship construction aid to those who build their fishing fleets in American shipyards, as opposed to construction in foreign shipyards. But that would be just a drop in the bucket.

The Russians will just about have the seas tied up in 10 years, so far as fishing is concerned, unless we do something about the situation now. The Russians have sent scientific fleets all over the world to "case the place," as the saying is, before they begin to fish. Quotas are assigned to each fishing fleet, and the ships must bring those quotas home.

Also, the Russians are saying to some of the other countries, "We will deliver to you, at very cheap prices, some of the fish we catch." Many of the countries need the fish, because they are the main part of the protein diet on which they live.

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

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Is my understanding correct that historically the United States has had, has endorsed, and has insisted upon a 3-mile limit for territorial waters; and that now a compromise is aiming in the direction of an extension of the 3-mile limit, to make it a total of 6 miles, plus 6 miles for fishing rights?

Mr. MAGNUSON. That is not quite what is proposed. The State Department apparently has abandoned any fight which might have been left in it for the 3-mile limit. The proposal now is for a 6-mile limit. But as events are now developing, the conference is expected to decide upon a limit between 6 and 12 miles, instead of the 3-mile limit. But the matter of historical fishing rights in territorial waters has not been agreed upon.

Mr. BARTLETT. Does the Senator mean that right is lost already?

Mr. MAGNUSON. No, it is not lost; but what is being submitted to the other nations with respect to historical right to the open sea is a little fuzzy.

Mr. BARTLETT. Mr. President, I wish to congratulate the senior Senator from Washington for bringing to the attention of the Senate and of the country this very important matter. It deserves the earnest consideration of us all. The Senator is to be congratulated upon this speech today.

Mr. MAGNUSON. Mr. President, I thank the Senator from Alaska. I think the question is most important. The sea represents the greatest food potential left in the world. It can be a source of perpetual food supply. I suppose the day will come when the sea will supply the answer to some of the food problems in certain parts of the world. The sea comprises three-quarters of the surface of the globe. Its resources are unbounded. In fact, the sea is an open range—the last open range on earth. Some rules of the game will have to be agreed upon by all of the nations; otherwise, some unrealistic and inequitable tactics might take place on that range.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of some pertinent facts concerning the so-called compromise, with respect to the Conference on the Law of the Sea, which will open in Geneva, Switzerland, on March 17, particularly with respect to the utilization of fisheries.

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

STATEMENT OF SENATOR MAGNUSON

A second United Nations Conference on the Law of the Sea will open in Geneva, Switzerland, March 17. This conference is prompted by the fact that at the first conference, held in 1958, the participating nations failed to agree on two important questions. They are:

1. The breadth of the territorial sea, whether it shall be 3, 6, or 12 miles from a nation's shore—and several nations would like the limit even greater than 12 miles.

2. Fisheries limits, or, if you prefer, the width of the fisheries zone over which a nation would have uncontested jurisdiction.

These questions, as may be seen, involve two major national interest considerations—security and resources.

In this scientific age the oceans represent our last natural defense.

The oceans also represent the world's last "open range" for protein food supplies of the future. The U.S. fishermen and fishing industry wish to maintain this open range in the interest of the Nation's economy, welfare, and employment of half a million citizens.

Some nations would, in effect, fence this open range which has been open to fisheries of all nations since the dawn of history. They would fence it through provisions of the law of the sea to be laid down at Geneva. Their object would not be to fence in the fish—that would be impossible—but to fence out the fishermen of nations other than their own. If this were done our fishermen would be hurt and so would those of many other friendly nations.

Negotiations at the Geneva conference, so important to our security and to our domestic economy, will be conducted by the Department of State.

The Senate Committee on Interstate and Foreign Commerce, concerned for the welfare of our fishing industry, our commerce, and the national interest, and alert to the possible effect that an adverse determination on territorial limits might have, has approved sending representatives to Geneva as observers. A technical consultant will accompany the committee representatives who, at the conclusion of the conference, will report back to the committee and through it to the Congress.

This is, of course, the extent of the committee's direct involvement with the conference itself, but the conclusions reached at Geneva certainly will have long-range implications.

Determinations of this conference can have far-reaching effects upon the preservation of world peace and the security of nations, the future of the United States and of the Western Hemisphere.

They can conserve the important resources of the sea or they can set up arbitrary rules of the sea which will only result in wasting these resources.

They can preserve the free passageways for communications, travel, and commerce or

they can create theoretical and artificial gates across these passageways.

The Committee on Interstate and Foreign Commerce, and members of the House Committee on Merchant Marine and Fisheries also, have been well briefed by the Navy Department on their security requirements. We are, I think, in agreement with them that the national interest will be best served by the narrowest territorial limits which it is possible to attain at the Geneva conference—the 3-mile territorial limit that we now recognize.

The committee has not been so well informed on the position of the executive branch with reference to our historical fishing rights.

Over a period of years, the U.S. fishermen have utilized specific fishing grounds. In colonial times New England fishermen fought two wars to protect their fishing rights in waters to the east and north.

Restrictions imposed by Russia in Alaskan waters were a factor in our purchase of Alaska from Russia.

Fishermen are not disposed to sacrifice these rights for a political expedient.

In preparation for the coming Geneva Conference on the Law of the Sea, the State Department has held several meetings in coastal centers, including Seattle.

Fisheries interests and other civic interests in the area have been disturbed by the tenor of these meetings. At Seattle, they advise me, representatives of the State Department publicly offered compromises which would destroy the bargaining position of the United States in relation to its common fisheries with Canada.

These compromises, they represent, if accepted by the United States, would put the Pacific Northwest out of business insofar as its bottom trawl and salmon troll fisheries are concerned.

It is their position, and it is my position—and I have so informed the Secretary of State—that we should not surrender before negotiations are even under way.

The United States and Canada have many close ties—many mutual interests. They have cooperated in research which has been of mutual benefit to both nations. The trade between the two countries is vital to the economies of both. So are the resources of both countries including the resources of the adjacent seas.

Vigorous representations by our Department of State to the Canadians, in my opinion, could achieve a mutual recognition of these facts, and should be made before, not after, the delegates to the Geneva conference assembled.

The agreements to be reached at Geneva do not alone affect the relations of our fishermen with those of Canada.

The pattern to be established at Geneva will have a bearing on the increasing competition for the marine resources of the Gulf of Mexico, and on the very real competitive threat now posed in the Bering Sea, which the Soviet fishing industry would transform into a Russian lake. The action at Geneva will affect the fisheries and the food supply of nations and peoples around the world.

Mr. President, at the conclusion of my remarks I shall ask unanimous consent to have printed in the RECORD communications I have received from constituents in the Pacific Northwest, including officials of several organizations and the Governor of the State of Washington, the Honorable Albert D. Rosellini. All of them are very much concerned about what happens at Geneva.

More than geographic or jurisdictional limits are involved in what happens there. In a broad sense the issue is what happens to conservation of our diminishing ocean resources, what happens to our efforts to replenish this diminishing supply by artificial propagation and other means, and what happens to utilization of these resources for the benefit of mankind.

Much more needs to be done than for the delegates of the various nations to meet at Geneva and discuss territorial and fishing limits in terms of miles.

Mr. MAGNUSON. Mr. President, the United Nations or its Food and Agricultural Organization, independently of Geneva, should do these things:

First. Analyze the circumstances and natural conditions that make possible the living wealth of the sea, appraise that wealth in the many zones and regions, and set up guides to participants in this rich ocean harvest so that the wealth and the resource may be preserved.

Second. Where conservation and assistance by artificial means is required to improve and maintain stocks of fish, general rules should be proposed for certain abstentions to stabilize the resource.

Third. On the basis of knowledge obtained by studies of the living resources of the oceans and of the demands upon these resources, specific areas where stocks of fish and marine products require protection to survive should be defined.

Fourth. Analysis should be made to determine what protective measures would be most fruitful in the areas where they are required.

Fifth. Define wasteful practices that are known to destroy marine resources and establish international laws to eliminate these destructive practices.

Sixth. Provide recourse to an international court of appeals where differences arising from these laws may be resolved.

Mr. President, such a course was followed in several other instances, with very little trouble. The whaling treaty is one instance in which such an agreement is working well as well as the halibut treaty between the United States and Canada, and the sockeye treaty and other fishing treaties, which relate to more specific areas. There ought to be laws or rules governing the operation of other kinds of fishing. The United Nations should provide recourse to an international court of appeals, where differences arising from these laws may be resolved.

Mr. President, it is generally recognized that important fish populations have diminished and that the catch of fishermen in many sections of the world has been grossly reduced by over fishing or wasteful fishing practices.

No conceivable general rule defining boundaries of territorial seas for fisheries can be applied so as to fit conditions in all areas of the world in which conservation is required if stocks are to be maintained.

A worldwide cooperative program is essential if there is to be any satisfactory solution. It is essential to determine the natural conditions affecting fisheries and fish populations, the migratory and feeding habits of the various species, the historical background of the world's great fisheries, and the failures and achievements in exploiting these fisheries so as to preserve them as a permanent asset to mankind.

Mr. President, this is not only a matter which involves the fishing areas of the United States and the matter of security, which I think is of paramount importance. It is not confined to certain areas that might be economically affected. I think the problem and what we think should be done about it is confined to many people, who can see the far-reaching implications of what we do at Geneva—implications that could reach to the Summit Conference, if anything is to be decided there.

Even this morning the Washington Post in a very fine editorial, pointed up very clearly what the problem was, and made some very good suggestions regarding not only the vital effect upon our fishermen, but upon the defense and security of the United States and why we should be strong at Geneva, why we should stand up for what is justifiable, and try to get an agreement that is in the best interests of the United States and the free world, rather than to go there with some kind of a compromise in advance, which will play right into the hands of Russians, who will propose, on behalf of themselves and their satellites, that this territorial law of the sea be made 12 miles, thereby adding 3 million square miles to their territory and make it possible to close 116 straits from being open waters as they are now—matters valuable to our defense and to the security of the free world and the United States. It would also allow them, with their great submarine know-how, to plan underseas warfare, and to plan their strategy with the knowledge that they can do just about what they want to do with the free world, because of that very dangerous and formidable weapon.

I ask unanimous consent to have the editorial which appeared in the Washington Post, Sunday, March 6, 1960, printed in the RECORD at this point.

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

LAW OF THE SEA

A new effort will be made at Geneva beginning March 17 to clarify the confusion of national claims respecting maritime rights. The second Law of the Sea Conference is to be a followup to the conference in 1958 which produced four international conventions on the law of the sea, plus an optional protocol. Those conventions are now before the Senate for advice and consent to their ratification. They clarify and extend international law on many points concerning the territorial seas; navigation, aviation, and cable rights on the high seas; fishing and conservation on the high seas; and the right of exploiting the Continental Shelf under the sea. On two vital points, however, the delegates were unable to agree in 1958. The forthcoming conference offers a new approach to these controversies.

The first of these problems is to fix the width of the territorial sea. The United States and most other countries have traditionally held that their sovereignty ends 3 miles beyond the low-water mark. But Soviet Russia and some other countries insist on extending their sovereignty 12 miles (or even more) beyond the shoreline. It is feared that if no agreement can be reached at Geneva the push to a 12-mile limit will be accentuated, for no country wishes to be at a disadvantage in this respect.

The trouble with the 12-mile limit is that it would gravely narrow freedom of the seas. Acceptance of a 12-mile territorial sea would close 116 important international straits;

their waters would become subject to national sovereignties. That would be a handicap upon world shipping and upon the security of the United States and other major naval powers. At the same time it would give a great advantage to the Soviet Union's formidable submarine navy.

Two years ago the United States offered to accept a 6-mile limit, with a further extension of fishing rights, as a compromise. That proposal won more than a majority vote but not the required two-thirds. Since all hope of securing agreement on a 3-mile limit appears to have gone, the best that can now be expected is acceptance of the 6-mile limit. In our opinion, that would be decidedly preferable to continued disagreement.

The other troublesome problem with which the delegates at Geneva will have to wrestle is the extent to which fishing rights shall be protected by general international agreement. There is widespread demand for recognition of exclusive rights for each country beyond the limits of its sovereignty. Two years ago the United States proposed that exclusive fishing rights extend out to 12 miles, with a proviso that the nationals of other countries who had fished in such areas for more than 5 years could continue to do so. This latter provision was chiefly an attempt to protect British fishing in the vicinity of Iceland.

Strong arguments have been made against including such special arrangements in a general international convention. Canada has proposed, for example, a 6-mile territorial sea plus a further 6-mile exclusive fishing zone, without any special exceptions. Subsequent exceptions could be arranged through bilateral negotiations on the part of the countries immediately concerned. This seems to us a reasonable compromise, and if the required two-thirds majority vote can be obtained for this simple solution it would have many advantages over the existing conflict of views.

Mr. MAGNUSON. Mr. President, in relation to the colloquy the distinguished Senator from Alaska and I had regarding the fisheries in their area and the Japanese problem, I ask unanimous consent to place in the RECORD, before the conclusion of my remarks, a letter from the Department of Interior, Fish and Wildlife Conservation, in response to some queries from Mr. John R. Gibson, of Missoula, Mont., in which is stated the position of the Department on the Japanese-Bering Sea, Japanese-Canadian and American problem and the Bering Sea problem, in regard to salmon.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1960.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR MR. MAGNUSON: This is in response to your letter of February 18, in which was enclosed a letter from Mr. John R. Gibson of Missoula, Mont., requesting information on problems of the commercial fisheries of Alaska.

Following is information concerning the five items for which Mr. Gibson has requested information. These are treated in the same order as given in Mr. Gibson's letter of February 15. In regard to the information requested on the Japanese salmon fisheries, we have assumed that Mr. Gibson is primarily interested in their high seas fishery as it might affect the fisheries of other nations.

1. Japanese salmon fishing methods as used on the high seas are described in the enclosed leaflets, Separate Nos. 338 and 385. The Japanese salmon catch for the period 1952 to 1958 will be found in an enclosed table. Information regarding treaty boundaries as they pertain to the Japanese fishery will be found in the enclosed Separate No. 507.

2. The United States and Canadian salmon pack for the period of 1952 to 1958 will be found in an enclosed table.

3. Reference to restrictions placed on the Japanese salmon fishery by the U.S.S.R. will be found in Separate No. 507. In addition to these restrictions, the U.S.S.R. in 1959 prohibited all Japanese fishing in the Okhotsk Sea. These restrictions tend to intensify the Japanese fishery in more easterly waters in areas frequented by salmon of North American origin.

4. This Department has been very much concerned as to the effect of the Japanese high seas fishery on the red salmon stocks of Bristol Bay. Through the International North Pacific Fisheries Commission we have made vigorous attempts to bring about relocation of the so-called "abstention line" to more fully protect stocks of salmon of North American origin. This Commission was set up by an international treaty between the United States, Canada, and Japan. Actions of the Commission are based on unanimous action of the representatives of the three participating nations.

This country has been only indirectly involved with the activities of the U.S.S.R. As indicated above, restrictions placed on the Japanese by the U.S.S.R. tend to intensify the fishing pressure on American stocks of salmon.

5. The economy of Bristol Bay and other areas of Alaska has been seriously affected in recent years by declining runs of salmon. For Bristol Bay specifically, the number of canneries operated has been as follows: 1952—23; 1953—17; 1954—12; 1955—9; 1956—8; 1957—12; 1958—8. Detailed statistics for Alaska for the years 1952 to 1958 will be found in the enclosed annual summaries for each of these years.

We hope that this will fill the needs of Mr. Gibson.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

Mr. KEFAUVER rose.

Mr. MAGNUSON. Mr. President, the Senator from Tennessee would like me to yield, and I do so.

Mr. KEFAUVER. Mr. President, I would, first, like to compliment the distinguished Senator from Washington upon his very able presentation. There is no Member of the Senate who understands and knows better the problem of fisheries on all of our coasts and all parts of our Nation than he. His discussion today will be of great benefit to fishing interests not only on the west coast, in the country, but on the east coast as well.

TRIBUTE TO JACK W. GATES

Mr. KEFAUVER. Mr. President, I know that Members of the Senate who knew him are sad at the news of the passing of Jack W. Gates, of Memphis, Tenn., who served as Postmaster of the Senate for quite a number of years.

Mr. Gates was a personable, Christian gentleman who was very active in civic affairs both in Washington and his home city of Memphis.

He was the president of the Tennessee State Society for a number of years in the city of Washington. He was a very close friend of the late Senator McKellar, of Tennessee.

He was interested in the affairs of many civic organizations, especially those dealing with betterment of the opportunities of our young people.

I ask unanimous consent to have printed in the RECORD, in connection with these remarks, a thoughtful editorial on the life and service of Jack W. Gates. The editorial was published in the Memphis Scimitar of February 27, 1960.

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

JACK GATES' WORK LIVES ON

Memphis truly lost a "gentleman of the old school" in Jack W. Gates. He was for many years postmaster of the U.S. Senate, and as such was nationally known. But the Christian work he has quietly done these long years in Memphis will live on after other fame has gone.

Not only was he active in his church, Union Avenue Baptist, but he was active in the affairs of youth. He took especial enjoyment in getting donations to the "Man For Boy" fund to send needy boys to camp each summer. Many a boy never knew that a tall, lanky, silver-haired man well past his eighties had walked from business to business downtown to see his friends for gifts that that boy might have summer fun.

Jack Gates served the greater church, in that he served mankind. His work will live on in the lives of those he helped, although they never knew.

CALL OF THE ROLL

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 99]

Aiken	Hart	Mundt
Anderson	Hartke	Muskie
Bartlett	Hayden	Pastore
Beall	Hennings	Prouty
Bible	Hickenlooper	Proxmire
Brunsdale	Holland	Randolph
Byrd, W. Va.	Jackson	Robertson
Cannon	Johnson, Tex.	Russell
Capehart	Keating	Saltonstall
Case, S. Dak.	Kefauver	Schoeppel
Church	Lausche	Scott
Clark	Long, Hawaii	Smathers
Cotton	McCarthy	Smith
Dirksen	McClellan	Sparkman
Douglas	McNamara	Wiley
Dworshak	Magnuson	Williams, Del.
Engle	Mansfield	Williams, N.J.
Goldwater	Martin	Yarborough
Gore	Monroney	Young, N. Dak.
Green	Morse	Young, Ohio
Gruening	Moss	

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. McCLELLAN. Mr. President, I think I shall speak comparatively briefly today. I notice that it is now past 3 o'clock. I should like, however, to begin my remarks today at the point where I

left off in my principal speech, Mr. President, when I was compelled to conclude last Friday in order to make room for the morning hour.

Mr. President, to get the connecting link in the RECORD, I had just made reference in my remarks last Friday to a statement made by our distinguished colleague, the senior Senator from Oregon [Mr. MORSE], on the floor with reference to this bill. The statement he made was on February 16, 1960.

I said "with respect to this bill." I think I should correct that statement and be more accurate, and say that the remarks the Senator made were directed, rather, to the subject matter or the broad field of civil rights legislation.

So that we can get the continuity of what I was talking about then, as I resume my speech, the Senator from Oregon said at that time:

> This is not the only time that civil rights will be before the Senate. This issue will continue to be before us for some time to come.

I made brief comment about that statement, and stated that I am resigned to the fact that this is a sad truth; and I pointed out that it would make no great difference what legislation should be enacted as a result of this—I started to say series of Senate sessions, but it has almost ceased to be a series of Senate sessions; I should say this continuous session of the Senate to enact civil rights legislation.

Whatever the outcome may be insofar as the kind of legislation that is enacted, it will not satisfy, it will not be adequate to satisfy, the proponents of this legislation—that is, all of them, at least. It will not be adequate to satisfy the organizations on the outside that are agitating the race conflict and race controversy. It will not appease them. A settlement or compromise with them on any basis cannot be made which will terminate what is becoming a constant, if not eternal, controversy, wherein the issue of so-called civil rights is involved.

Mr. President, since that is the situation, and since it seems that there are those who want this debate to continue for quite some time, and since there is abundant evidence that those who think they want this legislation are not agreed, because they continue to introduce new bills and submit new amendments and present new arguments, which have to receive the attention of those of us who oppose this character of legislation, it is not a matter of willful purpose or dilatory action on the part of those of us who oppose this legislation; but, in order to make the record and keep the country and people advised of what is going on here, it becomes necessary for us sometimes to speak at considerable length, sometimes to speak on repeated occasions, in order to make the proper analysis of the proposals and in order to refute some of the claims made as to the benefits the proposed legislation or measures would provide—that is, those claims which are made of the need for the legislation and also the benefits that would result from its enactment.

Mr. President, if there is anyone in this body who is so naive as to believe that all of the proposals, counterproposals, amendments, revisions, and amendments to amendments are going to pass and be enacted into law, I think they have another thought coming. It would take, for them to be properly debated, for the required deliberation needed to understand them and to intelligently vote on them, possibly some two or three Congresses, and not merely a session of Congress, in order to adequately discuss and evaluate and appreciate what the consequences of the legislation would be. It would take years and years to act upon all of the unsound, ill-advised, and, in some instances, crackpot proposals that have been introduced.

And if the sponsors of these bills and those on the outside, the organized groups that are agitating for the enactment of these laws, expect to get all of this legislation enacted, I think we can safely assume, Mr. President—in fact, I think we can predict—that it is going to take quite a long time to do it.

Were it not for the fact that this matter is serious, and so serious that many people would suffer as a result of the enactment of these proposals, I should like to just sit back and watch this comedy of errors. Again, if it were not so serious, Mr. President, I think we would get some satisfaction out of just sitting back and waiting until the bills have passed, have become laws, and the impact of them felt throughout the country, and then point a finger and say, "We told you that would happen, but you did not listen." Yes, it would give, maybe, some measure of satisfaction to do that, except, Mr. President, that the consequences are going to be visited upon many who are innocent, many who opposed such legislation, and upon many others, Mr. President, who were ill advised, who were misled, and who were not cognizant of the evil that was being thrust upon them.

It is also pertinent to note at this point that, as usual in election years, there is a plethora of legislation introduced, and exposition after exposition made upon the merits of the various proposals so that the interested sponsor may go back to his political hustings and proclaim what a great benefactor of the human race he is.

Mr. President, there are many under the illusion that in advocating, sponsoring, in laboring for and voting for the enactment of this legislation, they are great humanitarians, and that they are helping to provide benefits of lasting duration for people who, in their view, are being discriminated against, and who ought, by law, to be elevated to a level of culture and intelligence far in advance of what the processes of evolution can do, are able to do, have done, or would be able to do for them.

That cannot happen. You can pass the law, but, Mr. President, you might as well pass a law directing the Potomac to reverse itself and empty into the Great Lakes. It would be just about as practical.

It takes the processes of evolution for civilization to advance and to develop the culture and social standards that may be desired, that are better, and that would be an improvement over what we have at present.

Yes, someone may go home, Mr. President, and beat his breast and convince some voters of the magnificent job he is doing in the Senate of the United States. I will say this, however: that never, in my experience—and I am in my 18th year in the Senate, and I served 4 years in the House of Representatives—have I seen more bills, amendments to bills, and amendments to amendments, on one subject matter, than it now appears we are to see and that are now being offered in the 86th Congress on the subject of civil rights.

Mr. President, I hope before I conclude that I shall have for the record a statement of the number of bills and amendments that are now pending, technically, at least. They may not all be on the desk, but they have been introduced during this Congress. They are, therefore, measures before the Congress. Many of them, Mr. President, have already been offered as amendments to the little school bill that is before us. I can well anticipate, Mr. President, that before the pending business, or what may become the pending business under the category of civil rights, is disposed of, there will be many, many other amendments to be considered. In fact, I have eight on my desk here. Seven of them I know are germane to the pending business. I propose to submit them during the course of my remarks and ask that they be read, that they lie on the table after being printed, and be subject to call even though cloture might be invoked.

These amendments are amendments of necessity. Mr. President, they are not amendments to foster something, not to impose anything upon anyone, but amendments to eliminate, to remove from the pending substitute bill each of the objectionable sections. If an amendment were on the question of whether the substitute should be adopted, we would have to vote on the seven different sections of the bill. We would have to vote on it en bloc.

One might favor one section and oppose another. Therefore, I propose, Mr. President, that before the substitute amendment is voted on, we will each have an opportunity to vote on it section by section, because my amendments will move to strike out each section, to strike them out one at a time. Those who favor the most drastic provisions of the substitute, of course, can vote accordingly, and those who may favor one section or another section of it, of course, may vote accordingly.

I may propound now, Mr. President, a parliamentary inquiry. Would such amendments be in order?

Mr. CASE of South Dakota. Will the Senator yield, Mr. President?

The PRESIDING OFFICER. Amendments to strike out any parts of the pending substitute would be in order.

Mr. McCLELLAN. I thank the Chair. That is what the amendments would propose to do, Mr. President.

I should like to put my colleagues on notice. They will have an opportunity, I think, by reason of these amendments, to vote for the good as they think and

eliminate the bad, if they so regard different sections of the bill.

I shall, of course, vote against all of it. I regard all of it as bad. But so that we can separate that which we believe to be good from that which we conceive to be evil, we would like, of course, to have such an opportunity. I think this is the way to get these questions before the Senate.

I am very happy to yield to the distinguished Senator from South Dakota, if I may do so, Mr. President, without losing my right to the floor. I shall yield to him for a question.

Mr. CASE of South Dakota. I have a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

Mr. CASE of South Dakota. Mr. President, is it not correct——

Mr. McCLELLAN. Mr. President, is the Senator propounding a parliamentary inquiry?

Mr. CASE of South Dakota. Yes.

Mr. McCLELLAN. I yield for that purpose.

Mr. CASE of South Dakota. Is it not correct that the Senator from Georgia [Mr. RUSSELL] has already asked that the Dirksen substitute be divided under the rule which provides for the dividing of a question, and that at present the only portion of the Dirksen substitute which is pending is section 1?

The PRESIDING OFFICER. The Senator from Georgia has asked for a division of the Dirksen substitute so as to get a separate vote on section 1.

Mr. McCLELLAN. Mr. President, I am sorry that I am unable to hear the Chair.

The PRESIDING OFFICER. The Senator from Georgia has asked for a division of the Dirksen substitute so as to get a separate vote on section 1.

Mr. CASE of South Dakota. Has it not been ruled that the Dirksen substitute is divisible, and that the request of the Senator from Georgia, therefore, will insure a separate vote on each one of the sections?

The PRESIDING OFFICER. The Senator from South Dakota is correct, provided the Senator from Georgia makes such a request as to each of the remaining sections.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Such a request could be withdrawn by unanimous consent; could it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Therefore, the offering of the amendment of which I have spoken does not transgress any rule of the Senate, does it?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Do I not have the privilege of offering amendments as I have indicated?

The PRESIDING OFFICER. The Senator from Arkansas may offer amendments to strike out word by word, so long as he does not get into the position of being dilatory.

Mr. McCLELLAN. Does the Chair rule that it would be dilatory for me to offer amendments to strike out section by section?

The PRESIDING OFFICER. The Chair has not so ruled.

Mr. McCLELLAN. And the Chair would not so rule; I assume?

The PRESIDING OFFICER. The Chair prefers to wait until the situation arises.

Mr. McCLELLAN. I will ask for guidance now if the Chair expects to rule in that way. I might want to offer an amendment to two sections at a time or to half a section at a time.

The PRESIDING OFFICER. The Chair would not rule that a motion to strike out a section or parts of the amendment would be dilatory.

Mr. McCLELLAN. Of course not. I thank the Chair.

Mr. CASE of South Dakota. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I am very glad to yield provided I do not lose the floor.

Mr. CASE of South Dakota. The Senator from South Dakota was not attempting to insinuate in any way that the Senator from Arkansas would be dilatory, or anything of that sort. I merely thought that, for clarification of the parliamentary situation, it should be borne in mind that an order was registered for a division of the question, which would, I felt, insure a separate vote; and that is the present parliamentary status.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry, with the understanding that he will not lose the floor?

Mr. McCLELLAN. With that understanding, I am most happy to yield to the distinguished Senator from New Hampshire.

Mr. COTTON. In view of the fact that the Senator from Georgia has already asked that the so-called Dirksen substitute be divided and that a separate vote be had on each of the sections; and should the Senator from Arkansas present his motions that each section shall be voted upon, can every Member of the Senate be assured, in view of those actions, that in case a vote is reached on the Dirksen substitute, either in the natural course of events or by reason of a cloture vote, the Senate will have the opportunity to vote separately on each one of the seven sections of the Dirksen substitute?

The PRESIDING OFFICER. If the Senator from Georgia asks for a vote on each section, a vote would be taken on each section.

Mr. COTTON. Without any further action or request by any other Member of the Senate?

The PRESIDING OFFICER. The Senator is eminently correct.

Mr. COTTON. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arkansas yield for a further parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. McCLELLAN. I shall be glad to yield for any purpose, Mr. President, so long as I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Arkansas yields to the Senator from South Dakota.

Mr. CASE of South Dakota. The separate vote on each section would come regardless of whether a petition for cloture were filed and adopted, would it not?

The PRESIDING OFFICER. The Senator from South Dakota is preeminently correct.

Mr. McCLELLAN. I thank the Chair. I assume I will do no violence to my rights and prerogatives as a Senator if I should make doubly sure and offer the amendments.

I will answer the question myself. I am certain I will do no violence to my rights as a Senator, or even to the rights of any other Senator, if I offer amendments, and have them read, so that they will be eligible to be called up in the event a cloture vote is to be taken.

The PRESIDING OFFICER. The Senator from Arkansas is correct.

Mr. McCLELLAN. I thank the Chair very kindly.

All of these remarks have been touched upon by previous speakers in addressing the Senate but there is one cogent excerpt I should like to quote and that is the remarks of the senior Senator from Georgia [Mr. RUSSELL] on February 15, 1960, when, in answer to a question by the senior Senator from Alabama [Mr. HILL], the Senator from Georgia said:

> Yes. Of course, this particular legislation seems to occupy the unusual and privileged position of not being subject to the application of any rule. All a Member has to do is get a big sign reading "Civil Rights," and tie it onto a bill—regardless of whatever may be the contents of the bill—and introduce it in the Senate; and immediately many of the Members of the Senate will say, "Amen, amen; it is civil rights."
>
> They do not even desire to read the bill, inasmuch as it has the magic touchstone of civil rights, and thus is said to assure the victory for which the two major political parties are bidding.

Mr. President, I close that part of the quotation, and I say again, with a little more emphasis, possibly, than I said a few days ago, that if we took the politics out of this civil rights issue, it would not cause any of us any problems; the Senate would have no problems; we would not have this issue before us, and if somebody brought it up, it would not last until the next quorum call. But we have politics in it.

Here are these two major parties bidding for this vote. I think I know which one is going to win. I think I know which one is going to offer the most. I think I know which one is going to lose, and I think I know who is going to be the most disappointed. In any event, Mr. President, it is one thing that we can sit back and watch as it happens. It will not be too serious either way, whichever one loses or whichever one wins on this issue, but we can watch it with some interest.

I now quote further from the distinguished Senator from Georgia.

> Once such a label is attached to a bill, Members seem to say, "Why should we be disturbed about what is in the bill, or about what the Attorney General may have said

about the bill, or about what Mr. Battle, a former Governor of Virginia, and a member—now former member—of the Civil Rights Commission, may have said about the bill?" Just get out the old sign "civil rights," and repaint it. It does not seem to matter what the bill contains. In any case, the stampede to support the bill will commence.

We watched it here, Mr. President. Again, that accounts for all these amendments. We have more bills here now, more amendments here, more different provisions, more different approaches, more angles, more confusion than ever before in the history of the country on the civil rights issue, and it will get worse. This is going to be with us a long, long time—I do not care what bill you pass. It is going to get worse. I quote again:

And if some Member later offers a bill which goes a little further than that one, other Members will hasten to draft still another bill, and then will importune their colleagues to support it. That is what is being done today.

Mr. President, the record of this legislation, the day-by-day record of what is happening, not only confirms and sustains what the distinguished Senator from Georgia said, but it fortifies this record with the facts which substantiate such statements, and which are irrefutable.

Mr. President, I have prepared a short résumé of the various proposals. This was some few days ago. It is not up to date.

I had been hoping to get my views here in the RECORD, but no matter how quickly I am able to get the floor and to talk about it, there are more amendments introduced; and, Mr. President, instead of counting the amendments and taking my time here, I have adopted the method of just weighing the proposals and weighing the material I have on this side, which I set here, and those on the other side, and they seem to be keeping in balance.

I do not know how long this is to go on, but, Mr. President, as a new bill and a new amendment are introduced over on that side of the scales, there will be more material over on this side that will need refining. I do not know how long it is going to take actually to get this record made, and to have each bill and each amendment discussed in the light of what it will do and what it will not do, so the country may know just what we are confronted with here.

But this I know: If the great mass of American citizens could just see this conglomeration of proposed legislation, which could not possibly be analyzed even by the combined wisdom of the Senate, so as to forecast what the consequences of this legislation will be—I say that advisedly, because no one knows what the Supreme Court will say Congress meant when we are through—if the country could be informed of these facts, Mr. President, there would be a sound of applause throughout the land—so loud that it would shake this old Capitol dome—in approval of the position and the efforts of some of us to stay the hand that would destroy the liberties of the American people.

In these measures are forces which, if let loose and not restrained would result in damage, whose consequences would be untold.

If my colleagues are weary, Mr. President, of my redundancy in reviewing these measures and amendment, it is only because the measures which have been introduced and reintroduced in this Congress are superabundant. Mr. President, that is a very mild term indeed. So I shall start on one of these proposals, Mr. President; and I still do not know the exact number there are. As I say, day by day, they keep increasing, because nothing is taken away, and this side is still growing.

The first that I refer to is S. 73, a bill to prohibit acts involving the importation, transportation, possession, or use of explosives.

Mr. President, I believe we have in this pending substitute amendment some provisions along that line. I do not know that they are in the exact terms of this bill; I do not think they are. But this is what we are confronted with: Though it takes time, it is necessary that we discuss these different proposals and analyze them for the record, because, Mr. President, in this character of procedure, where we are legislating in the fashion we are doing here, it is to be expected—in fact we would be unwise not to anticipate—that any one of the bills now pending before the Congress would not be offered at some stage of these proceedings as an amendment to whatever the pending business is.

Therefore, Mr. President, the safe course is just to take them up one by one and let the record be made. This is the first one, Mr. President.

Again I do not know how many there are, but I think we will have the count later before I conclude, and maybe I can make the record a little more accurate by then.

S. 73 was introduced on January 9, 1959, by the junior Senator from New York, Mr. Keating, for himself and for his senior Senator, Mr. Javits, and for Senators Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Langer, Martin, Prouty, and Mrs. Smith, and the bill was referred to the Judiciary. Mr. President, this bill would amend chapter 39 of title 18 of the United States Code by adding at the end thereof a new section.

S. 73, TO PROHIBIT CERTAIN ACTS INVOLVING THE IMPORTATION, TRANSPORTATION, POSSESSION, OR USE OF EXPLOSIVES

S. 73 was introduced on January 9, 1959, by Senator Keating, for himself, Senator Javits, Senator Scott, Senator Allott, Senator Beall, Senator Bennett, Senator Bridges, Senator Bush, Senator Case of New Jersey, Senator Cooper, Senator Kuchel, Senator Langer, Senator Martin, Senator Prouty, and Mrs. Smith, and referred to the Committee on the Judiciary.

This bill would amend chapter 39 of title 18 of the United States Code by adding at the end thereof a new section, section 837. After defining the words "commerce" and "explosive," the bill provides that whoever imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosives, or possesses any explosives which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than 10 years; and if death results shall be subject to the death penalty or imprisonment for life.

Of course, Mr. President, those penalties are rather harsh. But I wish to point out that this amendment would go farther than the Dirksen substitute amendment would go.

Certainly I subscribe to, and support, the provision I have read just now, as contrasted to the corresponding provision of the Dirksen substitute amendment. The amendment I have just finished reading applies to explosives which are bought, used, transported, or possessed for the purpose of interfering with the use of such buildings or personal property for educational, religious, charitable, residential, business, or other civic objectives or for the purpose of intimidating any person from pursuing such objectives.

Mr. President, if we are to pass such a law, if one is needed in one area, certainly it is needed in all areas; and certainly such a law should apply to all business houses and to all residences and to all property and to anyone at all who commits such an act; and such a law should apply to any organization or to any type of dispute, including disputes between labor and management, or to anything that motivates or provokes such an act. There should not be any exclusion or exemption.

Mr. President, insofar as this particular provision is concerned, in view of the way it is written, and as I now read it, it would come nearer to meeting the test which would gain favor with me than does the Dirksen substitute amendment, which is now before the Senate.

Mr. COTTON rose.

Mr. McCLELLAN. Mr. President, if I may yield to the distinguished Senator from New Hampshire without losing my right to the floor, I shall be glad to yield to him for a question.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from Arkansas yield to the Senator from New Hampshire for a question?

Mr. COTTON. Mr. President, I have in mind, not necessarily a question, but perhaps a brief statement. I ask unanimous consent that the Senator from Arkansas may be permitted to yield to me at this time, so that I may make a brief statement—for my remarks may not be in the form of a question—without causing him to lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. COTTON. Mr. President, I merely wish to commend the Senator from Arkansas for the statement he has made; and I should like to associate myself with his statement to the effect that this provision against violence, against bombing, and against the destruction of property should not be confined to any one class of property. Instead, if the amendment is to be adopted, it should apply equally to all classes of property and to all persons.

Mr. McCLELLAN. Mr. President, I am happy to have the Senator from New Hampshire agree with me on that point. I do not believe it makes any difference whether the matter involves a personal quarrel between two persons, with the result that one dynamites the automobile or the residence or the place of business of the other; or whether there is involved a dispute between a labor organization and an employer; I do not care whether the matter involved is a "hate" bombing of a church or other building used by any religious denomination because of the fact that some person does not like the organization to which that piece of property belongs; I do not care whether the subject of the difficulty is a cottage which belongs to a Negro or a church or a school; I do not care whether the difficulty arises because of personal hatred or a personal quarrel or a labor dispute. Regardless of the motivation and regardless of the property affected, the result of such damage to property would be the same. If we are to pass a law to forbid discrimination, let us not pass a law which in itself will discriminate. Those who profess to be fighting for the enactment of laws to prohibit discrimination in some areas of politics, business, or whatever area may be proposed as the subject of such legislation, should not, in connection with their condemnations of discrimination, ask the Congress to pass a law which would contain a provision which would definitely discriminate and would let some persons commit crimes of that sort and remain free, simply because the crimes would be committed against certain persons or certain elements of society, and not against others. In any case, Mr. President, the law should apply uniformly. If it is wrong to bomb a school building or an automobile which belongs to a schoolteacher, then, Mr. President, it is wrong to bomb the automobile or the residence of any private citizen who has no connection with a school. Otherwise, the result might be to set up two standards and two classes.

I maintain that if we are in good faith endeavoring to enact legislation which, we say, will eliminate or remove discrimination, certainly in our attempt to do so we should not make a mockery of our profession by sponsoring, endorsing, and voting for a provision of law which would openly and flagrantly discriminate against certain citizens of the United States. However, that is what this measure would do, unless there were added to it language so couched as to cover all such areas, instead of having the law apply to only one class or one area.

Mr. President, I wish now to comment upon other portions of the amendment.

Subsection (c) declares that the possession of an explosive in such a manner as to evince an intent to use—and, Mr. President, we are getting on rather shaky ground when we attempt to provide that it will be necessary to prove that one evinces such an intent. It may be that that could be proved in some circumstances; but what is meant by "evince an intent to use" or the use of, such explosive, to damage or destroy any of the buildings or other real or personal property heretofore mentioned or to intimidate any person, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it.

Mr. President, one might evince an intent if he made a threat, but I think the better word would be threat, if he threatens to use force, instead of evincing an intent. I do not know. I do not know just how we are going to prove that unless we prove it by threat, and the better language would be, in my opinion, "a threat." The bill provides, however, that no person may be convicted unless there is evidence independent of the presumptions that this section has been violated. I think that is a very good provision, and if these other matters were corrected here, made clearer, I think this subsection (c) could be revised and be improved upon. But the general objective of it, Mr. President, is sound, I think. And if it were properly carried out and the language were properly drafted so that the purpose of it was to make it apply to all alike who committed such a crime of whatever category or in whatever area of our society or business, our economy, our religious, social, charitable strata, I think all could support it.

But what we run into every time we turn around, Mr. President, are provisions so designed that they apply only to a limited area, designed primarily—and I say this without any hesitancy and without any reservations—to single out one section of our country and make it appear that that is the culprit we are after, and we are after him, we are going to get him. I am speaking of the South, Mr. President. Everyone who heard what I said knew what I was talking about, but I am saying this so that the person who reads it and did not hear it will know it is stated emphatically.

Then there is another subsection, subsection (d) which provides that whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both.

Mr. President, I think that might have some virtue in it. I do think that when we go to dealing with threats which are intended to intimidate, coerce, and frighten people we have many areas where we might very well make this section apply, make it proper. These things are fresh in my mind, of course, because of the special investigative work the committee of which I have been chairman has been doing in the past 3 years as an arm of this body and investigating certain practices, improper activities of labor-management relations, and, I may say, Mr. President, that the record of the investigations we made is replete over and over and over again of threats, of intimidations, of violence, of injury, of vandalism, as actions and efforts to intimidate, to coerce, to frighten, to instill fear into people in the hope of causing them to do something, to take an action against their will and not of their own free choice, in many instances, Mr. President, to keep them from going to work and earning a livelihood, to compel them to bow to the will and the dictates in some instances, in many instances, in fact, of ruthless racketeers, and in some cases we can go beyond that, of confirmed criminals and gangsters.

Mr. President, if we are to pass laws against telephone threats, mail threats to intimidate, to frighten, to instill fear, to cause people to refrain from doing that which is legitimate for them to do and which they have a right to do as American citizens, to make a free choice in doing, if we are going to pass legislation like that, let us make it apply in all these areas. Why not?

Again, Mr. President, if we are going to pass laws to eliminate and prohibit discrimination, let us cover all the areas where it is going on, where we know it is going on. There is no question about it. Why should it not be a violation of law to pick up your telephone and call some man's home and say to his wife, "If your husband returns to work, he may never come home again, lady." Or the telephone rings and the little wife picks up the phone and hears this, "Do you love your children? They go to school, do they not? You want them to come home safely, do you not?"

Oh, Mr. President, if we are going to move into this field of intimidation, of coercion and threats, let us protect the American citizen in his home.

Subsection (e) declares that it shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States.

Mr. President, that is a fine provision. You remember how I fought on the floor of the Senate and we lost it by only one vote in the last session of the 85th Congress, I believe, merely to provide that no Federal law preempted the jurisdiction of the States which had similar laws unless the Congress specifically said it meant by the enactment of the law in that area and in that field to

preempt the jurisdiction and the authority of the States and take it away from them.

Mr. President, I see in this bill one of those provisions that ought to be in every bill enacted by the Congress. If we do not put that in the bill, where we are dealing in these areas where there is concurrent jurisdiction between the Federal Government and the State, if we do not include in it these bills, the Supreme Court will say that, based upon its previous decision, the Congress intended that the Federal Government take over whether this is so or not.

My idea is, Mr. President, and I have urged it and I shall continue to urge it, that the Congress ought to say in each bill, in each law, whether it means by enactment of the law to take jurisdiction away from the States, or whether it is willing that concurrent jurisdiction may continue.

Mr. President, to repeat, it reads as follows:

> Subsection (e) declares that it shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

May I say this to those who authored this amendment? With a little improvement in it, it would constitute an approach to our problem. If it were broadened to include all, it would approach the solution of a problem which I think almost all Senators could agree to support.

But we have got to get away from this one thing, Mr. President, and we should keep this in mind all the time, because it is a fact, and it is present, and this is what we have got to get away from: That we are here to legislate to prohibit discrimination in one area, and impose it in another. We should get away from the idea, when we walk into the Senate with a bill that has a civil rights tag, that it applies to only one section of the country that some might have a desire to humiliate or embarrass and hold up to ridicule as a culprit, and ignore what we know is going on in other areas of our society and economy. Yet we want to wink at it or pretend not to see it.

Thus, we narrow provisions in a civil rights bill so as to direct those provisions at a certain area, much as a radio beam or a TV channel is directed toward a certain place—unfortunately and unhappily, Mr. President, too often directed at a section of the country in which I am happy to live and of which I am proud to be a native.

The next bill I should like to call attention to is a comparatively short bill. It is one of the civil rights bills pending, and it may be offered as an amendment at any time. I do not know that it will be, but I think we ought to know something about it. I am glad, as we analyze these bills, that occasionally we can find some good in some of them—that is, good if the provisions are made applicable to the whole, but evil if the provisions are used with the idea that only one is going to be punished, while ignoring the sins of another.

This bill, S. 120, to make unlawful the transmission in interstate commerce of certain communications with intent to interfere with the execution of Federal or State statutes or court decrees, was introduced on January 9, 1959, by the distinguished senior Senator from New York, Mr. Javits, for himself and for his distinguished junior colleague, Mr. Keating, and also for Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

This bill proposes to create a new Federal crime and amend title 18, United States Code Annotated, section 875, by adding at the end thereof the contents of the bill as new subsection (e). It also proposes to punish—and this is the new crime—whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits in interstate commerce any communication containing any threat to kidnap any person, any threat to injure the personal property of another, or any threat to injure public property.

The punishment consists of a fine up to $5,000, or imprisonment up to 5 years, or both.

The content of this bill cannot be condensed without detracting from the provisions thereof, and a copy of the language is as follows:

> (e) Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits in interstate commerce any communication containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Mr. President, if the proponents of that bill will set aside the pending bill, and bring up this bill, and leave it open for amendments which might be found advisable after further study of it, I think the bill will pass, and I think it will be a very good law. I see no objection to it. I say it needs some study, with respect to the language, as to what it would do. There are areas where I think we could get together and enact some laws that may be needed in a field like this, without doing violence to the liberties and freedoms of our people, and preserving their rights as citizens, and protecting all of them—not just a few, not just a class, but protecting all citizens alike.

When we propose to legislate in that fashion, I think it will be found a great majority of the Members of the Senate will be in accord and that such legislation can be enacted. It is when we take a class, Mr. President, and single it out, and want to legislate against it, in the name of eliminating discrimination, that we run into this problem.

The next bill is S. 121. I think we will find it was introduced on the same day as the one I have just analyzed and discussed.

S. 121, to make unlawful the mailing of threatening communications with intent to interfere with the execution of Federal or State statutes or court decisions, was introduced on January 9, 1959, by the senior Senator from New York, Mr. Javits, for himself and for his junior colleague Mr. Keating, and for Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

From my analysis, Mr. President, the only difference between this bill and S. 120 is that S. 121 covers both interstate and intrastate commerce.

Mr. President, right in the beginning we all take an oath to uphold the Constitution of the United States.

I think it is agreed, Mr. President, that the Federal Government has no jurisdiction over intrastate commerce. The commerce provision of the Constitution refers to interstate commerce. I am unwilling, Mr. President, to have the States' jurisdiction and police powers usurped by an intrusion and trespass upon the constitutional prerogatives of a State.

This might be improved, Mr. President, to where it could be acceptable. I think, however, the preceding amendment that I have discussed covers everything that is in here that would come under the constitutional jurisdiction and powers of this body to legislate, and that is in interstate commerce.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, section 876 by adding at the end thereof the contents of the bill. It will punish whoever with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits any communication containing any threat to kidnap any person, any threat to injure the personal property of another, or any threat to injure public property.

I do not think this went as far as the other, although I have not made exact comparisons.

Anyway, insofar as it would affect interstate commerce, Mr. President, it has merit in it. I think there could be very little objection to it if the present laws on our statute books are inadequate to cover that particular act or those acts that this would make a crime.

The punishment consists of a fine of $5,000 or imprisonment up to 5 years, or both. The contents of this bill, again, cannot be considered condensed without detracting from the provisions thereof. The copy is as follows. I will read it, so that this bill may be compared with S. 120.

The punishment consists of a fine up to $5,000, or imprisonment up to 5 years, or both.

The contents of this bill cannot be condensed without detracting from the provisions thereof, and a copy thereof is as follows:

> Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment or mandate of any Federal or State court, knowingly so deposits or causes to be delivered,

as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person or public authority, and containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

I spoke earlier, Mr. President, of a rash of bills. I am now, Mr. President, in the process of discussing what I meant by a rash of bills and discussing them in order.

Here is another one, Mr. President, which seems to me to be from the same people on the same day. They just bundle them up by the numbers and call them civil rights. There they go to get into the hopper. This is S. 122, just one right after the other.

Mr. HILL. Will the Senator yield for a question?

Mr. McCLELLAN. I am glad to yield for a question if I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. HILL. Does the Senator recall that the last estimate we had was that these bills would weigh about 8 pounds?

Mr. McCLELLAN. Yes, I recall that.

As I said earlier in my remarks, Mr. President, I may advise the distinguished Senator from Alabama, as they keep introducing these bills and the weight of the burden that is being imposed upon the Senate continues to rise, the material necessary, I may say, to demonstrate or to analyze those bills in order to get into the RECORD what they contain and what the consequences will be if they are enacted, also increases.

Unless they stop introducing these amendments and new bills, I hardly know where this is going to end. The people are entitled to know, as they introduce new bills, what they are driving at, what they are going to do. And it takes material like this, it takes an analysis, and it takes deliberation and comment upon them, in order to get the record clear as to just exactly what is proposed and what is about to happen.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I am glad to yield for a question.

Mr. HILL. Is it not true that under the ordinary, regular procedures of the Senate, since the very beginning of this Government, when a bill is introduced a committee is directed to study that bill, to take testimony, to have witnesses, to analyze the bill, to dissect the bill, to go into the provisions of the bill? Is that not correct?

Mr. McCLELLAN. That is correct. Some of these bills have been referred to committee, those that were introduced January 9. This one I am referring to now is S. 122.

S. 120, S. 121, S. 122 were all introduced on January 9. Here is another one, S. 123, introduced January 9; S. 124 introduced January 9. Then there was a little skip there of 3 or 4 days. The next one was introduced on January 12. But that is a different bill. I think we will find some more introduced January 9.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. Is it not also true, I will ask the Senator, that under the regular procedure of the Senate, not only does a committee have hearings and hear testimony, receive evidence from witnesses, to analyze and to consider these bills, but the committee also makes written reports to the Senate, together with any minority or dissenting views from members of the committee? Is that correct?

Mr. McCLELLAN. That is true. I may say to the Senator that for some of these bills, I serve on a committee to which they are referred, the Judiciary Committee of the Senate. But I point out that you must analyze these principal bills, the ones they insist upon passing. They are not interested in the little bills I am referring to. You do not see them pressing for those right now. But it is the more drastic, those which discriminate within themselves in their attempt, as they say, to eliminate discrimination, on which they press for action.

It reaches the point in committee where there is no way to get out a bill that will remove any discrimination without imposing even greater discrimination upon those they profess to be serving by eliminating what is claimed as existing discrimination.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I will be very glad to yield for a question.

Mr. HILL. Is it not true that the Senate finds itself in a situation where it does not have the benefit of a report from any committee on any of these bills? Does it have the benefit of the judgment, the views, or the wisdom of the committee on any of these bills?

Mr. McCLELLAN. That is true. The RECORD will reflect that from one session of Congress to another, and from one Congress to another, the proposals are changed so drastically that one would hardly recognize them as being what they were the last time. The proponents cannot seem to agree. The fact is that they are confused now. Some of them want to go to the extent of—well, I declare; just like you would take a sheep-killing dog and beat the whey out of him. That is their attitude.

Others certainly weigh these questions with care and realize what some of the consequences would be. They realize that the consequences may not be desirable. Therefore, they want to find a way actually to eliminate any real discrimination which exists, but they want to do it within the framework of the Constitution and the laws. There are persons like that. They seek to reach a solution of this problem, or any other problem which should be treated by legislation, but they cannot seem to agree. First they propose a registrar bill, then a referee bill. I do not know what kind of bill we will have before us tomorrow.

At the opening, I premised my remarks by saying that it makes no difference what kind of bill is enacted, there will still be a clamor and demand for more and more punitive legislation. If the proponents succeed in punishing to one extent, that will not satisfy them. They will want to go further. There is no way to solve or resolve the question so long as there is back of the movement a feeling of enmity, ill will, and the desire to impose derision and ridicule—yes, even insult—upon a whole section of the country.

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

Mr. McCLELLAN. I yield for a question.

Mr. HILL. Is it not true that in addition to what the Senator from Arkansas speaks of as ill will and enmity, a lot of politics is behind the whole subject?

Mr. McCLELLAN. I said a while ago that if politics were taken out of this question, we could get down to business, serve the country, and pass some legislation. We could pass the appropriation bills, and Senators could go to the convention in time. I do not know whether it has dawned on Senators or not, but this debate could be in progress at convention time, if they do not quit introducing more bills and demanding more and more, and getting more confused each day about what they want and what they do not want. I do not know what they will want until their minds clear up. Certainly it is not incumbent upon us to tell them where to go, where not to go, what to do, and what not to do, except to tell them to forget about this foolishness. Let us work together and legislate for the good of the country. Some serious problems are awaiting our attention.

Crying out at this hour for solution are problems which are affecting the lives, destinies, and economic status of thousands upon thousands, yes, millions, of citizens.

Consider the farm problem today. If Congress in its collective wisdom would apply one-tenth of its energies—I think I could safely say one one-hundredth of the energies it has been applying to the so-called civil rights issue—to the farm problem, it would render a far greater service to the Nation. What is taking place here is a disservice. It is an agitation. It is an evil which has been thrust upon us at this hour.

Does the Senator think the sitdown program in the South, the assault of 2,000 on one side and 10,000 on the other, out in front of the Capitol of a sovereign State of the Nation, is a movement toward peace, harmony, and tranquillity between the races? No. What is happening, and what has been happening, is that the Senate has become a constant source of agitation and inspiration to bring about such conditions as we are reading about. What will be the final outcome? Nobody will be any happier. No one will be any better off. No one will be served. The interests of our country will not be protected and enhanced.

It cannot be said too often that we cannot do by human law what the Creator said must be done, and can only be done, by the process of evolution. That is a truth which needs to be instilled and inculcated in the minds and hearts of the people. If we try to do otherwise, we shall fail. We shall only stir up discord, enmity, and strife.

We should be promoting peace and harmony, so that people will be able to live in tranquillity. Let us go back to the concept of our Government—a Union of sovereign States, not a centralized power to dominate, to dictate, to say how people shall live their lives. Are we ready to go back to the principles and the philosophy of government which let the people and the States alone to enjoy their rights, rights which are reserved to them by the 10th amendment to the Constitution? Whenever we shall go back to those principles and live by them, and operate the Government by them, and whenever the courts again respect them, much of the friction, much of the unhappiness, much of the strife between the races will pass away. I can say without any fear of contradiction that is worthy of consideration that until the Supreme Court decision of May 17, 1954, the relationship between the races in my State of Arkansas was better than it was ever known to have been.

Yet it seems to be necessary to have meddlers and crusaders who, while they have beams in their own eyes, see little motes in the eyes of the people of another section of the country, simply because the culture, custom, and tradition of other people have been a little different, in theory, at least, but hardly any difference in practice. We know that is true. Let some of the strongest of the advocates of civil rights consult some of those people. They do not like some of these actions any better than we do. They do not like them, but it is good politics, it seems at the moment, to stir up this trouble.

The two major parties are competing for bloc votes. Again I say I think I know who is going to win. I think I know. Sometime when we have more Republicans on the floor, I will give the answer, but I notice we have only one now and only two Democrats. This is a great opportunity, Mr. President, to expound the truth, to convince people; but this is the way we have to do it, and, as I said the other day, we have to make several speeches to get the message across. But it is going to sink in sometime.

The PRESIDING OFFICER. The Chair would like to comment on the statement of the Senator from Arkansas and say there are more than two Democrats on the floor.

Mr. McCLELLAN. I notice three, and, of course, the occupant of the chair is a fine Democrat, and I am proud that he is present. I hope, Mr. President, we can keep that chair occupied by great and noble Democrats from now on, at least, so long as I am privileged to serve in the U.S. Senate. It does seem to me that a Democrat somehow graces that position, and I do hope, Mr. President, that as a result of the approaching election, in which, as I say, the two major parties are engaging in this little play here and competing for the votes of a bloc majority, the permanent occupant of the chair, after next November or next January 20, will be an able and distinguished Democrat, one whom I can admire as much as I do the present occupant of the chair.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Chair thanks the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I mentioned here a number of bills.

Mr. CASE of South Dakota. Will the Senator yield for a question?

Mr. McCLELLAN. I am very happy indeed, on condition that I do not lose the floor.

Mr. CASE of South Dakota. May I respectfully ask the Chair if that is a declaration of candidacy?

The PRESIDING OFFICER. The Chair——

Mr. McCLELLAN. Mr. President, did the Chair yield for a question from the floor? I think I should ask that, as a parliamentary inquiry first.

The PRESIDING OFFICER. The Chair was going to ask the Senator from Arkansas if he would yield to permit the Chair to answer that question.

Mr. McCLELLAN. The Senator from South Dakota asked me to yield for a question. But I am very glad to yield to the Chair so that he may answer the question of the Senator from South Dakota, provided the Chair will protect me in my rights to the floor.

Mr. CASE of South Dakota. The inquiry by the Senator from South Dakota was prompted by the fact that the Senator from Arkansas had paid a very high compliment to the present occupant of the chair; and then the Chair took occasion to thank the Senator from Arkansas for that compliment. I was just wondering if that was a declaration of candidacy. I am not disagreeing with the statement of the Senator from Arkansas that the present occupant of the chair graces the chair.

Mr. McCLELLAN. I hope not.

Mr. CASE of South Dakota. I was just interested in——

Mr. McCLELLAN. I hope the Senator will not make that an issue at this moment. Some other time we might talk about that, out on the political hustings. But let us keep politics out of this, as much as we can, on the floor.

The PRESIDING OFFICER. If the Senator from Arkansas would permit the Chair to answer that question, the Chair would be glad to say, in answer to the question by the distinguished Senator from South Dakota, in the words of the Bible: "Sufficient unto the day is the evil thereof."

Mr. McCLELLAN. Now that that question has been raised here, I want to say to my distinguished friend in the chair, I realize he is possibly a junior, as one might say, in national politics, but he is also a junior in age, and opportunities will come, I trust with abundance at some time in the future, which, he will not only seize, but I hope the great Democratic Party will reward him with the position he now occupies, or some higher position—and there is only one.

Now that we have that settled, may I go on to something else? [Laughter.]

Mr. SMATHERS. Will the Senator yield for a question?

Mr. McCLELLAN. I shall be very happy to yield to the distinguished Senator from Florida, if I may do so without losing the floor.

Mr. SMATHERS. Is it not a fact that, under our present electoral college system, whichever party happens to win the election in a State, say, like New York, whether they win it by one vote or by 1,000 or by 1 million votes, the party winning gets all of the electoral college votes for the Presidency? Is that not a fact?

Mr. McCLELLAN. I think that is correct.

Mr. SMATHERS. Does the Senator not agree that that is the reason why this minor bloc vote in these big cities becomes so important to those who would rather win the election than do anything else in the world? Is that not the reason why it is so important to them, because a few hundred thousand votes which are cast en bloc might be the key vote, to swing, we will say, a State like New York or Illinois or California, with all of their electoral votes?

Mr. McCLELLAN. I think that is correct. The fact is that the bloc, as we refer to it, may be of such size that in an otherwise close election it may become the balance of power, the controlling factor, which will have the voting power to name a nominee, to elect the nominee, or to choose electors for the presidential election. I think that is correct. I think it is a great temptation. But when it gets down to a situation of that kind, I think the political parties have a duty—they do not always discharge it—to rise above those temptations as a matter of statesmanship and principle. I do not think it serves the welfare or interest of the country to yield to temptation at the cost or at the sacrifice of what is safe and necessary to preserve our country and our liberties and our way of life.

Mr. SMATHERS. Will the Senator yield for one further question?

Mr. McCLELLAN. I shall be very glad to yield for a question under the same conditions.

Mr. SMATHERS. Is the Senator aware of any legislation which has been introduced by either of the Senators from New York, other than this civil rights legislation, which could be construed as legislation designed, for example, to helping the Negro race?

Mr. McCLELLAN. I cannot answer that, except in the way the Senator asked it. He asks whether I am familiar with it. I am not familiar with it, but I do not mean to imply, nor do I wish any implication to flow from that statement, that they have not introduced legislation that might benefit the Negro race in some respects. If the Senator means whether it could benefit the Negro race to the disadvantage of and in discrimination toward another race, the white race or some other race, I would have to answer that question by saying that I do not know what they had in mind.

Mr. SMATHERS. My question was simply aimed at the point whether or not this same solicitude for the Negro race had been evidenced on the part of the sponsors of this legislation in any

other fashion, aside from this so-called civil rights bill.

Mr. McCLELLAN. I can answer by saying I certainly have not noticed it, and I also notice that every time there are references made to another race of citizens, like the Puerto Ricans in their State, who are disfranchised, they still have not presented any legislation or proposal that might enfranchise these people. I do say this, and in saying this I am not speaking politically—we are all friends and good fellows here—that we do have honest differences of opinion as to what legislation is good for the country. Also I do say that I believe they should give a little more attention to and have a little deeper concern about the potential votes of several hundred thousand American citizens residing in their State who are today disfranchised. I think if they introduced other legislation, under their sponsorship, which they would advocate, it would come with a little better grace if they would put also into this legislation proposals that would remedy conditions which we know exist and which they concede exist in their own State. In fact, it seems to me they would want that legislation in the vanguard of all of this so-called civil rights legislation.

Mr. SMATHERS. Will the Senator yield, Mr. President, for a further question?

Mr. McCLELLAN. I am very glad to yield for a further question.

Mr. SMATHERS. Is it not a fact that most of the education and graduate work, for example, in the study of law, as well as in medical schooling, have been provided for the Negro race by the schools in the South?

Mr. McCLELLAN. We have gone a long way, I may say, Mr. President, toward providing them with educational opportunities. I may say that we have not been able, possibly, to do as much as we would like to. That is true with respect to our own race in the South, Mr. President. The South, you remember, was overpowered during the Civil War. Our economy was destroyed. We suffered from that situation, and we did not have an Uncle Sam who loved us. Instead we got legislation comparable to that which is proposed here—force legislation, to impose burdens upon us, to try to keep us from coming back economically. For years we suffered. For years, in the part of the South west of the Mississippi River, the people suffered from discriminatory freight rates.

Mr. President, our States have had a most difficult struggle. It has been extremely hard. Even today, notwithstanding the fact that my State and other Southern States spend for educational purposes a larger percentage of their per capita income than the average for all the States of the Nation, we still are unable to provide schools and to pay teachers' salaries comparable to the national average. Why? Because we have been economically handicapped. We did not have appropriations of billions of dollars—in fact, not even millions of dollars—to help us in our reconstruction. We have had to struggle against tremendous odds.

When the Supreme Court announced the doctrine of separate but equal facilities in the schools, the South immediately—in accordance with its ability—accepted that doctrine as the law of the land.

Today, we hear a great deal about "the law of the land." We accepted the separate but equal doctrine as the law of the land, and we began to do our best to comply with it. In many cities the homes were bonded, in order to be able to build better educational facilities for the Negro children—in many cases, even better than the educational facilities for the white children. That was done because our people and our States, believing in the law of the land, adhering to the law of the land, as announced by the Supreme Court of the United States, never dreaming that the law of the land as it emanates from a Supreme Court decision is not to be obeyed by all the citizens of the country, but is to be disregarded and overruled by a succeeding Supreme Court—but that is what happened; and now we are told to embrace a new law of the land——

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

Mr. McCLELLAN. I shall be glad to yield. But, first let me say that what I have stated is a fact; it is exactly what has happened.

I do not know whether the present Supreme Court decision will be the law of the land tomorrow or not; and no one else knows, either. Yet, we are now faced with this punitive decision of the Supreme Court, directly contrary to what has been the law of the land since 1896, the year when I was born, because now the Supreme Court has attempted to change what previously was declared by the Supreme Court to be the law of the land. The present Supreme Court has attempted to overrule its predecessor.

And now some Members of Congress ask the Congress to appropriate millions of dollars to make our States submit to what the present Supreme Court—which has attempted to reverse the decisions of its predecessors—has declared now to be the law of the land.

Now I am glad to yield to the Senator from Alabama.

Mr. HILL. Did not the very Congress which submitted the 14th amendment to the States for ratification, recognize the correctness of the doctrine of the Supreme Court of the United States in its decision in the case of Plessy against Ferguson, and proceed to provide for separate schools for the two races in the District of Columbia?

Mr. McCLELLAN. That is correct. But certain members of the present Congress are attempting to have the Congress overrule what all during that period of time was generally accepted as being the law of the land; and the present Supreme Court of the United States has disregarded that decision by its predecessor, and has attempted to overrule it.

Mr. HILL. Mr. President, will the Senator from Arkansas yield further?

Mr. McCLELLAN. I yield.

Mr. HILL. Is it not true that all the States which ratified the 14th amendment and which had any racial differences or problems at all, followed that law, and provided for separate but equal educational facilities; and the legislatures of those very States, by means of the action they took in that connection, also ratified that doctrine and that decision as the law of the land; and so did the Congress, by means of its action in regard to establishing separate but equal schools in the District of Columbia? Is that not true?

Mr. McCLELLAN. Yes. They obeyed and complied in good faith, and everyone seemed to agree. And they had a right to rely on that decision and that doctrine. Certainly if a decision of the Supreme Court of the United States is the law of the land, my community and all other communities in the Nation have a right to make their plans for the future and their investments for the future on the basis of that law of the land. Then, Mr. President, who has a right to change it? The Congress can legislate to change the law of the land. But the Congress did not so legislate. Or the people themselves can, by means of a constitutional amendment, change the law of the land.

But it never at any time occurred to me that the Supreme Court was vested with the power to change the law of the land. Where in the Constitution is there to be found authority for the Supreme Court of the United States, by caprice or whim or otherwise, to change the law of the land? If I, as a citizen, am bound by what the Supreme Court of the United States says is the law of the land, why is not the Supreme Court of tomorrow, the one which will succeed the present Supreme Court, equally bound by the same law?

Mr. President, we have reached dangerous ground in our country. Is the Constitution of the United States only what the changing Supreme Courts say it is? Is the Constitution of the United States so fragile that it can be broken and then spliced together at the will and the whim of a Supreme Court? Mr. President, the Constitution of the United States ought to be more stable; it ought to be more reliable. The people have a right to believe that the law of the land will remain the law of the land until the Congress changes it by legislative enactment or until the people themselves change it by the processes which are provided in the Constitution for amending and changing the Constitution. But, Mr. President, as I have said, Senate bill 122, introduced on January 9, 1959——

Mr. HILL. Mr. President, will the Senator from Arkansas yield for another question?

Mr. McCLELLAN. I am happy to yield for a question.

Mr. HILL. Does not article VI of the Constitution provide that—

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Is that provision not just as clear as it can be?

Mr. McCLELLAN. Yes; and there is no question in my mind but that the Supreme Court of the United States is also bound by the law of the land. But the present Supreme Court of the United States thinks it is not so bound; and now we have before us proposed legislation which has been introduced in an attempt to make law-abiding citizens of the United States change the course of their lives and their economy and their social structure and their culture, simply because a Supreme Court has attempted to change the law of the land.

Mr. President, let me say that some persons may think it is now all right—simply because they have the strength to overpower some of the rest of us—to do some of these things. But I warn that if that happens, the day will come when the old chicken will come home to them and will begin to cackle on their roost, and then they will be faced with a dreadful precedent which they will have made; and let them not think they did not do it. Let them remember that they made it in the face of warning after warning that it was dangerous.

Mr. President, I wish all my colleagues were present at this time, so I could plead with them not to do that which some now contemplate.

Mr. HILL. Mr. President, will the Senator from Arkansas yield further to me?

Mr. McCLELLAN. I am very happy to yield.

Mr. HILL. Does not the question as to the supreme law of the land go basically and fundamentally to the entire basis of our democracy and to our entire principle of government of the people, by the people, and for the people? Is it not true that by providing in the Constitution that the laws shall be those which shall be enacted by the Congress, the Founding Fathers reserved that power to the people, inasmuch as the Congress is elected by the people?

Is it not true that they have to be elected every 2 years and Members of the Senate have to be elected every 6 years, so by having laws made by these representatives elected by the people, accountable to the people, the people themselves are retaining their control of the laws of the land. Is that not correct?

Mr. McCLELLAN. That is correct.

What is the reason for this? Is it title 2, section 2 or 3 of this bill? I believe it is section 4 of the bill. Yes, it is section 4 that is asking the Congress to say that it endorses and upholds the Supreme Court decision. Well, we know what that signifies, and the dubious value of it. They have to get it fortified, reinforced in some way. They are trying to get the Congress now to go along with what I think is an improper act, one that was not constitutional. What they held to be constitutional in my opinion is not. Now, they want to get the Congress to go along with it. Well, I am not about to go along with them. If they did wrong, they can correct it.

I am not going to put any veneer over it for them. Leave it as it is. They did it. I am not going to be a part to giving it my approval or my approbation. I think it is wrong, Mr. President, and I am going to vote accordingly, and I think the very idea of having a proposal here, something I have never seen or known before—I do not recall one. Is this a practice? Is this a custom? Has it ever happened before that this Congress came in to try to bolster up a Supreme Court decision such as this one?

I will state what we have done. We have introduced legislation and have passed legislation at times in an effort to correct the conditions the Supreme Court said existed, and trying to meet the legal requirements the Supreme Court said were necessary to deal with the problems. But I have never known of a proposal like this, when it is patent and obvious to me and to many others that the Court made a mistake, to come here with a proposal to bolster the decision and try to vindicate it.

As long as I think it is wrong, Mr. President, I am not going to do anything to vindicate it. Sometime during the course of this debate I am going to take up section 1 of this bill, which I have in its present form, Mr. President. In my judgment, I have indicated could be interpreted by the Supreme Court as making it a crime for me to say that I disagreed with the Court, because if I did they would say I was attempting to prevent the enforcement of its order and its decree. I have a right as a citizen, I have a duty as a Member of Congress, Mr. President, to say the Supreme Court is wrong when I believe it to be wrong. If in the course of a debate such as this, where the issues are before us, if I honestly believed a Supreme Court decision was wrong, I would not be true to my responsibilities if I did not say what I am saying now.

Mr. President, I do not think I am about to run out of material, but in order to expedite, I ask unanimous consent to insert at this point in the RECORD, the analysis I have here of S. 122. I ask that unanimous consent, Mr. President, not because I am about to run out of material, but just to show that I am perfectly willing occasionally to let the RECORD show that I was not simply taking up all of the time, but that I am sincere in my argument.

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

S. 122 TO MAKE UNLAWFUL MAILING OF MATTER TENDING TO INCITE CRIMES OF VIOLENCE

On January 9, 1959, Senator Javits, for himself, Senator Keating, Senator Allott, Senator Beall, Senator Bennett, Senator Cooper, Senator Kuchel, Senator Langer, and Senator Martin, introduced S. 122.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, chapter 83, by inserting at the end thereof as a new section 1733, the contents of the bill.

The bill prohibits mailing, and makes nonmailable—not to be carried or delivered—every writing, paper, publication, or other thing, including a picture, reasonably tending to incite murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, willful destruction of any building or structure, extortion accompanied by threats of violence, and any above prohibited thing. publication, picture or card giving information directly or indirectly—where, how, or from whom, or by what means, any of the above prohibited material or things may be obtained.

It provides that whoever knowingly mails anything prohibited by act, or so removes same from mail, either for the purpose of circulating or disposing thereof, or aiding so to do is guilty of crime.

The punishment for the first offense is a fine up to $5,000, or imprisonment up to 5 years, or both, and for the second offense, a fine up to $10,000, or imprisonment up to 10 years, or both.

Mr. McCLELLAN. Now Mr. President, I go to the next bill, S. 123, again introduced on the 9th of January 1959, by the distinguished senior Senator from New York [Mr. Javits], and for his distinguished junior colleague [Mr. Keating], and Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, chapter 73, by adding at the end thereof the contents of the bill as a new section—section 1509.

It will punish whoever by force, intimidation or threat, prevents or tries to prevent any person from being or holding any Federal office, trust, or place of confidence, or who, likewise, tries to induce any such officer to abandon his place of duty, or whoever injures, or attempts to injure, or threatens to injure any such person, or his property, on account of the lawful discharge of the duties of his office, or while such person is engaged in the lawful discharge thereof, or whoever injures, or attempts to injure, or threatens to injure such person's property so as to molest, interrupt, hinder, or impede such person in the discharge of his official duties.

The punishment is a fine up to $5,000, imprisonment up to 5 years, or both.

Mr. President, I think we ought to take a position of contesting the ruling of the Court in any such case. I think we ought to take a position of trying to get the Supreme Court of the United States to see the fallacy of its reasoning and the error of its decision and get it to take remedial action to reverse such a decision.

Am I committing a crime in America when I do that? Does this proposal not seek to make it a crime? My interpretation is that it does. Are we ready to go to this kind of extreme in legislating in this field? I say we should not. I am not sure what the Supreme Court would hold, Mr. President. I am persuaded it might hold it is a crime to do it, and this bill would make it a crime if any person "tries to prevent any other person from being or holding any Federal office, trust, or place of confidence, or who, likewise, tries to induce any such officer to abandon his place of duty."

If my son, my father, a friend of mine, or anybody else of whom I thought well, occupied such a position, and I wanted to go to him and say to him, "Son, I believe this is so wrong that, if I were you, I would resign; I would not serve if that is what they demanded of me," according to this bill, I would be guilty of a

crime and would be subject to punishment, and I could go to the penitentiary for 5 years.

Is that the kind of legislation this Congress is expected to enact, in order to appease the whim of the NAACP or any other organization? Mr. President, I shall never vote for such measures. That is what we are asked to vote for, blindly.

Mr. President, I wanted to get through with some other of these bills, particularly those introduced on the 9th of January 1959.

Here is another one that was introduced on the 9th of January 1959, S. 124, to make unlawful interstate travel to avoid prosecution for willful destruction, or damaging of any building.

This proposed legislation was introduced on January 9, 1959, by the Senator from New York [Mr. JAVITS] for himself, and Senators KEATING, ALLOTT, BEALL, BENNETT, COOPER, KUCHEL, LANGER, and MARTIN. It proposes to make unlawful interstate travel to avoid prosecution for willful destruction or damaging of any building.

This bill proposes to create a new Federal crime, and it is intended as an amendment to section 1073 of title 18 of the United States Code. It would include in said section the language "willful destruction or damaging of any building or structure."

I wonder why it should not apply to damaging a person? It covers only buildings or structures. Suppose a man were shot, or his eyes were put out, or he was otherwise crippled or maimed or injured for life, and whoever did it fled across a State line. This bill does not reach that kind of crime, but only the destruction of a building. Why?

If we are going to legislate in these fields, why not cover any crime that can be committed, and not single out only one and ignore the others? To be fair about it, it seems to me taking a man's life, or injuring his body or a limb, would be a more serious crime than that of destroying a henhouse, or something like that. I do not understand the reasoning that goes into some of these bills.

The title of the section to be amended, 1073, title 18, United States Code Annotated, is "Flight To Avoid Prosecution or Giving Testimony."

If we are going to make it a crime for a person to cross a State line in order to avoid prosecution or to keep from giving testimony—if there is virtue in such a bill, if it is right—and I am not arguing the merits of the question for the moment—why limit the bill to the destruction of a building? Why do we not say it is a crime if someone murders somebody? Why do we not say if a person shoots somebody, or cripples him for life, it will also be a crime under this bill? Why do we limit it only to destruction of property? I do not know. I do not understand the logic behind this sort of legislating. We are talking here about trying to eliminate discrimination, and yet amendment after amendment and bill after bill we are asked to consider emphasizes, more than I can emphasize, by any language I may command, the practice of discrimination—the very evil that it is proposed to correct.

Mr. President, earlier in my remarks I made some mention of the great number of bills, the rash of bills and amendments, that have been introduced, and I said I hoped to have some estimate or statement of the number and nature of them before I concluded my remarks.

Mr. President, it may be interesting to the Senate to know of a compilation I made—I say which I have had made, Mr. President—showing bills which have been sponsored and introduced on the matter of civil rights by Senators.

I have here a fairly accurate compilation, I believe, which extends over the period January 29, 1959, to and including February 24, 1960. Since February 24, however, there have been introduced as amendments to the pending legislation, that is, Mr. President, the Stella School District bill, 22 amendments dealing with the subject of civil rights.

Mr. President, I should like at this point to have printed in the RECORD, and I ask unanimous consent that there be printed in the RECORD, the summary of the compilation of the bills to which I have referred.

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

Civil rights bills (Jan. 9, 1959–Feb. 24, 1960)

[Senate: 66 bills, amendments, resolutions]
[House: 109 bills, amendments]

	Individual tally (Senate)	
	Sponsored	Introduced
REPUBLICANS		
JAVITS (New York)	42	24
ALLOTT (Colorado)	19	0
KEATING (New York)	18	3
COOPER (Kentucky)	16	0
CASE (New Jersey)	15	0
BEALL (Maryland)	15	0
SCOTT (Pennsylvania)	12	0
BUSH (Connecticut)	10	0
Dirksen (Illinois)	10	9
MARTIN (Iowa)	9	------
BENNETT (Utah)	8	------
KUCHEL (California)	8	------
SALTONSTALL (Massachusetts)	8	------
CARLSON (Kansas)	8	------
PROUTY (Vermont)	4	------
BRIDGES (New Hampshire)	2	------
SMITH (Maine)	2	------
YOUNG (North Dakota)	2	------
CAPEHART (Indiana)	2	------
CURTIS (Nebraska)	2	------
WILEY (Wisconsin)	2	------
MORTON (Kentucky)	2	------
HRUSKA (Nebraska)	2	------
FONG (Hawaii)	1	------
GOLDWATER (Arizona)	1	1
BRUNSDALE (North Dakota)	1	------
CASE (South Dakota)	1	------
AIKEN (Vermont)	1	------
SCHOEPPEL (Kansas)	1	------
DWORSHAK (Idaho)	1	------
30 out of 35 Republicans (86 percent).		
DEMOCRATS		
MORSE (Oregon)	17	5
HUMPHREY (Minnesota)	16	11
MCNAMARA (Michigan)	14	2
DOUGLAS (Illinois)	13	1
HART (Michigan)	13	2
MCCARTHY (Minnesota)	13	0
PASTORE (Rhode Island)	12	0
CLARK (Pennsylvania)	12	0
NEUBERGER (Oregon)	11	0
MAGNUSON (Washington)	10	0
MURRAY (Montana)	9	0
HENNINGS (Missouri)	8	4
RANDOLPH (West Virginia)	3	0
ENGLE (California)	3	------
GRUENING (Alaska)	3	------
DODD (Connecticut)	3	------
ANDERSON (New Mexico)	2	------
BIBLE (Nevada)	2	------
BYRD (West Virginia)	2	------

Civil rights bills (Jan. 9, 1959–Feb. 24, 1960)—Continued

	Individual tally (Senate)	
	Sponsored	Introduced
CANNON (Nevada)	2	------
CARROLL (Colorado)	2	------
CHAVEZ (New Mexico)	2	------
CHURCH (Idaho)	2	------
GREEN (Rhode Island)	2	------
MANSFIELD (Montana)	2	------
YARBOROUGH (Texas)	2	------
JOHNSON (Texas)	2	1
LAUSCHE (Ohio)	2	------
PROXMIRE (Wisconsin)	2	------
O'MAHONEY (Wyoming)	2	------
WILLIAMS (New Jersey)	2	------
KENNEDY (Massachusetts)	1	1
HOLLAND (Florida)	1	1
ERVIN (North Carolina)	1	------
MOSS (Utah)	1	------
SYMINGTON (Missouri)	1	------
YOUNG (Ohio)	1	------
KERR (Oklahoma)	1	------
BARTLETT (Alaska)	1	------
ELLENDER (Louisiana)	1	------
FREAR (Delaware)	1	------
HARTKE (Indiana)	1	------
HAYDEN (Arizona)	1	------
LONG (Louisiana)	1	------
MCCLELLAN (Arkansas)	1	------
MCGEE (Wyoming)	1	------
MONRONEY (Oklahoma)	1	------
SMATHERS (Florida)	1	------
KEFAUVER (Tennessee)	1	------
JACKSON (Washington)	1	------
50 out of 65 Democrats (77 percent.)		

NOTE.—Langer is not listed, but his bill is included.
New York leading pack with 43 bills.
JAVITS is "champeen" with 42.
17 out of 20 bills in 2d session New York sponsored.
15 introduced by JAVITS; 1 by KEATING.
Others this session:
DIRKSEN, 3.
HUMPHREY, 1.
In 2d session bills all introduced by Republicans except for 1 by Senator HUMPHREY.
Presidential report:
HUMPHREY, both sessions, sponsored 16, introduced 11.
KENNEDY, 1st session, mild antibombing bill, 33 cosponsors.
JOHNSON, 1st session, introduced mild bill and sponsored poll-tax bill.
SYMINGTON, 1st session, cosponsored Kennedy bill.
Morse(?), both sessions, sponsored 17, introduced 5.
Big pushers: New York, Illinois, and Michigan.
Kentucky and Texas supporting.
New States Alaska and Hawaii procivil rights.
NOTE.—For purposes of the tally, the northern definition of civil rights has been used; no bills by Deep South Senators therefore are included except Senator HOLLAND anti-poll-tax constitutional amendment.
In the House:
Representative ADAM CLAYTON POWELL "champeen" with 17 bills (covering about the waterfront, explosives, housing, education, public transportation, employment, poll tax, permanent civil rights commission).
Representative CELLER is next with 8 bills; Representative DINGELL 7; Representative ROOSEVELT, 5.
Combined New York total of POWELL and CELLER: 25.
41 House Members have offered at least 1 bill.

Mr. McCLELLAN. I hold in my hand a package which contains, so far as I have been able to determine, all of the bills, resolutions, amendments, and amendments to amendments introduced in this Congress in relation to the great cause of civil rights.

Parenthetically, I might state that if all of these should be enacted into law, it would, beyond any doubt in my mind—and I see this that I am reading says "in all probability," but I will go further than that, Mr. President, as I think that does not adequately express how I feel about it—would no doubt result in the greatest masterpiece of confounded confusion ever devised and achieved by a legislative body in the United States of America.

So, Mr. President, separating these into different categories, those that I

now hold in my hand comprise the first packet of this package. This is a compilation of all the bills and resolutions introduced in the first session of the 86th Congress, starting on January 9, and ending on July 15, 1959. The total number of these bills and resolutions is 55.

Mr. President, package No. 2, which I hold up, is the second packet. It has to do with S. 2391, a bill introduced by Mr. HENNINGS on July 15, 1959. To that bill there have been introduced 11 amendments.

The third packet, Mr. President, of civil rights legislation, which I now have in my hand, relates to my bill, S. 1617, about which I have previously spoken. To that bill there have been added amendments to the number of 13. That is a bill, Mr. President, that ought to be on the desk at this moment as the pending business.

Mr. President, I have it there as an amendment to this bill, but it ought to be the bill that should have been called up to serve as the vehicle for civil rights legislation. I do propose, Mr. President, to have it called up if I can do so under the rules of the Senate, and made the pending business at some point, at some proper time, in the course of this proceeding. At that time, Mr. President, if I do not do so before, I intend to make a full explanation of the bill to point up again, Mr. President, that unless that amendment passes, unless it is adopted, or if another civil rights bill is passed without that amendment, without that provision, we will leave disenfranchised in this country literally thousands of people living on Government reservations that are now, today, ineligible to vote, and who ought to be made free to be voting citizens of the State in which the Federal Government reservation on which they live is located.

Mr. President, if you want some good voting legislation, this would be the place to start.

Mr. President, the No. 4 group I hold up is a packet of amendments to H.R. 4938, is the so-called peanut bill, and to that have been added civil rights amendments in the number of two. Well, we take a peanut bill for a vehicle to try to get civil rights into it. I know there are fine oils and other substances in peanuts that are good for the human race, but I never knew that the peanut was going to become a vehicle for civil rights. But we will take any old thing if we can smear the South a little, I suppose.

The last packet I hold up, which completes this entire package to which I have referred, are amendments to the pending business, H.R. 8315, the Stella School District, which I presume by now have been forgotten in the maze of this civil rights foray of legislation. To that bill has been added 39 amendments, according to the latest count. I believe the 2 just sent up by my distinguished colleague, the distinguished Senator from North Carolina, if it was 2, and I believe it was, would make it 41.

Now, Mr. President, what I am sending up are in the nature of amendments, they have to be. They are not amendments adding to, Mr. President, but amendments taking from, if they are adopted. They would take section by section out of this substitute, proposed substitute, this bill, and let us come back, Mr. President, to the little school bill and either pass it, withdraw it, or table it. I believe it was the distinguished minority leader who stated on the floor of the Senate that it had become a moot question, that they settled the school district and do not even need the bill. It is as dead as a "dodo"—is that what they call it? I have heard that expression, Mr. President. So far as it having any validity or serving any purpose other than to be a feeble reed upon which this so-called civil rights legislation is now trying to lean, I think it may as well be forgotten. It may as well be taken off the calendar, tabled, whatever else it takes to wipe the slate clean of it, for this session of Congress.

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

Mr. McCLELLAN. I will be very happy to yield for a question, Mr. President, if I do not lose my right to the floor.

Mr. HOLLAND. Referring to the 5 or 6 pounds of printed bills and amendments which the Senator has had in his hand and has mentioned——

Mr. McCLELLAN. It is all of that.

Mr. HOLLAND. I wonder if the Senator has had any mathematical computation prepared as to how many contradictions there are between various bills and others, and various amendments and others. That would be interesting statistical information, I think, if the Senator has it compiled.

Mr. McCLELLAN. We have not been in session long enough for us to compile those. I doubt if we will be. We could not do that by the time the Democratic Convention meets. The fact is that is a human impossibility. I do not believe any human mind could resolve, point out and identify all of the contradictions and confusions in these bills, if you took all of them.

Mr. HOLLAND. Will the Senator yield further for a question?

Mr. McCLELLAN. I will be happy to yield for a question.

Mr. HOLLAND. Will the Senator advise the Senate, if he knows, which of these contradicting measures the Senate will be called finally to pass upon?

Mr. McCLELLAN. I spoke to that earlier. I said we are compelled to take these amendments, these bills, and analyze them, this great array, this great number. We are compelled to do it to make this record, because we have no way of knowing when one of them will be jerked up and slapped at us with maybe just a few minutes to debate it, with nobody knowing what it is all about. You would have to guess at it. Of course, I am going to vote against all of them, unless there are some that make some sense. Very few of them do. I can be pretty safe. I will just vote against them unless they get rid of all this—it is hard to find words, sometimes, to describe some of this—all of this superabundance of punitive legislation. If they come up here with something constructive that applies across the board to correct some discriminations that may exist, I would be glad to vote for it.

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

Mr. McCLELLAN. I am glad to yield.

Mr. HOLLAND. Can the learned Senator from Arkansas refer the Senator from Florida to any person in the membership of the Senate or in its leadership who knows which ones of the contradictory amendments and bills will be insisted upon by the advocates of the proposed legislation?

Mr. McCLELLAN. Of course I cannot. I have said that over and over again. I do not know of anyone who does know. I do not believe anyone claims to know. I have not found anyone who does know. One can ask from the leadership on down, and he will get the reply, "We do not know yet." That is the situation. That is where we stand.

Mr. President, we are making no progress with this kind of procedure. We are making no progress toward anything which is constructive. We can continue in this way, but what we ought to do is to lay the little school bill aside, together with all the emoluments which have been attached to it, or which are proposed to be attached to it, and call up some important bills which might serve to strengthen the country, might serve to enhance the prosperity of the people, might contribute to our defensive position and make us stronger in the contest which we are waging for an honorable and permanent peace. But I suppose that will not be done. I suppose we will continue, as we have been continuing, for quite some time to come.

Even when this particular round has been settled, as I pointed out in the preface to my remarks, the whole question will not be settled. Regardless of the disposition of this proposal, the question will not be settled. The proponents will be right back seeking more and more and more. They propose not to stop until they have been given every advantage by law, and until this question has been worn threadbare and worn out so far as concerns any political expediency it might offer.

Mr. President, I now submit a series of amendments which I ask to have read by the clerk, to have printed, and to lie on the table, subject to their being called up for consideration and action at any time either before or after cloture may have been invoked.

I send the first amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

Amendments intended to be proposed by Mr. McCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 1, beginning with line 2, strike out all through page 2.

On page 3, line 1, strike out "SEC. 2" and insert in lieu thereof "SECTION 1".

On page 4, line 1, strike out "SEC. 3" and insert in lieu thereof "SEC. 2".

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 66".

Mr. McCLELLAN. I was very happy to yield to my distinguished colleagues, and I am very grateful to note that no Senator objected to my yielding for that purpose. I think it is quite proper and right, notwithstanding the parliamentary situation, Mr. President, that we take into account the merits and values of these various incidents that occur, and anniversaries to be noted. I think Senators are to be commended for yielding and not objecting to the yielding for such purposes.

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

Strike out all of page 3.

On page 4, line 1, strike out "SEC. 3" and insert in lieu thereof "SEC. 2".

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-240-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 4, beginning with line 1, strike out all through line 8 on page 6.

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 6, beginning with line 9, strike out all through line 18 on page 13.

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 13, beginning with line 19, strike out all through line 15 on page 17.

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 17, beginning with line 16, strike out all through line 22 on page 19.

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendment intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 19, beginning with line 23, strike out all through page 22.

Mr. MCCLELLAN. Mr. President, I have another amendment which I shall not offer this afternoon. I have probably trespassed upon the time of my colleague here who wishes to speak, and for that reason I shall not further engage the attention of Senators who are present, but I shall present this amendment at some proper time, within the course of this proceeding, at which time, Mr. President, I will have some remarks to make about it when I ask that it be printed. This is one amendment which I shall very much desire, Mr. President, to have considered and acted upon in the course of the consideration of this so-called civil rights legislation.

Mr. President, I made a little progress today, but I did not get very far. Again I point out that as long as Senators continue presenting amendments, which necessitate their being examined and analyzed and discussed, and as long as those amendments are being compared in weight, and if they reach 6 pounds, 8 pounds or 10 pounds, Mr. President, we will have to have material here answering them, for their being discussed and their being analyzed and explained and their consequences pointed out—I am persuaded that the weight of the material which will be here for that purpose will rise proportionately.

During the delivery of Mr. MCCLELLAN's address on civil rights legislation,

Mr. ERVIN. Mr. President, I ask unanimous consent that the able and distinguished senior Senator from Arkansas [Mr. MCCLELLAN] may yield the floor to me for the purpose of enabling me to send to the desk and ask to have read two amendments, without his losing the privilege of the floor and without having his act in so doing be counted as two speeches on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CASE of South Dakota. Mr. President, reserving the right to object, the Senator does not himself expect to make a speech, does he?

Mr. ERVIN. No. I merely wanted to get my amendments read and printed.

Mr. CASE of South Dakota. I have no objection.

Mr. MCCLELLAN. Mr. President, I am very glad to yield, provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I send to the desk two amendments, and ask that they be read and printed in the RECORD following the remarks of the Senator from Arkansas, and that they lie on the table until called up by me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I thank the Senator from Arkansas for yielding, and the Senator from South Dakota for not objecting.

The PRESIDING OFFICER. The amendments submitted by the Senator from North Carolina will be read.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. ERVIN to the Dirksen amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz: On page 2 after line 24, add a new subsection reading as follows:

"(c) That section 151 of the Civil Rights Act of 1957 (71 Stat. 638) is amended by striking out lines 6 to 19, both inclusive, of the first paragraph and by inserting in place thereof the following: *'Provided further,* That no person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civic action prosecuted in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of a jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district court of the United States.'."

Amendment intended to be proposed by Mr. ERVIN to the Dirksen amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz: On page 2, after line 24, add a new subsection reading as follows:

"(c) That section 151 of the Civil Rights Act of 1957 (71 Stat. 638) is amended by striking out lines 6 to 14, both inclusive, of the first paragraph, and by inserting in place thereof the following: *'Provided further,* That whenever a criminal contempt charge shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.'."

The PRESIDING OFFICER. The amendments submitted by the Senator from North Carolina will be received, printed, and lie on the table.

Mr. MCCLELLAN. Mr. President, I do think that my colleagues who wish to speak should have the advantage of a few more Senators than are now present. I do not think it would inconvenience them too greatly, Mr. President, and I certainly would not want to work any hardship on them, but, out of respect for this body and the decorum of the Senate,

occasionally they ought to be called to the Chamber. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 100]

Aiken	Green	Martin
Allott	Gruening	Monroney
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Beall	Hennings	Muskie
Bible	Hickenlooper	Prouty
Brunsdale	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Saltonstall
Capehart	Jackson	Schoeppel
Carlson	Javits	Scott
Carroll	Johnson, Tex.	Smathers
Case, N.J.	Keating	Smith
Case, S. Dak.	Kefauver	Sparkman
Church	Kuchel	Symington
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Dirksen	McCarthy	Yarborough
Douglas	McClellan	Young, N. Dak.
Dworshak	McGee	Young, Ohio
Engle	McNamara	
Gore	Mansfield	

The PRESIDING OFFICER. A quorum is present. The Senator from Pennsylvania.

DISARMAMENT—ADDRESS BY SENATOR KENNEDY

Mr. CLARK. Mr. President, today in Durham, N. H., the distinguished junior Senator from Massachusetts [Mr. KENNEDY] made a brilliant and able speech on the subject of disarmament. Tomorrow a number of Senators on this side of the aisle hope that the Senate will devote an hour or two to discussing this vital subject, as we spent an hour or two discussing defense several days ago. In order that my colleagues may be informed of the views of my good friend, the Senator from Massachusetts [Mr. KENNEDY], who I hope will participate in this discussion, I ask unanimous consent that a copy of his remarks may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. KEATING. Mr. President, reserving the right to object, and I shall not object, may I ask again, inasmuch as I was not too attentive, who made this address?

Mr. CLARK. The Junior Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. Is there objection to the request?

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

REMARKS OF SENATOR JOHN F. KENNEDY AT UNIVERSITY OF NEW HAMPSHIRE, DURHAM, N.H., ON MARCH 7, 1960

The most gaping hole in American foreign policy today is our lack of a concrete plan for disarmament.

I spoke last Monday night of our defensive weaknesses—of our need to increase this year's defense budget if we are to avoid the risk of a catastrophic missile gap in the near future. I called it an investment in peace. For the purpose of our arms is to deter an attack, to show the Russians that they will never gain an advantage through force of arms, and to enable us to bargain for peace from a position of strength.

I. PEACE TAKES MORE THAN TALK

No nation talks more of its dedication to peace. No subject recurs more frequently in the President's addresses at home and abroad. No hope is more basic to our aspirations as a Nation than our hope for the day when our bombs can be converted into reactors—our rockets can be devoted to exploring space—and the funds now in our defense budget can be used to build a better, happier, healthier Nation and world.

However, as each year passes, the possibilities of disarmament—or, to use a more realistic term, arms control—become more difficult. It is harder to limit growing nuclear stockpiles than the shipment of raw materials—harder to inspect for missile sites than airbases—and harder to prevent surprise attacks once they can be launched from underground, underwater, or outer space. The engines of death are multiplying in number and destructiveness on every side—the institutions of peace are not.

Pushbutton weapon systems based upon instant response—but capable of both mechanical and human error—could plunge the world into a nuclear holocaust through an act of inadvertence or irrationality. The galloping course of our weapons technology is rapidly taking the whole world to the brink. The same science that industrialized the West, then gave us our atomic monopoly, then transformed a Russian peasant society into a producer of sputniks, missiles, and H-bombs, is now awakening the sleeping giants of China, Africa, and all the world—moving by a logic of its own, out of the control of any one man or nation.

I am not simply talking about another war. A single nuclear weapon today can release more destructive energy than all the explosives used in all wars throughout history. The world's nuclear stockpile today contains, it is estimated, the equivalent of 30 billion tons of TNT—about 10 tons of TNT for every human being on the globe. Our scientists tell us that the radioactive fallout from a single bomb can wipe out all higher forms of life in an area of 10,000 square miles. One H-bomb has the destructive force of a train stretched the entire width of the United States loaded with over 4 million World War II blockbusters. No wonder it has been bitterly said that life may be extinct on other planets because their scientists were more advanced than ours.

No sane man should accept these facts with equanimity. No leader of any nation should rest content with this precarious equilibrium of terror. No nation should delude itself into thinking it has a strategy for the 1960's if that strategy is nothing more than the arms race, nothing more than the cold war, nothing more than the policies of the last two decades.

As one of our leading writers on war, Walter Millis, has said:

"A policy which can see no further than a missile-megaton arms race amounts * * * to a disregard of those fundamental concepts of the inherent value of the individual, of the dignity and fraternity of all men, of justice not only for one's self but for all * * * the indispensable foundation of any free society."

No issue, in short, is of more vital concern to this Nation than disarmament; no issue could demand more priority of top-level attention than disarmament; and yet this Nation has no consistent, convincing disarmament policy.

We have had Presidential speeches, Presidential advisers, and Presidential Commissions on Disarmament, but no policy. We are meeting next week in Geneva with nine other nations in an East-West Disarmament Conference; but (except to the extent we will accept the broad British proposals) we have prepared no plan for our conferees. We are meeting the Russians at the summit this spring to discuss among other things presumably, disarmament, but we have no idea what our stand will be. We have participated in previous conferences—on disarmament, on nuclear testing, and on surprise attack—but our conferees in every instance have been ill prepared and inadequately instructed. We invited our Western allies to Washington in January to make joint preparations for the Geneva Conference—but we had no positive proposals of our own to offer them.

I am certain that the President is sincere when he says we want disarmament, but I am also afraid that the rest of the world is justified in wondering whether we really do.

II. THE POSSIBILITIES FOR DISARMAMENT

There are, of course, many powerful voices in the Government—both in and out of the Pentagon—who do not want disarmament, or, professing to want it, do not really believe in it.

Disarmament to them is still merely a fuzzy ideal for fuzzy idealists. There can be no disarmament, they say, until world tensions have ceased, or until we know for certain that the Russians will live up to their agreement, or until a foolproof inspection system can be worked out, or until the Russians give up communism and its dreams of world domination. There can be no disarmament, in short, according to these Pentagon and other policymakers, until—to use Mr. Khrushchev's terms—"the shrimp whistles."

But who, I ask you, are the true realists—those interested in serious efforts at arms control—or those who talk of war and weapons as though this were the good old days, in the pre-World War II, or nuclear monopoly, or premissile eras? The world of 1960, the utter folly of the present arms race, requires a new and different look at where we are headed.

I do not say that our dangers have receded or that our enemy has become benevolent. But I do believe that today's international climate, more than ever before, holds out the possibility for an effective start on arms control.

For the Russians know, as well as we know, that the spread of nuclear weapons—to France, later to Red China, possibly next to Sweden, and so on—may well upset the present balance of power, increase the very real dangers of accidental war, and contaminate the air on both sides of the Iron Curtain. They know, as well as we know, that a war of mutual destruction would benefit no nation or ideology; and that funds devoted to weapons of destruction are not available for improving the living standards of their own people, or for helping the economies of the underdeveloped nations of the world.

The Soviets will not, in the sixties, or as far as we can foresee, give up their ambitions for world communism. But the historian Toynbee reminds us that the cold and hot wars waged by a fanatic Islam and crusading Christendom gradually transformed themselves into centuries of perpetual truce, although both parties retained their universal goals.

Mr. Khrushchev will still want to "bury" us economically, politically, culturally, and in every other sphere of influence—but under what appears to be a more fluid and rational atmosphere since the death of Stalin, he may recognize that the path of Russian self-interest permits, and perhaps compels, him to agree to some steps toward comprehensive arms control.

The opportunities for such steps are many—agreements on nuclear tests, or on the prevention of surprise attacks, or on the exploration of outer space and its research, or on the peaceful uses of atomic energy, or on additional safeguards for the Antarctica, perhaps even on demilitarization in the Middle East, or an expansion of the U.N. emergency force.

But such a beginning can lead the way, once the Russians learn that international control and inspection are not necessarily to be feared, once Americans learn that accommodations are not necessarily appeasement, and once both sides learn that agreements can be made, and kept.

I do not say that we should rely simply on trust in any agreement. Certainly we need an inspection system which is as reliable and thorough as modern science and technology can devise. However, even with such a system, there will be risks. Peace programs involve risks as do arms programs, but the risks of arms are even more dangerous. Those who talk about the risks and dangers of any arms control proposal ought to weigh—in the scales of national security—the risks and dangers inherent in our present course. The only alternative to pursuit of an effective disarmament agreement is reckless pursuit of our present course—the arms race, the gap, the new weapons, the development of ever higher orders of mutual terror, all of which not only reflect tensions but obviously aggravate them.

I do not look upon arms control negotiations as a substitute for negotiating disputes. Certainly I would never permit an effort for disarmament to excuse any lag in our defense effort now. For it is an unfortunate fact that, while peace is our goal, we need greater military security to prevent war—an effective deterrent to encourage talks—and to bargain at those talks, as I have said, from a position of strength. In fact, as George Kennan has pointed out, we would facilitate the acceptability of nuclear arms control if we were to increase the strength of our conventional forces, as a means of weaning ourselves away from total dependence on nuclear weapons. But we must also remember that there is no greater defense against total nuclear destruction than total nuclear disarmament.

Finally, I would never say that disarmament is a goal easily achieved. It will take more than hard thinking and hard bargaining—it will require, first of all, hard work.

III. THE INADEQUACY OF EXISTING AGENCIES

A tremendous amount of policymaking, scientific research, data collecting, device development, and high level guidance is necessary before we can back up our good words and intentions on disarmament with specific facts and plans. But the harsh facts of the matter are that we are not prepared to undertake that kind of effort today, 1 week before the Geneva conference opens. Our money, science, and manpower are devoted almost entirely to weapons of destruction.

The entire Government staff currently engaged in arms control and disarmament research consists of fewer than 100 full-time men, scattered through four or five agencies, with little or no coordination, and almost no basic research. We have an Ambassador, with a limited staff, who does the actual negotiation on test suspension. We have a State Department officer, known as the Special Assistant for Arms Limitation, who is assisted by approximately 20 people. We have a section of the Department of Defense, with a small staff of professional people, assisted by part-time experts drawn from the three military services. We have ad hoc research conducted by the Atomic Energy Commission, the National Space Agency, and some private organizations. Last summer a new committee was formed for the purpose of assisting in the development of disarmament policy, but its findings, never made public, are reported to be too narrow and too negative to be of any value whatsoever—as a result, no policy has been developed.

Indeed, what little research has been done has too often been negative: designing ways of evading proposed detection or inspection systems instead of perfecting them, demonstrating what won't work instead of what will. The President's Special Assistant for Science and Technology, Dr. George Kistiakowsky, has complained in a recent speech of the fact that our arms control conferees have consistently been forced to turn to ad hoc groups that found a dearth of experimental data.

Here is a gap equally as serious as the missile gap—the gap between America's incredible inventiveness for destruction and our inadequate inventiveness for peace. We prepare for the battlefield, but not for the bargaining table. We pour our talent and funds into a feverish race for arms supremacy, bypassing almost entirely the quest for arms control.

IV. THE FAILURE OF PAST CONFERENCES

This gap has been apparent, to our enemy and to the world, at every arms control or related conference since the close of the Korean war. Our conferees have lacked both the technical backing and the high-level policy support and guidance necessary to make their mission a success. As a result, largely for propaganda purposes, they have sometimes offered proposals which they knew—or should have known—could not possible be accepted; and they have been wholly unprepared to either seize the disarmament initiative or promptly respond when the Russians (who have more cleverly concealed their own divisions and uncertainty) did seize the initiative.

We are not prepared to respond to the Soviet disarmament proposals of 1955, or Mr. Khrushchev's proposals at the U.N. last fall. Mr. Stassen's efforts as a special disarmament negotiator were consistently undercut and opposed in the Pentagon, AEC, and State Department, ignored in the White House.

Our delegates to the 1958 Conference on Surprise Attack were ill staffed, ill prepared and ill advised. They offered measures which were hastily put together, some of which, even if accepted, were of doubtful value; and others which in reality we were not prepared to accept—or even explain—ourselves.

When, at the Conference on Nuclear Testing, the Russians finally agreed to veto-free, on-site inspection on a quota basis—a major concession—we were not ready to state what a realistic quota would be. The technical data we presented on frequency response and grid spacing—the distance between monitoring stations—turned out to be wrong. Our own new data on underground testing baffled our negotiators. Even today, as that conference continues under our threat to resume testing, it is difficult to say what represents a single, clear-cut, well-defined realistic American inspection proposal.

V. DISARMAMENT RESEARCH

Plans for disarmament—specific, workable, acceptable plans—must be formulated with care, with precision and, above all, with thorough research. For peace, like war, has become tremendously complicated and technological. It is to the proper and effective solution of these complex technical problems of disarmament which I wish to direct my attention today. First, let me make it plain that I do not believe all the problems of peace can be solved by increased research—science and technology cannot fill our present gaps in vision, in leadership, and in sound, creative planning. But research can give us the vitally important knowledge which we must have if we are to lay the groundwork for effective control of today's vast and complex weapons systems. Development of a workable plan to halt weapons testing requires detailed studies in seismology, atmospherics, acoustics and geophysics. Detection and monitoring systems are even more complex than the expensive weapons they are designed to replace. New techniques of aerial reconnaissance, radar surveillance, and atmospheric sampling, new uses for our communications systems, computers, and cameras, new ways to denature plutonium, inspect power reactors, and measure air and water pollution—these are among the research projects that we need to complete before an effective arms control agreement can go into operation. The dread weapons of chemical and bacteriological warfare require still different inspection systems that will challenge the resources of Western science.

Peace, moreover, like war, raises tremendous economic and social problems. Economic research on manpower controls, budget controls, chemical processing plant quotas, and the availability of fissionable material is a necessary part of arms control research. Fear of disarmament can affect the stock market like the fear of war. Millions of jobs, billions of dollars of national income, are tied up in defense industries. The 1957–58 recession was accelerated by an unforeseen cutback in defense orders, in contrast to the prosperity which followed the tremendous decline in defense spending after World War II, when reconversion was more carefully planned. No plan for disarmament can thus be complete without planning for the reconversion of our economy—for diverting our resources to the constructive channels of peace.

VI. THE ARMS CONTROL RESEARCH INSTITUTE

It is to the elimination of these gaps in our knowledge and information—to the assurance that future American arms control conferees will be better prepared—that I am directing my attention and a specific legislative proposal. I am introducing for appropriate reference a bill to establish an Arms Control Research Institute. Based on a considerably modified version of the bill for a National Peace Agency, earlier introduced by Congressman BENNETT in the House and developed by the Democratic Advisory Council's Science and Technology Committee, this bill is designed to alleviate these glaring omissions in our preparation for peace and disarmament.

A U.S. Arms Control Research Institute, under the immediate direction of the President, could undertake, coordinate, and follow through on the research, development and policy planning needed for a workable disarmament program. The studies in physical, natural, and social sciences already mentioned could be undertaken in its own laboratories, or farmed out to other agencies or to universities under ACRI's direction. The scattered disarmament technicians and appropriate scientists could at last work as a unit. Industry and labor could receive help in preparation for any defense cutbacks new arms control plans might achieve.

This agency's work need not be confined to this country. Joint undertakings with other Western powers—and perhaps, eventually, in the U.N. and even with the Russians—could facilitate research and planning. Positive programs for peace, including international cooperation in education and medicine, can be planned.

The Institute would not infringe upon the prerogatives of any existing agency. The State Department would continue to be our instrument for international negotiation, but it would be fully supported by a wealth of scientific information. The Department of Defense—at least until real disarmament is achieved—would continue to develop its instruments of warfare and counterwarfare, but the Institute would be available to develop monitoring devices. The Atomic Energy Commission would continue to promote industrial military and nonmilitary uses of atomic energy, but the Institute would test and develop devices to detect improper uses. The national space agency would continue to promote space programs,

but the Institute might well be charged with central accountability for charting all satellites.

The Institute could also act as a clearinghouse for peace proposals. It would examine suggestions for disarmament, for inspection systems, for monitoring devices, and determine their technical validity and the steps necessary to put them into actual operation. For example, it has been proposed that the Latin American nations should agree to halt their costly arms race. The Institute could make studies designed to lay the technical groundwork for such an inter-American arms control agreement.

Here, in one responsible organization—guided and directed from the White House—would be centered our hopes for peace. It would be tangible evidence of our dedication to this ideal.

But mere governmental reorganization is not enough. A new agency is not enough. Its recommendations must be integrated into our diplomacy and defense at the highest levels. Its work must be both supported and implemented by the State Department, the Defense Department, the AEC, and, above all, by the President himself, for only he can overcome the resistance likely to arise in those agencies. It will need strong leadership, imaginative thinking, and a national priority of attention and funds.

I do not say that the Arms Control Research Institute will halt overnight the potentially disastrous arms race in which the world is now engaged. Perhaps, in view of our enemy's strength and intransigence, nothing can. But we owe it to ourselves—to all mankind—to try to give peace more than our words and our hopes. "Give me a fulcrum," Archimedes is reported to have said, "and I can move the world." Perhaps this new agency could provide our Government with such a fulcrum. And perhaps then we, too, could move the world on the road to world peace.

The PRESIDING OFFICER. Does the Senator from Florida wish to be recognized?

Mr. SMATHERS. Mr. President, a parliamentary inquiry. Is a quorum call now in order?

The PRESIDING OFFICER. The Chair has been advised that business has been transacted and that a quorum call is in order.

Mr. JAVITS. Mr. President, without losing his right to the floor, will the Senator yield to me for a brief statement?

Mr. SMATHERS. I yield.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. SMATHERS. I shall be happy to yield.

Mr. DWORSHAK. Will a quorum call then be in order?

Mr. JAVITS. Mr. President, my colleague from Idaho [Mr. DWORSHAK] inquires whether this will be made the occasion for another quorum call, which is a perfectly proper inquiry. May I ask my colleague that question before he actually yields to me?

Mr. SMATHERS. Will the Senator speak a little louder? I am having difficulty hearing him.

Mr. JAVITS. I wish to ask the Senator from Florida a question.

My colleague, the Senator from Idaho [Mr. DWORSHAK] wants to be sure that the fact that the Senator has yielded to me will not be made the occasion for another quorum call at this moment.

Mr. SMATHERS. I might say to the Senator's able colleague that a quorum call at this point is perfectly in order. Business has been transacted and anyone can suggest a quorum call at the moment, but it is not my intention to suggest the absence of a quorum.

Mr. President, I shall be happy to yield to any other Senator who at this moment may desire recognition to make insertions in the RECORD, provided I do not lose my right to the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. SMATHERS. Mr. President, as the debate on so-called civil rights proposals proceeds in this the greatest of all deliberative bodies, it becomes increasingly apparent that the real purpose of the legislation is not the protection of the civil rights of any group of individuals, but, rather, that it is one of overriding political considerations. The real issue is, which party will win the White House in 1960?

One often feels that an appeal to reason to the proponents of this legislation, under circumstances which prevail in a presidential election year, has the effect of what might be compared to a snowflake falling on a hot stove.

This appeal to reason, based on the premise that present laws are adequate, and that what is now needed is greater tolerance and understanding, will amply demonstrate that the pending proposals, shorn of their sheep's clothing, disclose the vicious wolf of political opportunism, and not that of furthering the protection of the rights of the individual.

Yet undaunted, those of us who feel that our cause is just will continue in our effort to expose the various proposals for what they are, namely, politically inspired moves, camouflaged with the magic that seems to be inherent in the words "civil rights."

Just what are these proposals that are alleged to be needed to further insure the protection of the individual?

The first section of the Dirksen amendment would make it a Federal offense to interfere with the enforcement of a Federal court order on school desegregation determining who will, or who will not be admitted to any school.

The proposal contains a penal provision providing a fine of not more than $10,000, or imprisonment for not more than 2 years, or both. It provides an exception that it "shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

Let me read the pending Dirksen proposal relating to the obstruction of court orders on school desegregation.

It reads as follows:

SEC. 1509. Obstruction of certain court orders.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

Under its provisions, constructive criticism of a decision of a court could be effectively eliminated, thus curtailing the right of freedom of speech.

It is difficult to comprehend why there is necessity for this action when the courts, under our Federal system, now have the power of enforcing their orders through civil and criminal contempt proceedings. No evidence of any significance has been presented here by the proponents to satisfy any reasonable and prudent man, that the present Federal courts' contempt powers are inadequate.

The change from the "separate but equal doctrine" to the desegregation doctrine brought about by the Brown decision has been recognized by the Supreme Court and the inferior courts of our Federal system to be a change of such magnitude, involving social customs long adhered to, that its directives must by necessity proceed with wisdom and sound judgment consistent with the circumstances in the local communities. Prudence, time, and patience must be exercised under these circumstances. It is apparent that the Court has recognized these factors, and the Court leaves no inference that its contempt powers are not adequate to cope with any and all problems that might arise.

I might point out also that there is already in existence a Federal obstruction of justice statute. It is section 1503 of title 18, United States Code, which reads as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States or before any United States Commissioner or other committing magistrate, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States Commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, Commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any

such officer, Commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats of force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

It is obvious that the pending proposal is patterned after this statute and attempts to further extend its purpose into an area where the inherent power of the courts themselves are able to cope with any problem that might arise.

It is abundantly clear, and should be clear to the proponents of this proposal, that there is absolutely no necessity for its adoption.

Section 2 of the pending Dirksen proposal would make it a criminal offense punishable by a fine of not more than $5,000 or imprisonment for not more than 5 years or both for anyone who "moves or travels in interstate commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense.

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

As one can readily see this proposal would make it a criminal offense for anyone who flees in interstate commerce intending to avoid prosecution, or custody, or confinement after conviction under local law, for willfully damaging or destroying by fire or explosive any building, structure, facility or vehicle used primarily for religious purposes, or for that of public or private educational purposes, or one who flees to avoid testifying as a witness in any prosecution connected with such an act. The place of prosecution under the pending proposal could be any one of four places:

First. Where the act was committed.

Second. Where the individual is in custody.

Third. Where the individual is held after conviction.

Fourth. In any Federal judicial district in which the individual is apprehended.

Now all of us I am sure would not condone any of the wrongful acts set forth in this proposal. They are indeed wrongful acts, and anyone perpetrating or assisting in the perpetrating of such acts should be brought to the bar of justice. These acts are repugnant to any decent law-abiding citizen, and I am sure that every decent law-abiding citizen wants to see the perpetrators, or those who assist in perpetrating these acts adequately dealt with in a speedy manner in accordance with law.

It is highly questionable, however, whether it is the proper approach for us to take to bring these acts within the purview of those crimes within the Federal system solely by virtue of the fact that the individual or individuals cross State lines. If we are to make every act, by virtue of the fact that the individual goes across State boundaries, a Federal crime, then it appears to me that we are usurping the jurisdiction of local law enforcement which heretofore has been left to the States. It not only appears to me that we would be doing it, but we would do it.

It is my personal view that matters of this kind can better be dealt with by local authorities and ought to be dealt with by local authorities. Stretching out the arm of the Federal Government is an extension of power when there is no need for it, for there are already adequate State powers to cope with situations of this kind. If we pursue this course it will ultimately result in local and State law enforcement being taken over by the Federal Government.

Mr. President, on that point I would say further that I am certain that there is no one who has any respect for the law whatever, and I am sure that most people do respect the law, who would, under any circumstances, excuse or condone the desecration or the destruction of any public building or, for that matter, any private building, and certainly any religious building.

People who are of such motivations are certainly to be frowned upon. I do not know of any State in the Union where the local law enforcement officials, whether those States be in the North, the South, the East, or the West, who do not do everything within their power to bring to justice and proper punishment those hooligans who indulge in this type of destruction of private property and desecration of religious and educational institutions.

Despite the fact that from time to time we have seen certain unfortunate outbreaks of this, I am happy to report that it is not any more prevalent in the South than it is in the North, the East, or the West. As a matter of fact, the most recent evidences of this type of hooliganism we have seen, unfortunately, have been in the State of New York, in the State of Pennsylvania, and some little in the State of Illinois.

There has been no outbreak of this type of law violation to any great extent in the South, or, for that matter, with the exception of those three States that I mentioned, anywhere else. There has been no evidence whatever presented that the local law enforcement agencies could not take care of this, just as they would take care of the ordinary violation of law when a person trespasses without permission upon the property of someone else. These are matters of a local nature. I think they are being handled adequately by local law enforcement groups. There has been no widespread outbreak of this type of law violation which justifies the U.S. Congress talking about the necessity of having to empower some Federal agency to take over this responsibility, which is properly the responsibility of the States.

There has not been one scintilla of evidence as to the need for this proposal offered, Mr. President, up to this point, by any of the proponents of this legislation. Certainly the able Senator from Illinois, who is now the minority leader, who is the principal sponsor of this legislation, I do not think has come in here and said that his own State law enforcement officials are unable to cope with the situation in his State. I do not think he has gone so far as to say that the people from the chief of police on down in the police force of Chicago are unable to deal with the situation properly in Chicago.

I do not know of anybody, Mr. President, who believes that this particular type of legislation is desirable, although all of us agree that the acts of this type which this legislation seeks to punish when they are committed are heinous, they are awful—nobody condones them. But the important fact is that the local law enforcement agencies have been able to properly apprehend the criminals and properly bring them to justice. They have been able to do it in the State of Maryland. They have been able to do it in the State of South Dakota. I know they are well able to do it in the State of New Jersey, and even in the State of West Virginia, from which the distinguished Presiding Officer comes.

There has been no complaint from the State of New Jersey that New Jersey ought to have help from the outside in order to stop these types of crimes. I am sure the able Senator from New Jersey [Mr. WILLIAMS] could search through his mail and even recall conversations, and would readily agree that no one has said that the local police could not handle such problems. No one has suggested bringing in the FBI or some other Federal agency under a Federal statute to replace local law enforcement agencies.

I am also equally convinced that the able junior Senator from Maryland [Mr. BEALL], who sits in such an adorning fashion in the back row, is well familiar with the processes which exist within his State. I feel certain that he would say, upon searching through his mail and in searching his recollection, that the chiefs of police of the cities in his State have not asked for outside help for these types of crimes. Of course, they have not.

The vicious thing about this part of the bill is that it would constitute an unwarranted invasion of local police authority. The chiefs of police and the chiefs of highway patrols do not want it because they are able to adequately cope with crimes of this nature. No one wants it except a few persons who represent, regrettably, minority groups, and who somehow believe that the passage of such legislation might help endear them to their particular groups.

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

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Maryland for a question; or, if he wants me to yield the floor to him for the time being, I will yield on that score.

Mr. BEALL. Mr. President, I have great personal respect for the Senator from Florida. I particularly like his reference to the police authorities in my State of Maryland.

As I look back to the days of the early 1920's, I recall with pride how Maryland operated on the basis of States rights. I was then a member of the Maryland State Senate when the late Albert C. Ritchie was Governor of Maryland. We did not want, we did not ask for, and we tried to keep out interference by those from outside the State.

Maryland never ratified the 18th amendment. I have held elective office for more than 39 years. I was elected to the Maryland State Senate as one who was in opposition to the 18th amendment. That was because Maryland had its own patrol officers. We did not like what was taking place then. We believed we could control ourselves within our State just as well then as we can now. I certainly agree with the distinguished Senator from Florida.

Mr. SMATHERS. I thank the able Senator from Maryland. I know that he would want to have the records clarified with respect to his not having voted for the 18th amendment. I am certain he would want to have it clearly understood that it was not because of any personal taste or conviction of the Senator from Maryland, but rather because of a general principle which he stood for, that he opposed the ratification of the 18th amendment.

Mr. BEALL. I thank the Senator for making the record clear.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maryland?

Mr. SMATHERS. Yes; I am delighted to yield to the Senator from Maryland.

Mr. BEALL. The Maryland Legislature did not desire to ratify the 18th amendment. As to my personal views, I acted as I voted, and I voted as I acted. Does that answer the Senator's question?

Mr. SMATHERS. It most certainly does. Does the Senator know of any request made on the part of local law enforcement officers for this type of legislation? Have the local law enforcement officers said that they desire help from the Federal Government in order to prosecute persons who might desecrate buildings? Has he heard of any request from the law enforcement officers of his State to obtain such outside help?

Mr. BEALL. No, we have not had anything like that to occur in Maryland. We in Maryland go along pretty much as we always have. We are independent. We have had little trouble with integration.

Mr. SMATHERS. So things would go along very well in Maryland whether the bill were passed or not?

The PRESIDING OFFICER. The Chair wishes to protect the rights of the Senator from Florida. Does he wish to yield to the Senator from Maryland for a question only?

Mr. SMATHERS. I shall be glad and happy at this time, and under these circumstances, to yield to the able Senator from Maryland to make any kind of statement he wishes to make.

The PRESIDING OFFICER. Is there objection?

Mr. BEALL. The Senator from Florida was very kind to refer to the good Free State of Maryland. I simply could not help commenting on the fact that Maryland is a Free State.

We do, however, try to distinguish between States rights and civil rights—feeling that the former is the authority given to the Governor and the legislature to govern according to the law of the State and the land while the latter, civil rights, involves moral rights in which all citizens must be recognized as equals under the law of God and man.

Mr. SMATHERS. I think it is rather significant that the Senator from Maryland—and I am certain this is true of Senators from almost every other State in the Union—cannot recall, in searching his mind, his files, or his recollection of personal conversations, statements by any responsible officials—certainly none from the police officers of the cities or officials of the State police—that they want this particular type of legislation.

What is the conclusion? The conclusion is that nobody really wants it. If it is adopted, it will have the effect of destroying local government. It brings into conflict the unwarranted intrusion of the Federal Government to exercise its authority over situations which rightfully fall within the jurisdiction of the States. The truth of the matter is that no one wants this particular type of legislation.

I observe that the able and distinguished Senator from Pennsylvania [Mr. CLARK] has entered the Chamber. I should like to ask him this question. Does he recall, from his records, his correspondence, or his personal conversations, that any police chief, whether in Philadelphia, Pittsburgh, or any other of the fine cities of his State, or the officials of the State highway patrol, have asked him to vote for the adoption of this section of the bill, which would give to the Federal Government the right to move Federal law-enforcement agencies into the Senator's State when crimes involving the desecration of a church or a school building occur? Or do the people of the Senator's State prefer to handle these problems themselves?

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

Mr. SMATHERS. I am happy to yield for a statement to the able Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida that he might yield to the Senator from Pennsylvania for a statement without losing his right to the floor?

Mr. CASE of South Dakota. Mr. President, under the circumstances, I believe the Senator should yield only for a question.

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

Mr. SMATHERS. I yield for a question.

Mr. CLARK. Would the Senator from Florida be willing to advise the Senator from Pennsylvania what the Senator was talking about when I unexpectedly entered the Chamber and was unexpectedly presented with the problem of this colloquy?

Mr. SMATHERS. I apologize to the Senator from Pennsylvania, because he walked into the Chamber only a moment ago and had no knowledge of what I was talking about. I was speaking about the provisions of section 2 of the Dirksen substitute entitled "Flight To Avoid Prosecution for Destruction of Educational or Religious Structures."

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield for a question.

Mr. CLARK. Does the Senator believe that there have been in the Commonwealth of Pennsylvania a great many incidents where the situation intended to be dealt with by this section have occurred?

Mr. SMATHERS. No. I am of the opinion that there have been some, but certainly a very small number.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield for another question.

Mr. CLARK. Would the Senator charge my recollection as being wrong, if I said that, so far as I know, there has been no such situation in Pennsylvania in recent years?

Mr. SMATHERS. I have no specific recollection, although I do remember that somewhere outside of Pittsburgh a cross was burned on somebody's lawn—which would not exactly fit this situation. In any event, I do not, in fact, remember any specific instance of its having occurred. That leads up to my question: Why do we have to give to the Federal Government the right to move into the State and prosecute this type of crime, when all the Senators here present agree that there has not been any great rise in crimes of that description and local law enforcement is adequate? Why, then, do we not leave it to the local police to handle? We all agree it is a terrible thing when it happens. We all agree that no decent citizen can condone it. But why do we have to go to the extent of the proposal in giving jurisdiction over crime of this nature to the Federal Government when State and local law enforcement is capable of handling situations of this kind?

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I yield for another question?

Mr. CLARK. In view of the factual background in the Commonwealth of Pennsylvania, on which we appear to be in accord, would the Senator be surprised if I were to answer his initial inquiry in the negative?

Mr. SMATHERS. Yes. As I remember my initial question, it was——

Mr. CLARK. Had I received any letters from citizens.

Mr. SMATHERS. Had the Senator received any letters, and the answer to that is——

Mr. CLARK. Urging me to support this particular section of the Dirksen bill?

Mr. SMATHERS. That is correct; no, I would not be surprised. That is exactly what I thought the senior Senator from Pennsylvania would say.

Mr. CLARK. Would the Senator yield for another question?

Mr. SMATHERS. I would be happy to yield for another question.

Mr. CLARK. Am I not correct in stating that the section to which the Senator has reference, which is section 2 of the Dirksen amendment, deals primarily with those who flee across State lines, and are stated, somewhat inartistically, to be in interstate or foreign commerce?

Mr. SMATHERS. The Senator is correct.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. Yes; I will be delighted to yield for another question.

Mr. CLARK. Is there not a similar Federal statute with respect to kidnaping, known as the Lindbergh law?

Mr. SMATHERS. The Senator is correct. There is also a Federal statute with respect to stealing an automobile.

Mr. CLARK. Does the Senator think, then, that this suggested procedure is such an unusual and startling extension of Federal jurisdiction, that is, to extend this provision to conditions of bombing or of church or school destruction?

Mr. SMATHERS. I think that it is, on the very simple ground that it has been demonstrated in the areas where these things occur, much the same as in a murder case, that we do not authorize the Federal Government to get itself involved in the prosecution of a murder case, even though the murder may have been committed in Pennsylvania, and the murderer flees to the mountains of West Virginia. We leave to the States and to the counties and the local law enforcement agencies and prosecutive agencies certain matters which we think are within their proper jurisdiction. This is one area which we think could be well handled locally.

This does not mean, of course, that, if you did not pass this law, a man could throw a bomb against a religious institution, and flee from Pennsylvania to West Virginia, or even as far down as Florida, and thereby avoid prosecution. We have procedures already set up, under which, when citations are issued for the man in the State where the crime is committed, the local police in the State where the man is apprehended then move him back, on the request of the governor, for trial. That is the way we do it today. It is commonly referred to as extradition and the request of a governor of one State is generally recognized by the governor of another.

In view of the fact that the evidence is, as best as I can find out, that there is no great rash of these incidents, why do we have to do further violence to what one might say is a local law enforcement business, and say to them, "You people are not going to be able to prosecute these crimes locally, because we are now going to take them into the Federal court."

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I will be happy to yield for another question.

Mr. CLARK. Would the Senator be surprised if he found that the Senator from Pennsylvania does not consider this particular provision of the Dirksen bill nearly as important as the provision which is not in the Dirksen bill at all, which would be entitled Part 3, nor as important as the segregation provision, nor as important as the voting provision? In fact, would the Senator be surprised if the Senator from Pennsylvania would say, in the words of the Senator from Georgia, that this is one of the least objectionable or perhaps least important provisions of the bill, which the Senator from Pennsylvania would hope would not occupy an undue amount of the time of the Senate?

Mr. SMATHERS. The answer to your question is that it would not surprise me. I thought, however, that instead of saying "least objectionable," the Senator was going to say "least desirable." Obviously, this particular section of the Dirksen proposal does not answer any need whatsoever.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I will be very happy to yield for another question.

Mr. CLARK. I see the distinguished Senator from Alabama (Mr. HILL) on the floor, who is wont on occasion to regale us with various Latin maxims of the law, and while I would not go quite this far in connection with the provisions of law that the Senator is discussing, and while I would probably vote for it when it comes to a vote, yet I do think that, to some extent, it might be said of it: "de minimis non curat lex."

Will the Senator yield for a final question?

Mr. SMATHERS. Yes, I yield to the Senator for a final question.

Mr. CLARK. Does the Senator not think that it is extraordinary how Senators can conduct a colloquy in this body through the medium of questions when objections are raised to the making of observations?

Mr. SMATHERS. I completely agree with the able Senator. That is why, at the outset, I thought that it would save a little time if we went ahead and let the Senator say what he had to say, because he has said it very well in the form of a question.

Mr. CLARK. I thank my distinguished friend.

Mr. SMATHERS. To translate the Latin expression used by the able Senator from Pennsylvania, I think it means that what he is saying, in effect, is that this is the least of the problems which needs the security of law.

Mr. CLARK. One of the least.

Mr. SMATHERS. One of the least.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Florida yield?

Mr. SMATHERS. I will be happy to yield for a question. I will also yield for a statement, unless the Senator from Pennsylvania wishes to object, which I am sure he would not do.

Mr. CASE of South Dakota. Does the Senator from Florida not think that the Senator from South Dakota was a little lenient in his attitude toward questions and statements, as the Senator from Pennsylvania proceeded?

Mr. SMATHERS. I would say I always look upon my colleagues as being endowed with a great deal of charity and leniency on all issues; and, as a result, I will have to give to the Senator from South Dakota those characteristics.

Mr. President, whether this be the least of the points in the bill, this is one point in this bill about which there is a great deal of hue and cry. I think it is rather indicative of some of the other features of the bill, and that a great deal is made out of nothing.

There has been no major complaint about the breakdown of local law enforcement with respect to this particular provision. So I ask: Why put it in there? It is put in there, actually, only to appeal to certain particular groups, in the hope that they might look kindly upon those people who sponsor and vote for it, so that thereby there will become benefit to those people who sponsor it and talk about it at the time of an election.

Mr. President, we go on further to say that, as a matter of fact, this whole bill is politically inspired. There is no doubt in my mind that the electoral college system is antiquated and ancient, and ought to be done away with—it should have been done away with many, many years ago; we have democratic proceedings in everything except the electoral college system. Many people do not understand it. But the way it works, very simply, as the Senator from South Dakota knows, is that if there is an election in the State of South Dakota between the Democrats and the Republicans, and, let us say, the Republicans win that election by just 1 vote, or even 10 votes, or 500 votes, or whichever party wins, that party will get the entire electoral vote of the State of South Dakota. Because South Dakota is a State that is not so highly populated, people are not too concerned about what happens out there when it gets down to one of these presidential races, but they are greatly concerned about what happens in New York, in Illinois, and in California, where there are large blocs of electoral votes. If the candidates are able to get a tightly organized "swing group," minority group, to support them, in almost every instance the election will go their way. In a State in which, let us say, 8 million votes are cast, if 3,800,000 are cast for one side and if 4,200,000 are cast for the other side, then the one who receives the larger vote will win all the electoral votes of that State. Therefore, as a matter of fact, the votes of 200,000 people decide how the election will go in that State and how all its electoral votes will go. The electoral votes are not divided on a proportional basis. Regardless of whether the State under consideration is New York, with its extremely heavy voting population, or one of the smaller States, in which a much smaller number of votes will be cast, the candidate who receives the majority of

the votes—even a bare majority—wins the entire electoral vote of that State; and that is the way Presidents are elected.

So what happens? If a swing group of 200,000 is tightly organized, it can become very important, for the votes of the members of that group can determine the result of the election in that particular State. As a result, every candidate for President of the United States must be greatly concerned with the vote of that group, because if he can obtain it, he can carry that State and all of its electoral votes. So what does the candidate do? He ignores the wishes of the majority of the people, or else he makes very ordinary speeches to them, because he realizes that they will vote accordingly, in any event. This is true with respect to both major political parties, Democrat and Republican.

The candidate says to himself, "I will speak to that swing group who want something specific and have an ax to grind and I will tell them what they want to hear. I will promise to do what they want me to do." And if he promises them enough, and if they think he means it enough, he will receive the 200,000 so-called swing votes of that group. This will win the electoral vote of that State, and he may win the electoral votes of other States in the same manner. The candidate could then become President.

Some may ask, "Why do Senators spend so much time worrying about the interests of certain minority groups?" Well, Mr. President, I have stated the explanation. It is because the minority—which may vote either way—controls and determines the outcome of the elections. So, year after year—and particularly in presidential election years—we are subjected to the attempts of one candidate to outdo the other. Each candidate tries to outpromise the other, as regards the wishes of certain minority groups. Why do Senators and candidates not spend half as much time worrying about the views of the majority of the people of the United States? No, because they say to themselves "we have to worry about this particular group, because it will determine the outcome of the election."

However, Mr. President, once the election is over, we shall not be troubled with the proposed bill right away again. But every time an election year comes along, this type of a bill or a similar one will be brought up again.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I must say that I am tremendously impressed by the able argument the Senator from Florida is making. His contentions are completely unanswerable.

Any person who has any knowledge whatever of the facts of life today in this country knows that our Government is being juggled into a government by pressure groups which represent a very small minority of the total population of the country.

The majority of the people of the Nation may feel a certain way about some proposed legislation. They may be opposed to it. However, they are not organized, and that proposed legislation is not the only concern they have. They have not been propagandized into believing that the Congress can change their status in life by the magic of passing a law—as some groups seem to believe.

But that minority will put on the pressure. The Senator from Florida has referred to instances in which that minority pressure is applied in presidential campaigns. But we see the effects of it almost every day in the campaigns for election to the Senate and to the House of Representatives.

These minority groups will say, "Senator Doe, you were elected to the Senate by 3 percent of the votes cast in your State in the last election. We are representing a minority of 8 percent in this State, and we will vote against you to the man if you don't support this legislation."

It takes a man who has something other than cotton twine for a backbone to stand up against political pressure of that kind.

We know that there are a number of congressional districts in which a candidate will win if he has a 1 percent or 2 percent of the votes; and, as the Senator from Florida has stated, there is often such a narrow division between the votes for the candidates of the two political parties. A Democratic voter may say, "Well, I don't like certain parts of the Democratic Party's platform, but I am a Democrat," and perhaps his daddy was a Democrat—"so I will vote the Democratic ticket." After all, Mr. President, many of us inherit our politics, just as we inherit our religion.

But the members of that minority group will say, "You won by 2 percent, last time; and we've got 7 percent of the voters in this area, and every one of them will vote as one bloc, as one vote." So the threats and the arguments of that group virtually frighten the life out of the candidates.

As a result, we have seen the development of a situation in which the minority blocs are highly organized, and their leaders will obtain commitments from the candidates—in fact, as I have said, commitments, almost signed in blood by a majority of the Members of the Congress, that they will vote for certain proposed legislation.

All of us have seen some of our friends here wrestling with their consciences and with their commitments—with the commitments pushing them one way and with their consciences shoving them the other way; and here they are, confronted with that situation.

The Senator from Florida knows that this pressure-group business is threatening the orderly processes of Government in the United States and the proper balance of Government in our country. It is running through the whole fabric of our political mechanism.

Every political party has got to have a number of special employees to represent the minority groups. We have to have these big name people to represent the Negro groups or some other groups. We have finally reached the point—and I must say that a President who belonged to my party began it—where it is believed necessary to have a special assistant in the White House to represent this special minority. Of course, a great many photographs are taken of the special assistant—who may be a very striking looking Negro; and the photographs will show him dictating the replies to his mail to white stenographers; and those pictures will be published in Ebony and in all similar magazines, in an endeavor to show that the candidates of that party live up to the promises they make—all in order to get that 5 percent or 6 percent of the total vote.

Mr. President, this situation is a tragic thing.

Last year we saw the people of the country finally rise up and compel a very reluctant Congress to pass legislation in the area of labor regulation. That, in itself, was a minor miracle; but there had been so many abuses—largely unearthed and brought to light by the distinguished Senator from Arkansas [Mr. MCCLELLAN], who now is returning to the Chamber to listen to the address of the able Senator from Florida. When the impact of those revelations came upon the people of the country, the majority of the people, who all along had been opposed to such abuses, but had not been active and had not been organized, started writing letters to Washington.

If this matter proceeds in the way it is going now and if these minority groups succeed in intimidating the Members of this body and the Members of the other body into voting for this proposed legislation, there will finally be a revulsion of feeling on the part of people of the country. If there is not, the Constitution will be gone and the Government will be gone.

So I thoroughly agree with the sentiments the Senator from Florida has expressed in the very able speech he is making. Certainly one of the greatest dangers facing our system of Government and certainly the greatest menace to our two-party system is the pressure of these minority groups who work both sides of the street.

For instance, when one political party holds its nominating convention, these groups will threaten that party and will attempt to dictate what is to go into that party's platform.

Then, later on, when the other political party holds its nominating convention, the same group will repeat its threats, and will attempt to get what it likes into the platform of that party.

The job that has been done in that way has been a tremendously effective one of political pressure—up to now. But one of these days it will be carried too far, and I hope the danger of the situation will be brought home to the American people short of the destruction of our constitutional system and before the States of this Union are obliterated as governmental organizations, because without our dual system of indestructible States we will not have an indestructible Union.

Mr. SMATHERS. Mr. President, I appreciate very much indeed the remarks

of the very able Senator from Georgia, who without a doubt is one of the finest thinkers and one of the most knowledgeable constitutional lawyers and historians in the Senate.

Mr. RUSSELL. I thank the Senator from Florida.

Mr. SMATHERS. I share with him that concern. I do not, and I am sure he does not, condemn the minorities. The people who worry me most are those who get elected, and who get elected presumably on the program of representing the majority view, but who recognize that they are probably going to get a good deal of voting from, shall we say, the masses of the people, so they kowtow and they knuckle down and carry the messages of certain types of minority groups solely for the purpose of winning the election. I think it is all right to win an election, but I think that we must remember that, after all, the majority of the people are the ones who are supposed to be represented. I know as well as I know that I am standing here on the floor of the U.S. Senate tonight that if we did not have the electoral college system, if it were not possible for 200,000 or some 500,000 in New York to swing the electoral vote either to the Democrats or Republicans, or if it were not possible for 250,000 to swing to either the Democrats or Republicans in Illinois or California, we would not have this proposed legislation before us.

We would not have this legislation here because most of these people thoroughly understand, as we in the South understand, that we have our problems in the South; but that we are doing a very good job in trying to meet those problems. I think they thoroughly understand that it is not going to be solved by passing more laws. We can pass laws until we build them up higher than this building—we have already 8 pounds of proposals over here on the floor today. If any of them are passed, unless they are accepted by the people, the problem of enforcement will only create further resentment than that which already exists. Most people in the South believe that every citizen should be permitted to vote and be encouraged to vote regardless of his race or his color or his creed—we are doing a good job with it—new laws will retard progress. As a matter of fact, they will set us back. They will lessen the regard of one side for the other. They will destroy the line of communications between the colored people and the white people. It will set us back, and most of the proponents of this legislation, deep down in their hearts, understand that, but they are putting on a great show because they want to get this minority vote on their side in the upcoming election in the hope that they can win the Presidency and all the rest. I have not yet seen any great evidence of solicitude on the part of these people for the so-called minority groups in any other field. Mr. President, it worries me.

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

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. When the Senator talks about the people who are concerned about votes, is he talking about his own party's presidential candidates, the Senator from Massachusetts, the Senator from Missouri, and the Senator from Minnesota?

Mr. SMATHERS. I am talking about all of them. I am talking about the Senator's and mine.

Mr. ALLOTT. The Senator pointed to the Republican side of the Senate when he made the remark. I should like to know to whom he is referring. Is he talking about his own party's Members who have not been present although they have talked about civil rights, who have not been present during the 7 days of this debate?

Mr. SMATHERS. I am talking about the Senator's candidates and our candidates. I am talking about the Senator's side and some on this side.

Mr. ALLOTT. The Senator includes, then, the Members on his own side of the aisle who have not been here except once, I believe, in 7 days of this debate?

Mr. SMATHERS. I would say to the Senator that I have not kept track of who was here. I have been here on 2 mornings from 4 in the morning——

Mr. ALLOTT. The Senator from Florida does not have to justify himself. He was here.

Mr. SMATHERS. I have been here but I have not counted any more Republicans in attendance at this debate than Democrats, and I have been at the graveyard shift on two occasions, and this is the first sort of a decent hour that I have had, and even as I look here at the moment I see two Republicans and I see five Democrats, and if the Senator is asking what I have seen I want to say that I have not seen anything that impressed me that the Republicans are more attentive in their duties than the Democrats.

Mr. ALLOTT. Let me tell the Senator that if he will check the quorum calls in the middle of the night he will find by that computation that the Republicans are doing better than the Democrats are.

Mr. SMATHERS. I forgot to count myself. It is six to two.

Mr. ALLOTT. It is because of such an attractive hour.

Mr. SMATHERS. In any event, Mr. President, I regret that all the Senators are not here. I think one of the sad things about this debate is that we do not have all the Senators here listening to the arguments and discussing the question, because it is far reaching, and what is before the Senate is the kind of legislation every Senator ought to be completely acquainted with and have knowledge of, and not vote for it merely because some of his leaders may be for it. I commend those who do come and who do listen, and I commend the Members who are on the southern side. In this particular instance we find that there are almost three sides, which I regret, but this question has been a point of division in the Democratic Party for many years. We all understand it. The southerners have directed their arguments all during the course of this extended debate at meeting the issues which have been raised, and I think many of us could have learned a great deal if we had been here and listened to all of it.

I am delighted that the Senator from Colorado is here tonight, and I trust that he is not here on an assignment. I trust that he is here because he wanted to come here and hear the debate.

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. SMATHERS. I am happy to yield.

The PRESIDING OFFICER. Is the Senator from Florida yielding for a statement from the Senator from Colorado, or is he yielding for a question?

Mr. ALLOTT. He is yielding only for a statement. He will not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Colorado.

Mr. ALLOTT. The senior Senator from Colorado is here tonight on an assignment from his party to occupy the minority leader's seat during this evening of debate, but I would also advise the Senator from Florida to examine the record of the Senator from Colorado on all of the questions, on all of the quorum calls, and on all of the rollcalls that have occurred since the debate started. In that respect I do not think I have any reason to apologize to anyone.

Mr. President, I may say this that I would like to agree with everything the Senator from Florida is stating.

Mr. SMATHERS. I assure the Senator he would learn about the bills if he would come and be present during the course of the debate, rather than be here for quorum calls, because I have not yet heard an argument presented at a quorum call. It seems to me all that is done is to call the names of Senators.

Mr. ALLOTT. Let me say that I have been on the floor at least as much as, or more time than, the Senator from Florida. So let us not leave the record encumbered in that fashion.

Mr. SMATHERS. I do not know how much time the Senator from Colorado has been on the floor. He told it.

Mr. ALLOTT. And I say to the Senator he could have known if he had been here.

Mr. SMATHERS. The Senator from Colorado said that he had been here during all quorum calls. All I am saying is it is not really as important to get on the floor and be here for quorum, calls as it is to be here during the course of debate.

I had hoped the Senator was here tonight not by assignment, but from his desire to get a real understanding of this particular problem and to try to know what it is all about. When the Senator first rose and began to talk about how many people on his side were visible, I thought, "Here is a man with the motivation to learn about the bill, and learn what it is all about, and get a real understanding of it." I must say I am shocked to find he is here by assignment. But I must say he has a wonderful record with respect to quorum calls.

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

Mr. SMATHERS. Yes.

Mr. ALLOTT. Of course I am here by assignment. Everybody knows that each Senator is assigned to the floor for certain hours. I am not concerned about my own record on this subject. I did not have to learn about it in the last week by listening to the debates. I have

had my own principles and feelings about civil rights for many, many years; and I regret very greatly that those who speak on the other side, although I number among them some of my dearest friends, seek to becloud the issue by all sorts of talk about social rights and all sorts of other matters.

I heard a Senator speak the other night for 2 hours about how the people in the South feel because they might have to associate with people of darker color. I do not feel that way. I feel the sooner we recognize the idea that we have a country in which there are about 175 million or 180 million, and that we have to utilize every resource of the country, human or otherwise, to win the great cold war, the better off we shall be.

I do not apologize to anybody, because I have been on the floor as much as has any man in the U.S. Senate—let us make the record clear—while the debate was going on, while the quorum calls were going on, while the voting was going on. I have been here, and so I do not apologize to anybody, regardless of the innuendoes the Senator has cast. I was here. Was the Senator?

Mr. SMATHERS. Nobody has asked the Senator for all this explanation. I have not. I hope he is not feeling somebody has criticized him for either his attendance or lack of attendance. I am delighted to yield to him to make the explanation. It was for what purpose?

Mr. ALLOTT. It was made because the Senator from Florida raised the question.

Mr. SMATHERS. I think the Senator from Colorado raised the question as to how many quorum calls he attended.

I should like to ask this question of the Senator, with his great liberality of views. How many colored people are there in Colorado? I would assume that the population is increasing.

Mr. ALLOTT. The population of Colorado is growing about as quickly as the population of Florida is, and we know that is growing very fast. Actually, the count is not possible at this time, but I would say the population is anywhere between 60,000 and 70,000.

Mr. SMATHERS. The Senator refers to the Negro population of Colorado?

Mr. ALLOTT. Yes.

Mr. SMATHERS. What is the total population?

Mr. ALLOTT. The total population is about 1,600,000.

Mr. SMATHERS. I venture to say that about 20 years ago the disparity between the white and Negro population was even greater. Would the Senator not agree with that statement?

Mr. ALLOTT. No, I would not agree to that.

Mr. SMATHERS. We must have a great mathematician in this great and august body who can give us the ratio. I am told it is 160 to 6, which makes a proportion of about 30 to 1.

Would the Senator agree that in the States where the population is almost equal, as between Negroes and whites, the problem is a little different?

Mr. ALLOTT. I certainly would.

Mr. SMATHERS. That is all we say.

Mr. ALLOTT. I certainly would. I would also say this, and this is where my friends from the South make their mistake——

Mr. SMATHERS. We may as well get advice from the Senator from Colorado, because we have gotten it from everybody else. So let us have it. [Laughter.] I would say it may not be as good as the advice we have received from others.

Mr. ALLOTT. Many of us realize that where the population as between the whites and Negroes is approximately even, there is a different situation entirely than exists elsewhere. However, in our State there is a very high Spanish-American population. I do not hold my State up as an example, because anybody who wears his virtue like a mantle around his shoulders can expect to get kicked in the pants. But I will say the people of my State have an opportunity to vote, and they do vote, and there is no discrimination practiced against them for that reason.

Mr. SMATHERS. I thank the able Senator for two reasons: First, he says he recognizes we have a problem which is considerably different from the problem which he has. That being the case, what I would like to say, and what I would like to think our colleagues realize, is that we have a problem which is a little different than that which the Senator has. Why does not the Senator let the people who have the problem settle that problem, so long as there is absolute evidence that they are making progress with that problem? Do not try to sit away off and say, "This is the way it ought to be done," when you who sit away off do not have this problem. We have a very serious problem. We are making great progress with it. What the Senator from Colorado has said of his State, I can say for my State. I do not know of any time while I have been in public office that anybody has ever tried to keep a Negro from voting. But, on the contrary——

Mr. ALLOTT. In Florida?

Mr. SMATHERS. In Florida. Everybody who runs for public office in my State—and in most of the States of the South—has on his committees Puerto Ricans and Cubans—some pro-Castro and some anti-Castro—it changes very fast—and some Negro representatives.

We have 844,000 Negroes in my State. There is one city in Florida where more Negroes vote than the total number of Negroes voting in the State of Colorado.

More and more of them are voting. We are encouraging them to vote.

You say, "Well, how does it happen that you have so many that do not vote in some of these States?"

It is very simple. The ones that are educated, the ones that have had an opportunity to go to high school and then to junior college, and somewhere else, all participate. We have literacy tests just as they have in every State. But the large percentage of them who are older Negroes, who have never had the benefit of an education, who have been all their lives field hands, laborers, not with an opportunity of getting an education—they are 50 or 60 years old, and it is the great bulk of them—those are the ones that cannot pass the literacy test, and those are the ones that do not even want to vote.

There have been, according to the Civil Rights Commission, certain instances where, in other States—not mine—they have not been permitted to vote, intelligent ones, qualified ones. I decry that just as much as everybody else. We are encouraging them in my State. We are encouraging them in most all of the States of the South.

I heard the able Senator from Georgia last night on Meet the Press, and he pointed out where they had a higher percentage of the Negro population in the State of Georgia voting than they did in the city of Cleveland, Ohio. We are making progress. What we ask is that you do not try to keep making us the whipping boy in this thing, and try to put on, for example, the Federal registrar operation, which is exactly the same program that they had in 1871; in 1894 the Congress had to take it back because it was not working.

All we say is, this thing will only be solved by how we think and how we feel, the tolerance and the understanding that have one for the other. You know how it is when somebody from the outside tries to tell you what to do and passes judgment on you when they do not even have the problem. Instead of going forward into the solution, you get your back up, you forget about the problem and you begin to fight the guys from outside.

That is what is happening to us. The people who are genuinely sincere about it would encourage us, help us, and come down there and campaign a little bit; talk to Negro groups as I do and urge them to go out and register, vote, participate, and be good citizens. I am happy to say that the young ones are rapidly doing that.

Mr. ALLOTT. Will the Senator yield?

Mr. SMATHERS. I will be happy to yield to the Senator from Colorado.

Mr. ALLOTT. I would say this to the Senator from Florida: I admit very frankly that his State shows a better record than most of the Southern States. But if those of us who believe implicitly in the Constitution, the Declaration of Independence and the Bill of Rights felt the southern group was really attempting to do what he implies, there would be no need for legislation here today. It was in 1860 when the emancipator was elected. It is 1960 now. It is about time, I think, that we started giving these people some equality of rights. For my own part, I believe that if we gave them equality of voting, not just simply the legal equivalent of the right to go in and register to vote, but if we gave them the right to vote equally, we would solve many of our problems. But it has been 100 years. One hundred years is a long time when you think that in the rest of the world, 70 percent of whom have pigmentation in their skin, they are pointing to us and saying, "It is about time that the United States offered people equality."

Mr. SMATHERS. Does the Senator know how long there has been slavery

in the world, how many thousands and thousands of years?

Mr. ALLOTT. How many years?

Mr. SMATHERS. How many thousands of years? We are happy to say that except for some tribes in Ecuador and probably some places in Africa—I do not know, but I guess——

Mr. ALLOTT. And the Middle East——

Mr. SMATHERS. They are beginning to get rid of it. But it has been with the world for thousands of years.

Mr. ALLOTT. And it exists in the Middle East, Russia, and China.

Mr. SMATHERS. What I want to say is that with respect to voting we have done splendidly and we are doing splendidly. But unless we give these people an opportunity to get an education, they cannot pass any literacy test to get on the register and vote. They cannot read the Constitution. They cannot interpret it. That is the thing we have endeavored to do. In our State, in Arkansas, in most of the States of the South, in the last 20 years there has been more money going into the building of Negro schools than there has been going into white schools.

Mr. ALLOTT. If my friend will yield, the reason the money has been going into the Negro schools is that for many years they were not on an equal basis at all. In an attempt to meet the first standard the Supreme Court laid down, which was that it was equal opportunity if there were separate but equal schools, the States have been building them to satisfy this criterion. This is what they have done.

I would like to say to my friend, going back to his previous argument, however, that as I read the life of Thomas Jefferson, and I am a great admirer of his——

Mr. SMATHERS. A Democrat.

Mr. ALLOTT. Yes, he was a Democrat, but he was not associated with the present Democratic Party.

Mr. SMATHERS. That is because he has been dead for a number of years. But I am satisfied that were he here today, he would be sitting on this side of the aisle.

Mr. ALLOTT. Yes, but he would not say that we cannot let people vote because they have not had the opportunity to get educated up to the level of the rest of us.

Mr. SMATHERS. Is the Senator advocating that we eliminate all literacy laws in his State?

He does not think they should have them in his State?

Mr. ALLOTT. All a citizen needs in our State is to be able to read and write.

Mr. SMATHERS. Does the Senator want people who have been convicted of a crime to vote? Does he want——

Mr. ALLOTT. Wait a moment. Let us take these one by one. A person who has been convicted of a crime is deprived of his citizenship. Therefore, he is not competent to vote.

Mr. SMATHERS. How about these people who have been let out of an insane institution, or maybe have just gotten out of it? Can they vote?

Mr. ALLOTT. You remind me of the story of a man I used to know in my own hometown.

The PRESIDING OFFICER. Does the Senator from Florida yield further?

Mr. SMATHERS. He says he is for eliminating all qualifications for voting whatsoever.

Do I understand the Senator to say that if anybody gets to be 21 years old and has met the residence qualifications, he is eligible to vote?

Mr. ALLOTT. I say that the great patron saint of your party put no qualifications on voting.

Mr. SMATHERS. Is the Senator for that?

Mr. ALLOTT. No. I believe that a man should be able to read and write.

But I would like to reply to the Senator. He asked me a question about an insane man, and I am reminded about the man in my own hometown who used to walk around with a certificate in his hand. It was well known that he had been in the asylum. He used to walk around with the certificate in his hand saying that he was the only man in town who could prove that he was sane because he had been discharged from the insane asylum. This is about the situation.

Insane people, people who have been convicted of crimes, have lost their citizenship. We all know that. So this is a different situation from what we are talking about.

Mr. SMATHERS. The Senator does not suggest by that story that the only way that one is accepted as being sane in Colorado is that he has a certificate saying that he has been let out of the insane asylum, does he?

Mr. ALLOTT. I am just suggesting that this is what the Senator has suggested.

Mr. SMATHERS. I misunderstood the Senator.

Mr. ALLOTT. He says that anybody who has been in the insane asylum is disqualified. That is not so. But it reminds me of the old fellow who did walk around the streets and say that he was the only man who could qualify.

Mr. SMATHERS. I thank the able Senator. I think he has made a contribution. Certainly, his admission that we have a problem somewhat different from that which they have in Colorado is the admission——

Mr. ALLOTT. May I say one more thing before I quit interrupting the Senator?

Mr. SMATHERS. I shall appreciate it. I have to stay here until 9:30 or 10 o'clock.

Mr. ALLOTT. Oh, the Senator is assigned, too?

Mr. SMATHERS. Yes. There is no question about it. I have been assigned. Does the Senator think I would have taken from 4 o'clock in the morning until 8 if I had not been assigned? It is not a matter of choice when a fellow gets up and takes the graveyard shift; no. But I have not come here and bragged about the fact that I was here all the time. I have been here only when I have been assigned.

Mr. ALLOTT. I have been here more than that, my friend.

Mr. SMATHERS. I am glad the Senator is here now on assignment.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. ALLOTT. I am sure he will for this remark.

Mr. SMATHERS. I yield to him gladly.

Mr. ALLOTT. I would say to the Senator from Florida. I admire him very greatly, but I do not mind admitting, because I would be dishonest with myself if I did otherwise, that the problem of the Southern States is a different problem from those of most of the Northern States. Yet some of our Northern States have a problem to meet in this respect which may be just as vital and just as hard to meet as those of the Southern States.

Mr. SMATHERS. That is correct.

Mr. ALLOTT. But because I am here as a United States Senator—and we discussed this at some length recently—I owe not simply an obligation to my own great State, but I owe an obligation to the people of the United States. I admit, and I do so gladly, that the problem is different. Therefore, my obligation is far greater than it is to any group, any State, any individual, or anyone else. My obligation is to the sum total of this entity which is called the United States. That is why I am here. There is this great difference.

I talked about the problem with the Senator from Florida. I hope that somehow we can solve it. I have pointed out some ways in which I disagree with the Senator, but the problem is here to be solved. Only we are going to solve it. The British, the French, the Germans, the Chinese, the Russians, or anybody else, will not solve it. The problem will be solved by us, and it will be solved here. That is my hope.

Mr. SMATHERS. I thank the Senator from Colorado. He has made a very splendid statement, in which I concur 100 percent. That is one of the reasons why I admire and respect the Senator from Colorado.

I simply say to him, as sincerely as he made his remark to me, that this problem will not be solved by the addition of more laws. It will be solved by Senators having sincerity of purpose, such as the Senator from Colorado, the Senator from Arkansas [Mr. McCLELLAN], the Senator from Wyoming [Mr. McGEE], and myself, as best we can, recognizing the difficulties of the problem. We must try to eliminate intolerance wherever it exists. We must try to eliminate prejudice wherever it exists. We must try to remember that for 200 years a custom of living a certain way has existed in the South, and that we are trying to get the people to change that custom. We must remember that, after all, under the Constitution, those people have certain rights. In my State, I am delighted to say, we are making certain that those people receive their rights. But this is a problem of the heart and the mind, not of the law.

To give the Senator a good illustration concerning nonsegregation laws, New York City has a law forbidding segregation in housing. If one picks up

the civil rights report, he sees that there is more segregation in New York City and in Chicago than in any of the southern cities, so far as housing is concerned. So it is not a matter of law. The State Legislature of New York can meet until it is blue in the face, as can the State Legislature of Illinois. But until this problem is solved through the schools, churches, and councils, and an attempt is made to settle the problems of human beings, we shall not succeed.

I do not know of anyone who is smart enough to say, "I wanted to be born white; therefore, I am white"; or "I wanted to be born black; therefore, I am black." We are all creatures of God. The fact that I am white and another person is black should not give me a superior feeling, because I was not able to control that circumstance. So I say to my friends that these are problems which will have to be settled in our hearts and minds. They will not be settled by laws. New York and Illinois can pass all the laws they wish, but those laws will not settle this problem.

What do we see right here in Washington? We see segregation in fact, even though we do not see it in law.

What we are saying is that perhaps we have a very bad disease and are going to be put a little mercurochrome on top of it in order to pacify somebody. That is not the way to solve the problem. The placing of another law on the books will not answer the problem.

What I fear is that if we pass another law, we will simply get people excited and get their backs up. There has been less communication between the white and the colored people of the South since this debate began than there was before it started, because everyone has become resentful. We have begun to create tensions and emotions which are likely to lead to an explosion. When that occurs, then, instead of doing good, we have done bad for our country, and we have certainly not solved the problem; we have aggravated it.

We know we have a problem. In some places, we are not particularly proud of the way it has been met. But we would like to have a chance to solve the problem in our own way, because we believe we can accomplish the solution in our own way.

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

Mr. SMATHERS. I am glad to yield.

Mr. McCLELLAN. Were we not in the process of accomplishing this purpose, and were we not moving rather expeditiously in that direction prior to the agitation which has befallen us in the last 4 or 5 years?

Mr. SMATHERS. The Senator from Arkansas is absolutely correct.

Mr. McCLELLAN. That demonstrates beyond any doubt that the desired harmony and tranquillity between the races will come about by a process of evolution; as the Senator from Florida has pointed out, it will come about because people are tolerant and understanding. In the course of time, that will come to pass. Whereas an attempt to force compliance by law will simply retard any progress or obstruct any progress and make the problem more difficult.

Mr. SMATHERS. I completely agree with the statement of the able Senator from Arkansas.

Mr. President, I return to the text of my statement for a moment. Centralized law enforcement of this magnitude can serve no useful purpose other than to create friction between local and State law enforcement officials and those of the Federal Government.

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

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Has not the Senator gained the impression that the tendency of people to want to be among their own kind is more or less a law of nature?

Mr. SMATHERS. Yes. I have observed that. Certainly it is true in my own case, and I presume it is true in the case of almost everybody else.

Mr. LONG of Louisiana. Is the Senator familiar with what has been happening in the public schools of the District of Columbia, since what has taken place here has been pointed to as a great and noble experiment in integration?

Mr. SMATHERS. The Senator is absolutely correct. That is just the point I was making a moment ago. We can pass all the laws it is possible to pass, and provide that there shall be no segregation in the schools, in housing, or anywhere else. But the Civil Rights Commission itself admits that the most segregated city in the entire United States is Chicago, and the second most segregated city is New York. I presume it is pretty much that way despite the laws against segregation which are on the books.

Mr. LONG of Louisiana. Since the Senator from Florida has raised the point, here is a racial map which the Civil Rights Commission itself has included in its report on New York City. The map shows that New York is a segregated city; in fact, it is more segregated than southern cities. The people are jammed right together in Harlem, and they pay more there for housing than white folks pay elsewhere. Why do the people of New York permit segregation in their city and point the finger of scorn at us?

It is the law of nature that people will settle among others of their own kind.

Mr. SMATHERS. As I remember the Civil Rights Commission report, it said there is a strangle hold of the white communities around the colored communities, with the result that when the colored try to break out, it is then that cross burnings and other incidents of that kind happen. It is regrettable that they ever happen at all, but many more such incidents take place in the North than in the South.

Mr. LONG of Louisiana. The Senator from Florida can see on the map that about half of New York is marked in white. That means, does it not, that in those areas there is a colored population of less than 1 percent?

Mr. SMATHERS. The Senator is correct.

Mr. LONG of Louisiana. Here is Chicago. I will ask the Senator if he notices that this map of Chicago, the same chart which the Civil Rights Commission put out in its report, shows that the colored folks are all right together?

Mr. SMATHERS. That is correct; the point being, as the able Senator from Louisiana started to say, that we can pass all kinds of laws. There are laws against segregation in Chicago. I do not know how many laws there are in New York, but I know there must be plenty, and if the junior and senior Senator from New York report just half as much at home as they are doing down here, they have all kinds of laws there. But it is not working, and it is not going to work.

Mr. LONG of Louisiana. Does the Senator know that New York State has been trying to integrate neighborhoods for 36 years, and, after 36 years as a State policy, they are more segregated now than the South is?

Mr SMATHERS. There is no question about that. The Senator is absolutely right, and the Civil Rights Commission confirmed it. The Civil Rights Commission is certainly no pro-Southern group; does the Senator agree with that?

Mr. LONG of Louisiana. Yes, Mr. President.

Does the Senator know as well that the Washington district, the home of the great integration movement, is rapidly becoming a segregated school system?

Mr. SMATHERS. According to my information, in the public schools in the District of Columbia some 80 percent of the total number of students are Negro students.

Mr. LONG of Louisiana. Does the Senator know that in school after school, where, by integration, they first had about 30 percent colored, they have now reached 98 and 99 percent colored?

Mr. SMATHERS. If the Senator says so, I am willing to accept his word. I know that it is rapidly moving in that direction.

Mr. LONG of Louisiana. Does the Senator feel that a school can be called an integrated school because a single child of the opposite race happens to be there? For example, can a school really be called an integrated school when, among the colored, a single white child happens to be in that school?

Mr. SMATHERS. I do not believe so. But I tell the Senator this: when there is one such child, it gives some people the feeling of superiority to say: "I go to an integrated school because we have got one."

They told me out in the West there are some places where the white children would not go to school with some of the Indians.

I remember when I was going to high school, more years ago than I like to think of, I played football beside a fellow who was a Seminole Indian, named Osceola. He was the only one on the line, but he was a splendid football player. I remember going to visit Yellowstone Park, and coming into the area where

all the Indians were in one school. I was curious to find out why it was that they did not go to the white school, and everybody said, "Oh, no; we have Indian schools for them." I said, "My friend, what is this prejudice? Why all this? do you not realize that down in my State we have Indians and Puerto Ricans in our schools.

It is easy to be superior when one does not have the problem. That is what I tried to say to my friend a moment ago, and I say to his credit that he recognized that we have a different problem.

It is very easy for people to pass a judgment when they do not have the problem and do not know what it is all about. I do not know how many colored people we have in the great State of Montana, but we do not have very many, and therefore there is no problem in this respect.

We have many of them in the South, and we think that we can work out the problem better, realizing it is a problem and wanting to work it out better, recognizing that we ought to do it as a moral right and as a constitutional right.

We ask to be let alone to work it out, plus the fact, we say, if another law is put on the books, it is not going to amount to anything anyway, any more than the law here in the District of Columbia or New York or Chicago which says "You cannot have segregated communities." But they are segregating them just the same.

The solution must come from within the heart. The great Senate, with all the power we have, with all the great writers and all the wonderful speechmakers, with all these superior intellects, is not going to work it out, unless we work it out from within. That is what we are asking: To be left alone to do it, to work it out from within.

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

Mr. SMATHERS. I am happy to yield for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Negro registration in Louisiana increased much more rapidly, before all the pressure was brought to bear by radicals and extremists, than it has increased since that happened?

Mr. SMATHERS. The Senator is absolutely right. That is another point I want to make. I have already talked with the Senator from Kansas, and then I had a colloquy with the Senator from Colorado. I say to the Senator from Montana, as one uncommitted, unrestricted Member, that if he is trying to put on more laws, as he is saying, that is not going to answer the problem. What it does is to aggravate the problem. He has the figures with respect to Louisiana. They are pretty much the same in my State. There were in the neighborhood of 50,000 to 60,000 additional Negroes registering and participating in the voting in his State every year until the Brown case was decided in 1954. Then after all that, what happened? Instead of 60,000 or 70,000 registering every year, the number registering has dropped down to 6,000, and last year it was just a trickle.

Why? Because the people began to become afraid of each other.

The use of force from the Federal Government does not answer the problem but rather tends to create friction and resentment.

I say to my friend, "If we want to help answer this problem, as I know we do, we do not want to try to enact this kind of legislation, because it is not going to answer the problem."

There may be some other contest which inspires this one, far removed from those people who have the problem and want the answer. It has to do with politics. They say "Who is going to get that vote?" This other political contest may be, and I am afraid it is, influencing some of my colleagues in the Senate as to how they will act on this very legislation. But those who really have a sincere desire to answer the problem, to meet the problem, know in their hearts that it cannot be done by passing a law. It can only be done through tolerance, through education.

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

Mr. SMATHERS. I yield.

Mr. ALLOTT. Is the Senator advocating in the U.S. Senate that we abrogate our laws under the Constitution, and that we permit ourselves to drift on in an endless sea of tranquillity and let these injustices continue?

Mr. SMATHERS. Certainly not. I would say the Senator is completely wrong.

Mr. ALLOTT. Then what laws would the Senator advocate?

Mr. SMATHERS. No laws. I cite the figures in the State of Louisiana where, in 1946, they had only 4,000 or 6,000 Negroes registered to vote, and over the course of the next 10 or 12 years the number jumped up to 140,000. Let me give the Florida figures, which are exact. In 1947 we had 49,000 registered to vote. In 1950 it jumped up to about 100,000. In 1956 it went to 140,000, and last year it was 155,000. Is that not a remarkable increase in the participation of the colored people in our elections? That is why we say: Why stop that, when the flower is growing as it has been growing? Why put a lid on top of it?

Mr. ALLOTT. Is the Senator asking me a question?

Mr. SMATHERS. I am raising a rhetorical question.

Mr. ALLOTT. Which means I do not get to answer it.

Mr. SMATHERS. No; that means that the Senator can answer it any way he likes.

Mr. ALLOTT. I think this is a remarkable record of growth.

Mr. SMATHERS. It is.

Mr. ALLOTT. But I do not think that the record of the Southern States will match it generally. I will say, further, that if the record of the Southern States were based upon their voting rights, as compared to their total population, the number of representatives present in the Congress—and this was borne out by a very deep study that was made 3 years ago, 1957—would be cut almost in half.

Mr. SMATHERS. May I say this to the Senator: I venture to say that the percentage of Negroes who are voting in Florida——

Mr. ALLOTT. I am not talking about Florida.

Mr. SMATHERS. Or Georgia, as compared to those who are actually voting in Colorado would show that we have a higher percentage than the State of Colorado. I will go even further and say that, according to the NAACP, the percentage of Negroes voting in Georgia, Louisiana, and Florida and all the other Southern States was higher than the percentage of those registered and voting in Cleveland Ohio. I presume that that is true with respect to all of Ohio. That may be an erroneous presumption, but I will throw it in, so somebody can correct me.

Mr. ALLOTT. Let us face the situation which I presented, which is, that if the Southern States, as a whole, were represented in Congress by the number of people who are permitted to vote, they would have half the congressional representation that they now have in the House of Representatives.

Mr. SMATHERS. I do not believe that approaches anywhere near what could be accurate.

Mr. ALLOTT. I will be glad to furnish some figures which can be substantiated.

Mr. SMATHERS. I wait with bated breath and anxiety to see that particular figure.

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

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Only recently, the results of a study made in Cleveland, Ohio, were placed in the RECORD. I assume that the situation there is typical of the situation in other northern States. That study showed that in the last congressional election in Cleveland, only 26 percent of the colored people living there registered, and only 25 percent of those who registered actually voted—in other words, approximately 4 percent.

By contrast, in New Orleans, La., there are about 30,000 colored voters and about 120,000 white voters. But the colored voters vote in a larger percentage than do the white voters. In the last election there, the colored voters achieved a voting record of approximately 90 to 95 percent, contrasted with only approximately 80 percent for the whites. If we compare those figures, we find that in New Orleans the percentage of the colored people who were eligible to vote and who did vote was about four times as great as the percentage for the colored voters in Cleveland, Ohio.

So, based on the colored vote alone, it would appear that the representation for Ohio should be reduced, rather than the representation for Louisiana.

Let me ask the Senator if it is not true that in the rural communities in the South, about which so many complaints have been made, it is generally the case that the southern white people provide the jobs and the capital, and in a great many of those communities the colored people do not feel like registering unless the white people are willing to cooperate with them in registering.

Mr. SMATHERS. The Senator is correct.

A moment ago, when I referred to the percentage of colored people who vote, I should have pointed out that, today, in the age group below 50 a much higher percentage of the colored people vote. I think it is important that that point be made and realized. A very high percentage of the colored people in that age group vote, because they have sufficient education to pass the literacy test—actually, on the average they have much more than that—and they are able to qualify because they are highly intelligent; and are actually participating in the elections.

The bulk of the colored people who are not voting are those in the older groups. As I have said, most of them have not had the advantage of much education, if any at all, because they were working on the farms and unable to acquire an education, with the result that in most instances they were embarrassed because they cannot read and write. They are the ones who do not register to vote; they do not do so because they cannot pass the required test.

But of those who do pass the test and do register—with some very few exceptions; and certainly there are some very regrettable exceptions—an enormously high percentage do participate in voting.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am very glad to yield.

Mr. LONG of Louisiana. Does the Senator from Florida recall that the 1957 Civil Rights Act provided that the Attorney General of the United States and all his assistants were to be the taxpaid attorneys of any person who felt that he was being discriminated against, insofar as his voting rights were concerned?

Mr. SMATHERS. I recall that—much to my regret.

Mr. LONG of Louisiana. However, there were already on the statute books many voting-rights laws. But that one provides that the Attorney General of the United States is by law required to file such a case if a person feels that he is being discriminated against, in regard to voting, does it not?

Mr. SMATHERS. That is correct.

Mr. LONG of Louisiana. For example, in Washington Parish, La., 1,377 Negroes were not qualified to vote. The U.S. attorney filed his case; and the judge had to put those 1,377 Negroes back on the rolls even though they were not qualified to vote. But the judge did that on the basis that he felt there were on the rolls some whites whom he felt were not qualified, and therefore he compelled to be put on the rolls, too, the 1,377 colored people who were not qualified.

Mr. SMATHERS. I am aware of that.

Certainly we do not need any more laws in this field, for under the 1957 act the Attorney General of the United States is entitled to go into court and, at the expense of the overall taxpayers, and at no cost to the particular complainants, represent them in court, in order to be certain that those particular complainants will have their right to vote protected and will be allowed to vote.

In the case which was decided just the other day by the Supreme Court, the Court went even further, and ordered restored to the rolls in Louisiana 1,357 Negroes, not on the basis that they were qualified to vote, not on the basis that they could pass the literacy test, but apparently on the basis that they fell in the same group with some white person, and therefore should be given the same consideration.

The other evening the Senator from Louisiana had a chart, although I do not know whether the Senator from Colorado saw it, which showed that a certain number of illiterate people—citizens who can neither read nor write; they are otherwise intelligent—are on the voting rolls in Louisiana, and that the percentage of illiterate Negroes on that particular voting roll is much greater than in the case of the white people.

Mr. LONG of Louisiana. In Louisiana, 10 percent of the Negro voters are illiterates, and can neither read nor write; and 3 percent of the white voters are illiterates, and can neither read nor write. Do those figures indicate discrimination against the Negroes? Quite the contrary.

Furthermore, the point I was making to the Senator is that any person who feels that he is being discriminated against, even if he is not qualified to vote, can be placed on the rolls—under the recent decision by the Supreme Court—if there is on the rolls, for example, a white citizen who, as compared to the qualifications of that colored citizen, also is unqualified.

Based on such decisions, let me ask a question: If the Senator from Florida were a U.S. attorney, would he have any difficulty in winning a lawsuit for a Negro citizen who was not qualified to vote?

Mr. SMATHERS. Absolutely none. As a matter of fact, I was once a U.S. attorney—although long before the 1957 law was enacted. In the area in which I served, everyone who wanted to vote did vote.

Let me make this observation now to my very dear friend, the Senator from Colorado: A moment ago he was more or less taking the Democratic Senators to task on the basis that he thought not many of them were on the floor. But I said that at that time I did not see many Republican Senators on the floor.

At this time I should like to point out, for the RECORD, that the Senator from Colorado now is holding the fort valiantly, bravely—but alone. [Laughter.]

On the other hand, on our side we have eight Senators—which is not a very representative number of the whole Senate.

Mr. ALLOTT. Does the Senator mean that those on his side who are here at this time are not very representative?

Mr. SMATHERS. I was attempting to say that the total number of Senators now present is not representative of the entire 100 Senators who constitute this body; certainly more Senators should be present. But the Senators who are here are very distinguished and able, and are very representative of the intelligence of the Senate.

But I wish to say that the Senators who are in the Chamber at this time, tonight, are not assigned—except one of them.

Mr. ALLOTT. Mr. President, if the Senator from Florida will yield, I wish to say that along about 3 or 4 o'clock in the morning, I hope I will see the Senator from Arkansas, the junior Senator from Louisiana, the Senator from Georgia, and the senior Senator from Louisiana in the Chamber.

Mr. SMATHERS. I assure the Senator that he will see one of them——

Mr. ALLOTT. I hope I shall see them on the floor of the Senate at that time, because I have not seen them in the Chamber at such an hour for a week.

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

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Is it not true that at this moment the majority of the Senators on the floor are southerners; and if we could just be assured that the northern Democrats and the Republicans would not send for reinforcements, we would be ready to vote on the bill right now.

Mr. ANDERSON. Mr. President, does the Senator wish to have the roll called right now?

Mr. ALLOTT. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield? If so, to whom?

Mr. SMATHERS. Mr. President, I do not yield for the moment.

Mr. ALLOTT. I should just like to say——

The PRESIDING OFFICER. The Senator from Florida has the floor, and he has not yielded.

The Senator from Florida may proceed.

Mr. LONG of Louisiana. Mr. President——

Mr. SMATHERS. Mr. President, I do wish to yield for a question to my distinguished friend, the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator from Florida recall that the point I made was that if we could be sure that our Northern Democrat friends and our Republican friends would not send for reinforcements, we might be willing to do some voting on the bill immediately?

Mr. SMATHERS. Yes. In fact, this is the only majority we have had since 1928. [Laughter.]

Mr. ANDERSON. All the Senator need do is ask that the roll be called and the vote on the bill be taken.

Mr. SMATHERS. But I am afraid that some of the Northern Democrats and some of the Republicans would show up in time to participate in the vote; I refer to some who are now at a beefeaters meeting. [Laughter.]

Mr. President, inasmuch as the able Senator from New Mexico [Mr. ANDERSON] is on the floor, I should like to ask him some questions, because parts of this bill have not been before a committee.

Section 2 of the bill would provide that the Federal Government move into

the field of hunting up criminals or other persons who throw bombs against educational buildings or religious buildings. We agree that any throwing of bombs is entirely bad. But this part of the bill provides that the Federal Government must move in and take over the hunting of such criminals and the prosecution of them.

I should like to know whether the Senator from New Mexico has received from his State any letters to the effect that the highway patrol or the police chiefs of any of the cities in his State or anyone else in his State says that the local law-enforcement agencies are not able to keep up with this problem. Has the Senator from New Mexico received any mail of that sort—any letters stating that there is a breakdown of local law enforcement?

Mr. ANDERSON. Well Mr. President, I regret that the parliamentary situation is such that the Senator from Florida cannot yield to me, except for a question. [Laughter.]

Mr. SMATHERS. All right.

The fact of the matter is, Mr. President, that there has been no evidence whatever that that particular section is justified. There has not been one here tonight, starting with the Senator from Montana and I am sure the Senator from Tennessee, Wyoming, New Mexico, Louisiana, right on around, or Georgia, who can tell you that there has been any request by any local law-enforcement agency saying "Give us help, we cannot meet this problem of apprehending individuals involved in throwing bombs against educational and religious institutions, as heinous as they are." What do they say? They say "These are terrible incidents, but we can handle it. Leave us alone. We do not want any Federal help. There is no breakdown of local law enforcement." There is a separation between the Federal law enforcement and State law enforcement and I would like to hear some Senator stand up and say that "My people cannot do it. We want the Federal Government to do it." If they do not stand up and say that why do we not drop that section out of the bill, forget about it?

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

Mr. SMATHERS. I yield.

Mr. TALMADGE. I will ask the distinguished Senator from Florida if it is not true under the provisions now existing in the bill, if someone assassinated the President of the United States and fled from one State to another, would he not be exempt under the provisions of this act?

Mr. SMATHERS. He would be under the provisions of this act, that is right.

Mr. TALMADGE. I will ask the Senator from Florida if a person happened to detonate some kind of a bomb that could destroy all of the Members of the Senate and the Members of the House of Representatives simultaneously, would he not also be exempt under the provisions of this act?

Mr. SMATHERS. Yes, he would be exempt, but the unfortunate thing is he might also be applauded, and I would hate to have that happen.

Mr. TALMADGE. I will ask the Senator from Florida further if a person happened to destroy all of the members of the Supreme Court simultaneously by bombing, would he not also be exempt under the terms of this act?

Mr. SMATHERS. I would say that under the nature of this act the Senator is absolutely correct.

Mr. TALMADGE. I will ask the Senator from Florida further if some school child set off a 5-inch firecracker in a school building in Jacksonville, Fla., and fled across the line into Georgia, would he not be subject to prosecution under this act?

Mr. SMATHERS. He absolutely would and another horrible thing about it is that the local law enforcement officials are presumed not to be able to handle the situation.

Mr. TALMADGE. I will ask the Senator from Florida further if someone destroys a factory in Chicago, Ill., kills 500 people, and flees into the State of Michigan, would he not be exempt from the provisions of this act?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Can the Senator see any justification in making the crime of bombing which affects church and school buildings alone subject to the provisions of this act?

Mr. SMATHERS. I can see no reason obviously for limiting it to that. All of us agree, as I have heard the able Senator from Georgia, the junior Senator, say on many occasions, that those types of crimes are heinous and obnoxious and we want to stop them, there is no excuse for them, but to draw a law so it is only applicable to bombing and the desecration of schools or religious institutions and turning a particular enforcement part of it over to the Federal Government and leaving murders and all the rest of it to State governments does not make a great deal of sense. As a matter of fact, this section does not make a great deal of sense, and I am satisfied that if the people of Colorado, and the people of Wyoming and Tennessee and Montana, knew what was in this section, I am satisfied the average citizen would not vote for this bill.

Mr. TALMADGE. Does the Senator from Florida think that it is more heinous to explode a firecracker in a school building than to assassinate the President of the United States?

Mr. SMATHERS. Well, speaking very objectively, I would say to the Senator obviously the assassination of the President of the United States would be much more heinous. Of course I am sure the Senator speaks only of the section of the bill and is acquainted with the fact that it is now a Federal offense to kill a Federal officer or damage Federal property.

Mr. TALMADGE. Is this so-called bill to eliminate discrimination not discriminatory within itself?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Now, if the Senator will yield further, I would like to ask him a question or two about the first section of the bill, that is the one referring to obstruction of certain court orders.

Is it not true that the obstruction of any court order, whether it be State or Federal, is itself subject to a contempt citation by the court which issued the order?

Mr. SMATHERS. The Senator is correct. He well understands that there is now on the statute books section 1503 of title 18 of the United States Code, a section which makes it a crime to obstruct the administration of justice. That is already on the books. The Senator is correct.

Mr. TALMADGE. Cannot the court impose a penalty for contempt against anyone who obstructs the order of the court?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Can the Senator see any justification whatsoever for Congress passing legislation that creates a new crime for anyone who attempts to obstruct a court order relating solely to desegregation and desegregation alone?

Mr. SMATHERS. I cannot see any justification for it.

Mr. TALMADGE. Does the Senator consider the obstruction of a court order relating solely to desegregation any more heinous than a dozen and one other court orders that could be issued?

Mr. SMATHERS. I should think that a court order, irrespective of what particular subject it is directed to, should have equal weight. A decision or order of the Federal court system should be obeyed, in my judgment, and should have equal applicability. There is no basis for making the interference of one differ in treatment than that of another. The contempt powers of the courts have not been shown to be inadequate.

Mr. TALMADGE. Are the provisions, then, of section 1 not discriminatory within themselves?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Thus, we find two discriminations within the antidiscrimination bill; is that not so?

Mr. SMATHERS. The Senator is absolutely correct. As a matter of fact, of course, the whole bill is discriminatory in that it is directed against a certain geographic section of the country in fact, and it is an attempt to put on the people of that area a certain punishment and make of them a whipping boy for what I think almost everybody will agree are political considerations and political reasons.

Were it not for the fact that there is a big minority vote in New York, were it not for the fact that there is a big minority vote in Illinois, were it not for the fact that there is a big minority vote in California, were it not for the fact that the way the minority vote goes is the way the electoral vote goes, and were it not for the fact that in those States where the vote is evenly divided, a tight minority vote, by going one way or another, can decide the outcome of an election, and can result in winning the election for a presidential candidate

or political party, this bill would not be before the Senate.

This is obviously no bill to benefit the people of the country. It is obviously no bill to help the majority of the citizens of the United States. Bluntly stated it is a political subterfuge. The measure is specifically tailored against a certain section. It is discriminatory in all respects.

Last night, on the "Meet the Press" program, I think the very able junior Senator from Georgia made a splendid presentation of the views of the South. During the course of that program one correspondent finally asked the question, "Is it not a fact that the South does not have very much influence any more?" I thought the able Senator from Georgia made a very excellent answer to that question, which was "Yes; of course. If we had a lot of political influence today, do you think we would have had this bill in front of us? Absolutely not."

This bill is motivated solely by the desire to get certain minority groups to vote a certain way. Although the proponents talk about wanting them to vote, they know in their hearts the way to get them to vote is by following the course we are now following, as a result of which, in Tennessee, in Florida, and in Georgia, the percentage of Negroes registering and voting is increasing 100-fold in the space of every 5 years. The enactment of this legislation will retard this progress.

No. What they want is a political advantage.

It is a discriminatory bill in its concept because it is desired to make the South, which does not, regrettably, have a lot of political influence any longer, the whipping boy, as the South was back in 1870. The very provisions which are contained in this bill come from the force bills of 1870. The Federal registrars idea was first dreamed up, not in the mind of the Senator from Illinois; no, this came out of the prejudiced mind of Thaddeus Stevens. He was the man who thought up the Federal registrars idea, and that law stayed on the books from 1871 to 1894 when it was repealed by the Congress.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I am happy to yield.

Mr. TALMADGE. Is it not true that section 7, the voting referee section, is even more vicious than the old Thaddeus Stevens bill, in that the latter, the one enacted in 1871, which was repealed by the Congress, when it regained its reason, in 1894, was limited only to Federal elections, whereas the bill presently before the Senate would include not only Federal elections, but State, county, municipal, and local elections as well?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Then Thaddeus Stevens would have been considered a moderate by this group. Would he not?

Mr. SMATHERS. He certainly would not have been considered as extreme as the proponents of this bill.

Mr. TALMADGE. He was far less punitive. Was he not?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. I thank the Senator. I agree with him 100 percent.

Mr. SMATHERS. Mr. President, my problem on the floor tonight is that I cannot find anybody who does not agree with me. I was successful in engaging in a colloquy with my friend from Colorado [Mr. ALLOTT]. He does not agree with me. He made that fact clear on the record. But he did agree with one thing, namely, that the problem which we have in the South is different from the problem which they have in Colorado. I think if somebody will make that concession, he ought to realize that what he should do is give us who have the problems an opportunity of solving the problem the best way we know how, when we are making headway, and we are making headway.

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

Mr. SMATHERS. I am happy to yield to my able friend. I was afraid he was not going to get up. [Laughter.]

Mr. ALLOTT. Does the very distinguished and able Senator not feel that nearly 100 years is really long enough to make substantial progress?

Mr. SMATHERS. I think in the last 20 years we have made more progress than we had made in the preceding 80 years in this particular regard, and there is a very real reason why. It was because from the end of the Civil War the South was oppressed. We had Federal troops down there.

Mr. ALLOTT. Were there Federal troops in the South in 1935?

Mr. SMATHERS. I said 80 years ago we had Federal troops down there. We have been discriminated against from practically every source imaginable, including the imposition of freight rates, of which the Senator from Colorado has some understanding, because the State of Colorado is somewhat discriminated against in that regard. We have been discriminated against; but, when the South began to wake up in the 1920's and the early 1930's and began to progress, we made great strides, not only economically but politically, in seeing that Negroes in the South voted.

I do not know of any man who holds public office in the South today who is not proud of the fact that the Negro is voting. I do not know of a man who offers himself for public service who does not speak to the Negroes and urge them to register and to vote, which, of course, means that they are doing so more and more.

We in the South think that we have made great progress in the last 20 years. This progress will not be spoiled or retarded provided people from the outside, who admit that they do not know what our problem is, stop trying to increase the power of the Attorney General to bring on the use of force where force is not the answer to the problem. If the South is threatened with the use of force, then the clock is most likely to be turned back and the progress thus far made seriously retarded.

It may be. And I say this with due consideration, without any attempt to be inflammatory about it. It is going to be very sad if that happens. We can look over the newspapers all over the country today and see what has been happening since we have been debating this bill.

We are having all kinds of sitdown strikes and things of that character. I regretted seeing in the paper this morning that in Tennessee some real ill feeling was being engendered. There were some attempts at actual fights between the white people and the Negro people. Mr. President, that is a sad state of affairs. It will get worse if we continue to agitate this problem.

As I have said repeatedly, the only way this problem is going to be answered is by allowing people of goodwill to get together to work it out. We recognize we have a problem. Let us continue to make the progress we have been making over the past 20 years. If we are permitted to do that, this problem will solve itself. The young Negro of the South today is voting and participating just as much as the young white boy or girl. We are encouraging that. But if we put this law on, Mr. President, if we try to put Federal registrars, the Attorney General, some politicians from outside the area into the area, to try to tell us how we ought to live, I shudder to think what will happen. It may be that somebody will have votes in his pockets, but he might be responsible for having a little blood on his hands. Certainly we would regret that.

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

Mr. SMATHERS. I am happy to yield to the Senator from Alabama.

Mr. HILL. The Senator referred earlier to section 1074, flight to avoid prosecution for the destruction of educational or religious structures, and showed the gross discrimination in that section as written, in that it would apply only to schools or churches, whereas, as the distinguished Senator from Georgia pointed out, somebody might try to blow up the White House and assassinate the President of the United States, or try to destroy the Capital buildings. There are many facilities that he might try to blow up.

But as the Senator knows, the second paragraph provides that "violation of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed, or the one in which the person was held in custody or confined, or the Federal judicial district in which the person is apprehended."

This bill was written, we are informed, are we not, by the Attorney General of the United States?

Mr. SMATHERS. We were so informed.

Mr. HILL. He is supposed to be a good lawyer?

Mr. SMATHERS. He is supposed to be.

Mr. HILL. He took an oath of office to uphold and defend the Constitution of the United States, did he not?

Mr. SMATHERS. He did.

Mr. HILL. Yet does that very provision not fly directly into the teeth of the

sixth amendment of the Constitution of the United States?

Mr. SMATHERS. I would appreciate having the Senator read the sixth amendment.

Mr. HILL. Does the sixth amendment to the Constitution of the United States not read as follows:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

This section of the bill provides that he may be tried not merely in the district, as the Constitution of the United States provides he shall be tried, but also he may be tried in any district wherein he may be held in custody or confinement, or in any Federal judicial district in which he may be apprehended.

In other words, if he should commit the crime in the State of Florida, under the sixth amendment of the Constitution of the United States he must be tried in the State and in the district in Florida, if that district had previously been fixed by law before he committed the crime; is that correct?

Mr. SMATHERS. That is correct.

Mr. HILL. Yet under this provision, he might be tried in Hawaii, Puerto Rico, or somewhere else, even up in the State of Maine?

Mr. SMATHERS. That is absolutely correct.

Mr. HILL. Can the Senator think of any other provision that would be more clearly unconstitutional, more clearly in defiance of the Constitution of the United States, than this provision, written by the Attorney General of the United States?

Mr. SMATHERS. I cannot.

I see one of the great proponents of this legislation on the floor, the able Senator from New York [Mr. KEATING]. I read a story in this morning's paper to the effect that he had not missed a quorum. I am delighted to see him here now while some of the debate is going on.

I want to ask him a couple of questions, if I may, because I know of his great interest in this civil rights legislation.

The question which I would like to ask him is: Does he have in his files any letter from the chief of police of New York, the attorney general of New York, or the State Highway Patrol of New York where they say that they cannot handle the crime of having a bomb thrown against a school building or a religious house, and that they have to have the help of the Federal Government in order to apprehend the criminal and prosecute the crime?

Is the Senator from New York aware of any breakdown in local law enforcement to such an extent that this has to become a province of the Federal Government?

Mr. KEATING. Mr. President, will the distinguished Senator yield?

Mr. SMATHERS. I want to yield to the distinguished Senator to make a statement or ask a question.

Mr. ANDERSON. Only for a question.

Mr. SMATHERS. I want to give him free rein without losing the floor.

The PRESIDING OFFICER. Will the Senator from Florida repeat his request?

Mr. SMATHERS. Mr. President, I would like to yield to the Senator from New York to make a statement or ask a question, but particularly to answer my question, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SMATHERS. I did not realize there was such an affinity between the able Senator from New York and the Senator from New Mexico. There must be something in the word "new" which makes them brothers.

Mr. ANDERSON. Will the Senator yield for a question?

Mr. SMATHERS. Yes.

Mr. ANDERSON. Does the Senator not realize that we have rules in the Senate, including the cloture rule, and we should not violate them?

Mr. SMATHERS. I realize that, and I realize also that we should not destroy all local police operations, that we should not violate the general understanding of Federal-State separation of laws and separation of police operations, unless there is some real reason to do so. I have been asking all the Senators tonight as they came in if they knew of any instance where there had been a breakdown locally so they had to go to the Federal Government and ask for help which would justify this particular section of the bill. Thus far no Senator has offered any information that this was justified.

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

Mr. SMATHERS. I am happy to yield for a question.

Mr. KEATING. Is the distinguished Senator from Florida aware that the mayor of Jacksonville, Fla., among many other mayors, feels that it is desirable under certain circumstances to bring the Federal Government and the FBI in, as in the case of certain bombings, and that bills to that effect have been offered by the distinguished Senator from North Carolina and one of the distinguished Members of the House of Representatives from Tennessee?

Mr. SMATHERS. I say to the able Senator from New York that I would doubt very seriously if the mayor of Jacksonville, who is now a candidate for Governor of the State of Florida, says that this particular type of crime cannot be well prosecuted and well handled by the local officials, by our State authorities, and by the Duval County authorities, which is the county organization in which resides the city of Jacksonville. I would have high doubt in my mind that he would say that he was for this type of legislation. As a matter of fact, I think I could go so far as to say that if queried by telephone or by telegram, he would not be in support of this particular program.

Mr. KEATING. Will the distinguished Senator yield for another question?

Mr. SMATHERS. I am happy to yield.

Mr. KEATING. As a parenthesis preliminary to the question, aside from the views of the present mayor of Jacksonville, now candidate for Governor, is the distinguished Senator from Florida aware of the fact that at least in November or December of 1958 he felt that the aid of the Federal Government was most desirable in these bombing incidents and that he offered at that time to testify in favor of a bill along those lines?

Mr. SMATHERS. I would say that not only am I not aware of it, but I respectfully suggest to the Senator from New York that I doubt if he would testify for any such bill as this. There is no question that in a situation in which there is a murder, or any type of crime violation, a crime which is a violation of local law, frequently the assistance of the Federal Bureau of Investigation is asked. But that does not make it a Federal offense. I doubt very seriously if the mayor of Jacksonville ever said this should be a Federal offense, although at the time of the unfortunate incident, as I remember, of a cross being burned, there was a bombing of a synagogue, which is reprehensible in the extreme.

I believe that the local authorities are in an excellent position to apprehend the criminal, although they may not have done it in that particular case, and to prosecute him. I do not believe there is any justification for trying to make of this a Federal offense.

I doubt seriously that the mayor, in the light of the way this matter has developed, would favor this kind of proposal now.

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

Mr. SMATHERS. I yield.

Mr. JAVITS. I happened to be on the same trip to which the junior Senator from New York [Mr. KEATING] has just referred. When I heard this colloquy, it brought back to me the events of that trip. As the Senator knows, the junior Senator from New York [Mr. KEATING] said during his campaign that he would go into the South and look into these matters, and he invited me to go with him. When the time came we went together.

Whatever may be the situation now—and I noted carefully the words which the Senator used—"in the light of subsequent developments"—would the Senator feel that there was any reason for us to pay less attention to the conclusion of the local authorities in Jacksonville now than we would to the conclusion which they had reached at the time, as we lawyers say, of the res gestae, when the very happening of this event was still upon them?

I had exactly the same impression which my colleague from New York had, namely that the authorities in Jacksonville told us that this was a place in

which they needed the help of Federal authorities to prevent this kind of crime.

Mr. SMATHERS. If the mayor of Jacksonville said he needed it then, I am satisfied he is not of that opinion today. Furthermore, he is the only official of the State of Florida who is of that opinion.

I should like to ask the able Senators from New York, "Are they of the opinion"——

Mr. ANDERSON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. ANDERSON. Mr. President, I again call attention to the fact that under the rules of the Senate:

A Senator who has the floor has no right to interrogate or propound an inquiry of another Senator.

This is not an actual rule of the Senate; it is a statement contained in Senate Procedure, at page 266.

Yet the Senator from Florida must know that this type of action is regarded as one of the things it is improper for a Senator to do. I believe the Senator should be asked to observe the rules.

Mr. SMATHERS. Mr. President, I do not believe there has been much testimony upon this particular section of the bill. I was simply seeking an answer from the Senator from New Mexico, first, whether he had had any correspondence from anyone in his State to the effect that this particular section of the bill was needed, thereby admitting that New Mexico's local law enforcement authorities were incapable of handling the situation of the desecration of a school or a religious institution. I did not get a response from the Senator from New Mexico then; obviously, I am not going to get an answer from him now.

I then sought information from the Senators from New York as to whether or not they felt that New York's local police officers could not adequately handle these crimes.

Let us not destroy the relationship between the Federal authorities and the State police officials. As J. Edgar Hoover, from whose letter I shall read later, said, let us not move into the Federal field, having the Federal Government prosecute every one of these crimes, particularly crimes which are local in nature. So I was seeking information from the Senators from New York, information which obviously I cannot get now because of the rules. However, I shall ask the Senators from New York later, outside the Chamber, where the rules do not apply. They are very genteel gentlemen; I am certain they will supply the information. Perhaps if I can ask the Senator from New Mexico, also, at a later time, off the floor, concerning the situation in New Mexico, he will tell me whether the people of his State are jumping up and down in favor of this bill and whether they particularly want to have this provision in it. I doubt that they do, but the Senator from New Mexico will have an opportunity to tell us in his own right. I would like to have him make a public record, if he wishes to do so, about how the people of New Mexico feel concerning this particular proposal.

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

Mr. SMATHERS. I yield for a question.

Mr. ANDERSON. Does the Senator not realize that it is within the province of Senators to insist that the rules of the Senate be followed, as they are interpreted by Senate Procedure, as follows:

A Senator who has the floor has no right to interrogate or propound an inquiry of another Senator, except by unanimous consent.

Those of us who believe in rights, civil and others, have to live up to the rules of the Senate. Does the Senator from Florida not believe that?

Mr. SMATHERS. Actually, I am delighted that the Senator from New Mexico has called this rule to my attention, because certainly I would not want to be one of those who in the slightest degree had violated the rules of the Senate. Now that the Senator has called my attention to it, I am almost ashamed of myself for having acted as I did. I express my deep appreciation and heartfelt gratitude to the Senator for his consideration of and high regard for the rules of the Senate.

Centralized law enforcement of this magnitude can serve no useful purpose, other than to create friction between local and State law enforcement officials, and those of the Federal Government, and would strengthen the Federal police at expense of the State police. In long run the result would be adverse to the public interest.

The real answer to acts of this character is not another Federal statute. The real answer lies in the efforts of the citizens of the local communities and the citizens of the States to work toward bringing about improved and effective local law enforcement activity, through the improvement of personnel, crime detection training, and schooling.

Unwarranted Federal intervention would have the adverse effect of taking away from the local community of responsibility and would create and foster feelings of resentment among the local citizenry.

Euphemistically, the proposed legislation sounds desirable. This section dealing with desecrating buildings appears on surface to be desirable. Certainly no good citizen is sympathetic with the maniac who strikes against helpless people, or destroys religious and educational institutions.

I can speak for the people of Florida who are well aware of the threat that these crimes present to our society and freedom. They demand that every effort be made to apprehend an individual who perpetrates such an act, and to punish him swiftly and severely in accordance with the laws of our State. The mayors of our cities, the Florida Sheriffs Association, and the prosecuting attorneys of our State, all work closely together to insure that swift justice is administered in circumstances such as those which are contemplated by the pending proposal. I feel that other Southern States are moving in the same direction. It is evident, therefore, that there is no breakdown of local law enforcement. In the absence of a sufficient showing that the States themselves are shirking their duty to enforce their own laws, there is no justification for making these offenses the subject of Federal responsibility. If we chose this course of action, why not then include other types of heinous crimes within the Federal orbit, such as murder, rape or organized gambling?

The pending proposal, as I have heretofore said, is purely an attempt to extend Federal power in an area that should be left, and has always been left, to the States themselves.

It appears to me—and I am sure the same is true with respect to many others—that the pending proposal constitutes nothing but a reflection on the integrity of State government. Law enforcement relating to crimes of a local nature has always been the responsibility of a State. It was never contemplated that the Federal Government extend its arm into every community and relieve local government of authority and duty to protect its own citizens against crimes which do not directly involve the Federal Government.

I think at this point, Mr. President, it would do well for many of us to heed the advice of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, who expressed thoughts along the same line that I am stating today with respect to the dangers inherent in any effort to bring about a consolidation of police power.

In a letter dated January 1, 1953, to all law-enforcement officials, Mr. Hoover stated:

In the December 1952 issue of the FBI Law Enforcement Bulletin I discussed some of the reasons why any move to centralize police powers in either a State or a Federal agency is unnecessary. It is also my belief that proposals of this kind are ineffective, unrealistic, and, ultimately, dangerous substitutes for the democratic methods of police work now in use.

Mr. President, those are not my words. Those are the words of probably the greatest law-enforcement officer that we have in the United States—Matt Dillon notwithstanding. [Laughter.]

Mr. Hoover has earned the respect and the affection of every citizen in the United States except criminals; and when he says that he believes that we should not adopt proposals to centralize police power in either a State or a Federal agency, I should think that would be the kind of word that would carry a great deal of weight with all of us.

I continue reading:

When any plan leading to consolidation of police power is advanced we will do well to examine it carefully, no matter from what source it originates. Close examination may lead to the discovery of certain basic defects which the proponents of such proposals habitually overlook in their zeal to install an overall law enforcement agency.

One of the results most evident is that the authority of every peace officer in every community would be reduced, if not eventually broken, in favor of a dominating figure

or group on the distant State or National level. That official or group might be given the power by law to influence or dictate the selection of officers, the circumstances of their employment and the decisions they make in arresting and prosecuting those who violate the law.

The excuse often advanced to justify this request for supervisory authority is that it is necessary to correct deficiencies in local law enforcement. Inasmuch as the officer in the community may fail in the proper performance of his duty by falling victim to certain pressures and temptations, the higher arm of government must have the power to take over the job and do it right. This is a novel argument. It assumes that those who hold the reins of higher authority spring from a different breed not subject to the subtle influence of money and corrupt policies. While this may be true in any given case, experience gives us little basis for expecting a constant succession of such conscientious public servants. Should the overriding power of law enforcement be held by a corrupt official, he and his superiors could just as easily reduce, rather than increase the effectiveness of the local peace officer by subjecting his work to corruption from above in addition to that exerted below.

A subordinate status for the community peace officer is the exact opposite of what we now require for better law enforcement. Our paramount need at this time is to give the local officers an opportunity to fairly and honestly exercise the authority which they now have by stripping off the apathetic public attitude and corrupt political control with which some of them are shackled. If these fetters are removed, the overwhelming majority of our officers will lack neither the ability nor the desire to enforce the law properly in the areas which they serve. The way to loose the bonds is by citizen action in the polling places and other public opinion forums available to every community, not by subordinating the sheriff or policeman to some higher authority whose decisions are just as likely to be a reflection of public morals, good or bad, as those of the local officer.

Proposals to centralize law enforcement authority can be quite unrealistic; they tend to assume that either the State or Federal Government can and should do for each community what the people of that city or county will not do for themselves. This is a somewhat naive view of the problems involved in enforcing the law, a view based on the fallacious assumption that in the Government there exists some magic method by which all good things can be accomplished, regardless of the will and the responsibility of the people. This is not the case. If the majority of the communities in a State are unable to enforce a law, either directly as a result of widespread disobedience or indirectly from public apathy, we have no reason to believe that some higher authority will be more successful. Federal experience during the prohibition era is strong evidence bearing on this point. The basic power of law enforcement still resides in the citizens of this Nation; without their cooperation no agency of government, whether local, State or Federal, can do the job well.

It may be argued in defense of these proposals that no such power in the State or Federal Government was either assumed or intended—that the authority proposed is to be used only in a limited and occasional situation where local law enforcement has broken down. This argument is not reassuring; it is little more than a promise that the power requested will not be abused. We had better catch the malefactors with the statutes now available to us rather than fasten another control over every community in order to fashion a new trap for improper law enforcement in a few of them.

The most compelling argument against any move toward a centralization of police power is the danger which it represents to democratic self-government. We should not be misled by urbane representations that the power is limited and will be sparingly used. While this may well be the honest intention of those who first advance the proposal, we have good reason to fear a different result. Experience teaches that power once granted to a sovereign authority is seldom relinquished, more often used to the hilt and extended in scope. It may a tool of great value when used only for the public good but it can become a vicious weapon in the hands of one who is corrupt. The judgment of history is on the side of those who take the skeptical view.

Mr. RANDOLPH. Mr. President, will my stalwart colleague yield?

Mr. SMATHERS. I am delighted to yield to my good friend from West Virginia.

Mr. RANDOLPH. The Senator from Florida speaks of the power within political subdivisions of government. I wonder, I ask my colleague, if it would not be appropriate for me to quote the words of John Locke in his "Treatises on Government"?

The noted English philosopher wrote:

> The great question which, in all ages, has disturbed mankind and brought on them the greatest part of those mischiefs which have ruined cities, depopulated countries, and disorganized the peace of the world, has been not whether there be power in the world, nor whence it came, but who should have it.

Mr. SMATHERS. I agree completely with the able Senator from West Virginia, and knowing of the State from which he comes, and his splendid democratic background, I feel confident that he would agree that, wherever it is possible, we should allow local law-enforcement agencies to do the job, when there is no evidence that they cannot do the job.

I cannot help but feel that the able Senator from West Virginia would agree that there is no evidence in West Virginia, certainly, that the local law-enforcement agencies and the State troopers of West Virginia, or whatever the State police agency is called, are so inept, and so inefficient that they cannot take care of apprehending those criminals who would desecrate a school or a religious institution.

I cannot help but feel that the able Senator from West Virginia, having recited that particular statement from Mr. Locke, with which I agree 100 percent—and I know that he does, too—would agree that we should not, as Mr. J. Edgar Hoover has also stated, put into the hands of Federal police authorities additional power, when it has not been demonstrated that it is needed. Certainly, I am sure, that in West Virginia, as in my State, and in all the other States we have been talking about here tonight, there has been no evidence offered that the local enforcement agencies have broken down, and need help from the Federal Government in the prosecution of this particular type of crimes.

I thank the able Senator from West Virginia, and I would have even presumed to ask him a question about this matter, had it not been for the fact that the Senator from New Mexico a moment ago read the rules to me, and stated that a Senator who has the floor does not have the right to ask of any of his colleagues on the floor a question.

Mr. MCCLELLAN. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to my able colleague, the Senator from Arkansas.

Mr. MCCLELLAN. I ask the Senator from Florida to yield for a question: Does he observe—as all the rest of us do—that the rules of the Senate frequently are relaxed, in order to enable the Senate to obtain information on questions which become involved in the debate; and that the rules often are relaxed to the extent that Senators do not insist on a rigid enforcement of the rule which requires that a Senator who has the floor may yield only for a question, but, instead, a Senator who has the floor is permitted to yield for observations, and also—in his quest for information—to yield in order to make inquiries of his colleagues as to information which they may have which would be helpful and would be pertinent to the subject under discussion, that that frequently happens, and that in that way every Senator has been accommodated from time to time, up until this moment?

Mr. SMATHERS. I agree with the Senator from Arkansas that when a Senator makes an appeal for information—without asking a question—and appeals to other Senators to call upon their reservoir of knowledge with respect to their own States, it would seem that it would not be in violation of the rule to permit such Senators forthrightly to answer that appeal by their colleague for information.

And I believe that the Senator from West Virginia [Mr. RANDOLPH] is about to do that at this very moment, is he not?

Mr. ANDERSON. I hope he is not.

Mr. SMATHERS. Mr. President, I shall be glad to yield to the Senator from West Virginia for a question.

Mr. RANDOLPH. Of course, Mr. President, I wish to accommodate the Senator from Florida and the Senator from Arkansas, and the Senator from New Mexico; I wish to accommodate all Senators.

So I hope I may make this observation: The West Virginia State Police——

The PRESIDING OFFICER. Is there objection to having the Senator from West Virginia make an observation?

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. ANDERSON. Did the Senator from Florida interrogate the Senator from West Virginia?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico for a parliamentary inquiry?

Mr. SMATHERS. No, Mr. President.

Mr. ANDERSON. Then, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard; and the Senator from Florida may yield only for a question.

Mr. SMATHERS. I should like to yield to my friend, the Senator from West Virginia, for a question.

Mr. RANDOLPH. Mr. President, I should like to ask my colleague from Florida whether he thinks there is any efficacy in the story I shall now tell:

A father who lived in a remote area was talking to his son, and there seemed to be a very slight reaction on the part of the boy.

Finally, the dad exclaimed, "Son, are you a-listenin'?" The son replied, "Yes, Pappy, but I ain't a-payin' no attention." [Laughter.]

Mr. President, I want Senators to know that I have been listening and I have also been paying attention to what the Senator from Florida has so well said tonight; and I hope we all will give to our colleagues who, in this debate, speak from varying viewpoints, the attention their words deserve.

The Senator from Florida is speaking in a manner which I can understand; I realize that much preparation has gone into his remarks, and I can also appreciate some of the physical weariness which comes to him as he speaks at longer length than perhaps he had anticipated.

I would ask this further question: Would the Senator from Florida say that in a State, such as West Virginia, which had its State police created under an able Governor, such as that created during World War I under our illustrious Gov. John J. Cornwell, and which, in most of its history, has remained free from political pressures, such a State police force can, by and large, do a good job?

Mr. SMATHERS. I shall answer the question by saying that I am sure it can do a good job; and, as the able Senator from West Virginia has pointed out, such a force—being free from any political considerations or control whatever—can, I am satisfied, do a good job; and I feel sure it is doing one.

I would further state, with respect to this bill, that the West Virginia State Police do not need any help from a new Federal agency, in order to apprehend and in order to prosecute criminals who might throw bombs against schools or might desecrate religious institutions.

So, because I know that the West Virginia State Police force is good and an outstanding one—and, frankly, we are fortunate that today most States also have excellent ones—I am sure that they do not need and do not want legislation of this kind, which, in fact, is a sort of slap at them; it infers that they are not doing their jobs. I believe that every Senator who comes from a State where there is a good police force that is efficient and able and is doing a good job, should certainly vote against that particular provision of the bill, which would take away from the local authorities the right to do the job which they can well do for themselves.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am happy to yield.

Mr. McCLELLAN. Is it not also a Senate rule that there shall be order during the Senate proceedings?

Mr. SMATHERS. Yes, sir; there certainly is. I am satisfied that the recent little disorder was caused only because the able Senator from New Mexico was gathering his friends about him, to read the rules to them. [Laughter.]

Mr. President, as I was about to say, quite a few minutes ago, I feel that Mr. Hoover's logic and fundamental concern in fixing responsibility for good government at the local level should be recognized and adhered to. It is in line with the democratic concepts which have made this country what it is today.

Therefore, I regard the pending proposal as an unwarranted, unjustifiable, and unnecessary encroachment upon effective local law enforcement. It is contrary in all respects to our theory of Federal-State relationships.

Section 3 of the Dirksen proposal would require that all State election records of every kind and nature made or used in connection with the election of any Federal official be preserved for 3 years under penalty of a fine of not more than $1,000, or imprisonment of not more than 1 year, or both.

Another part of the proposal would provide that any person, whether an election official or not, who willfully steals, destroys, conceals, mutilates, or alters any such record would be guilty of a Federal offense punishable by a fine of $5,000, or imprisonment for not more than 5 years, or both.

Mr. President, here let me observe that I cannot help but say to my good friend, the Senator from Colorado, who is sitting in the seat of the minority leader, that earlier tonight the Senator from Colorado observed that he did not think there were very many Democratic Senators, on the floor, and he felt that the Republican Senators were paying more attention to this particular presentation than were the Democratic Senators. About an hour later, I was glad to point out to him that there were then six Democratic Senators present, and that the Senator from Colorado was all by himself on his side of the aisle.

At this time let me point out that there are eight Democratic Senators on the floor; but I wish to congratulate the Senator from Colorado and to make him feel better by pointing out to him that he now has support from the sterling junior Senator from Kansas [Mr. CARLSON]—in short, that at this time there are on the floor two Republican Senators and eight Democratic Senators.

Mr. CARLSON. Mr. President, will the Senator from Florida yield for an observation?

Mr. SMATHERS. I am happy to yield to the able Senator from Kansas for a question. I would yield to him for more than that, but the able Senator from New Mexico will not permit me to do so. [Laughter.]

Mr. CARLSON. Then my question is as follows: I trust that the Senator from Florida will not stop his splendid discussion of the proposed legislation. He is now getting down to the fourth section, and there are three more. I should like to ask him whether at a later date he will give us the benefit of his views on some of the other sections.

Mr. SMATHERS. In reply let me say to the able Senator from Kansas that frankly I hope I do not have the opportunity, but I am afraid that I will. I shall be able to supply the able Senator from Kansas with such written information as he would like with respect to the details of this bill. I am satisfied, knowing of his background, that he is not the kind of man who would want to transfer all the authority out of the State of Kansas and put it in Washington, nor would he want to be for legislation that apparently had for its major purpose, the way it is now drawn, punishing and discriminating against one section of the country.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield for a question?

Mr. SMATHERS. I yield for a question.

Mr. ALLOTT. I wonder if the Senator from Florida would yield to the overwhelming demands of his colleagues that he continue to explore and discuss in his dulcet tones the other three ends of the Dirksen amendment. It is now only 9:15. I notice that he watches the clock very carefully, but we would love to hear him continue in this vein for another couple of hours if it is necessary.

Mr. SMATHERS. I am grateful to the Senator for asking me to do so. If I thought he would stay here and listen to it all I would be tempted to try to do it tonight, but I can tell him that I will be back at this same time—this is like a television program—I will be back at this same time Thursday night—[laughter]—and if the Senator is interested at that time in hearing my dulcet tones and my absolutely uncontradictable logic, I shall be delighted to supply him at that time with the information which I know will cause him to stand up and vote against this bill.

Mr. ALLOTT. Did the Senator understand me? I did not say uncontradictable logic. I said dulcet tones, and I would love to have him continue this discussion.

Mr. SMATHERS. After the kind things which the Senator said about me, I did not think he would mind if I added "logic." In any event, I should like to tell the Senator that I come back again on Thursday night at 12 o'clock. I ask the Senator to make a little note of it and we will both be here. I am to be followed in a few minutes by some probably more dulcet tones and even some more persuasive logic than that which he has thus far heard; it will come from the senior Senator from Alabama [Mr. HILL]. Then if Senators want to hear how really bad this bill is—and it is bad—and if they want to be convinced that they should not vote for it, they should stick around for the late show. Thereafter, we will have a late, late show. [Laughter.]

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

Mr. SMATHERS. I am happy to yield.

Mr. HILL. Is it not a fact that we would be delighted to have these Senators stay around until 12 o'clock noon; if they do that they will hear dulcet tones from now until at least 12 o'clock?

Mr. SMATHERS. There is no question that they would hear dulcet tones and logic, and I think they would enjoy it. A Senator who only answers quorum calls and hears only the responses of the rollcall and then a motion to adjourn, gets no education from that kind of experience; but if he is sitting here late at night, until 3 o'clock in the morning, there will be very few Senators around. As a matter of fact, a Senator can speak with a low voice, and his voice will reverberate back and forth across this Chamber, because there are few Senators present, but logic can hold sway and he can discuss this issue dispassionately and quietly, and if there are any questions, they can all be answered. I believe more good can be done in the late hours of the night and the early hours of the morning than can be done at this particular time, so I extend to each Senator an invitation.

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

Mr. SMATHERS. I yield.

Mr. HILL. Is it not a fact that we not only extend the invitation, but we strongly urge Senators to accept the invitation that they stay here until at least noon tomorrow.

Mr. SMATHERS. Absolutely.

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

Mr. SMATHERS. I yield.

Mr. CARLSON. Is it not a fact that the distinguished Senator from Florida was speaking from 5 a.m. until about 8 or 9 a.m. the other morning? I was present, and I thought that he made a very excellent discourse on this subject at that time. I only hope he continues to speak in such manner.

Mr. SMATHERS. Mr. President, I want the Senate to know that I was so persuasive after 5 a.m. that I was successful in getting two Senators to nominate me for President, namely the able Senator from Kansas and the Senator from Kentucky, so it must be that at that hour of the morning there is much logic prevailing.

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

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. Is it not true that at that time the senior Senator from Colorado was on the floor? The only reason he did not get an opportunity to second the nomination of the Senator from Florida for the Presidency was because he could not obtain recognition.

Mr. SMATHERS. I very much appreciate what the able Senator from Colorado said about seconding the nomination, I thought possibly he had not had an opportunity to second my nomination because I had already declined at the end of the first second. However, if the Senator sought recognition on a matter of that great importance, we shall have to ask the Presiding Officers to be more alert in the future.

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

Mr. SMATHERS. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I was here the other night until 4 or 5 o'clock in the morning. Is it not correct that I did not nominate the Senator for President but I did say it was a great honor to hear him and to hear a candidate for President speaking at 5 o'clock in the morning?

Mr. SMATHERS. That is what disappoints me. I hope the Senator is not withdrawing his support. In any event, Mr. President, the RECORD will have to speak for itself. After all, the Senator from Kentucky, being a Republican, it probably would not be very healthy for him to nominate me, and certainly it would not be very healthy for me to accept the nomination from him. But, in any event, he was very courteous and very kind, as were all Senators at that early hour of the morning, so I highly recommend to those who desire to learn something about this bill that they read the RECORD. I recommend to the Senator from New Mexico [Mr. ANDERSON], who is an expert on the rules of the Senate that he lay down the rule book of the Senate for a little while and pick up this bill on civil rights. I am sure that he will be able to find many of the flaws in the bill, because I am certain that he knows, from dealing with his independent problem out in New Mexico, that we do not solve a problem by having the Federal Congress pass a law, more laws. The way to form a better understanding between the people of New Mexico and the Indians of New Mexico is not by passing laws but by the understanding of each group for the other one's problems and an attempt to cooperate in the improvement of each one's economic conditions and each one's educational opportunities. I am sure the able Senator from New Mexico, who has a different problem in his State, recognizes that that is the way it is going to be answered. It is not going to be answered by having some bureaucracy set up here in Washington to try to tell everyone what to do.

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

Mr. SMATHERS. I yield.

Mr. ANDERSON. Will the Senator not recognize that the rule book can be used sometimes out of kindness, as well as to be critical? The Senator from Florida is one who believes strongly in the rules of the Senate, and he and his associates in this protracted debate are protected by the rules of the Senate. Will the Senator not agree with me that it might be appropriate for a Senator who is speaking on the floor to stay within the rules of the Senate? If he does believe in the rules of the Senate, would it not be also well to throw away rule XXII, which protects the group of which he is a member?

Mr. SMATHERS. I want to hurriedly agree with the Senator from New Mexico. As of this moment, my heart is literally bursting with gratitude to him for having called my attention to the Senate rules, in not letting me ask questions of my colleagues here on the floor, but making us all aware of the rules, in which, as he has said, some of us find protection. As a matter of fact, we from the South, at the moment, as he so ably pointed out, are enjoying the protection of those rules, and thereby have the opportunity to explain this proposed legislation to the Nation, we hope; and we are grateful for what has been written of our comments about it.

I would also like my colleague from New Mexico to comment—I shall not ask him a question, because I know it is against the rules—on the solution of the Indian problem which they have in New Mexico, and whether or not he would think further progress could be made in the relationships of the whites and the Indians in New Mexico by the adoption of more legislation in Congress, or whether or not he would agree with me that the best way we could bring about progress in that field with respect to the Indians, as well as with respect to the Negro citizens, would be for each of us to look within ourselves and do what we can to recognize that we all have constitutional rights, irrespective of our race, color, or creed.

As I said earlier tonight, there is not one of us who has been able to choose what color he wanted to be. Therefore, not any one of us has a right to feel superior over any other person. But the way we are going to solve the problem we are confronted with in the South, and the way we are going to solve the problem we are confronted with in New Mexico, is not by bringing bills before Congress, making a sort of political issue out of the problem. The way the problem is going to be solved is by our getting out the Good Book, meeting with each other, trying to have a better understanding of each other's problems, practicing a little tolerance, and seeing if we cannot all actually live and be complete U.S. citizens, as we are entitled to be under the Constitution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 101]

Aiken	Gore	Magnuson
Allott	Gruening	Mansfield
Anderson	Hart	Martin
Bartlett	Hartke	Moss
Beall	Hennings	Mundt
Bible	Hickenlooper	Muskie
Brunsdale	Hill	Pastore
Byrd, W. Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Carlson	Javits	Schoeppel
Carroll	Johnson, Tex.	Smathers
Case, N.J.	Keating	Smith
Case, S. Dak.	Kefauver	Symington
Church	Kuchel	Talmadge
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Cotton	McCarthy	Yarborough
Dirksen	McClellan	Young, N. Dak.
Douglas	McGee	Young, Ohio
Engle	McNamara	

The PRESIDING OFFICER. A quorum is present.

(At this point, at 12 o'clock midnight on Monday, March 7, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)